INTERNATIONAL LABOUR OFFICE

MINUTES

OF THE

SEVENTY-FIFTH SESSION

OF

The Governing Body

GENEVA — 23-25 APRIL 1936
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La soixante-quinzième session du Conseil d'administration du Bureau international du Travail s'est tenue à Genève, du jeudi 23 avril au samedi 25 avril 1936. La composition du Conseil était la suivante :

M. Riddell, Président.
M. de Buen.
M. Erulkar.
M. Estrada Cajigal.
M. Forslund.
M. Jouhaux.
M. Jurkiewicz.
M. Kirkaldy.
M. Kupfers.
M. Kotek.
M. Li Ping-Heng.
M. Mannio.
M. Markus.
M. de Michelis.
M. Mertens.
M. Muniz.
M. Němeček.
M. Norman.
M. Oersted.
M. Olivetti.
M. Pardo.
M. Picquenard.
M. Rice.
M. Schürch.
M. Serrarens.
M. Takeuchi.
M. Tzaut.
M. Volkmann.
M. Waline.
M. Watt.
M. Yoshisaka.
M. Zaman.

Absents :

M. Asano.
M. Bandeira de Mello.
M. Caballero.
M. Dennison.
M. Forbes Watson.
M. Hayday.
M. Lambert-Ribot.
M. Joshi.
M. Leggett.
Sir Bhupendra Nath Mitra.
M. Moore.
M. Nečas.
M. Ruiz Guñazú.
M. Yonekubo.
The Seventy-fifth Session of the Governing Body of the International Labour Office was held in Geneva, from Thursday, 23 April to Saturday, 25 April 1936. The Governing Body was composed as follows:

Mr. RIDDELL, Chairman.
Mr. de BUEN.
Mr. ERULKAR.
Mr. ESTRADA CAJIGAL.
Mr. FORSLUND.
Mr. JOUHAUX.
Mr. JURKIEWICZ.
Mr. KIRKALDY.
Mr. KUPERS.
Mr. KOTEK.
Mr. LI PING-HENG.
Mr. MANNIO.
Mr. MARKUS.
Mr. de MICHELIS.
Mr. MERTENS.
Mr. MUNIZ.
Mr. NĚMEČEK.
Mr. NORMAN.
Mr. OERSTED.
Mr. OLIVETTI.
Mr. PARDO.
Mr. PICQUENARD.
Mr. RICE.
Mr. SCHÜRCH.
Mr. SERRARENS.
Mr. TAKEUCHI.
Mr. TZAUT.
Mr. VOLKMANN.
Mr. WALINE.
Mr. WATT.
Mr. YOSHISAKA.
Mr. ZAMAN.

Absent:

Mr. ASANO.
Mr. BANDEIRA de MELLO.
Mr. CABALLERO.
Mr. DENNISON.
Mr. FORBES WATSON.
Mr. HAYDAY.
Mr. LAMBERT-RIBOT.
Mr. JOSHI.
Mr. LEGGETT.
Sir Bhupendra Nath Mitra.
Mr. MOORE.
Mr. NEČAS.
Mr. RUIZ GUIÑAZÚ.
Mr. YONEKUBO.
Assistaient en outre à la session les membres adjoints suivants ou leurs suppléants :

- M. BRAMSNAES
- M. ČURČIN
- M. KREKITCH
- M. KRIER
- M. LECOCQ
- M. MOLENAAR
- M. PEVER
- M. ROBERTS
- M. SCHEVENELS
- M. VANĚK
- M. VEREMITCH

Étaient également présents :

- M. Harold BUTLER, Directeur du Bureau international du Travail
- M. PHELAN, Secrétaire du Conseil d'administration
- M. PÔNE, Chef de Cabinet du Directeur
- M. LAFRANCE, Secrétaire-adjoint du Conseil d'administration

- M. ANSELMI, suppléant de M. de MICHELIS
- M. BACKLUND, accompagnant M. FORSLUND
- M. CAU, accompagnant M. de MICHELIS
- M. CHALMERS, accompagnant M. RICE
- M. DELAUNEY, suppléant de M. PICQUENARD
- M. DENNYS, accompagnant M. NORMAN
- M. FUKUDA, accompagnant M. YOSHISAKA
- M. GILARDI, accompagnant M. OLIVETTI
- M. GRANIZO, suppléant de M. de BUEN
- M. MUTO, accompagnant M. YOSHISAKA
- M. PAO HUA-KUO, suppléant de M. LI PING-HENG
- M. RENAUD, suppléant de M. RIDDELL
- M. SPALAZZI, accompagnant M. de MICHELIS
- M. TELLO, accompagnant M. ESTRADA CAJIGAL
- M. THOMPSON, accompagnant M. RICE
- M. ZAGRODZKI, accompagnant M. JURKIEWICZ
The following deputy members or their substitutes were present:

Mr. BRAMSNAES.
Mr. CURČIN.
Mr. KREKITCH.
Mr. KRIER.
Mr. LECOCQ.
Mr. MOLENAAR.
Mr. PEYER.
Mr. ROBERTS.
Mr. SCHEVENELS.
Mr. VANĚK.
Mr. YEREMITCH.

There were also present:

Mr. Harold BUTLER, Director of the International Labour Office.
Mr. PHelan, Secretary to the Governing Body.
Mr. PôNE, Chef de Cabinet of the Director.
Mr. LAFRANCE, Assistant Secretary to the Governing Body.
Mr. ANSELMi, substitute for Mr. de MICHELIS.
Mr. BACKLUND, accompanying Mr. FORSLUND.
Mr. CAU, accompanying Mr. de MICHELIS.
Mr. CHALMERS, accompanying Mr. RICE.
Mr. DELAUNEY, substitute for Mr. PICQUENARD.
Mr. DENVYS, accompanying Mr. NORMAN.
Mr. FUKUDA, accompanying Mr. YOSHISAKA.
Mr. GILARDI, accompanying Mr. OLIVETTI.
Mr. GRANIZO, substitute for Mr. de BUEN.
Mr. MUTOM, accompanying Mr. YOSHISAKA.
Mr. PAO HUA-KUO, substitute for Mr. LI PING-HENG.
Mr. RENAUD, substitute for Mr. RIDDELL.
Mr. SPALAZZI, accompanying Mr. de MICHELIS.
Mr. TELLO, accompanying Mr. ESTRADA CAJIGAL.
Mr. THOMPSON, accompanying Mr. RICE.
Mr. ZAGRODZKI, accompanying Mr. JURKIEWICZ.
PROCÈS-VERBAL DE LA PREMIÈRE SÉANCE

(Jeudi 23 avril 1936 — 10 heures 40.)


Ouverture de la session.

Le Président souhaite la bienvenue aux membres qui prennent pour la première fois part aux travaux du Conseil. Ce sont : M. de Buen, président de la Chambre des questions sociales du Tribunal Suprême et président du Conseil du travail d'Espagne, qui représente le Gouvernement espagnol ; M. Forslund, président de la Fédération des syndicats de Suède et ancien dirigeant du syndicat des cheminots, qui remplace M. Johanson dans le groupe ouvrier ; M. Zaman, suppléant de Sir Bhupendra Nath Mitra, empêché par la maladie d'assister à la session ; M. Kotek, qui supplée M. Nečas comme représentant du Gouvernement tchécoslovaque ; M. Roberts, suppléant de M. Gemmill ; enfin M. Watt, des États-Unis, qui siège dans le groupe ouvrier.

Les membres du Conseil constateront également avec plaisir que M. Li Ping-Heng, qui avait été absent pendant un certain temps, représente à nouveau le Gouvernement chinois.

M. de Buen remercie le Président pour ses aimables vœux de bienvenue ; il est heureux de pouvoir participer aux travaux du Conseil et continuera à apporter à l’œuvre de justice sociale de celui-ci la collaboration du Gouvernement espagnol dans le même esprit que ses prédécesseurs.

PREMIÈRE QUESTION A L’ORDRE DU JOUR.

Approbation des procès-verbaux de la 74ème session.

Le Conseil approuve le texte des procès-verbaux de sa 74ème session, sous réserve de l’insertion des corrections demandées par divers membres.

DEUXIÈME QUESTION A L’ORDRE DU JOUR.

Désignation d'experts supplémentaires, plus particulièrement de pays extra-européens, pour faire partie de la Commission d'experts pour l'application des conventions.

Le Directeur suggère au Conseil d'examiner successivement le paragraphe 1er du projet de résolution présenté par M. Yoshisaka, puis l'amendement présenté par M. de Michelin à ce paragraphe et enfin le paragraphe 2 de la résolution de M. Yoshisaka.

Au sujet du paragraphe 1er du projet de résolution de M. Yoshisaka, il rappelle que le Conseil avait, à sa 74ème session, adopté en principe l'idée d'une augmentation du nombre des experts faisant partie de la Commission. Il restait à savoir dans quelles conditions cette augmentation pourrait être réalisée. Il croit, pour sa part, que le Conseil pourrait décider la désignation de deux experts nouveaux appartenant à des pays extra-européens, non seulement pour tenir compte de l'intérêt accru que prennent les pays extra-européens à la législation internationale du travail, mais aussi pour permettre à la Commission d'accomplir ses travaux de manière plus
MINUTES OF THE FIRST SITTING.

(Thursday, 2 April 1936, 10.40 a.m.)

The Governing Body was composed as follows: Mr. Riddell, Chairman, Mr. Anselmi, Mr. de Buen, Mr. Čurčin, Mr. Erulkar, Mr. Estrada Cajigal, Mr. Forslund, Mr. Jouhaux, Mr. Jurkiewicz, Mr. Kirkaldy, Mr. Kotek, Mr. Kupers, Mr. Li Ping-Heng, Mr. Mannio, Mr. Markus, Mr. Mertens, Mr. Muniz, Mr. Němecěk, Mr. Norman, Mr. Oersted, Mr. Olivetti, Mr. Pardo, Mr. Picquenard, Mr. Rice, Mr. Schürch, Mr. Serrarens, Mr. Takeuchi, Mr. Tzaut, Mr. Volkmann, Mr. Watt, Mr. Yoshisaka, Mr. Zaman.

Opening of the Session.

The Chairman welcomed those members who were attending the Governing Body for the first time. They were: Mr. de Buen, President of the Chamber for Social Questions of the Supreme Court and President of the Council of Labour of Spain, who was representing the Spanish Government; Mr. Forslund, President of the Swedish Federation of Trade Unions and former head of the Swedish Railwaymen's Union, who replaced Mr. Johanson in the workers' group; Mr. Zaman, substitute for Sir Bhupendra Nath Mitra, who was unfortunately prevented from being present at the session owing to illness; Mr. Kotek, who was taking the place of Mr. Nečas as Czechoslovak Government representative; Mr. Roberts, substitute for Mr. Gemmill; and Mr. Watt, of the United States of America, in the workers' group.

Members of the Governing Body would also be glad to see that Mr. Li Ping-Heng, who had been absent for some time, was again representing the Chinese Government.

Mr. de Buen thanked the Chairman for the welcome which he had extended to him. He was glad to take part in the work of the Governing Body, and would continue to collaborate on behalf of the Spanish Government in the work of promoting social justice in the same way as his predecessors.

First Item on the Agenda.

Approval of the minutes of the Seventy-fourth Session.

The Governing Body approved the minutes of the Seventy-fourth Session, subject to the insertion of the corrections sent in by various members.

Second Item on the Agenda.

Appointment of additional experts, more particularly from extra-European countries, to the Committee of experts on the application of Conventions.

The Director suggested that the Governing Body should deal in succession with paragraph 1 of the draft resolution submitted by Mr. Yoshisaka, the amendment to that paragraph submitted by Mr. de Michelis, and paragraph 2 of Mr. Yoshisaka's resolution.

As regards paragraph 1 of Mr. Yoshisaka's draft resolution the Governing Body had, at its Seventy-fourth Session, agreed in principle to increase the number of experts on the Committee. It now remained to consider how the proposal could be carried out. In his view the Governing Body might decide to appoint two additional experts from extra-European countries, not only in order to recognize the increasing interest taken by extra-European countries in international labour legislation, but also to enable the Committee to do its work more effectively. The number of reports which
efficace. En effet, le nombre des rapports que la Commission est appelée à examiner a augmenté dans des proportions considérables, puisqu’il est passé de 378 en 1932 à 584 en 1936.

M. Yoshisaka est en complet accord avec les suggestions formulées par le Directeur dans la note soumise au Conseil.

Il souligne que l’amendement présenté par M. de Michelis, au paragraphe 1er de son projet de résolution, établirait entre les pays européens et les pays extra-européens une discrimination injuste et qui porterait atteinte à la justice sociale que le Bureau tend à faire régner. Si, dans l’esprit de l’amendement de M. de Michelis, seuls pouvaient être membres de la Commission des ressortissants de pays ayant ratifié un certain nombre de conventions, il s’ensuivrait que les membres suisse, finlandais et tchécoslovaque devraient abandonner leurs sièges dans la Commission et que le Conseil ne pourrait désigner, au sein de celle-ci, aucun ressortissant des États-Unis, du Canada, du Brésil, de l’Inde ou du Japon. Un tel système mettrait la Commission dans l’impossibilité de réaliser sa tâche.

Par ailleurs, le rapport existant entre le nombre de conventions adoptées et celui des ratifications déposées par un pays varie constamment; quant à la présentation des rapports annuels sur l’application des conventions, elle dépend uniquement du Gouvernement de chaque pays. Si donc l’on adoptait la règle suggérée par M. de Michelis, la situation d’un expert au sein de la Commission resterait toujours incertaine. Ce serait là une situation inadmissible et qui empêcherait l’accomplissement de tout travail régulier.

Il tient, d’autre part, à souligner que, bien que les conventions aient été élaborées en tenant principalement compte des conditions existant dans les pays d’Europe, elles ont été mises en vigueur par certains pays extra-européens qui ont dû surmonter de très graves difficultés. Il ne serait donc que juste que le Conseil reconnaît, par la composition qu’il donnera à la Commission d’experts pour l’application des conventions, la part que prennent les pays extra-européens dans l’application de la législation internationale du travail.

S’il comprend l’idée qui a inspiré l’amendement de M. de Michelis, il s’oppose cependant à ce que l’on établisse entre les divers pays la discrimination envisagée.

M. Erulkar présente au projet de résolution de M. Yoshisaka un amendement ainsi conçu :

Rédiger comme suit le paragraphe 1 :

La composition de la Commission pour l’application des conventions sera complétée par l’adjonction de deux nouveaux experts et, dorénavant, la Commission comptera parmi ses membres au moins quatre ressortissants de pays extra-européens.

Cet amendement se sépare sur deux points du texte original présenté par M. Yoshisaka. Tout d’abord, il supprime la condition que les experts devraient posséder une expérience pratique en matière d’application de la législation sociale. Ce n’est pas que les pays extra-européens hésiteraient à présenter la candidature de personnalités pleinement qualifiées, mais il faut une règle uniforme. Or, jusqu’à présent, on n’a pas prévu de conditions semblables pour la désignation des experts appartenant aux pays d’Europe. Il serait donc injuste de stipuler une telle condition pour les nouveaux membres appartenant à des pays extra-européens. Si l’on entend exiger de telles qualifications, il faudrait que cette règle s’appliquât indistinctement à tous les membres de la Commission. Il y aurait d’ailleurs d’autant plus de raisons de l’appliquer aux pays d’Europe que ceux-ci possèdent une plus longue expérience en matière d’application de la législation sociale.

Quant au nombre des experts extra-européens, il concorde avec celui qui est prévu par la résolution de M. Yoshisaka, qui prévoit la désignation de deux experts nouveaux venant s’ajouter aux deux experts extra-européens siégeant déjà dans la Commission.

Il suggère enfin que les quatre experts extra-européens soient des ressortissants de pays situés hors d’Europe. Il ne s’agit pas là d’une règle nouvelle, mais simplement
the Committee had to examine was greatly increasing; it had risen from 378 in 1932 to 584 in 1936.

Mr. Yoshisaka said that he was in full agreement with the proposals made by the Director in his note to the Governing Body.

He would point out that the amendment submitted by Mr. de Michelis to paragraph i of his draft resolution set up an unfair discrimination between European and extra-European countries. This would be detrimental to the ideal of social justice, which the Office was endeavours to promote. If, as was suggested in Mr. de Michelis’ amendment, only nationals of countries which had ratified a certain number of Conventions could be members of the Committee, the Swiss, Finnish and Czechoslovak members would have to relinquish their seats on the Committee, and the Governing Body could not appoint anyone from the United States, Canada, Brazil, India or Japan. Such a system would make it impossible for the Committee to do its work.

Moreover, the ratio between the number of Conventions adopted and the ratifications deposited by a country was constantly varying; and the presentation of the annual reports on the application of Conventions depended solely on the Government of each country. If the rule proposed by Mr. de Michelis were adopted, the position of any expert on the Committee would thus be exposed to continual uncertainty. This would create an impossible position, and would prevent the performance of all regular work.

It should furthermore be remembered that although the Conventions had been drawn up mainly on the basis of the conditions existing in European countries, they had been applied by certain extra-European countries which had had to overcome very great difficulties. It would therefore be only fair for the Governing Body, when appointing members to the Committee of Experts on the application of Conventions, to recognise the part played by the extra-European countries in applying international labour legislation.

While he understood the idea underlying Mr. de Michelis’ amendment, he was nevertheless opposed to the proposed discrimination between different countries.

Mr. Erulkar submitted the following amendment to paragraph i of Mr. Yoshisaka’s resolution:

“That the Committee of Experts on the application of Conventions be enlarged by the addition of two more experts and of the Committee so constituted not less than four shall be nationals from extra-European countries.”

His amendment differed in two respects from Mr. Yoshisaka’s original proposal. In the first place it made no mention of the condition that experts were required to possess practical experience of the application of social legislation. This was not because the extra-European countries would hesitate to propose fully qualified candidates; but there must be a uniform rule. Up to the present no such condition had been laid down for the appointment of European experts. It would therefore be unfair to do so in the case of new members who were nationals of extra-European countries. If such qualifications were to be required, the rule should apply without distinction to all members of the Committee. There would appear to be even stronger grounds for applying it to European countries, as they had longer experience in the application of social legislation.

As regards the number of extra-European experts, he agreed with the proposal contained in Mr. Yoshisaka’s resolution, which provided for the appointment of two additional experts in addition to the two extra-European experts already on the Committee.

He also suggested that the four extra-European experts should be nationals of countries outside Europe. In this he was not proposing anything new, but was
de confirmer un principe dont on s’est jusqu’à présent inspiré dans la pratique pour toutes les désignations d’experts, sauf dans le cas de l’Inde. Il constate que dans la note du Bureau, où figure la composition de la Commission, le nom de chaque expert est suivi de l’indication de sa nationalité, sauf pour l’expert de l’Inde; plus loin, aux pages 10 et 11 du même document, il est question de la désignation de ressortissants de certains pays au sein de la Commission d’experts. Il s’agit donc bien de désigner des personnes appartenant à certains pays et l’on pourrait interpréter l’exception faite dans le seul cas de l’Inde comme signifiant que l’Inde ne serait pas en mesure de trouver parmi ses ressortissants un expert compétent. Il tient à éviter ce traitement d’exception en demandant que les désignations d’experts pour les divers pays soient limitées aux ressortissants de ces pays. Il ajoute que le Conseil a, à l’origine, désigné pour l’Inde Sir Selwyn Fremantle, sur la proposition de Sir Atul Chatterjee, Haut-Commissaire pour l’Inde qui, à cette époque, était le représentant du Gouvernement de l’Inde au sein du Conseil d’administration. Il souligne qu’il n’entend nullement mettre en cause la compétence de Sir Selwyn Fremantle. Il s’agit simplement d’appliquer dans le cas de l’Inde un principe généralement reconnu. D’ailleurs, la question du renouvellement du mandat de certains membres de la Commission se trouve posée dans le Rapport du Directeur. Le principe inscrit dans son amendement pourra trouver son application lorsque le Conseil d’administration se prononcera sur le renouvellement de ces mandats, décision qui, pour autant qu’il sache, sera adjournée à la session d’automne.

M. Anselmi rappelle qu’il résulte clairement de la déclaration faite par M. de Michelis à la 74ème session du Conseil qu’il n’avait en aucune manière l’intention d’établir une discrimination entre les différents Gouvernements des États Membres de l’Organisation. Toutefois, dans un esprit de conciliation et en raison des objections qui viennent d’être formulées, il n’insiste pas pour que l’amendement de M. de Michelis soit mis aux voix. Il se bornera à formuler le vœu que les États extra-européens puissent, à l’avenir, ratifier et appliquer régulièrement le plus grand nombre possible de conventions.

M. Muniz s’associe aux observations faites par M. Yoshisaka. Comme lui, il estime que la discrimination résultant de l’amendement présenté par M. de Michelis n’était pas compatible avec le caractère d’universalité de l’Organisation internationale du Travail. Il enregistre donc avec satisfaction la déclaration de M. Anselmi.

M. Yoshisaka craint que M. Erulkar ne se soit mépris sur la portée de sa résolution. Dans son esprit, il ne s’agit pas du tout d’imposer des qualifications particulières aux experts appartenant à des pays extra-européens. En effet, tout comme M. Erulkar, il est opposé à toute discrimination entre pays de l’Europe et pays extra-européens. Par conséquent, il est tout prêt à accepter l’amendement de M. Erulkar si le texte présenté par celui-ci permet d’éviter tout malentendu.

Il remercie M. Anselmi de l’esprit de conciliation qu’il a bien voulu manifester et l’assure que tous les pays extra-européens ont le plus vif désir d’accroître le nombre de leurs ratifications dans toute la mesure du possible.

Le Directeur fait observer que si le Conseil adoptait la deuxième partie de la proposition de M. Erulkar, il devrait automatiquement modifier la composition de la Commission d’experts pour l’application des conventions. Il serait sans doute préférable de recourir à une autre méthode pour réaliser cette modification. Comme l’a signalé M. Erulkar lui-même, le mandat d’un certain nombre des membres actuels de la Commission est venu à expiration; le Conseil devra donc se prononcer sur le renouvellement de ce mandat. Il suggère que si le Conseil décide la désignation de deux nouveaux experts extra-européens, en adoptant soit la première partie de la résolution de M. Yoshisaka, soit la première partie de l’amendement de M. Erulkar, il charge le Bureau de lui présenter, à sa session d’automne, des suggestions pour le renouvellement du mandat de la Commission dans son ensemble. Il serait alors possible de tenir compte du vœu formulé par M. Erulkar.

Quant au libellé même de l’amendement de M. Erulkar, il ne voit pas pourquoi il faudrait supprimer, dans le projet de résolution de M. Yoshisaka, les mots « possédant
merely reiterating the intention underlying the practice hitherto followed in the case of all appointments with the single exception of India. He referred to the names of the experts appearing at p. 10 of Office document G.B.75/2/68 and all of them were described there as nationals with the exception of the expert for India. He also referred to pages 12 and 13 of the same document where references were made to appointments of 'nationals' on the Committee in question. All through, the intention was to appoint nationals, and the single anomaly in the case of India might be a reflection that India could not find a competent Indian as an expert. He therefore wished to provide against any such anomaly by requiring that the appointments for particular countries be restricted to their nationals. He added that the appointment of Sir Selwyn Fremantle for India was originally made on the proposal of Sir Atul Chatterjee, the High Commissioner for India, and then Government representative for India on the Governing Body. He wished to make it clear that his remarks were in no way intended to be a reflection on the ability of Sir Selwyn Fremantle. It was simply a question of applying a generally recognised principle in the case of India. The renewal of the appointment of some of the members of the Committee was proposed in the Director’s Report. The principle contained in his amendment could be applied when the Governing Body considered the proposed renewals, which he understood was to be deferred to the October Session.

Mr. Anselmi said that it was quite clear from Mr. de Michelis’ statements at the Seventy-fourth Session of the Governing Body that he had had no intention of making any discrimination between the different Governments of the States Members of the Organisation. Nevertheless, in a spirit of conciliation and in view of the objections which had been raised, he did not press for a vote on Mr. de Michelis’ amendment. He would merely express the hope that the extra-European countries might in future ratify and regularly apply as many Conventions as possible.

Mr. Muniz said that he agreed with Mr. Yoshisaka that the discrimination which would result from Mr. de Michelis’ amendment was not in accordance with the universal character of the International Labour Organisation. He therefore welcomed Mr. Anselmi’s statement.

Mr. Yoshisaka said that Mr. Erulkar had apparently not quite understood his resolution. He had no intention of insisting on special qualifications for experts belonging to extra-European countries. He was, like Mr. Erulkar, opposed to any discrimination between European and extra-European countries. He was therefore quite prepared to accept Mr. Erulkar’s amendment if its wording would prevent any possibility of misunderstanding.

He thanked Mr. Anselmi for the spirit of conciliation which he had shown, and assured him that all the extra-European countries had the greatest desire to increase the number of their ratifications as much as possible.

The Director said that if the Governing Body adopted the second part of Mr. Erulkar’s proposal, it would automatically have to change the composition of the Committee of Experts on the application of Conventions. It would perhaps be better to effect the change in another way. As Mr. Erulkar had himself pointed out, the term of office of some of the present members of the Committee had come to an end, and the Governing Body would have to consider the question of their re-appointment. He suggested that if the Governing Body decided to appoint two new extra-European experts, by adopting either the first part of Mr. Yoshisaka’s resolution or the first part of Mr. Erulkar’s amendment, it should instruct him to submit proposals at the autumn session for the renewal of the Committee as a whole. The wishes expressed by Mr. Erulkar could then be borne in mind.

As to the wording of Mr. Erulkar’s amendment, he did not see why it should be necessary to omit the words “experts possessing practical experience on social
une expérience pratique en matière d’application de la législation sociale»; ce critère a été appliqué pour tous les candidats appelés à faire partie de cette Commission et il ne lui semble pas qu’il y aurait lieu de faire, à cet égard, une distinction entre les membres extra-européens et les membres qui siègent actuellement dans la Commission.


M. Picquenard souligne que les membres de la Commission d’experts ne sont en aucune façon des représentants des pays dont ils sont ressortissants, mais sont choisis uniquement eu égard à leur expérience pratique en matière d’application de la législation sociale. Il ne voudrait donc pas qu’il puisse résulter de l’adoption du projet de résolution présenté par M. Yoshisaka que les experts représentent à un degré quelconque le gouvernement du pays auquel ils appartiennent ; il appuie donc la suggestion du Directeur tendant à maintenir dans le texte de la résolution la condition aux termes de laquelle les experts devront «posséder une expérience pratique en matière d’application de la législation sociale».

M. Jouhaux s’associe aux observations formulées par M. Picquenard. Il lui semble que, au cours de la discussion, on a trop insisté sur le fait qu’il s’agissait, non de choisir des experts, mais de désigner des ressortissants de certains pays extra-européens. Or, les membres de la Commission doivent être choisis en raison de leur compétence et non de leur nationalité. Il doit donc être bien entendu que le Conseil choisisra des experts de pays extra-européens en raison de leur compétence personnelle et non en vue de leur permettre de représenter dans la Commission leur propre pays.

M. Rice propose que le Conseil se borne, pour le moment, à décider de porter de 11 à 13 le nombre des membres de la Commission, de manière que celle-ci comprenne un plus grand nombre de membres connaissant la législation et l’administration sociales dans les pays extra-européens.

M. Yoshisaka préfère la rédaction de sa proposition au texte suggéré par M. Rice, en raison de la situation incertaine du siège précédemment détenu par M. von Nostitz.

M. Erulkar rappelle que si cette condition doit s’appliquer à tous les membres de la Commission, il accepte que l’on mentionne, dans le texte de la résolution, la possession d’une expérience pratique en matière d’application de la législation sociale.

Il tient à assurer M. Picquenard et M. Jouhaux que sa suggestion ne tend pas à faire désigner au sein de la Commission les ressortissants de certains pays, en raison de leur nationalité, sans qu’il soit tenu compte de leurs qualifications. Il est évident qu’il faut tenir compte avant tout de la compétence des candidats. Si, toutefois, le Conseil d’administration arrêtait comme principe qu’il désignera, pour des pays déterminés, des experts qui possèdent les qualités requises et qui soient en même temps ressortissants de ces pays, il est prêt à retirer l’amendement qu’il avait présenté.

M. Picquenard propose que, dans un but de clarté, le Conseil se prononce d’abord sur l’élévation de 11 à 13 du nombre des membres de la Commission et ensuite sur la nécessité pour la Commission de comprendre au moins 4 membres possédant une expérience pratique en matière d’application de la législation sociale dans les pays extra-européens.

Le Président fait observer que M. Erulkar a retiré son amendement. Il demande à M. Rice s’il peut se rallier au texte de M. Yoshisaka.

M. Rice n’avait proposé un texte que pour clarifier la situation. Puisque le Conseil n’est plus saisi que de la proposition de M. Yoshisaka, il retire sa motion.
administration which appeared in Mr. Yoshisaka’s resolution; that had always been the criterion adopted for all appointments to the Committee, and he did not think that any discrimination should be made in that respect between the extra-European members and the present members of the Committee.

Mr. Zaman supported the Director’s suggestion that the creation of two new seats for extra-European experts should be decided on at the present session and that the question of the composition of the Committee as a whole should be postponed until the autumn session. He would wish to have an opportunity of consulting the Government of India, particularly on the renewal of the appointment of the present expert from India on the Committee.

Mr. Picquenard pointed out that the members of the Committee of Experts were in no sense representatives of the countries of which they were nationals, but were chosen solely on account of their practical knowledge of the application of social legislation. He would not wish the adoption of Mr. Yoshisaka’s resolution to result in the experts being thought in any way to represent the Governments of their countries. He would therefore support the Director’s proposal to retain the phrase in the resolution which provided that the experts should possess “practical experience on social administration”.

Mr. Jouhaux said that he agreed with Mr. Picquenard. There had been too much insistence on the idea that it was not so much a question of selecting experts as of appointing nationals of certain extra-European countries. The members of the Committee should be chosen for their experience and not for their nationality. It should therefore be quite clear that the Governing Body would choose experts from extra-European countries on account of their personal competence and not with a view to their representing their countries on the Committee.

Mr. Rice proposed that the Governing Body should, for the present, simply decide to increase the number of members on the Committee from 11 to 13, so that it might include a greater number who possessed experience of legislation and social administration in extra-European countries.

Mr. Yoshisaka said that he preferred the terms of his proposal to those proposed by Mr. Rice, in view of the uncertainty of the position as regards the seat previously occupied by Mr. von Nostitz.

Mr. Erulkar said that provided that the condition applied to all members of the Committee, he agreed that the resolution should refer to the possession of practical experience in social administration.

He assured Mr. Picquenard and Mr. Jouhaux that he did not propose that nationals should be appointed because of their nationality regardless of their merits as experts. The competence of the candidates must of course be the first consideration. If, however, the Governing Body recognised the principle of appointing experts for particular countries who possessed the requisite qualifications and were at the same time nationals of those countries, he was prepared to withdraw his amendment.

Mr. Picquenard proposed, in the interests of clearness, that the Governing Body should decide first of all whether to increase the number of members of the Committee from 11 to 13, and then whether it should necessarily include at least four members possessing practical experience in social administration in extra-European countries.

The Chairman said that Mr. Erulkar had withdrawn his amendment. He asked Mr. Rice whether he could agree to Mr. Yoshisaka’s resolution.

Mr. Rice said that he had only proposed a form of words to clear up the situation. Since Mr. Yoshisaka’s resolution was the only one now before the Governing Body, he withdrew his motion.
M. Erulkar tient, avant que l'on passe au vote, à recevoir l'assurance que le Conseil accepte le principe de la désignation, comme experts pour certains pays, de ressortissants de ces mêmes pays, dans les conditions qu'il vient d'indiquer.

Le Président répond que ce principe est acquis.
Il constate que le Conseil est donc appelé à se prononcer sur le texte présenté par M. Yoshisaka. Légèrement modifié à la suite des observations formulées au cours de la discussion, ce texte serait libellé comme suit :

« Le Conseil d'administration décide :

1. Que deux experts supplémentationaires appartenant à des pays extra-européens et possédant une expérience pratique en matière d'application de la législation sociale seront désignés pour faire partie de la Commission d'experts pour l'application des conventions. »

Le Conseil adopte ce paragraphe sans opposition.

Il est entendu : 1o que la condition de posséder une expérience pratique en matière d'application de la législation sociale sera applicable indistinctement à tous les membres de la Commission d'experts pour l'application des conventions ; 2o que lorsqu'il s'agira de désigner un expert connaissant l'application de la législation sociale dans un pays déterminé, on donnera la préférence aux ressortissants de ce pays qui posséderaient la compétence requise.

Il est entendu en outre que le Bureau présentera au Conseil à sa session d'automne 1936 des suggestions quant au renouvellement des mandats de la Commission dans son ensemble.

Le Président rappelle que le paragraphe 2 du projet de résolution de M. Yoshisaka a fait l'objet d'un amendement présenté par M. de Michelis.

M. Yoshisaka accepte l'amendement présenté par M. de Michelis.

M. Oersted s'abstiendra, lors du vote, parce qu'à son avis les mesures prévues par ce paragraphe de la résolution seront inefficaces pour assurer un meilleur fonctionnement de la Commission de l'application des conventions à la Conférence. En effet, il s'agit moins de permettre à cette Commission de se réunir plus tôt que de lui laisser, au cours de la Conférence, suffisamment de temps pour mener à bien ses travaux, ce qui est impossible aussi longtemps que l'ordre du jour de la Conférence reste surchargé.

Par 26 voix sans opposition, le Conseil d'administration adopte le paragraphe 2 amendé de la résolution de M. Yoshisaka qui est ainsi conçu :

« 2. De proposer à la Conférence de modifier l'article 6, paragraphe 2, et l'article 7 de son règlement de manière à assurer la constitution immédiate, au début de chaque session annuelle, de la Commission pour l'application des conventions prévue par la résolution adoptée par la Conférence à sa VIIIe session. »

M. Jouhaux signale que le Conseil doit encore se prononcer sur l'aspect budgétaire du paragraphe 1 de la résolution de M. Yoshisaka. Lors de la 74ème session du Conseil, le Comité du budget avait examiné la question et avait indiqué qu'il était prêt à inscrire dans le budget de 1937 le crédit supplémentaire de 10.000 francs envisagé au cas où le Conseil déciderait la désignation de deux nouveaux experts au sein de la Commission pour l'application des conventions.

Le Président indique que le Conseil pourra se prononcer sur cette question lorsqu'il examinera le rapport du Comité du budget.

Il en est ainsi décidé.
Mr. Erulkar said that before the proposal was put to the vote he would like to know definitely whether the Governing Body recognised the principle of the appointment of nationals as experts for particular countries as stated by him.

The Chairman said that that principle was accepted. The Governing Body was therefore asked to vote on Mr. Yoshisaka’s proposal which, with the slight amendments introduced during the discussion, was as follows:

“

The Governing Body decides:

1. That two additional experts from extra-European countries possessing practical experience on social administration should be appointed to the Committee of Experts on the application of Conventions.”

The Governing Body adopted this paragraph without opposition.

It was agreed:

(i) that the condition which required the possession of practical experience on social administration should be applicable without distinction to all members of the Committee of experts on the application of Conventions;

(ii) that when an expert possessing experience of social administration in a particular country was to be appointed, preference should be given to nationals of that country who possessed the necessary qualifications.

It was further agreed that the Office should submit to the Governing Body, at its session in the autumn of 1936, suggestions regarding the re-appointment of the Committee as a whole.

The Chairman pointed out that Mr. de Michellis had proposed an amendment to paragraph 2 of Mr. Yoshisaka’s resolution.

Mr. Yoshisaka said that he accepted Mr. de Michelis’ amendment.

Mr. Oersted said that he would abstain from voting because he considered that the measures provided for by that paragraph of the resolution would be ineffective in improving the working of the Conference Committee on the application of Conventions. What was required was not so much to enable the Committee to meet a day earlier as to allow it sufficient time during the Conference to do its work satisfactorily. That was impossible so long as the agenda of the Conference continued to be overloaded.

The Governing Body, by 26 votes to nil, adopted paragraph 2 of Mr. Yoshisaka’s resolution, as amended. The paragraph was as follows:

“2. To propose that the Conference should amend Article 6, paragraph 2 and Article 7 of the Standing Orders of the Conference so as to provide for the immediate constitution of the Committee on the application of Conventions, in accordance with the resolution adopted at the Eighth Session of the Conference, at the beginning of each annual session.”

Mr. Jouhaux pointed out that the Governing Body had still to decide on the financial aspect of paragraph 1 of Mr. Yoshisaka’s resolution. At the Seventy-fourth Session of the Governing Body, the Finance Committee had examined the question and had stated that it was prepared to insert in the 1937 budget an additional sum of 10,000 francs in case the Governing Body should decide to appoint two new experts on the Committee of Experts on the application of Conventions.

The Chairman said that the Governing Body could decide on that question when it discussed the report of the Finance Committee.

The Governing Body adopted that suggestion.
Le Directeur constate que le rapport relatif aux travaux de la Conférence de Santiago est particulièrement volumineux. D'une manière générale, il s'attache à restreindre la longueur des documents soumis au Conseil, mais, dans le cas particulier, il a jugé que la Conférence de Santiago revêtait une telle importance qu'il convenait de renseigner très complètement le Conseil sur ses travaux. Il s'excuse du court délai dont les membres du Conseil ont disposé pour étudier ce rapport, et qui s'explique par le fait que certains documents indispensables pour l'achèvement du rapport sont parvenus du Chili seulement quelques semaines avant la session du Conseil.

Il tient à présenter au sujet de ce rapport quelques observations d'ordre général. Tout d'abord, il croit que le Conseil sera unanime pour exprimer sa gratitude au Gouvernement chilien ; en premier lieu, au président de la République, M. Alessandri, qui a pris un intérêt personnel très vif aux travaux de la Conférence ; à M. Cruchaga Tocornal, ministre des Affaires étrangères, à M. Serani, ministre du Travail, qui a présidé la Conférence avec compétence et autorité, et enfin au délégué permanent du Gouvernement chilien auprès du Bureau international du Travail, M. Garcia Oldini, auteur de la proposition dont est sortie la convocation de la Conférence. On peut dire que les résultats atteints ont pleinement justifié l'initiative courageuse et généreuse prise en l'occurrence par le Gouvernement chilien.

Il tient à remercier par ailleurs les fonctionnaires du Bureau, ainsi que le personnel de la Conférence recruté au Chili, pour le remarquable effort qu'ils ont dû fournir dans des conditions difficiles pour permettre à la Conférence de mener à bien sa lourde tâche dans un très bref laps de temps.

Enfin le Conseil sera certainement heureux d'apprendre que les comptes de la Conférence présenteront un excédent assez important. Il ne peut encore en fournir le chiffre exact, en l'absence d'indications précises sur certaines dépenses qui ont dû être faites à Santiago après la clôture de la Conférence. Les comptes clos de la Conférence pourront sans doute être soumis au Conseil d'administration lors de sa prochaine session.

Le Conseil lui permettra d'ajouter quelques observations personnelles au sujet des travaux mêmes de la Conférence. Il a été particulièrement frappé par le fait qu'elle a eu un caractère essentiellement américain ; elle a, en effet, montré qu'un certain nombre de problèmes se posent d'une manière toute particulière sur le continent américain. Ces problèmes sont, en premier lieu, la question de l'immigration, que l'on ne peut guère aborder que sur une base régionale, ensuite, la question de la population indienne au sujet de laquelle a été adoptée une résolution demandant au Bureau d'entreprendre une étude économique et sociale, et enfin, la question agricole, qui est sans doute la plus importante pour les pays de l'Amérique latine. Bien que le problème agricole présente des aspects universels, il semble cependant qu'il faille dans certains cas l'examiner sous l'angle régional si l'on veut obtenir des résultats satisfaisants.

A de très nombreuses reprises, on a parlé, au cours des débats de la Conférence, d'appliquer un critère américain aux problèmes en discussion. C'est ainsi que l'examen de questions de caractère universel telles que le problème de l'alimentation et le truck-system a jeté une lumière nouvelle sur des problèmes que le Bureau avait déjà envisagés. Ces problèmes ne se présentent pas exactement de la même manière en Europe et en Amérique, et il est convaincu que l'on aboutira plus facilement à leur solution en confrontant les expériences réalisées en Europe et sur le continent américain.

On avait exprimé la crainte qu'une conférence régionale n'affaiblît le caractère universel de l'œuvre de l'Organisation internationale du Travail. En fait, cette crainte s'est révélée sans fondement, et l'on peut même dire que la Conférence a renforcé l'autorité de l'Organisation. La présence du Président et de six membres du Conseil d'administration a assuré la liaison nécessaire entre l'Organisation dans son ensemble et la Conférence. D'autre part, celle-ci a permis de mieux comprendre les difficultés et les problèmes auxquels se heurtent les pays d'Amérique. C'est là un résultat très précieux.
FOURTH ITEM ON THE AGENDA.

Report on the work of the Labour Conference of the American States which are Members of the Organisation.

The Director said that the report on the work of the Santiago Conference was a very full one. As a general rule he tried to avoid presenting documents of too great a length to the Governing Body, but in this particular case, he considered that the Santiago Conference was of such importance that the Governing Body must be fully informed with regard to it. He apologised for the short time which members of the Governing Body had been given to study the report; this was due to the fact that some of the documents which were required for its preparation had only arrived from Chile a few weeks before the session of the Governing Body.

He had one or two general observations to make on the report. In the first place, he felt sure that the Governing Body would be unanimous in expressing its gratitude to the Chilean Government, beginning with the President of the Republic, Mr. Alessandri, who had taken a great personal interest in the work of the Conference; Mr. Cruchaga Tocornal, Minister for Foreign Affairs, Mr. Serani, Minister of Labour, who had presided very ably over the Conference; and Mr. Garcia Oldini, Permanent Delegate of the Chilean Government to the International Labour Office, who was the originator of the proposal which resulted in the holding of the Conference. It could safely be said that the results had fully justified the courageous and generous initiative of the Chilean Government.

He thanked the staff of the Office, as well as the staff which was recruited in Chile, for the admirable work which they had done under trying conditions, to enable the Conference to complete its work in a very brief period.

The Governing Body would be glad to learn that the accounts of the Conference would show an appreciable balance. He could not furnish the exact figures, as he was not yet in possession of the details of certain expenditure which had to be made in Santiago after the close of the Conference. The final accounts of the Conference would no doubt be submitted to the Governing Body at its next session.

The Governing Body would allow him to make a few personal observations on the actual work of the Conference. He had been particularly struck by the fact that it had been essentially an American Conference. It had clearly shown that there were certain problems which were essentially American in character. There was in the first place the question of immigration, which could scarcely be treated except on a regional basis, secondly the question of the Indian population, concerning which a resolution had been adopted asking the Office to undertake an enquiry from the economic and social points of view, and finally the agricultural question, which was undoubtedly the most important for the Latin-American countries. Although the problem of agriculture had certain universal aspects, it appeared necessary in certain cases to deal with it from a regional standpoint if it were desired to obtain satisfactory results. During the discussions of the Conference, there had been frequent references to applying American criteria to the questions under consideration. It was for this reason that discussions on questions of a universal nature, such as nutrition and the truck system, had thrown a new light on problems which had already been studied by the Office. These problems did not present themselves in quite the same way in Europe as in America, and he was convinced that their solution would be facilitated if American and European experience were collated.

The fear had been expressed that a regional Conference might weaken the universal character of the work of the International Labour Organisation. That fear had not been justified; on the contrary, the Conference had enhanced the prestige of the Organisation. The presence of the Chairman and six members of the Governing Body had created the necessary link between the Organisation as a whole and the Conference. The latter had promoted a better understanding of the difficulties and problems which the countries of America had to face. That was in itself an extremely valuable result.
Evidemment les conclusions auxquelles a abouti la Conférence entraînent de nouveaux travaux pour le Bureau. Celui-ci fera de son mieux pour s’en acquitter, et sera encouragé pour le faire par l’importance des résultats auxquels a conduit cette initiative heureuse.

Il ne saurait mieux résumer les résultats généraux de la Conférence que ne l’a fait son Président, M. Serani, qui, dans son discours de clôture, a relevé que la Conférence avait obtenu trois résultats principaux : d’abord elle a traité les problèmes qui sont propres au continent américain et a indiqué dans quelle direction leur solution pouvait être recherchée ; ensuite elle a permis aux pays d’Amérique de se rapprocher les uns des autres et de mieux comprendre les besoins et difficultés de chacun ; enfin elle a permis d’établir un contact réel entre les pays d’Amérique et l’Organisation internationale du Travail.

Comme l’a dit un délégué à la Conférence, celle-ci a fourni aux trois Amériques une précieuse occasion de montrer l’esprit de bonne volonté et de progrès dans lequel elles collaborent à l’œuvre de Genève. Peut-être est-ce là à certains égards son principal résultat.

Il considère en tous cas que la Conférence de Santiago a ouvert un nouveau chapitre dans l’histoire de l’Organisation et constitue un précédent qu’il sera possible, espère-t-il, de reprendre et de développer dans l’avenir.

M. Oersted tient tout d’abord à rendre hommage aux services du Bureau qui ont préparé en si peu de temps un rapport si volumineux et si complet sur les travaux de la Conférence de Santiago. Il tient également à rendre hommage au Gouvernement chilien et à le remercier pour l’initiative qu’il a prise de convoquer cette Conférence ; celle-ci a présenté le plus grand intérêt pour l’œuvre de l’Organisation en établissant des contacts très utiles entre les divers pays d’Amérique, ainsi qu’entre ces pays et les représentants de l’Organisation internationale du Travail.

Il doit par ailleurs exprimer le regret que la composition de la Conférence n’ait pas été aussi complète que l’on aurait pu le désirer. En effet, si la Conférence comptait des représentants de 19 pays, 10 seulement avaient envoyé des délégations complètes, si bien qu’il n’y avait plus que 10 délégués patronaux et de 10 délégués ouvriers présents. Cette circonstance n’a pas laissé d’exercer une certaine influence sur les travaux de la Conférence.

Les patrons considèrent que l’Organisation internationale du Travail doit tendre sans cesse davantage à l’universalité. Elle doit pour cela connaître exactement les conditions du travail dans les diverses parties du monde. Or, il est évident que la Conférence de Santiago a permis de se faire une idée plus nette de la situation existante dans les pays d’Amérique. C’est ainsi que l’on a appris qu’un certain nombre des États d’Amérique considèrent la ratification des conventions internationales du travail comme un stimulant utile pour le progrès de leur propre législation sociale. Toutefois, on a pu constater qu’un certain nombre de ces pays avaient cru pouvoir ratifier diverses conventions alors qu’ils n’étaient pas encore en mesure de les appliquer. C’est d’ailleurs un état de choses qui n’existe pas qu’en Amérique.

La Conférence de Santiago a permis aux représentants de l’Organisation de se rendre compte des difficultés particulières auxquelles se heurtent les pays d’Amérique. Ces difficultés paraissent être de deux ordres : tout d’abord les populations de certaines régions sont disséminées et hétérogènes et, d’autre part, plusieurs États américains n’ont pas encore atteint un stade très avancé de développement industriel.

Ces constatations sont certainement très utiles, mais restent peut-être insuffisantes pour que l’on puisse donner à l’œuvre de l’Organisation, dans l’avenir, le maximum d’efficacité. En effet, la Conférence de Santiago n’a pas apporté de précisions sur les modalités qu’il conviendrait d’adopter à l’avenir, pour tenir compte de cet état de choses, lorsque la Conférence internationale du Travail est appelée à élaborer des projets de convention et des recommandations. Il estime, pour sa part, qu’il faut éviter, dans la mesure du possible, toute discrimination entre les pays européens et les pays extra-européens. Toutefois, pour que dans l’avenir les États d’Amérique puissent ratifier et appliquer les conventions adoptées par la Conférence internationale du Travail, il sera nécessaire que ces conventions prévoient certaines modalités et certaines dérogations. La Conférence de Santiago n’a pas fourni d’indications sur leur nature.
The conclusions of the Conference would of course result in additional work for the Office. It would do its best to carry out that work, and it would be encouraged by the importance of the precedent which the Santiago Conference had created.

He could not sum up the general results of the Conference better than had been done by the President, Mr. Serani, in his closing speech. He had said that the Conference had produced three principal results. The first was that it had dealt with the special problems of the American Continent, and had pointed a way to their solution; the second was that it had brought the countries of America more closely together, and enabled them better to understand the special needs and difficulties of each; the third was that it had established effective contact between the countries of America and the International Labour Organisation.

As one delegate at the Conference had said, it had given the three Americas an extraordinary opportunity of demonstrating the serious and progressive spirit in which they collaborated in the work done at Geneva. That was perhaps in some ways the most important result of all.

The Santiago Conference had, he felt sure, opened a new chapter in the history of the Organisation and had created a precedent which he hoped could be followed up and developed.

_Mr. Oersted_ congratulated the officials of the Office who had prepared the very full and accurate report on the work of the Santiago Conference in so short a time. He also wished to congratulate and thank the Chilean Government for its action in summoning the Conference. It had been of the greatest value to the work of the Organisation in establishing useful contacts between the American countries, and also between those countries and the representatives of the International Labour Organisation.

He regretted that the composition of the Conference was not as complete as could have been wished. Though nineteen countries had been represented, only ten had sent complete delegations, so that there were only ten employers' and ten workers' delegates present. That fact had not been without influence on the work of the Conference.

In view of the employers, the International Labour Organisation should strive unceasingly towards universality. To do this it must be fully acquainted with conditions of work in all parts of the world. The Santiago Conference had undoubtedly enabled a much clearer idea to be formed of conditions in the American countries. Thus it appeared that certain American States considered that the ratification of international labour Conventions was a useful stimulus for the progress of social legislation in the various countries. It had however been seen that there were certain countries which had thought it possible to ratify Conventions when they were not yet in a position to apply them. This was of course a state of affairs which was not confined to America.

The Santiago Conference had enabled the representatives of the Organisation to appreciate the particular difficulties with which the American countries were faced. These difficulties appeared to be of two kinds: in the first place, the populations of certain districts were scattered and heterogeneous and, secondly, some American countries had not yet attained a very high degree of industrial development.

The knowledge of these facts was certainly of great value, but perhaps something more was needed if the future work of the Organisation was to reach its maximum effectiveness. The Santiago Conference had provided no definite indication as regards the methods which should be adopted in future in order to take this state of affairs into account when the International Labour Conference had to draw up Draft Conventions and Recommendations. In his view there should so far as possible be no discrimination between European and non-European countries. Nevertheless, so that the American countries might be able to ratify and apply the Conventions adopted by the International Labour Conference in future, these Conventions should contain special clauses and allow for certain exceptions. The Santiago Conference had given no indication as to what those should be,
Il croit qu’il y a dans cette incertitude un certain danger. Les patrons sont intéressés à la portée universelle de l’œuvre de l’Organisation internationale du Travail, parce qu’ils considèrent que pour favoriser le progrès social il faut arriver à une certaine égalité entre les conditions de travail existant dans les divers pays. Il est impossible de développer le progrès social dans les pays de l’Europe où il a déjà atteint un niveau très avancé dans l’ensemble si l’on n’a pas l’assurance que les autres États, Membres de l’Organisation, marchent également dans cette voie.

Il constate, d’autre part, que la Conférence a adopté une série de résolutions très intéressantes qui sont de nature à favoriser l’œuvre de l’Organisation dans son ensemble. Il se félicite particulièrement de l’adoption de la résolution concernant les relations de l’Organisation internationale du Travail avec les pays d’Amérique. Comme on le sait, le représentant du Gouvernement uruguayen avait tout d’abord présenté un projet de résolution qui allait beaucoup plus loin et qui prévoyait la création d’un Bureau du Travail pan-américain. Très heureusement, cette idée a été abandonnée et la Conférence a adopté une résolution qui prévoit toute une série de mesures propres à favoriser les relations entre les pays de l’Amérique et l’Organisation. Il est vrai qu’après la clôture de la Conférence de Santiago s’est fait jour une certaine tendance à revenir sur les décisions prises, à propos de la Conférence de la paix panaméricaine, dont l’idée a été mise en avant par le président Roosevelt; il en est quelques-unes qui pourraient inquiéter quelque peu l’Organisation, puisque certains Gouvernements ont, semble-t-il, proposé la création d’une Société des Nations panaméricaine. L’un d’entre eux aurait même suggéré que l’institution à créer s’occupât des questions sociales et économiques. Cependant, le Gouvernement auteur de cette proposition est un de ceux qui ont participé avec le plus d’intérêt aux travaux de la Conférence de Santiago.

Il croit que le Conseil ne peut guère étudier, dès à présent, dans le détail tous les vœux et résolutions adoptés par cette Conférence, car il importe d’examiner de très près les conséquences éventuelles des décisions qui seraient prises à leur égard. Il faut surtout que l’on puisse se rendre compte des différences éventuelles qui séparent les résolutions adoptées à Santiago des dispositions des conventions adoptées sur les mêmes sujets par la Conférence internationale du Travail.

Il a demandé au Directeur de bien vouloir préparer, à l’intention du Conseil, un rapport au sujet de ces différences. Le Directeur lui a promis de donner suite le plus tôt possible à cette demande. Dans ces conditions, il propose au Conseil d’ajourner l’examen des résolutions adoptées par la Conférence de Santiago sur rapport de sa Commission des assurances sociales et de sa Commission des conditions de travail des femmes et des enfants. Ce n’est pas qu’il soit opposé, en principe, aux vœux exprimés par la Conférence, mais il croit que le Conseil doit prendre ses décisions en toute connaissance de cause, ce qu’il ne pourrait faire pour l’instant.

Il lui semble d’ailleurs qu’il y a une certaine contradiction dans l’attitude des États participant à la Conférence de Santiago, dont certains ont déclaré qu’ils étaient difficile d’appliquer les conventions internationales du travail en raison des difficultés particulières auxquelles ils se heurtent, alors que, par ailleurs, la Conférence a suggéré certaines mesures qui dépassent sensiblement le cadre des conventions existantes. Or, comme on le sait, plusieurs de ces conventions n’ont pu être adoptées que grâce au vote de représentants d’États d’Amérique. Il importe, à son avis, en donnant suite aux résolutions de la Conférence de Santiago, de ne pas aller au delà de ce qui a été fait à Genève.

Peut-être dira-t-on qu’il est inutile d’ajourner la communication aux Gouvernements des divers États d’Amérique des résolutions adoptées par la Conférence. C’est là une mesure qui ne présente guère d’utilité, puisque chacun de ces Gouvernements a pu être informé des décisions adoptées par la Conférence par l’intermédiaire de ses propres représentants. S’il s’agit, non seulement de communiquer aux Gouvernements les résolutions de la Conférence, mais également de les faire avaliser par le Conseil, il ne peut que revenir à ses observations antérieures: le Conseil ne peut approuver des résolutions dont il n’a pu apprécier exactement la portée.

Il ne s’ensuit pas que le Conseil ne puisse, dès à présent, aborder l’examen des suites à donner à certaines des résolutions adoptées. Pour sa part, il est tout disposé
There was a certain danger in this uncertainty. The employers were anxious that the work of the International Labour Organisation should be of a universal character, as they considered that in order to promote social progress a certain degree of equality in conditions of labour should be reached in the different countries. It was impossible to develop social progress in those countries of Europe in which a very advanced standard had already been reached on the whole, unless there was some assurance that the other States Members of the Organisation would follow in the same direction.

The Conference had adopted a number of very interesting resolutions which would promote the work of the Organisation as a whole. He was particularly glad to note the adoption of the resolution concerning the relations between the International Labour Organisation and the countries of America. It would be remembered that the representative of the Uruguayan Government had at first submitted a resolution which went much further and which proposed the creation of a Pan-American Labour Office. Fortunately that idea had been given up, and the Conference had adopted a resolution which laid down various measures to facilitate relations between the American countries and the Organisation. It was true that after the close of the Santiago Conference there had been a certain tendency to go back on the decisions which had been taken, in connection with the Pan-American Peace Conference proposed by President Roosevelt. Among the replies to the President's invitation there were some which might cause anxiety to the Organisation. Certain Governments had apparently proposed the creation of a Pan-American League of Nations. One of them was even said to have suggested that the proposed institution should deal with social and economic problems. The Government which had made the proposal was nevertheless one which had participated with the greatest interest in the work of the Santiago Conference.

He did not think that the Governing Body could at once examine in detail all the proposals and resolutions adopted by the Santiago Conference; for the consequences of the decisions which might be taken on them should be very carefully considered. It was particularly necessary to see whether there were any divergencies between the Santiago resolutions and the Conventions adopted by the International Labour Conference on the same subjects.

He had asked the Director to prepare a report for the Governing Body on that point. The Director had promised to do so as soon as possible. He therefore proposed that the Governing Body should adjourn the examination of the resolutions adopted by the Santiago Conference after discussing the reports of its Committee on social insurance and its Committee on the conditions of work of women and children. He was not opposed in principle to the resolutions adopted by the Conference, but he considered that the Governing Body should take its decision with full knowledge of the facts, and it could not do this at present.

There appeared to be a certain contradiction in the attitude adopted by the States represented at the Santiago Conference, some of which had said that it was difficult for them to apply the international labour Conventions in view of the special difficulties with which they were faced, whereas at the same time the Conference had suggested certain measures which went considerably beyond the existing Conventions. As members of the Governing Body were aware, it was only owing to the vote of the representatives of the American countries that some of the Conventions had been adopted. In his view the Governing Body should take care, when giving effect to the resolutions of the Santiago Conference, not to go beyond what had been laid down at Geneva.

It might perhaps be thought unnecessary to adjourn the decision to communicate the resolutions adopted by the Conference to the Governments of the American countries. Such action hardly appeared to be necessary, since each of the Governments concerned had no doubt been informed by its own representatives of the decisions adopted by the Conference. If it was proposed not merely to communicate the resolutions of the Conference to the Governments, but also to have them endorsed by the Governing Body, he could only repeat what he had said before: that the Governing Body could not approve resolutions of the exact purpose of which it was not fully aware.

This did not imply that the Governing Body could not at once consider the effect to be given to certain of the resolutions. He was prepared to examine immediately
à entamer immédiatement l'examen des résolutions groupées dans le rapport du Bureau, à la suite de celles qui concernent les assurances sociales, d'une part, et les conditions de travail des femmes, des enfants et des jeunes gens, d'autre part.

M. Norman rappelle que le Conseil d'administration était représenté à la Conférence de Santiago par une délégation composée de son président et de deux membres de chaque groupe. M. Leggett, représentant du Gouvernement britannique, avait l'honneur de faire partie de cette délégation, et regrette vivement de ne pouvoir assister à la présente session du Conseil, afin de soumettre à celui-ci un exposé de ses impressions sur la Conférence. Toutefois, il a rédigé cet exposé et a prié son suppléant d'en donner connaissance au Conseil. Il se permettra donc de donner lecture des observations de M. Leggett :

"Je regrette vivement que les circonstances m'aient empêché de prendre part personnellement à la discussion du rapport sur la Conférence de Santiago, et je demande respectueusement au Conseil d'administration la permission de lui soumettre mes observations.

"Tout d'abord, je tiens à exprimer ma gratitude pour la grande amabilité qui nous a été témoignée dans tous les pays que nous avons visités. Cette amabilité réfleétait un sentiment de sincère amitié à l'égard de l'Organisation internationale du Travail que nous avions l'honneur de représenter. Nous avons eu, en particulier, un grand plaisir à rencontrer ceux qui avaient déjà représenté leur pays à Genève, ou qui sont encore nos collègues. Ce n'est pas un des moindres mérites de l'Organisation que d'élargir le champ des contacts personnels et des relations amicales entre les représentants des divers pays.

"Nous avons été habitués à l'excellente organisation de nos Conférences à Genève, mais nous avons été étonnés de constater que des dispositions presque identiques avaient pu être prises à Santiago, qui est éloigné de plusieurs milliers de milles de l'institution centrale. Nous devons ce remarquable résultat aux magnifiques locaux que nous a offerts le Gouvernement chilien, à la collaboration enthousiaste des services ministériels et à l'effort inlassable ainsi qu'à la compétence des fonctionnaires du Bureau international du Travail. Le Conseil d'administration a tout lieu d'être fier des qualités dont ont fait preuve les fonctionnaires du Bureau et de l'exemple qu'ils ont donné de la valeur d'une institution internationale spécialisée et impartiale. Je tiens à proposer au Conseil d'administration de faire figurer au procès-verbal son appréciation de la part considérable qui revient au personnel du Bureau dans le succès de cette première conférence régionale.

"Un trait marquant de la Conférence a été l'autorité et la compétence dont a fait preuve son président, M. Serani. Sous sa direction avisée, la Conférence a pu réaliser entièrement son programme dans le délai qui lui était fixé et à l'entièreme satisfaction de tous ceux qui désiraient prendre la parole.

"C'est en présence du président de la République du Chili et par un discours éloquent du ministre des Affaires étrangères que s'est ouverte une conférence que je considère comme la plus importante de celles auxquelles j'ose prétendre. J'estime que, par son initiative de véritable homme d'Etat, le président a rendu un grand service à l'Organisation internationale du Travail, et je crois que l'on constatera ultérieurement qu'il a rendu un service non moins grand aux pays d'Amérique. Toutefois, cette initiative ne prendra sa pleine valeur que si tous les intéressés veulent bien comprendre toutes les leçons qui s'en dégagent.

"Sans doute, il y a lieu de regretter vivement que le nombre des délégués patrons et ouvriers ait été relativement faible; néanmoins, la Conférence a été un exemple frappant de la valeur que présente le caractère tripartite de l'Organisation internationale du Travail. Non seulement patrons et ouvriers ont pu librement exprimer leur avis, mais, ainsi qu'on le constate en parcourant le compte rendu de la Conférence, celle-ci a adopté des résolutions présentées par les délégués patrons et ouvriers aussi bien que par les Gouvernements. Tout le monde a reconnu que cette méthode de libre discussion, que fournissent des conférences de ce genre, constitue, bien plus que les méthodes de violence, un moyen efficace et recommandable de traiter les questions sociales et industrielles.

"On peut se rallier entièrement au désir qui a été exprimé de voir à l'avenir convoquer régulièrement de telles conférences, afin que les Gouvernements, les
the resolutions which were mentioned in the Office report after those dealing with social insurance and with the conditions of work of women, children and young persons.

Mr. Norman said that the Governing Body had been represented at the Santiago Conference by a delegation composed of the Chairman and two members from each group. Mr. Leggett, the British Government representative, had had the honour of being one of the delegation. He very much regretted that he had been unable to be present at the session of the Governing Body in order to give his impressions of the Conference. He had however prepared the following written statement, and had asked his substitute to read it to the Governing Body:

"I am very sorry that circumstances have prevented me from personally taking part in the discussion on the Report on the Santiago Conference and I ask, with respect, that the Governing Body will allow my observations to be placed before them.

In the first place I should like to express my gratitude for the great kindness shown to us in all the countries we visited. It reflected the feeling of genuine friendliness to the International Labour Organisation of which we had the honour to be representatives. Above all it was a great pleasure to meet those who had been representatives of their countries at Geneva or who were still our colleagues. It is not the least value of the Organisation that it widens the field of personal contact and friendship between representatives of different countries.

We have become accustomed at our Conferences at Geneva to have great efficiency, but it was surprising to find almost similar arrangements in Santiago distant thousands of miles from the central organisation. We owe this to the splendid accommodation provided by the Government of Chile, to the enthusiastic co-operation of the Government Departments and to the hard work and ability of the members of the International Labour Office staff. The Governing Body has great cause for pride in the efficiency shown by the staff of the Office and in the example they gave of the value of an expert and impartial international administrative service. I should like to propose that the Governing Body place on record their appreciation of the great contribution made by the staff of the Office to the success of this first Regional Conference.

An outstanding feature of the Conference was the ability shown by Senor Serani as President. Under his skilled guidance the programme of the Conference was fully carried out within the time allotted and with complete satisfaction to all who desired to speak.

The welcome presence of the President of Chile and the eloquent speech of the Minister for Foreign Affairs inaugurated a Conference which I regard as the most important of any I have attended. I believe that, by his statesmanlike action, the President has rendered a great service to the International Labour Organisation, and I believe also that it will prove in due course to have been of no less service to the American countries. Its value, however, will only be fully realised if all concerned are prepared to learn all its lessons.

While it was greatly to be regretted that the number of employers' and workpeople's delegates was comparatively small, the Conference was an outstanding example of the value of the tripartite character of the International Labour Organisation. Not only were the views of employers and workers freely expressed but, as a perusal of the proceedings will show, the Conference adopted resolutions proposed by employers' and workers' delegates as well as resolutions proposed by Governments. The method of free discussion provided by such Conferences was recognised by all as a more commendable and effective way of dealing with social and industrial questions than the method of violence.

One could agree entirely with the desire expressed that such conferences should be held regularly in order that the Governments, employers and workers of the
patrons et les ouvriers des pays d'Amérique puissent, dans le cadre de l'Organisation, examiner en commun les problèmes sociaux et rechercher des solutions dans un esprit de collaboration.

«Il est significatif que, en dépit de grandes divergences de vues à l'égard de certains sujets, une atmosphère de raison et d'harmonie ait régné pendant toute la durée de la Conférence. On ne pouvait manquer d'être impressionné par les répercussions considérables que l'œuvre de l'Organisation internationale du Travail a eues sur la politique sociale et industrielle des pays de l'Amérique du Sud. Au cours du développement industriel croissant de ces pays, la législation adoptée ou projetée établit des normes qui présentent la plus grande importance pour la protection des conditions de vie et de travail. Néanmoins on doit constater qu'en Amérique du Sud comme ailleurs la législation, quels que soient ses mérites, ne suffit pas en elle-même. Il n'est pas douteux que les patrons et les ouvriers développeront, par l'entremise de leurs propres organisations, des institutions qui collaboreront avec les Gouvernements pour compléter l'action de ceux-ci, notamment en matière de fixation des salaires et de protection de la liberté individuelle. Nous, qui venons de pays où l'industrie et les organisations industrielles existent depuis longtemps, nous sommes enclins à oublier combien de temps il a fallu pour aboutir dans le domaine social à l'équilibre actuel entre les accords librement consentis et l'action législative de l'Etat. Nous sommes donc portés à sous-estimer l'importance des problèmes que doivent résoudre des pays dont le développement industriel ne remonte pas à aussi loin.

«Il est permis d'espérer que la Conférence de Santiago a contribué à attirer l'attention sur l'utilité de la collaboration organisée dans le cadre constitutionnel en vue de permettre un aménagement pacifique des conditions de la vie industrielle et sociale.

«Les travaux de la Conférence et l'expérience que nous avons acquise au cours de notre voyage dans ces pays nous ont appris qu'il convient de tenir compte davantage des conditions de tradition, de race, de climat, etc., des divers pays. Les États d'Amérique ont montré à nouveau tout le prix qu'ils attachent à la collaboration avec les autres pays par l'intermédiaire de l'Organisation internationale du Travail. Nous leur devons, à eux ainsi qu'à d'autres pays, de faire à leurs problèmes particuliers une place aussi grande dans nos débats qu'aux questions qui intéressent les pays d'Europe. Je crois, pour ma part, qu'il serait utile de prévoir, à l'occasion des conférences annuelles, des échanges de vues de caractère régional qui permettraient aux autres pays de mieux comprendre le point de vue et les conditions particulières des pays extra-européens. Notre voyage en Amérique du Sud nous a appris, à mon avis, que, jusqu'à présent, nous ne savions que peu de chose de ces pays et que dans nos discussions, nous n'avons pas suffisamment tenu compte de leur situation spéciale. C'est ainsi que, comme il résulte de la résolution présentée par M. Unsain, le besoin d'un accroissement de population pour exploiter les grandes ressources naturelles de ces pays a plus d'importance que le chômage, question qui est discutée à Genève principalement sous l'angle des conditions existant dans les pays dont le développement industriel est plus avancé. Il importe donc assurément pour l'Organisation d'encourager le Bureau à développer son service d'informations et de s'appliquer à mettre à la disposition de tous une connaissance plus étendue des faits, qui seule peut servir de base à une véritable politique sociale internationale et nationale.

«Les résolutions adoptées à la Conférence de Santiago mettent en relief des questions d'une importance capitale pour la prospérité de l'industrie; ce sont, par exemple, les niveaux de vie et les salaires, les relations entre patrons et ouvriers, l'organisation des patrons et des ouvriers et l'établissement de statistiques sociales et industrielles au sujet desquelles il est désirable de posséder des données recueillies suivant des méthodes uniformes. Le principal enseignement de la Conférence de Santiago est que l'on ne peut comprendre les problèmes industriels mondiaux sans une connaissance plus approfondie des faits. L'Organisation internationale du Travail ne devrait donc pas hésiter à prendre les mesures nécessaires pour développer la représentation du Bureau dans les pays lointains et pour confier ces postes aux fonctionnaires les plus capables.

«En conclusion, je tiens à dire combien j'ai apprécié la complète liberté dont nous avons joui pour procéder à toutes les recherches que nous désirions, ce qui
American countries, within the framework of the Organisation, might jointly examine their social problems and seek solutions in a spirit of co-operation.

It is significant that in spite of the great conflict of view on some subjects there was throughout the Conference an atmosphere of reason and harmony. One could not but be impressed by the very great effect the International Labour Organisation has had on the social and industrial policies of the South American countries. In the increasing industrial development that is taking place the legislation passed or projected set standards which are of the greatest importance in regard to the protection of social and working conditions. It is apparent, however, in South America, as it is elsewhere, that State legislation, however good, is not of itself sufficient. The employers and workers themselves would doubtless develop through their own organisation, institutions which will co-operate with Governments in supplementing State action, especially in the field of the settlement of wages and the preservation of the freedom of the individual. We who come from countries in which industry and industrial organisations have been long established are apt to forget the long period which has been necessary to produce our present balance between voluntary self-government and State compulsory action, and therefore to underrate the great problems which have to be faced in countries which have no such long industrial history.

We may hope that the Santiago Conference has done something to stimulate attention to the desirability of constitutional voluntary organisation as a necessary factor for the peaceful adjustment of industrial and social conditions. Both the proceedings of the Conference and the experience gained in travelling through these countries indicated the need for a greater recognition of the different circumstances—historic, racial, climatic, etc.—in the various countries of the world. The American countries provided new evidence of the value they attached to co-operation with the other countries of the world through the International Labour Organisation, and we owe it to them and to other countries to allow their special problems to occupy no less a place in our discussions than those of European countries. I believe that it would serve a useful purpose if there could be regional discussions during our annual Conferences which would enable other countries to realise more clearly the point of view and the special circumstances of countries overseas. Our visit to South America taught us, I think, that we had known before very little of those countries, and that much that we have discussed has not applied to their circumstances. For example, as will be seen from the resolution proposed by Señor Unsain, the need of more population to develop the great national resources of these countries is of greater significance than unemployment—a subject which has been discussed at Geneva mainly in the light of the circumstances in more highly developed countries. It is obviously highly desirable that the Office should be encouraged to develop its information service and that the Organisation should concentrate on increasing the generally available body of facts upon which sound international and national policies can be based. Resolutions passed at Santiago indicate subjects of vital importance to the welfare of industry such as standards of living and wages, the relations between, and organisation of, employers and workpeople, and the collection of social and industrial statistics upon which uniformly collected information is desirable. The outstanding lesson of the Santiago Conference is that there can be no proper understanding of world industrial problems without greater knowledge. The Organisation should have no hesitation in making the provision desired for further representation of the Office in distant countries and appointing to those posts the most efficient officers.

Finally, I should like to express my own appreciation of the complete liberty given to us to make any investigation we pleased. That was in keeping with the general atmosphere of friendliness which surrounded the Conference. There is no country in the world in which there is not much to be done for the betterment of its people, and the spirit of the Organisation is not so much to criticise others as to endeavour mutually to find means by which conditions may be improved everywhere. It is
concorde avec l'atmosphère de cordialité qui régnait à la Conférence. Il n'y a aucun pays au monde dans lequel il n'y ait beaucoup à faire pour améliorer les conditions de vie de la population ; l'esprit de l'Organisation internationale du Travail doit consister non pas tant à critiquer les autres qu'à faire des efforts réciproques pour trouver les moyens d'améliorer partout les conditions de vie. Toutefois, il faut bien reconnaître que dans chaque pays les conditions de vie ne dépendent pas seulement de ses propres ressources, mais également des conditions existant dans les autres pays.

"En Amérique du Sud, nous avons eu sous les yeux un aspect du grand problème mondial se posant pour les pays qui passent du stade économique de la production de produits de première nécessité, au stade du développement intensif de l'industrie. Nous avons pu apprécier la gravité des problèmes qu'ont à résoudre des Gouvernements qui dépendent de la production de produits de première nécessité et les heureux résultats qu'ils ont obtenus dans des conditions très difficiles ; surtout nous avons eu un nouvel exemple du problème capital dans le domaine international en matière de questions de travail, à savoir, l'élévation du niveau de vie de millions de travailleurs alors que ce niveau est au plus bas.

"La convocation de la Conférence de Santiago et le caractère de ses travaux mettent en lumière la collaboration que l'Organisation internationale du Travail peut s'attendre à recevoir dans cette œuvre des pays d'Amérique."

La séance est levée à 13 heures.

W. A. RIDDELL.
necessary, however, to recognise that the conditions in any one country are in the end dependent not only on its own resources but also on the conditions in other countries. In South America we saw a part of the great world problem of countries passing from an economy of the production of primary products to the stimulation of rapid industrial development. We were able to realise the great problems of government which have had to be tackled as a result of the dependence on primary products, and the success which has been attained in difficult circumstances. Above all, we had new evidence of the greatest problem in the field of international labour questions, the problem of raising the standard of life of the millions of workers whose conditions are on the lowest level. The calling of the Santiago Conference and the character of its proceedings are evidence of the co-operation which the International Labour Organisation may rely upon from the American countries in this work."

The sitting closed at 1 p.m.

W. A. Riddell.
PROCÈS-VERBAL DE LA DEUXIÈME SÉANCE.

(Jeudi 23 avril 1936 — 15 heures 20.)


QUATRIÈME QUESTION A L'ORDRE DU JOUR.


M. Estrada Cajigal félicite le Bureau du rapport clair, développé et précis qu'il a présenté sur l'œuvre de la Conférence de Santiago. Ce document permet de se rendre compte du travail magnifique qui a été accompli à Santiago par le Directeur et son personnel.

Il tient également à féliciter le Gouvernement du Chili, par l'entremise de son représentant, pour l'initiative qu'il a prise en ce qui touche cette Conférence, et pour l'expérience extrêmement intéressante qu'il a permis à l'Organisation de faire. Il est persuadé que la Conférence de Santiago aboutira à un rapprochement plus étroit entre l'Organisation internationale du Travail et les pays d'Amérique et concourra ainsi à la réalisation de l'idéal de justice sociale.

Il signale tout particulièrement au Conseil les résolutions adoptées par la Conférence de Santiago sur l'initiative de délégués du Gouvernement mexicain et croit devoir analyser brièvement les suggestions présentées par le Bureau à leur égard.

La première de ces résolutions est relative à l'investissement des réserves des Instituts d'assurance. Il n'a pas besoin de développer les raisons pour lesquelles son Gouvernement attache une importance spéciale à ce problème car le rapport présenté par la délégation de son pays doit être publié dans la Revue Internationale du Travail. En outre, le Directeur a annoncé qu'il demanderait au Conseil d'administration de lui autoriser à consulter des experts en la matière, y compris des experts des pays d'Amérique. Le Gouvernement mexicain sera heureux de voter, le moment venu, en faveur de cette proposition.

Une deuxième résolution propose d'entreprendre une étude sur le coût de la vie, qui serait effectuée simultanément dans les différents pays d'Amérique. Le Directeur a dit que le Bureau était en état, dans une large mesure, de donner suite aux propositions qui ont été faites et que, du point de vue technique, il se mettrait en rapport avec les différents Gouvernements pour déterminer jusqu'à quel point il serait possible d'effectuer une étude de cet ordre. Il se rend parfaitement compte de la difficulté qu'il y a à entreprendre de telles enquêtes simultanément dans tous les pays d'Amérique, mais il espère que l'on fera néanmoins un effort pour y parvenir, car ces statistiques n'offrent de valeur que dans la mesure où elles sont élaborées suivant des méthodes uniformes et où elles permettent des comparaisons fructueuses.

Une autre résolution, présentée par le Gouvernement mexicain, a trait à une étude de la situation des travailleurs agricoles dans les pays d'Amérique. Le Directeur, semble-t-il, ne s'est pas cru en mesure de promettre de grandes réalisations dans ce domaine, mais il s'est néanmoins engagé à entreprendre ce travail et à en faire publier les résultats aussitôt que possible. Une étude de cette nature, malgré les difficultés qu'elle présente, est de la plus haute importance, car elle intéresse une partie considerable de la population en Amérique. Au Mexique, 70 % de la population active du pays est employée dans l'agriculture. En conséquence, il est convaincu que le Bureau, après un nouvel examen, sera en état de publier au moins un volume
MINUTES OF THE SECOND SITTING.

(Thursday, 23 April 1936—3.20 p.m.)

The Governing Body was composed as follows: Mr. Riddell, (Chairman), Mr. Anselmi, Mr. de Buen, Mr. Curcin, Mr. Erulkar, Mr. Estrada Cajigal, Mr. Forslund, Mr. Jouhaux, Mr. Jurkiewicz, Mr. Kirkaldy, Mr. Koteck, Mr. Kupers, Mr. Li Ping-Heng, Mr. Mannoio, Mr. Markus, Mr. Mertens, Mr. Muniz, Mr. Námeček, Mr. Norman, Mr. Oersted, Mr. Olivetti, Mr. Pardo, Mr. Picquenard, Mr. Rice, Mr. Schürch, Mr. Serrarens, Mr. Takeuchi, Mr. Tzaut, Mr. Volkmann, Mr. Watt, Mr. Yoshisaka, Mr. Zaman.

FOURTH ITEM ON THE AGENDA.

Report on the work of the Labour Conference of the American States which are Members of the Organisation (continued).

Mr. Estrada Cajigal congratulated the Office on the clear, full and accurate report which it had submitted on the work of the Santiago Conference. The report made him realise what excellent work had been done at Santiago by the Director and his staff.

He also congratulated the Government of Chile, through its representative, for its action in initiating the Conference and for the extremely valuable experiment which it had enabled the Organisation to undertake. He was convinced that the Santiago Conference would result in the establishment of closer relations between the International Labour Organisation and the countries of America, and would thus contribute to the realisation of the ideal of social justice.

He would refer in particular to those resolutions adopted by the Santiago Conference on the proposal of the delegates of the Mexican Government, and would briefly analyse the suggestions submitted by the Office.

The first of these resolutions was that relating to the investment of the reserves of insurance institutions. He need not explain why his Government attached special importance to this point, as the report which the delegation of his country had submitted was to be published in the International Labour Review. The Director had also said that he intended to ask the Governing Body to authorise him to consult experts on this question, including experts from American countries. The Mexican Government would be glad to vote in favour of that proposal when it was submitted.

He would also refer to the resolution proposing a study of the cost of living to be carried out simultaneously in the different countries of America. The Director had said that the Office could, to a large extent, carry out the proposals which had been made, and that as regards the technical aspect he would get in touch with the various Governments with a view to ascertaining how far such a study could be carried out. He fully realised the difficulty of undertaking such enquiries simultaneously in all the countries of America, but he hoped that an attempt would nevertheless be made to do so, for statistics of this kind were not of value unless they were compiled on uniform lines and allowed of useful comparisons.

Another resolution submitted by the Mexican Government referred to a study of the situation of agricultural workers in the countries of America. The Director did not apparently feel able to promise to do much in this direction, but he nevertheless undertook to carry out the work and to have the results published as soon as possible. A study of this kind, in spite of its difficulty, was extremely important as it was of concern to a large section of the population in America. In Mexico 70 per cent. of the working population of the country was employed in agriculture. He therefore hoped that the Office would, after further consideration, find itself able to publish at any rate a volume on conditions of agricultural labour in Mexico on the
sur les conditions du travail agricole au Mexique, sur la base des différents points de la résolution adoptée par la Conférence de Santiago. Les conséquences heureuses d’une telle étude pour les travailleurs agricoles d’Amérique doivent inciter à l’entreprendre malgré toutes les difficultés envisagées.

La quatrième résolution vise une étude sur les statistiques agricoles dans les pays d’Amérique. Le Bureau propose que toutes les questions relatives à cette résolution soient renvoyées à la Commission du travail agricole. Il appuie pleinement cette suggestion à titre de mesure préliminaire, à condition qu’elle soit mise en application aussitôt que possible et que le Bureau ne s’en tienne pas à de bonnes intentions.

Il croit devoir également mentionner la résolution présentée par le délégué gouvernemental du Pérou et demandant que l’on entreprenne une enquête sur les conditions du travail et de vie des populations indigènes. Cette proposition présente un intérêt particulier pour le Mexique, qui a la population indigène la plus considérable, tant absolue que relative, parmi tous les pays de l’Amérique. Le Mexique fait tous les efforts possibles pour favoriser le bien-être de la population indienne et souhaite que cette population soit fière de sa race. Les grandes aptitudes des Indiens sont reconnues par le Mexique, qui fait tout le possible pour améliorer leur sort.

A cet égard, il rappelle que le Gouvernement mexicain a créé un ministère autonome des affaires indigènes qui est placé sur le même plan que les autres ministères et qui est chargé d’étudier la situation de l’Indien sous tous ses aspects et de coordonner les efforts en vue de l’amélioration sociale, économique et culturelle de la population indigène. C’est le Gouvernement mexicain qui a présenté à la septième Conférence pan-américaine de Montevideo un projet de convocation d’un congrès international qui aborderait l’étude de toutes les questions se rapportant aux populations indigènes. En outre, c’est au Mexique que s’est tenu, en septembre 1935, le septième congrès scientifique pan-américain, lequel a étudié les problèmes concernant les Indiens et a examiné un certain nombre de résolutions importantes sur cette question. Pour ces raisons, le Gouvernement mexicain appuie chaleureusement la proposition du Gouvernement péruvien.

A la suite de diverses observations, qui ont été faites au cours de la discussion, il convient de relever que le fait qu’un Gouvernement n’a pas ratifié toutes les conventions internationales du travail ou un certain nombre d’entre elles, ne doit pas nécessairement être interprété comme un manque d’intérêt pour l’Organisation, pas plus que comme une preuve – ou plutôt de ce que sa législation sociale serait arriérée sur ce point. Il y a des cas où la ratification d’une convention n’ajoute rien à la législation existante ; comme exemple de ce fait, il citera la convention sur le repos hebdomadaire que le Gouvernement mexicain n’a pas ratifiée parce que ce principe existe dans la législation mexicaine depuis de nombreuses années et parce que, en vertu d’une loi récemment promulguée, ce jour de repos doit être payé intégralement comme n’importe quel autre jour de travail.

M. Kupers déclare que le succès de la Conférence de Santiago a dépassé ses espérances et que les résolutions qu’elle a adoptées sont de première importance. Malheureusement, tous les pays représentés à la Conférence de Santiago n’ont pas été en mesure d’envoyer des délégations complètes. Néanmoins, il a pu constater que tous les délégués à la Conférence appartenant aux trois groupes avaient exprimé un vif intérêt pour l’œuvre de l’Organisation et s’étaient déclarés heureux de la convocation d’une conférence régionale. Il est convaincu que cette Conférence permettra de rendre plus étroits les rapports de l’Organisation et des pays de l’Amérique du Sud.

Il a été surpris d’entendre M. Oersted proposer que l’examen de certaines des résolutions adoptées par la Conférence de Santiago soit ajourné jusqu’au moment où l’on aura pu vérifier si elles sont ou non conformes aux conventions internationales du travail portant sur les mêmes sujets. M. Oersted lui-même a assisté à la Conférence de Santiago et y a pris une part active. Il lui aurait donc été possible, à cette époque, d’attirer l’attention sur les divergences qu’il aurait cru pouvoir relever. De même, il aurait pu soulever cette question à la 74ème session du Conseil, lorsque ces résolutions ont été communiquées, pour la première fois, au Conseil. Dans son opinion, un ajournement de la discussion créerait une impression regrettable dans l’Amérique du Sud. Les pays de l’Amérique du Sud pourraient, en effet, s’étonner de voir le Conseil
lines of the resolutions adopted at the Santiago Conference. The value of such a study to the agricultural workers of America would be so great that it should be undertaken, whatever difficulties might be involved.

The fourth resolution related to a study of agricultural statistics in the countries of America. The Office suggested that all questions relating to this resolution should be referred to the Committee on Agricultural Work. He fully supported this suggestion as a preliminary measure, provided that it was carried out as soon as possible and that the Office would not content itself with good intentions.

He would also refer to the resolution submitted by the Government delegate of Peru, suggesting an enquiry into the conditions of life and labour of native populations. This proposal was of special interest to Mexico, which had the largest native population, both absolute and relative, of any country in America. Mexico made every effort to promote the well-being of its Indian population, and wished that population to be proud of its race. The great capacities of the Indians were recognised, and everything was done to improve their position.

He might point out in this connection that the Mexican Government had established an independent Ministry of Native Affairs, equal in rank to the other ministries, which had to study the position of Indians from all points of view and co-ordinate the work of improving their social, economic and cultural position. It was the Mexican Government which had, at the Seventh Pan-American Conference at Montevideo, proposed an international congress to study all questions relating to native populations. In addition, the Seventh Pan-American Scientific Congress, at which problems relating to Indians had been studied and which had considered a number of important resolutions on the subject, was held in Mexico in September 1935. The Mexican Government therefore warmly supported the Peruvian Government's proposal.

In reply to various remarks which had been made during the discussion, he would point out that the fact that a Government had not ratified all the international labour Conventions, or certain of them, should not necessarily be interpreted as representing a lack of interest in the Organisation, or as a proof that its social legislation was backward on those points. There were cases in which the ratification of a Convention added nothing to existing legislation; he might mention by way of example the Weekly Rest Convention, which the Mexican Government had not ratified because this principle had been embodied in Mexican legislation for many years and because, under a recently promulgated Act, full wages had to be paid for the day of rest just as for a working day.

Mr. Kupers said that the success of the Santiago Conference had exceeded his expectations, and the conclusions which it had reached were of great importance.

Not all of the countries represented at the Santiago Conference had been able, unfortunately, to send complete delegations. He had, however, noted that all the delegates to the Conference in all three groups had expressed great interest in the work of the Organisation and had expressed their satisfaction at the holding of a Regional Conference. He was convinced that the Conference would bring about closer contact between the Organisation and the countries of South America.

He had been surprised at Mr. Oersted's suggestion that the discussion of some of the resolutions adopted by the Santiago Conference should be adjourned until it had been ascertained whether or not they conflicted with the international labour Conventions dealing with the same subjects. Mr. Oersted himself had attended the Santiago Conference and played an active part in it, and he could have drawn attention at that time to any divergencies which he believed to exist. Again, he might have raised the question at the Seventy-fourth Session of the Governing Body, when the resolutions had first been communicated to the Governing Body. A postponement of the discussion would, he believed, create an unfortunate impression in South America. The South American countries might be somewhat surprised if the Governing Body
prendre une année entière pour étudier ces résolutions. Même, d’ailleurs, si certaines des résolutions diffèrent sur des points de détail des conventions internationales du travail, le Directeur sera en mesure d’attirer l’attention sur ce fait lorsqu’il communiquera les résolutions aux Gouvernements.

Il tient à dire brièvement quelques mots sur les plus importantes des résolutions adoptées par la Conférence de Santiago.


Il appuie la proposition tendant à convoquer, à l’avenir, de nouvelles conférences régionales. Toutefois, il ne lui parait pas suffisant de déclarer que ces conférences pourront se réunir lorsque le désir en sera exprimé. Il serait préférable de décider qu’elles se tiendront à intervalles réguliers, de trois ou cinq ans par exemple.

En dépit du caractère universel de l’Organisation, il existe certaines questions qui doivent être abordées dans le cadre régional. C’est, en particulier, le cas pour la question du travail indigène et celle du travail agricole dans les pays de l’Amérique du Sud. Il est probable que des questions de caractère régional se posent également en matière de travail indigène en Extrême-Orient et il espère, en conséquence, qu’il sera possible de convoquer prochainement une conférence régionale en Extrème-Orient.

Une autre résolution importante a trait à la création d’organisations centrales patronales et ouvrières. Certains pays n’ont pas été en mesure d’envoyer des délégations complètes à la Conférence de Santiago parce qu’il n’existait pas chez eux d’organisations centrales patronales et ouvrières. En raison de cet état de choses, il ne croit pas qu’il suffirait de communiquer aux Gouvernements la résolution de la Conférence de Santiago faisant appel aux Gouvernements pour qu’ils évitent de rien faire qui puisse entraver la création de telles organisations. Il faudrait que le Conseil accompagne cette résolution d’une recommandation émanant de lui-même et demandant aux Gouvernements de s’y conformer.

Enfin, il tient à mentionner la résolution concernant le « truck system ». C’est là une question qui a cessé d’avoir beaucoup d’importance en Europe, mais qui se pose avec acuité dans certains pays d’Amérique. Le Bureau étudie cette question depuis assez longtemps déjà; comme il s’agit d’un problème qui n’est pas très compliqué, il espère qu’il sera bientôt possible de le soumettre à la Conférence.

Il rappelle qu’à la dernière session du Conseil, il a eu l’occasion d’adresser certaines observations au Gouvernement du Chili à propos de l’arrestation de M. Solis. C’est avec une vive satisfaction qu’il a appris dernièrement la libération de M. Solis. Il tient à remercier le Gouvernement du Chili de l’invitation qu’il avait adressée au Bureau de tenir une Conférence à Santiago, et il espère que son exemple sera suivi par d’autres Gouvernements.
took a whole year to study the resolutions. Even if certain of the resolutions differed on some points of detail from the international labour Conventions, the Director could draw attention to the matter when he communicated the resolutions to the Governments.

He would deal briefly with some of the most important of the resolutions of the Santiago Conference.

In the first place, there was the resolution concerning immigration. He had been particularly glad that this resolution had been moved by the Argentine Government and supported by the Government of Brazil. This question was of great importance to the over-populated countries of Europe. He supported the Director's proposal to send a mission to study immigration questions in South America. It would not, however, be sufficient merely to draw up a report on the question; practical action was necessary. The most urgent measure seemed to be to set up a central body in connection with the Office to deal with migration questions, to which the national organisations concerned could apply for information, and a central body in South America which would ensure that immigrants were not exploited. He hoped that the Director would try to get practical measures adopted on this question.

Another resolution in which he was specially interested was that relating to the relations between the Office and the countries of America. He fully agreed with the Director's proposals in this connection concerning the creation of new branch offices, the appointment of correspondents and the appointment of a larger number of officials coming from South American countries. He noted, however, that the Director intended to submit proposals concerning the creation of branch offices and the appointment of correspondents at a later stage. Measures of this kind would, however, be of great value in making the work of the Organisation better known in the countries of America. Many employers' and workers' organisations in South American countries were insufficiently acquainted with that work. The necessary measures for creating closer contact should therefore be taken rapidly.

He agreed with the proposal that further regional conferences should be held in the future. He did not think it sufficient, however, to state that such conferences should be held when a desire for them was expressed. It would be better to decide that they should be held at definite intervals, of three or five years, for example.

In spite of the universal character of the Organisation, there were some questions which must be dealt with on regional lines. This applied to the questions of Native labour and of agricultural work in relation to South American countries. It was probable that regional questions also arose in connection with Native labour in the Far East, and he therefore hoped that it would be possible in the near future to hold a regional conference in the Far East.

Another important resolution was that relating to the creation of employers' and workers' federations. Some countries had been unable to send complete delegations to the Santiago Conference because no central employers' and workers' organisations existed in those countries. In view of this situation he did not think that it would be sufficient to communicate to Governments the resolution of the Santiago Conference appealing to them not to do anything to hamper the creation of such bodies. The Governing Body should accompany the resolution by a recommendation of its own asking Governments to act in accordance with it.

He would finally refer to the resolution concerning the truck system. This was a question which had ceased to be of much importance to European countries, but which was still acute in certain countries of America. The Office had been studying this question for some time and as it was not a very complicated one he hoped that it would be soon possible to submit it to the International Labour Conference.

In conclusion he would point out that at the last session of the Governing Body he had addressed certain observations to the Government of Chile in connection with the arrest of Mr. Solis. He had had much satisfaction in hearing recently that Mr. Solis had been released. He thanked the Government of Chile for its invitation to the Office to hold the Santiago Conference, and he hoped that its example would be followed by other Governments.
M. Pardo s'associe chaleureusement aux remerciements qui ont été adressés par les orateurs précédents au Gouvernement du Chili et à M. Garcia Oldini. Il tient également à féliciter le Directeur et le personnel du Bureau de la magnifique énergie avec laquelle ils ont mené à bonne fin les travaux de la Conférence, malgré toutes les difficultés rencontrées. Le rapport extrêmement intéressant soumis par le Bureau montre l'importance des questions qui ont été examinées par la Conférence de Santiago. Il mentionnera notamment la résolution concernant l'immigration, adoptée sur la proposition de la délégation de l'Argentine. Il n'est pas nécessaire qu'il insiste sur l'importance que son Gouvernement attache à ce problème. Il appuie les propositions contenues dans la note du Bureau en ce qui touche cette résolution et espère qu'il sera possible au Bureau d'envoyer une mission importante en Amérique du Sud, dans le cours de l'année, pour y faire les études envisagées. Le problème de l'immigration présente une immense importance à la fois pour les pays d'Europe et pour les pays d'Amérique, et en l'étudiant de façon approfondie on facilitera la solution de certains problèmes connexes. Par conséquent, il espère que le Conseil approuvera la suggestion du Bureau tendant à l'envoi d'une mission dans un avenir très rapproché.

Une autre résolution, présentée par la délégation gouvernementale de la République argentine, porte sur le "truck system". Les membres du Conseil se souviendront que M. Ruiz Guinazú, premier délégué de la République argentine, était l'auteur de la résolution sur ce point, adoptée lors de la dernière session de la Conférence internationale du Travail. Il appuie la suggestion du Bureau tendant à achever l'étude du "truck system" en tenant particulièrement compte de la situation existant sur le continent américain.

M. Muniz veut d'abord féliciter l'Organisation internationale du Travail de l'initiative féconde et prévoyante qu'elle a prise en décidant d'aborder l'étude des problèmes régionaux américains. Cette initiative a pu être réalisée grâce à la générosité du Gouvernement chilien.

L'œuvre de l'Organisation internationale du Travail ne peut devenir réellement universelle que si elle comporte l'étude des conditions particulières à chaque pays. C'est un axiome en philosophie que l'universel abstrait n'aboutit à l'universel concret qu'en passant par le particulier. A défaut de ce stade intermédiaire, l'universel demeure dans le domaine de l'abstraction.

Il appuie chaleureusement la résolution de la Conférence de Santiago concernant l'étude de l'immigration européenne dans le continent américain. C'est là un problème d'importance capitale pour le monde entier. Une des causes des difficultés par lesquelles passe le monde à l'heure présente est le surpeuplement de l'Europe. L'étude de l'immigration contribuera à écarter cette cause de malaise et à améliorer le sort de l'humanité en général. L'Organisation internationale du Travail est placée dans une situation exceptionnellement favorable pour étudier ce problème, grâce à la vaste documentation qu'elle a déjà réunie.

Il tient également à appuyer les observations de M. Pardo concernant le "truck system", question soulevée par le délégué de la République argentine lors de la dernière conférence. Il insiste pour que le Bureau fasse tout son possible en vue de réaliser une étude complète de ce sujet.

Après le succès remporté par la Conférence de Santiago, nul ne pourra douter de l'intérêt qu'il y aurait pour l'Organisation internationale du Travail à poursuivre cette étude régionale des grands problèmes sociaux. Aussi exprime-t-il l'espoir que des conférences de même ordre seront convoquées à l'avenir.

M. Curci déclare que tous ceux qui ont participé à la Conférence de Santiago ont été vivement frappés des beautés naturelles de l'Amérique du Sud, de ses richesses et de la courtoisie de ses habitants.

Le groupe patronal aura l'occasion à la prochaine session de la Conférence d'examiner, quant au fond, les problèmes qui ont été discutés à Santiago. Pour le moment, il se bornera à exprimer sa gratitude envers le Gouvernement du Chili, et envers les représentants des autres pays de l'Amérique du Sud. Il tient également à dire combien il a apprécié l'activité du personnel du Bureau.

M. Jouhaux exprime la satisfaction que lui cause la nouvelle de la libération de M. Solis.
Mr. Pardo associated himself cordially with the thanks which previous speakers had conveyed to the Government of Chile and Mr. Garcia Oldini. He also warmly congratulated the Director and the staff of the Office for the admirable way in which they had carried out the work in spite of all difficulties. The extremely interesting report submitted by the Office illustrated the importance of the subjects dealt with at the Santiago Conference. He would refer in particular to the resolution concerning immigration which had been adopted on the proposal of the Argentine delegation. He need not emphasise the importance which his Government attached to this problem. He supported the suggestions made in the note of the Office with regard to this resolution, and hoped that it would be possible for the Office to send an important mission to South America in the present year to carry out the proposed studies. The problem of migration was of immense importance both to European and American countries, and a careful study of it would facilitate the solution of certain related problems. He therefore hoped that the Governing Body would approve the suggestion of the Office for the sending of a mission in the very near future.

Another resolution which had been submitted by the Government delegation of Argentina was that relating to the truck system. It would be remembered that Mr. Ruiz Guñazú, first Argentine delegate, had moved a resolution on this question which had been adopted at the last session of the International Labour Conference. He supported the suggestion of the Office that the study of the truck system should be completed with particular reference to the position existing on the American Continent.

Mr. Muniz congratulated the International Labour Organisation on its wise and far-sighted action in undertaking a study of American problems on regional lines. That action had been rendered possible by the generosity of the Chilean Government.

The work of the International Labour Organisation could only become universal if it included a study of particular conditions in different countries. This was in accordance with the philosophical principle that the abstract universal could not become the concrete universal unless it first passed through the particular. Without that intermediate stage the universal remained a mere abstraction.

He strongly supported the resolution of the Santiago Conference concerning the study of European immigration into America. This was a matter of great importance to the whole world. One of the causes of the difficulties through which the world was passing was the over-population of Europe. The study of immigration would help to remove this source of disturbance and improve the conditions of mankind in general. The International Labour Organisation was in an exceptionally favourable position to study this problem owing to the large amount of information which it had collected.

He also expressed agreement with what Mr. Pardo had said concerning the truck system. This question had been raised by the Argentine delegate at the last session of the Conference. He hoped that the Office would do everything possible to make a complete study of the subject.

After the success of the Santiago Conference, no one could doubt that the regional study of the great social problems by the International Labour Organisation should be continued. He therefore hoped that similar conferences would be held in the future.

Mr. Čurčin said that all those who had attended the Santiago Conference had been greatly struck by the natural beauty and resources of South America and the courtesy of its inhabitants.

The employers' group would have an opportunity at the coming session of the Conference to discuss the substance of the problems which had been considered at Santiago. For the present, he would confine himself to expressing his gratitude towards the Government of Chile and the representatives of other South American countries, and to expressing his appreciation of the work of the staff of the Office.

Mr. Jouhaux expressed his satisfaction at the release of Mr. Solis.
Il ne partage pas les craintes exprimées par M. Oersted concernant les propositions faites en vue de la constitution d’organismes régionaux destinés non seulement à examiner les conditions générales de la paix, mais également les conditions générales de la législation sociale et du développement du progrès social. Dans son opinion, la législation sociale constitue un domaine indivisible et il ne pense pas que l’on risque de voir établir des systèmes de législation sociale profondément divergents.

Il ne peut se rallier à la proposition de M. Oersted tendant à établir une distinction entre les résolutions de la Conférence de Santiago qui se rapportent aux assurances sociales et aux conditions de travail des femmes et des enfants et celles qui visent des objets divers. M. Oersted a exprimé l’opinion que le Conseil pourrait procéder immédiatement à l’examen de ces dernières résolutions, mais qu’il devrait ajourner la discussion des premières parce que celles-ci lui paraissent aller plus loin sur certains points que les conventions internationales du travail portant sur les mêmes sujets. Dans son opinion, les résolutions en question ne sont pas en opposition avec les conventions existantes. En outre, l’objet de la convocation de conférences régionales n’est pas seulement d’établir des rapports plus étroits entre l’Organisation internationale du Travail et différents groupes de pays, mais encore de permettre une discussion aboutissant à une meilleure adaptation de la législation internationale du travail aux conditions différentes qui peuvent régner dans ces groupes de pays.

Il serait donc illogique maintenant de faire grief à la Conférence de Santiago d’avoir adopté certaines résolutions dont le texte ne serait pas strictement identique à celui des conventions existantes.

Le Conseil risquerait de créer une impression regrettable parmi les Gouvernements du continent américain s’il ajournait l’examen des résolutions de la Conférence de Santiago. En outre, cet ajournement retarderait l’application des conventions dans ces pays. La Conférence de Santiago a d’ailleurs inséré dans sa résolution sur les assurances sociales un paragraphe aux termes duquel cette résolution est adoptée « sans rien préjuger des engagements résultant des conventions ratifiées par ces États ». Les garanties nécessaires sont donc ainsi fournies et le Conseil ne doit pas hésiter à autoriser le Directeur à communiquer les résolutions aux Gouvernements des pays d’Amérique.

En ce qui concerne les autres résolutions, tout ce que le Conseil peut faire à l’heure présente, c’est de charger le Bureau international du Travail de faire les études nécessaires et de transmettre les résolutions aux différents organes compétents pour les questions qui en font l’objet.

Puisqu’il semble y avoir un accord général pour reconnaître le succès de l’expérience qu’a été la Conférence de Santiago, il importe que le Conseil ne fasse rien qui risque de retarder le progrès qui peut en résulter, mais, au contraire, qu’il fasse le nécessaire pour l’accélérer. C’est pourquoi le Conseil devrait autoriser immédiatement le Directeur à transmettre certaines des résolutions aux Gouvernements des États d’Amérique et à entreprendre l’étude des questions mentionnées dans les autres résolutions, en les renvoyant aux différentes commissions compétentes.

M. Picquenard tient à s’associer aux éloges décernés aux organisateurs de la Conférence de Santiago, aux Gouvernements qui ont permis de la réunir et qui ont participé à ses travaux, ainsi qu’aux membres du Conseil d’administration et aux fonctionnaires du Bureau qui ont apporté leur concours à la Conférence.

Il a constaté avec satisfaction l’intérêt très grand porté par les différents États de l’Amérique aux travaux de la Conférence régionale et à l’œuvre de l’Organisation en général.

Les résolutions adoptées par la Conférence peuvent se diviser en deux catégories. Les unes formulent des principes que la Conférence a demandé au Bureau de porter à la connaissance de tous les États d’Amérique. La plupart de ces principes, sinon tous, ont été adoptés déjà par la Conférence internationale du Travail et il ne voit pas d’inconvénients à ce que le Bureau les communique, à titre d’information, aux États de l’Amérique.

Les autres résolutions visent des questions qui sont déjà à l’étude au Bureau international du Travail. Dans le cas de certaines d’entre elles, ces études sont déjà achevées, mais la Conférence n’a pas encore eu l’occasion de les examiner. Dans d’autres cas, les questions sont en cours d’étude. Il ne paraît en conséquence pas
He did not share the apprehensions which Mr. Oersted had expressed concerning the proposals which had been put forward for the establishment of regional bodies which would deal not only with the general conditions of peace but also with the general conditions of social legislation and the development of social progress. In his view, social legislation was indivisible, and he did not think there was any danger that widely divergent systems of social legislation would be created.

He was not in agreement with Mr. Oersted's suggestion that a distinction should be drawn between the resolutions of the Santiago Conference relating to social insurance and the conditions of work of women, children and young persons, and the resolutions dealing with other matters. Mr. Oersted had expressed the view that the Governing Body could discuss the latter resolutions at once, but that it should postpone the consideration of the former because they appeared in some respects to go further than the international labour Conventions dealing with the same subjects. His own view was that the resolutions in question were not in opposition to the existing Conventions. Moreover, the reason for holding regional conferences was not merely to establish closer relations between the International Labour Organisation and the different groups of countries, but also to allow of discussions which would enable international labour legislation to be better adapted to the different conditions prevailing in those groups of countries. It would therefore be unreasonable to complain that the Santiago Conference had adopted resolutions which were not strictly identical with the existing Conventions.

An unfortunate impression might be created among the Governments of the American continent if the Governing Body postponed discussion of the Santiago resolutions. In addition, such a postponement would retard the application of the Conventions in those countries. Moreover, the Santiago Conference had included a paragraph in its resolution on social insurance stating that the resolution was "without prejudice to the obligations resulting from Conventions ratified by such States." The necessary safeguards were thus provided, and the Governing Body need not hesitate to authorise the Director to communicate the resolutions to the Governments of the American countries.

As regards the other resolutions, all that the Governing Body could do at present was to instruct the International Labour Office to carry out the necessary studies and transmit the resolutions to the various bodies competent for the subjects with which they dealt.

Since everyone appeared to agree that the experiment of the Santiago Conference had been successful, the Governing Body should do nothing to retard the progress which might result from it but should rather accelerate it. The Governing Body should therefore at once authorise the Director to transmit certain of the resolutions to the Governments of the American States, and to begin to study the matters referred to in the other resolutions, referring them to the various Committees which they concerned.

Mr. Picquenard associated himself with the tributes which had been paid to the organisers of the Santiago Conference, the Governments which had made it possible and which had participated in it, as well as the members of the Governing Body and the officials of the Office who had worked in connection with it.

He had noted with satisfaction the great interest taken by the various States of America in the work of the regional Conference, and in the work of the Organisation in general.

The resolutions adopted by the Conference were of two kinds. Some of them formulated principles which the Conference requested the Office to bring to the notice of all the States of America. Most, if not all, of these principles had already been endorsed by the International Labour Conference, and he saw no reason why the Office should not communicate them for information to the countries of America.

The other resolutions dealt with questions which the International Labour Office was already studying. In the case of some of them the studies were already completed, but the Conference had not yet had an opportunity of dealing with them. In the case of others, the studies were still in progress, and the Governing Body could therefore
possible que le Conseil d'administration prenne des décisions au sujet des unes et des autres au stade actuel, en se plaçant au point de vue des États d'Amérique. Néanmoins, ces résolutions ont une très grande importance car elles apportent le point de vue particulier des États d'Amérique sur les problèmes qui y sont envisagés. Elles seront de la plus haute utilité pour le Bureau et devront être renvoyées aux différents services qu'elles concernent.

Il conviendrait que le Bureau, dans les propositions qu'il sera amené à faire à l'avenir au Conseil, tienne compte de ces résolutions et attire sur elles l'attention du Conseil. C'est pourquoi il propose au Conseil d'administration d'adopter le projet de résolution suivant :

« Le Conseil,

prend acte avec satisfaction du rapport sur les travaux de la Conférence du Travail des États d'Amérique qui s'est tenue à Santiago en janvier 1936 et qui témoigne de l'intérêt très vif que portent ces États à l'œuvre poursuivie par l'Organisation internationale du Travail;

charge le Directeur de donner suite immédiatement à celles de ces résolutions qui tendent simplement à en porter le texte à titre d'information à la connaissance des États intéressés;

en ce qui concerne les autres résolutions, invite le Directeur à les rappeler et à en tenir le plus grand compte dans les propositions qu'il sera amené à faire touchant les objets auxquels se rapportent ces résolutions ».

M. de Buen tient à féliciter le Gouvernement chilien et son représentant d'avoir pris l'initiative de la Conférence de Santiago qui a donné de si grands résultats. Il félicite également le Bureau international du Travail pour son œuvre d'organisation et pour son magnifique rapport. Il remercie les représentants des gouvernements des États d'Amérique pour toute l'activité qu'ils ont déployée.

En Espagne, on a été heureux de constater que la délégation du Conseil d'administration comprenait un représentant du Gouvernement espagnol. Ce représentant a fait tout ce qui était en son pouvoir pour contribuer au succès de la Conférence en ayant uniquement en vue le désir de renforcer l'autorité de l'Organisation internationale du travail, à l'œuvre de laquelle l'Espagne collabore de tout cœur depuis de nombreuses années.

C'est par ailleurs pour le Gouvernement espagnol un motif de grande satisfaction que soit écartée la possibilité, qui n'eût pas été sans danger pour l'Organisation internationale du Travail, de voir créer un autre organe traitant des mêmes problèmes. Il vaut beaucoup mieux perfectionner une institution existante dont le fonctionnement est très satisfaisant que de créer une autre organisation de même nature.

Deux leçons importantes se dégagent de la Conférence de Santiago. La première c'est que si l'Organisation désire conserver son caractère d'universalité, elle doit tendre à s'universaliser toujours davantage. A cet effet, elle doit chercher à réaliser une collaboration étroite et directe avec toutes les organisations et les institutions de caractère social, et elle doit s'efforcer d'acquérir une connaissance toujours plus complète des tendances sociales et des faits sociaux dans les différentes parties du monde.

La seconde leçon, c'est qu'il ne sera jamais possible de rendre absolument uniforme la législation sociale dans tous les pays. Aussi les conventions ne devraient-elles jamais comporter des dispositions exagérément détaillées. Il conviendra de tenir toujours compte des diversités régionales dans l'application des principes essentiels de la justice sociale.

Il émet le vœu que des conférences analogues à celle de Santiago soient organisées à l'avenir. En conclusion, il se rallie entièrement aux propositions de M. Jouhaux concernant les suites que le Conseil d'administration pourra donner aux résolutions de Santiago.

M. Oersted pense que le Conseil ne manquerait en rien d'égards envers les États de l'Amérique du Sud en ajournant l'examen de certaines questions afin de pouvoir les étudier d'une manière plus approfondie. Il croit au contraire que l'on ferait preuve d'une courtoisie encore plus grande en montrant ainsi toute l'importance que l'on
not take any decision on any of them at the present stage from the point of view of the States of America. The resolutions were nevertheless of great importance, as they represented the particular point of view of the American countries on the matters with which they dealt. They would be most useful to the Office, and should be brought to the notice of the various services which they concerned.

In making proposals to the Governing Body in the future, the Office should bear these resolutions in mind and should draw the attention of the Governing Body to them. He accordingly moved the following resolution:

"The Governing Body takes note with satisfaction of the report on the work of the Labour Conference of American States held at Santiago in 1936; that report shows the deep interest taken by those countries in the work of the International Labour Organisation;

Instructs the Director to give effect immediately to those of the resolutions which merely propose that their text should be communicated to the States concerned for information;

and, with regard to the other resolutions, requests the Director to draw attention to them and to take them into account to the greatest possible extent in any proposals which he may have to make in connection with the matters dealt with in the resolutions."

Mr. de Buen congratulated the Chilean Government and its representative on its action in initiating the Santiago Conference, which had produced such excellent results. He also congratulated the International Labour Office on its work in organising the Conference and on its admirable report. He thanked the representatives of the Governments of the American States for all the work which they had done.

Great satisfaction was felt in Spain at the fact that the delegation of the Governing Body had included a representative of the Spanish Government. This representative had done everything in his power to contribute to the success of the Conference, with the sole object of helping to strengthen the International Labour Organisation, in the work of which Spain had collaborated heartily for many years.

The Spanish Government was glad to note that the possibility of the erection of another body dealing with the same subjects as the International Labour Organisation—which might have constituted a certain danger to the Organisation—had now been eliminated. It was much better to perfect an existing institution which worked very well rather than to create a second institution of the same kind.

Two important lessons might be learned from the Santiago Conference. The first was that if the Organisation desired to preserve its universality, it must make itself more genuinely universal. For this purpose it should endeavour to establish close and direct collaboration with all bodies and organisations of a social character, and to acquaint itself with the different social tendencies and developments in different parts of the world.

The second lesson was that the standardisation of labour legislation in the different countries could never be realised absolutely. Conventions should therefore not contain excessively detailed provisions. Allowance should be made for regional variations in applying the essential principles of social justice.

He hoped that conferences similar to that held at Santiago would be organised in the future. In conclusion, he fully associated himself with Mr. Jouhaux's proposals regarding the manner in which the Governing Body should deal with the Santiago resolutions.

Mr. Oersted said that he did not think the Governing Body would be showing any lack of consideration towards the Governments of South America if it postponed the discussion of certain questions so that it could study them more closely. On the contrary, it seemed to him to be more courteous to show by this means how much
attache aux décisions de la Conférence de Santiago. Néanmoins, puisque la majorité du Conseil paraît défavorable à un ajournement, il ne s'opposera pas à la communication des résolutions de la Conférence de Santiago aux Gouvernements des pays d'Amérique, étant entendu que cela n'engagera nullement la responsabilité du Conseil. Aussi accepte-t-il la résolution de M. Picquenard, qui correspond d'ailleurs à l'opinion exprimée par M. Jouhaux.

Cependant, il est une résolution qui ne comporte pas simplement une communication aux différents Gouvernements. La Conférence de Santiago a demandé, en effet, au Conseil, d'examiner l'opportunité de reviser la convention sur le repos hebdomadaire.

Il avait eu l'impression que le Conseil d'administration avait l'intention de donner immédiatement suite aux propositions contenues dans certaines des résolutions de la Conférence de Santiago. Mais la proposition faite par M. Picquenard à M. Jouhaux tend simplement à communiquer aux Gouvernements des pays d'Amérique, à titre d'information, ces résolutions. Si le Directeur estime pouvoir accepter cette proposition, il est pour sa part disposé à faire de même.

Le Président donne la parole à M. Garcia Oldini, délégué permanent du Chili auprès du Bureau international du Travail.

M. Garcia Oldini, en sa qualité de représentant du Gouvernement du Chili qui a pris l'initiative de convoquer la Conférence de Santiago et qui porte une large part des responsabilités qui en découleront, est heureux d'avoir l'occasion de présenter quelques observations sur ce que l'on pourrait appeler les conséquences politiques de la Conférence de Santiago.

Lorsque, au nom de son Gouvernement, il a proposé la convocation de la Conférence, il n'était pas absolument optimiste à l'égard de ses résultats éventuels. On disait souvent que la Conférence de Santiago ne serait guère qu'une sorte de tournoi académique où l'on prononcerait nombre de discours éloquents, mais qui aboutirait à peu de résultats pratiques.

Or, le rapport soumis par le Bureau et la discussion qui s'est déroulée au sein du Conseil montrent que ces craintes étaient sans fondement. La Conférence de Santiago a produit des résultats précis, exprimés dans les résolutions qu'elle a adoptées. À l'avenir, chaque fois que l'on voudra réaliser un progrès, on devra nécessairement prendre en considération ce qui a été fait à Santiago, et non pas seulement le texte même des résolutions adoptées par la Conférence, mais tout ce que celle-ci représente en tant qu'orientation nouvelle pour la politique de l'Organisation.

Le représentant du Brésil a dit que l'universel doit passer par le particulier avant de devenir réellement universel. L'Organisation internationale du Travail est passée par ce stade de son développement, grâce à la Conférence de Santiago qui a permis de remédier à une lacune possible de son activité passée. Il se peut, en effet, que beaucoup de choses survenues jusqu'ici auraient pris un caractère différent si cette expérience avait été réalisée il y a longtemps.

Le monde traverse à l'heure actuelle une crise de démoralisation. La foi dans les institutions internationales universelles fléchit. Peut-être n'y a-t-il là qu'un phénomène temporaire, sans causes très profondes. Peut-être en l'analysant se convaincrait-on qu'il convient de persévérer dans la voie de l'universalité telle qu'on l'a pratiquée, puisqu'elle a déjà porté des fruits. Mais dans le fait social, il y a toujours, à côté du raisonnement, l'atmosphère émotionnelle. À cette atmosphère, on ne peut opposer des arguments de logique pure, mais seulement une autre atmosphère qui ne peut émaner que de réalisations pratiques. Peut-être la Conférence de Santiago sera-t-elle un point de départ pour la création d'une atmosphère nouvelle qui, l'universel y étant considéré en fonction du particulier, constituerait une synthèse dynamique des différents particuliers et pourrait permettre au sens de l'universalité de vivre et de prospérer.

Au cours de la discussion, divers points ont été signalés qui d'un certain point de vue pourraient sembler négatifs. C'est ainsi par exemple qu'il y a une sorte de contradiction entre certaines résolutions qui demandent l'adoption d'un niveau plus
importance was attached to the decisions of the Santiago Conference. Nevertheless, since the majority of the Governing Body appeared to be opposed to an adjournment, he would not oppose the communication of the resolutions of the Santiago Conference to the Governments of the American countries on the understanding that this did not in any way involve the responsibility of the Governing Body. He accordingly accepted Mr. Picquenard's resolution, which corresponded to the views expressed by Mr. Jouhaux.

There was, however, one resolution which implied more than a mere communication to Governments. The Santiago Conference had asked the Governing Body to consider the desirability of revising the Weekly Rest Convention.

He had been under the impression that the Governing Body was to take action at once on the proposals made in some of the resolutions. The proposal made by Mr. Picquenard and Mr. Jouhaux was, however, that the resolution should simply be communicated to the Governments of the American countries for information. If the Director felt able to accept that proposal, he would also accept it.

_The Chairman_ called upon Mr. Garcia Oldini, Permanent Delegate of Chile attached to the International Labour Office.

_Mr. Garcia Oldini_ said that as the representative of the Chilean Government, which had taken the initiative in summoning the Santiago Conference and therefore bore a large share of responsibility for it, he was glad to have an opportunity of making some observations on what might be called the political implications of the Santiago Conference.

When he had suggested the holding of the Conference on behalf of his Government, he had not been altogether optimistic as to the results. Many people had said that the Santiago Conference would be nothing more than an academic debating assembly where a number of eloquent speeches would be made, but which would have little practical result.

The report submitted by the Office and the debate which had taken place in the Governing Body showed that these fears were unfounded. The Santiago Conference had produced definite results, which were embodied in the resolutions which had been adopted. In all that was done in future, account was necessarily to be taken of what had happened at Santiago. This included not merely the actual resolutions of the Conference, but all that the Conference represented as giving new guidance of the future policy of the Organisation.

The Brazilian representative had said that the universal must pass through the particular in order to become really universal. The International Labour Organisation had accomplished that stage in its progress by means of the Santiago Conference, and had thus remedied something which had perhaps been lacking in its work. It was possible that many things might have happened differently if this stage had been accomplished long ago.

The world was at present passing through a period of demoralisation. Many were losing faith in universal international institutions. This might be a temporary phenomenon for which there was no very deep reason. Perhaps, if it were analysed, it would be found that the right course was to continue in the direction of universality on the same lines as hitherto, since this had produced results. But in the affairs of society, reason was not the only element; allowance must always be made for the emotional atmosphere. Such an atmosphere could not be counteracted by pure logic, but only by the creation of a different atmosphere, and that atmosphere could only emanate from practical action. Possibly the Santiago Conference might prove to be the means of creating a new atmosphere in which the universal would be seen as a function of the particular and would represent a dynamic synthesis of the various elements in the particular; and this would give the sense of the universal new life and strength.

Some points had been mentioned during the course of the discussion which, from one point of view, might appear to be negative. It had been said, for example, that there was a sort of contradiction between certain resolutions which demanded a
élevé que celui des conventions existantes et la situation de fait qui ne représente pas une réalisation intégrale du niveau déjà défini dans les conventions. Mais cet aspect négatif n'est pas sans avoir sa valeur propre. Les résolutions proposent parfois un niveau élevé parce qu'on a le sentiment que ce niveau est souhaitable et peut être atteint. En revanche, les standards déjà définis par les conventions ne sont pas toujours appliqués parce qu'ils ne sont pas adaptés aux conditions particulières existant dans un continent ou un pays déterminé. Cette contradiction apparente se retrouve partout dans la vie. Elle démontre la nécessité d'adapter les conventions aux besoins des pays dans lesquels elles doivent être appliquées, ce qui ne doit pas empêcher de maintenir les lignes générales sur le plan de l'universel. C'est peut-être là d'ailleurs le seul moyen de réaliser l'universel.

Le Gouvernement chilien, en prenant l'initiative de la Conférence de Santiago et le Directeur en travaillant à sa réalisation, ont tous deux eu une vision nette de l'avenir et le sens de la responsabilité historique. L'histoire montrera les conséquences de cette initiative sur les bases de laquelle s'édifiera l'avenir et un sentiment de gratitude se manifesterà peut-être à l'égard des pays d'Amérique qui ont su concevoir ce moyen efficace de favoriser le progrès social.

Le Président tient à exprimer toute la satisfaction que lui cause le débat de ton si élevé qui s'est déroulé au sujet de la Conférence de Santiago. Il a déjà eu l'occasion, à la 74ème session du Conseil, de rendre hommage au Gouvernement chilien et à ses représentants, aux membres de la délégation du Conseil d'administration et au personnel du Bureau international du Travail, ainsi qu'à tous ceux qui ont participé à la Conférence, pour la manière dont ils ont assuré le plein succès.

Il espère que le rapport si intéressant préparé par le Bureau sur la Conférence de Santiago sera largement diffusé. Ce document donne une idée des vastes travaux accomplis dans un laps de temps très bref par la Conférence de Santiago, qui a adopté une trentaine de résolutions concernant les aspects divers de la vie sociale en Amérique.

Parfois, la crainte avait été exprimée qu'une conférence régionale ne compromette l'universalité de l'Organisation. Dans son opinion, cette universalité s'en est au contraire trouvée renforcée.

Le Directeur tient à mentionner certains points concernant des résolutions déterminées, avant que le Conseil ne procède au vote de la résolution de M. Picquenard, parce que cette résolution porte sur l'ensemble des décisions de la Conférence de Santiago et qu'il n'aura en conséquence plus l'occasion d'y faire allusion.

Tout d'abord, il croit comprendre qu'en adoptant la résolution de M. Picquenard, le Conseil n'est pas appelé à reprendre toute l'œuvre déjà accomplie par la Conférence de Santiago. En d'autres termes, le Conseil n'a pas à approuver ou à examiner quant au fond les diverses résolutions en question. Toutefois, le Directeur tient à indiquer les mesures qui ont été ou qui sont prises à l'égard de certaines résolutions.

En ce qui concerne le problème des populations indigènes, un membre du personnel du Bureau a, immédiatement après la Conférence de Santiago, commencé une étude de cette importante question.
higher standard than the existing Conventions, and the actual position, which did not, perhaps, always represent a complete realisation of the standard already laid down. This negative aspect was, however, not without its value. The resolutions sometimes proposed a high standard because it was felt that a high standard was desirable and could be attained. On the other hand, the standards already laid down in the Conventions were not always applied because they were not adapted to the peculiar circumstances existing in a particular continent or country. This apparent contradiction was to be found in all departments of life. It clearly showed the need for adapting the Conventions to the requirements of the countries in which they were to be applied. This need not prevent their general lines from being maintained in the sphere of the universal. Perhaps, indeed, it was the only means by which the universal could be realised.

His Government, in proposing the Santiago Conference, and the Director, in working to bring it about, had both followed a definite vision of the future and had realised their historic responsibility. History would perhaps show the consequences of this initiative, on the basis of which the progress of the future would be built up, and gratitude would perhaps be felt towards the countries of America which had devised this efficacious means of promoting social progress.

The Chairman expressed his satisfaction at the high level of the debate on the Santiago Conference. He had already, at the Seventy-fourth Session of the Governing Body, paid a tribute to the Chilean Government and its representatives, the members of the Governing Body delegation and the staff of the International Labour Office, as well as to all those who took part in the Conference, for the way in which they had brought it to a successful conclusion.

He hoped that the admirable report prepared by the Office on the Santiago Conference would be widely circulated. It gave an idea of the large amount of work done in a very short time at the Santiago Conference, which had adopted some thirty resolutions touching the various phases of social life in American countries.

It had sometimes been feared that a regional conference might weaken the universality of the Organisation. In his opinion, however, it had strengthened that universality.

The Director said that there were certain points in connection with specific resolutions with which he would like to deal before a vote was taken on Mr. Picquenard's resolution, since that resolution covered all the decisions of the Santiago Conference and there would therefore be no further opportunity of referring to them.

In the first place, he understood that in adopting Mr. Picquenard's resolution, the Governing Body was not called upon to do over again the work which had already been done by the Santiago Conference. In other words, it was not called upon to approve or examine the substance of the various resolutions. He would, however, indicate what was being done or had been done with reference to some of the resolutions.

As regards the resolution concerning immigration, he could assure Mr. Pardo and Mr. Muniz that action would be taken in the current year. A mission to South America, headed by Mr. Maurette, would probably leave in July and would make a study of this important question.

With regard to the resolution relating to the cost of living, the Office had already made a number of studies as regards the cost of living in American countries and had published some of the results in the International Labour Review. Those studies would be pursued in the spirit of the resolution.

As regards the resolution concerning the study of agricultural work, advantage had been taken of the presence of various officials of the Office in South America to begin a study of that question. A good deal of material had already been collected, and would be completed as rapidly as possible. The Office hoped to publish the first part of a study on this question in the comparatively near future.

As regards the problem of native populations, a member of the staff of the Office had, immediately after the Santiago Conference, begun a study of that question in four of the South American countries. The Mexican Correspondent of the Office would also be instructed to obtain information as regards that country. Thus a beginning had already been made on this question.
Quant à la très importante résolution qui a trait aux relations entre les pays d'Amérique et le Bureau, beaucoup a déjà été fait. Le budget de 1937 que le Conseil va être appelé à discuter contient des prévisions destinées à donner suite à un certain nombre de points mentionnés dans cette résolution, tels que l'accroissement du personnel du Bureau et l'augmentation du nombre des correspondants dans les pays d'Amérique. D'autres propositions tendent également au développement des publications du Bureau en langues espagnole et portugaise. Le Bureau publie déjà d'ailleurs, chaque année, environ 2.500 pages en espagnol, mais il espère faire mieux encore à l'avenir.

Dans le rapport du Directeur se trouvent également des propositions tendant à donner suite à la résolution qui préconise l'augmentation du nombre des membres américains dans les diverses commissions techniques. Ces propositions concernent deux commissions, et d'autres propositions de même nature seront soumises au Conseil ultérieurement.

Il convient de signaler que, comme suite à la Conférence de Santiago, le Gouvernement du Vénézuéla a demandé au Bureau de lui envoyer un expert à titre de Conseiller, pour la révision de son Code du travail. Le Bureau a immédiatement donné suite à cette demande et a envoyé un de ses fonctionnaires au Vénézuéla.

En conclusion, il tient à souligner, comme divers orateurs l'on déjà fait remarquer, que la valeur réelle de la Conférence de Santiago est qu'elle a fait passer l'universel dans le particulier. En d'autres termes, elle a fourni l'occasion d'appliquer des principes généraux aux conditions particulières du continent américain. Il est convaincu que la conséquence en a été à la fois le renforcement de l'universalité de l'Organisation et le resserrement des liens qui l'unissent au continent américain.

M. Rice dépose un amendement au projet de résolution de M. Picquenard. Il propose de lire comme suit le début du troisième alinéa de cette résolution :

« En ce qui concerne les autres résolutions, invite le Directeur à les rappeler aux commissions compétentes... »

M. Picquenard accepte l'amendement de M. Rice.

Le Président met aux voix le projet de résolution suivant déposé par M. Picquenard avec l'amendement suggéré par M. Rice.

« Le Conseil
prend acte avec satisfaction du rapport sur les travaux de la Conférence du Travail des États d'Amérique qui s'est tenue à Santiago en janvier 1936 et qui témoigne de l'intérêt très vif que portent ces États à l'œuvre poursuivie par l'Organisation internationale du Travail; charge le Directeur de donner suite immédiatement à celles de ces résolutions qui tendent simplement à en porter le texte à titre d'information à la connaissance des États intéressés;
En ce qui concerne les autres résolutions invite le Directeur à les rappeler aux commissions compétentes et à en tenir le plus grand compte dans les propositions qu'il sera amené à faire touchant les objets auxquels se rapportent ces résolutions. »

Le Conseil d'administration adopte cette résolution, sans opposition.

M. Kupers regrette que le Directeur n'ait pas insisté davantage sur la question de l'émigration. Il estime qu'il ne suffit pas d'établir un rapport, il importe de créer le plus tôt possible un organe central qui s'en occupe au Bureau international du Travail et peut-être aussi un organe central en Amérique du Sud pour la réception des migrants.

Il tient également à attirer l'attention sur la proposition qu'il a déposée précédemment pour suggérer qu'en communiquant aux Gouvernements la résolution de la Conférence de Santiago demandant de ne pas entraver la constitution d'organisations centrales professionnelles, le Directeur accompagne cette communication
With regard to the important resolution concerning relations between the American countries and the Office, a good deal had already been done. The budget estimates for 1937, which the Governing Body would discuss shortly, made provision to meet a number of the points in that resolution, e.g. increasing the staff of the Office and increasing the number of correspondents in American countries. Proposals would also be made for increasing the publications of the Office in Spanish and Portuguese. The Office already published approximately 2,500 pages in Spanish every year, but it hoped to do still more in the future.

Proposals were also put forward in the Director's Report for giving effect to the part of the resolution which suggested that more American members should be appointed to the various technical Committees. Proposals were submitted in regard to two Committees, and other similar proposals would doubtless be laid before the Governing Body in the future.

The Governing Body should also be informed that as a result of the Santiago Conference, the Government of Venezuela had asked the Office to send an expert to give advice on the revision of its Labour Code. The Office had immediately responded to that request, and an official had already been sent to Venezuela.

In conclusion, he would emphasise that, as several speakers had pointed out, the real value of the Santiago Conference had been that it brought the universal down to the particular. In other words, it had provided an opportunity of applying general principles to the particular conditions of the American continent. He believed that this had both reinforced the universality of the Organisation and strengthened its connections with the American continent.

Mr. Rice moved an amendment to Mr. Picquenard's draft resolution. He suggested that the beginning of the third paragraph should read as follows:

"and, with regard to the other resolutions, requests the Director to bring them to the attention of the competent Committees. . . ."

Mr. Picquenard accepted Mr. Rice's amendment.

The Chairman said that he would take a vote on the following draft resolution submitted by Mr. Picquenard and amended by Mr. Rice:

"The Governing Body takes note with satisfaction of the report on the work of the Labour Conference of American States held at Santiago in 1936: that report shows the deep interest taken by those countries in the work of the International Labour Organisation;

Instructs the Director to give effect immediately to those of the resolutions which merely propose that their text should be communicated to the States concerned for information;

and, with regard to the other resolutions, requests the Director to bring them to the attention of the competent Committees and to take them into account to the greatest possible extent in any proposals which he may have to make in connection with the matters dealt with in the resolutions."

The Governing Body adopted this resolution without opposition.

Mr. Kupers said that he regretted that the Director had not laid more stress on the question of migration. In his view it was not sufficient to draw up a report; a central body should be set up as soon as possible in connection with the International Labour Office, and perhaps there should also be a central body in South America for the reception of immigrants.

He would also draw attention to his previous proposal that in communicating to Governments the resolution of the Santiago Conference suggesting that the creation of employers' and workers' federations should not be hampered, the Director should accompany it with a strong recommendation that it should be carried out. This
d'une lettre recommandant énergiquement sa mise en application. Cette question revêt une grande importance car c'est en raison des entraves existant dans certains pays que ces derniers n'ont pas été en mesure d'envoyer des délégations complètes à la Conférence de Santiago ou à la Conférence internationale du Travail.

Le Directeur répond à M. Kupers qu'il ne peut aller plus loin que ne le prévoient les termes de la résolution de M. Picquenard qui vient d'être adoptée. En ce qui concerne la question de l'immigration, la résolution de la Conférence de Santiago ne propose pas la création d'un organisme central. Toutefois, c'est là une question qui se posera peut-être plus tard comme suite à l'étude préliminaire.

Dans son opinion, le texte de la résolution de M. Picquenard donne satisfaction à la seconde proposition de M. Kupers. Si, en effet, la résolution concernant les fédérations patronales et ouvrières est communiquée aux Gouvernements, l'attention de ces derniers se trouvera ainsi attirée sur ce problème.

CINQUIÈME QUESTION A L'ORDRE DU JOUR.

Rapport de la Commission du travail agricole.

M. Picquenard, président de la Commission du travail agricole, présente le rapport de la Commission.

La première question soumise à la Commission était l'examen des rapports sur les questions qui ont fait l'objet de recommandations dans le cas de l'agriculture et de conventions dans le cas de l'industrie.

La Commission s'est déclarée d'accord pour recommander au Conseil d'administration de charger le Bureau :

1. De continuer ses études, plus particulièrement sur les aspects spécifiquement agricoles du problème de la protection, avant et après l'accouchement, des femmes employées dans l'agriculture ;

2. Une fois ses études complétées, de saisir le Conseil de la question de l'inscription à l'ordre du jour de la Conférence internationale du Travail de ce problème en vue de faire adopter les mesures efficaces sous forme d'un projet de convention.

En ce qui concerne le travail de nuit des femmes dans l'agriculture, la Commission a été unanime à estimer que, à l'heure actuelle, il n'y a pas lieu de saisir à nouveau la Conférence internationale du Travail de la question du travail de nuit des femmes dans l'agriculture, mais elle désire voir porter encore une fois cette question à son ordre du jour lorsque les résultats des études à continuer par le Bureau sur ce sujet et sur la durée du travail dans l'agriculture sembleraient rendre opportun un nouvel examen du problème.

En ce qui touche le travail de nuit des enfants et des jeunes gens dans l'agriculture, la Commission a estimé qu'à l'heure actuelle, il n'y avait pas lieu de saisir à nouveau la Conférence internationale du Travail de la question du travail de nuit des enfants et des jeunes gens dans l'agriculture, mais elle désire voir porter encore une fois la question à son ordre du jour lorsque les résultats des études à continuer par le Bureau sur ce sujet et sur la durée du travail dans l'agriculture sembleraient rendre opportun un nouvel examen du problème.

La Commission a ensuite examiné la position des travailleurs agricoles par rapport aux conventions approuvées par la Conférence. Elle a constaté que le Bureau était en train de préparer un rapport technique sur la durée du travail dans l'agriculture et sur le repos hebdomadaire; qu'en outre, le Bureau avait été chargé de préparer un rapport sur les congés payés dans l'agriculture; que la question du chômage agricole figurait comme point spécial à l'ordre du jour de la session de la Commission et que la note fournie par le Bureau proposait en premier lieu une étude approfondie de la question. La Commission a pris note du fait que le Conseil d'administration déciderait à sa 74ème session sur la révision éventuelle de la convention sur l'âge d'admission (agriculture) et que la Fédération internationale des Travailleurs de la terre, jusqu'ici opposée à l'inclusion de l'agriculture dans le projet de convention concernant les méthodes de fixation des salaires minima, avait décidé d'étudier la
question was of great importance since it was because hindrances of this kind existed in some countries that they had been unable to send complete delegations to the Santiago Conference or to the International Labour Conference.

The Director said in reply to Mr. Kupers that he could not go beyond the terms of Mr. Picquenard's resolution which had just been adopted. As regards the immigration question, the resolution of the Santiago Conference did not propose the setting up of a central agency. That, however, was a matter which might possibly arise later when the preliminary enquiries had been carried out.

In his view Mr. Kupers' second proposal was met by the terms of Mr. Picquenard's resolution. If the resolution concerning employers' and workers' federations were communicated to Governments, their attention would thereby be drawn to it.

FIFTH ITEM ON THE AGENDA.

Report of the Committee on Agricultural Work.

Mr. Picquenard, Chairman of the Committee on Agricultural Work, submitted the report of the Committee.

The first question considered by the Committee was the discussion of the reports on the questions which had been dealt with by way of Recommendations in the case of agriculture and by way of Conventions in the case of industry.

The Committee agreed to recommend the Governing Body to instruct the Office:

(1) To continue its studies, more particularly in relation to the specifically agricultural aspects of the problem of the protection before and after childbirth of women employed in agriculture;

(2) When those studies were completed, to lay before the Governing Body the question of placing the problem on the agenda of the International Labour Conference with a view to the adoption of effective measures in the form of a Draft Convention.

With regard to the night work of women in agriculture, the Committee unanimously considered that at the present time it was not necessary to lay the question once more before the International Labour Conference, but it would wish to have the question placed again on its own agenda when the studies which the Office was to continue on this question and on hours of work in agriculture appeared to have reached such a stage as to make a further examination of the problem desirable.

As regards the night work of children and young persons in agriculture, the Committee considered that at the present time it was not necessary to lay the question once more before the International Labour Conference, but it would wish the question to be placed again on its own agenda when the studies which the Office was to continue on this question and on hours of work in agriculture appeared to have reached such a stage as to make a further examination of the problem desirable.

The Committee had then considered the position of agricultural workers in connection with the Conventions adopted by the Conference. It noted that the Office was preparing a technical report on hours of work in agriculture and the weekly rest, and that the Office had also been instructed to prepare a report on holidays with pay in agriculture; that the question of unemployment in agriculture was a separate item on the agenda of the Committee and that the note supplied by the Office proposed in the first place that a careful study of the question should be made. It also noted that the Governing Body was to decide at its Seventy-fourth Session on the possible revision of the Minimum Age (Agriculture) Convention and that the International Landworkers' Federation, which had hitherto opposed the inclusion of agriculture in the Minimum Wage-finding Machinery Convention, had decided to study the question of minimum wages in agriculture. The Committee decided to
question des salaires minima dans l’agriculture. La Commission a décidé de considérer son étude de la position des travailleurs agricoles du point de vue de la législation sociale internationale comme temporairement terminée et d’en faire rapport au Conseil d’administration.

Le Conseil d’administration adopte les conclusions précédentes de la Commission du travail agricole.

M. Picquenard rappelle qu’à la réunion de la Commission, M. Oersted avait demandé si le Conseil ne devrait pas recueillir l’opinion de la Commission sur la question de la révision éventuelle de la convention sur l’âge minimum d’admission au travail dans l’agriculture. Le Conseil a décidé, depuis lors, à sa 74ème session, que la question sera soumise à la Commission du travail agricole.

La Commission a été également appelée à examiner les propositions de M. de Michelis concernant l’extension éventuelle à l’agriculture du champ d’application des conventions internationales du travail.

Le problème se présente sous trois aspects différents. Le premier de ces aspects, c’est la question des exceptions et des dérogations prévues par les conventions existantes. La Commission a constaté que les projets de convention agricoles adoptés en 1921 ne contiennent pas d’exception expressément formulée mais que les quatre conventions sur les assurances sociales dans l’agriculture contiennent les mêmes règles d’exception que les conventions correspondantes pour l’industrie. Dans ces conditions, la Commission a considéré que la question des exceptions et des dérogations ne se posait pas de façon spéciale pour l’agriculture.

Le second aspect était l’extension de la protection des conventions internationales à certaines catégories de travailleurs, notamment aux travailleurs agricoles et à ceux de l’industrie maritime dans la mesure où ils ne sont pas déjà couverts par les conventions existantes. La Commission a considéré que les avis qu’elle a donnés précédemment au sujet de l’application de la législation internationale du travail aux ouvriers agricoles répondraient à cette question.

Le troisième aspect avait trait à la situation des travailleurs résidant dans des pays où la législation sociale est très peu développée. Le Conseil ayant chargé le Bureau de préparer un rapport sur la situation existante en matière de législation protectrice du travail dans les pays n’ayant pas ratifié de conventions ou n’en ayant ratifié qu’un très petit nombre, la Commission a exprimé le désir que la situation des travailleurs agricoles fût mise en évidence dans ce rapport et a été unanime à estimer qu’il conviendrait de prendre également en considération les aspects agricoles des mesures que proposerait le Conseil d’administration.

La Commission a été également appelée à examiner un rapport sur le chômage dans l’agriculture préparé par le Bureau, ainsi que la résolution adoptée à ce sujet par la Conférence. La Commission a décidé de recommander au Conseil de charger le Bureau de procéder à une enquête approfondie sur le chômage agricole auprès des Gouvernements des États Membres de l’Organisation. La Commission a souhaité avoir elle-même l’occasion de prendre connaissance préalablement du memorandum et du questionnaire par lesquels les Gouvernements seraient consultés.

La Commission avait eu également à examiner la suite à donner aux résolutions adoptées par la Commission consultative mixte agricole. La Commission s’est déclarée d’accord quant aux propositions pratiques du Comité permanent de l’Institut international d’agriculture visant la constitution d’un Comité préparatoire pour coordonner l’activité des organisations internationales dans le domaine de l’enseignement agricole. La Commission a été d’avis qu’il serait opportun d’organiser la première réunion de cette commission dans la semaine suivant la session d’avril du Conseil d’administration.

Le Conseil d’administration adopte ces conclusions de la Commission du travail agricole.

M. Picquenard rappelle qu’au cours de la discussion, M. Schürch a attiré l’attention de la Commission sur le fait que la situation économiquement faible d’une ou de plusieurs des organisations internationales privées les empêcherait peut-être d’accepter
regard its study of the position of agricultural workers as regards international labour legislation as being temporarily completed and to report on the matter to the Governing Body.

The Governing Body approved the above conclusions of the Committee on Agricultural Work.

Mr. Picquenard said that at the meeting of the Committee Mr. Oersted had raised the question whether the Governing Body should not hear the views of the Committee on the question of the possible revision of the Minimum Age (Agriculture) Convention. The Governing Body had since decided at its Seventy-fourth Session that the question should be submitted to the Committee on Agricultural Work.

The Committee had been asked to consider Mr. de Michelis' proposals concerning the possible extension of the scope of application of the international labour Conventions to cover agriculture.

This proposal had three different aspects. The first of these was the question of the exceptions and exemptions laid down by existing Conventions. The Committee noted that the agricultural Conventions adopted in 1921 did not contain any express exceptions, but that the four Conventions on social insurance in agriculture laid down the same rules as regards exceptions as the corresponding Conventions dealing with industry. The Committee therefore considered that the question of exceptions and exemptions did not arise in a special way as regards agriculture.

The second aspect was that of the extension of the protection afforded by international labour Conventions to certain classes of workers, including agricultural workers, in so far as they were not already covered by existing Conventions. The Committee considered that the opinion which it had previously expressed on the subject of the application of international labour legislation to agricultural workers met this point.

The third aspect related to the position of workers living in countries where social legislation was very little developed. Since the Governing Body had instructed the Office to prepare a report on the existing position as regards labour legislation in those countries which had ratified few or none of the Conventions, the Committee expressed the desire that the position of agricultural workers should be clearly shown in the report, and was unanimously of the opinion that the agricultural aspects of any measures which the Governing Body might propose should also be taken into consideration.

The Committee had also had to consider a report on unemployment in agriculture prepared by the Office and the resolution on that subject adopted by the Conference. The Committee had decided to recommend the Governing Body to instruct the Office to make a careful study of agricultural unemployment and to apply to the Governments of the States Members of the Organisation for information. The Committee would wish to have an opportunity of seeing the memorandum and questionnaire to be sent to Governments before these documents were sent out.

The Committee had further been asked to consider the effect to be given to the resolutions adopted by the Mixed Advisory Agricultural Committee. The Committee declared itself in agreement with the practical proposals of the Permanent Committee of the International Institute of Agriculture with regard to the setting up of a preparatory Committee to co-ordinate the work of the various international organisations as regards agricultural education. The Committee considered that it would be desirable to arrange that the first meeting of that Committee should be held in the week following the April Session of the Governing Body.

The Governing Body approved these conclusions of the Committee on Agricultural Work.

Mr. Picquenard said that during the discussion Mr. Schürch had drawn the Committee's attention to the fact that the difficult economic position of certain private international organisations might perhaps prevent them from accepting the
l'invitation qui leur avait été adressée de se faire représenter à la Commission de coordination. Il s'était demandé si le Conseil d'administration ne pourrait pas autoriser le Bureau à prendre à sa charge les frais occasionnés pour les organisations dont la participation par un représentant serait surtout de l'intérêt de l'Organisation internationale du Travail.

La Commission n'a pas voulu se prononcer sur la question soulevée par M. Schürch et a préféré s'en rapporter à la décision du Conseil.

*M. Schürch* déclare qu'il n'est plus possible de donner suite à sa proposition, en ce qui touche la prochaine réunion de la Commission en question, puisqu'elle doit avoir lieu dans quelques jours.

*M. Jouhaux* déclare qu'il s'agit d'une question de principe qui ne s'applique pas seulement à la réunion prochaine de la Commission. Selon la pratique habituelle, lorsque le Conseil d'administration institue des commissions dans lesquelles il convoque les représentants de certaines organisations, il les considère comme des experts et prend leurs frais à sa charge. Telle est la procédure qui a été adoptée à l'égard des organisations industrielles. Dans ces conditions, il y a des motifs encore plus forts en faveur de l'adoption de cette méthode dans le cas des organisations agricoles dont la situation économique est encore plus difficile.

*M. Picquenard* reconnaît qu'il s'agit là d'une question de principe et propose de la renvoyer au Comité du budget.

Le Conseil d'administration décide sans opposition de renvoyer au Comité du budget la proposition de M. Schürch concernant le paiement des frais des représentants des organisations agricoles.

*M. Picquenard* fait connaître que la Commission du travail agricole a également examiné la résolution sur les congés payés dans l'agriculture adoptée par la Conférence à sa XIXème session. La Commission a pris note d'une communication du Bureau dans laquelle celui-ci exposait qu'en attendant les décisions de la prochaine session de la Conférence, le Bureau ne manquerait pas de mettre à profit toute occasion de se procurer la documentation sur les congés payés dans l'agriculture nécessaire pour mettre en évidence les aspects agricoles de ce problème et pour préparer le rapport complet dont la Commission du travail agricole devra être saisie le plus tôt possible.

Le Conseil d'administration adopte les conclusions de la Commission du travail agricole sur ce point.

La séance est levée à 18 heures 35.

W. A. Riddell.
invitation to be represented on the Co-ordination Committee. He had suggested that the Governing Body might authorise the Office to bear the expenditure in the case of those organisations whose representation would be of great value to the International Labour Organisation.

The Committee had not felt able to express any view on the question raised by Mr. Schürch, but preferred to leave it to the Governing Body.

Mr. Schürch said that his proposal could no longer be applied as far as the forthcoming meeting of the Committee in question was concerned, since that meeting was to be held in a few days' time.

Mr. Jouhaux said that the question was one of principle and did not apply solely to the forthcoming meeting of the Committee. The usual practice was that when the Governing Body set up Committees on which it invited representatives of certain organisations to sit, it regarded them as experts and paid their expenses. That course had been adopted in the case of industrial organisations, and there were still stronger reasons for adopting it in the case of agricultural organisations, which were generally in a still more difficult economic position.

Mr. Picquenard said that he agreed that the question was one of principle, and proposed that it should be referred to the Finance Committee.

The Governing Body decided, without opposition, to refer Mr. Schürch's proposal concerning the payment of the expenses of representatives of agricultural organisations to the Finance Committee.

Mr. Picquenard said that the Committee on Agricultural Work had also considered the resolution on holidays with pay in agriculture adopted by the Conference at its Nineteenth Session. The Committee had taken note of a communication from the Office explaining that pending the decisions of the next session of the Conference, the Office would lose no opportunity of securing information on holidays with pay in agriculture which was necessary in order to throw light on the agricultural aspects of the problem and in order to prepare the full report which was to be laid before the Committee on Agricultural Work at the earliest possible date.

The Governing Body approved the conclusions of the Committee on Agricultural Work on this point.

The sitting closed at 6.35 p.m.

W. A. RIDDELL.
PROCÈS-VERBAL DE LA TROISIÈME SÉANCE.

(Vendredi 24 avril 1936 — 10 heures 40.)


TROISIÈME QUESTION A L’ORDRE DU JOUR.

Rapport et propositions du Bureau pour la constitution de la Commission agricole tripartite et suite à donner à la résolution concernant le travail agricole adoptée par la Conférence à sa dix-neuvième session.

Le Directeur rappelle que le Conseil d’administration a été saisi de cette question par une résolution adoptée par la Conférence à sa dix-neuvième session. Le Conseil est appelé à présent à se prononcer sur la suite à donner au paragraphe 3 de cette résolution, par lequel la Conférence prie le Conseil d’administration « de prendre les mesures nécessaires pour la constitution d’une commission permanente agricole comprenant une délégation équitable des membres du Conseil appartenant aux trois groupes, de l’Institut international d’agriculture, d’organisations internationales compétentes, ainsi que des personnes qualifiées pour assurer la représentation de toutes les classes agricoles. La Commission fonctionnera comme organe de collaboration et de consultation en vue de faciliter les décisions du Conseil et de faire progresser les travaux de la Conférence en ce qui concerne le travail agricole ».

L’objet de la note soumise au Conseil est simplement de lui fournir une base de discussion. Il est évident que la constitution d’une commission du type envisagé présentera des difficultés, si l’on cherche à donner satisfaction à tous ceux que la question intéresse et à toutes les organisations qui tiendront sans doute à être représentées dans la Commission. Il lui a, pour sa part, paru impossible de formuler des propositions précises au sujet de la composition de la Commission avant que le Conseil ait procédé à une discussion préliminaire à ce sujet, et ait donné quelques indications générales au sujet des principes qui présideront à la constitution de la Commission. C’est donc surtout en vue de permettre aux membres du Conseil de faire connaître leur avis à cet égard qu’il a formulé les suggestions contenues dans la note présentée au Conseil.

Lorsque le Conseil d’administration se sera prononcé sur le mode de constitution de la Commission, il tiendra sans doute à renvoyer la question au Bureau et à la Commission du travail agricole pour faire l’objet d’un examen plus approfondi. Il espère donc qu’au cours du débat qui va s’engager les membres du Conseil voudront bien indiquer la composition qu’ils jugent appropriée pour la Commission, ainsi que les méthodes suivant lesquelles la Commission devrait accomplir sa tâche.

M. MERTENS demande si le Directeur entend demander au Conseil de prendre dès sa présente session une décision au sujet de la constitution de la Commission dans les conditions indiquées dans la note, ou si, au contraire, il considère que le Conseil devrait ajourner sa décision.

Le Directeur croit qu’il est impossible de décider dès à présent la composition exacte de la Commission. Par contre, il tiendrait à savoir si le Conseil d’administration approuve les indications générales qui figurent dans la note du Bureau.
MINUTES OF THE THIRD SITTING.

(Friday, 24 April 1936—10.40 a.m.)

The Governing Body was composed as follows: Mr. Riddell, Chairman, Mr. de Buen, Mr. Erulkar, Mr. Estrada Cajigal, Mr. Forsslund, Mr. Jouhaux, Mr. Jurkiewicz, Mr. Kirkaldy, Mr. Kotek, Mr. Kupers, Mr. Li Ping-Heng, Mr. Mannio, Mr. Markus, Mr. de Michielis, Mr. Mertens, Mr. Muniz, Mr. Nemecek, Mr. Norman, Mr. Oersted, Mr. Olivetti, Mr. Pardo, Mr. Picquenard, Mr. Rice, Mr. Schürch, Mr. Serrarens, Mr. Takeuchi, Mr. Tzaut, Mr. Volkmann, Mr. Waline, Mr. Watt, Mr. Yoshisaka, Mr. Zaman.

THIRD ITEM ON THE AGENDA.

Report and proposals of the Office concerning the setting up of the Tripartite Agricultural Committee and effect to be given to the resolution on agricultural work adopted by the Conference at its Nineteenth Session.

The Director said that this question had been brought before the Governing Body by the resolution adopted by the Conference at its Nineteenth Session. The Governing Body was now asked to decide on the effect to be given to the third part of that resolution, which requested the Governing Body "to take the necessary steps to set up a Permanent Agricultural Committee, including in equitable proportions members of the Governing Body of all three groups, representatives of the International Institute of Agriculture and of competent international bodies, as well as persons qualified to represent all classes engaged in agriculture. The Committee will act as the body responsible for collaboration and consultation with a view to facilitating the decisions of the Governing Body and developing the work of the Conference in connection with agricultural labour."

The object of the note which had been submitted to the Governing Body was to form a basis of discussion. It was evident that there would be considerable difficulties in setting up a Committee of the kind proposed if satisfaction were to be given to all the interests concerned and all the organisations which would probably wish to be represented upon it. The Director had thought it impossible to put forward any very definite proposals as to the composition of the Committee until a preliminary discussion had taken place in the Governing Body, and the latter had given some general indication as to the principles upon which the Committee should be constituted. It was mainly with a view to eliciting the views of the Governing Body that the Office proposals had been put forward.

When the Governing Body had given an indication of the manner in which the Committee should be constituted, the question would presumably be referred back to the Office and the Committee on Agricultural Work for more detailed consideration. He therefore hoped that during the present discussion members of the Governing Body would indicate how they thought the Committee should be composed and how it should carry out its functions.

Mr. Mertens asked whether the Director proposed that the Governing Body should take a decision at the present session as regards the constitution of the Committee on the lines suggested in the report, or whether that question should be adjourned.

The Director said that in his view it would be impossible to decide on the actual composition of the Committee at present. What he was anxious to know was whether the Governing Body approved the general lines which had been laid down in the Office note.
M. de Michélis, auteur de la résolution adoptée par la Conférence, se rallie entièrement aux conclusions formulées dans la note du Bureau. Il conviendrait évidemment de laisser au Directeur une certaine latitude quant à la composition de la Commission. Celle-ci, en effet, devra comprendre des représentants des organisations internationales, tant officielles que privées, et le Directeur devrait être en mesure d’assurer une représentation équitable aux patrons et aux ouvriers de l’agriculture ainsi qu’aux régions et aux pays qui sont particulièrement intéressés aux problèmes agricoles. Le Conseil d’administration pourrait donc adopter le rapport présenté par le Bureau en laissant au Directeur la latitude qu’il vient d’indiquer. Ainsi serait-il possible de donner une suite pratique à la résolution adoptée par la Conférence.

Les milieux agricoles, tant patronaux qu’ouvriers et techniques, se sont prononcés en faveur de la création de la Commission envisagée, comme l’indiquent les lettres annexées à la note du Bureau. La première contient une résolution adoptée par la Commission internationale d’Agriculture qui est l’organisation agricole privée la plus importante, puisqu’elle comprend parmi ses membres des représentants de tous les pays européens et de pays extra-européens. La deuxième lettre émane de la Fédération internationale des Travailleurs de la Terre qui, elle aussi, est une grande organisation agricole; enfin, la troisième lettre provient du Secrétaire général de la Fédération internationale des Techniciens agronomes à laquelle sont affiliées d’autres organisations de caractère international.

Il résulte de ces lettres que sa proposition a reçu de toutes ces organisations un accueil favorable. Il lui semble que le Conseil d’administration pourrait opportunément adopter les suggestions contenues dans la note du Bureau en chargeant le Directeur de lui présenter, lors d’une session ultérieure, des suggestions précises quant à la composition exacte de la Commission.

M. Pardo s’associe aux observations formulées par M. de Michélis au sujet de sa proposition et appuie les suggestions formulées par le Bureau. Etant donné la place importante que l’agriculture occupe dans les pays d’Amérique, il serait désiré qu’une collaboration étroite avec les organisations et les experts en matière de questions agricoles du continent américain puisse s’établir au sein de la nouvelle Commission.

M. Kirkaldy rend hommage à l’intérêt réel pour l’amélioration de la situation des travailleurs agricoles qui a amené M. de Michélis à formuler devant la Conférence la proposition dont le Conseil est actuellement saisi. Tout le monde reconnaît la compétence de M. de Michélis en matière de questions agricoles. Pour sa part, il croit toutefois devoir émettre certains doutes sur la nécessité et l’opportunité de la constitution de cette nouvelle commission. Il a étudié attentivement les raisons pour lesquelles on propose sa création. Ces raisons paraissent être l’établissement d’une collaboration avec l’Institut international d’Agriculture, l’examen approfondi des questions de travail agricole et une représentation adéquate des organisations agricoles intéressées auprès du Bureau international du Travail. A son avis, les rouages qui existent actuellement pour traiter des questions agricoles au sein de l’Organisation suffisent pour atteindre ces buts. Il semble en premier lieu que la Commission consultative mixte agricole, qui se compose de représentants de l’Organisation et de l’Institut international d’Agriculture, puisse parfaitement assurer la collaboration entre les deux institutions. D’autre part, le Conseil a créé une Commission du travail agricole. Enfin, le Conseil a la possibilité de convoquer des experts aux réunions de la Commission consultative mixte agricole. Pour atteindre les buts auxquels vise la résolution, il suffirait qu’en outre le Conseil établît une liste d’experts en vue de leur collaboration avec la Commission du travail agricole.

M. de Michélis a affirmé que tous les milieux intéressés avaient reconnu la nécessité de la création de la Commission nouvelle et il a, à cet égard, mentionné notamment la résolution adoptée par la Commission internationale d’Agriculture. Sans examiner dans le détail la composition de cette Commission, il estime qu’on ne peut la considérer comme représentant l’opinion de tous les patrons de l’agriculture; en tout cas, elle ne représente pas l’opinion des patrons de l’agriculture au nom desquels il parle pour l’instant.

Une autre raison qui l’inciterait à se prononcer contre la constitution de la Commission est la constatation d’une tendance à multiplier le nombre des commissions,
Mr. de Michelis said that as the author of the resolution which had been adopted by the Conference, he was in complete agreement with the conclusions reached in the Office note. The Director should, of course, be given a certain amount of latitude in regard to the composition of the Committee. The Committee would have to include representatives of both official and private international organisations, and the Director should be in a position to give a fair share of representation to agricultural employers and workers as well as to the districts and countries most interested in agricultural problems. The Governing Body might therefore adopt the report as it stood on the understanding that that freedom was left to the Director. In this way, practical effect could be given to the resolution adopted by the Conference.

Agricultural circles, including employers, workers and technical experts, had declared themselves in favour of the setting up of the proposed Committee, as was shown by the letters appended to the Office note. The first of these contained a resolution adopted by the International Commission of Agriculture, which was the most important private agricultural organisation, since it included amongst its members representatives of all European and oversea countries. The second letter came from the International Landworkers' Federation, which was also a large agricultural organisation, whilst the third letter was from the General Secretary of the International Federation of Agricultural Engineers, to which other organisations of an international character belonged.

It appeared from these letters that his proposal had received the unanimous approval of these organisations. The Governing Body would be well advised to adopt the proposals contained in the Office note, whilst leaving it to the Director to make specific suggestions as to the exact composition of the Committee at a subsequent session of the Governing Body.

Mr. Pardo associated himself with Mr. de Michelis' views on this proposal, and supported the suggestions put forward by the Office. In view of the important part which agriculture played in the countries of America, it would be desirable to provide in the new Committee for close collaboration with the organisations and experts on agricultural questions in the Continent of America.

Mr. Kirkaldy paid a tribute to the sincere interest for the welfare of those engaged in agriculture which had prompted Mr. de Michelis to bring the present proposal before the Conference and the Governing Body. Everyone recognised the competence of Mr. de Michelis on agricultural questions, but he had some doubt as to the necessity and desirability of appointing the new Committee. He had examined its proposed objects, which appeared to be to secure collaboration with the International Institute of Agriculture, to ensure the full consideration of agricultural problems in regard to labour questions, and to ensure the full representation of agricultural interests in connection with the International Labour Organisation. In his opinion the existing machinery for dealing with agricultural questions in the International Labour Organisation was sufficient to secure those objects. In the first place, the Mixed Advisory Agricultural Committee, which consisted of representatives of the Organisation and of the International Institute of Agriculture, would appear fully to secure collaboration between the two organisations. In the second place the Governing Body had set up a Committee on Agricultural Work, and in the third place the Governing Body had the power of inviting experts to the meetings of the Mixed Advisory Agricultural Committee. The addition of a panel of experts to collaborate with the Committee on Agricultural Work would fulfil all the objects of the resolution.

Mr. de Michelis had said that all the interests concerned were agreed as to the necessity of setting up the new Committee, and referred in that connection to the resolution adopted by the International Commission of Agriculture. Mr. Kirkaldy did not propose to go into the details of the composition of the International Commission of Agriculture, but he did not consider that it could be taken as representing the views of all agricultural employers, and it certainly did not represent the views of the agricultural employers on whose behalf he was at present speaking.

Another reason against the setting up of the Committee was that there was a tendency at present to multiply Committees which was, in his view, not really in the
ce qui ne contribue pas, à son avis, à faciliter l’œuvre de l’Organisation. D’autre part, on ne peut oublier les frais qu’entrainerait la création de cet organisme nouveau. En fait, les sommes consacrées par l’Organisation internationale du Travail aux dépenses nécessitées par les Commissions présentent la gradation suivante : en 1932, 37.000 francs ; en 1933, 45.000 ; en 1934, 40.000 ; en 1935, 77.000. Le budget de 1936 prévoit un crédit de 115.000 et les prévisions budgétaires que le Conseil d’administration sera appelé à approuver au cours de sa présente session comportent un crédit de 143.000 francs pour les Commissions. S’il est bien informé, ce chiffre serait porté à 184.000 francs au cas où le Conseil déciderait la constitution de cette nouvelle Commission et adopterait certaines propositions ayant trait à des commissions. Il considère d’ailleurs que la question de frais est accessoire et que les décisions du Conseil ne doivent pas lui être subordonnées d’une manière absolue. Néanmoins, cette considération revêt une certaine importance.

Il s’oppose donc à la constitution de la Commission permanente agricole parce qu’il juge qu’elle n’est pas nécessaire et qu’à son avis, on répondrait au vœu contenu dans la résolution si l’on complétait les organes existants par l’établissement d’une liste d’experts pouvant collaborer avec la Commission du travail agricole.

M. Schürch déclare que le groupe ouvrier approuve la proposition soumise au Conseil. À son avis, la nouvelle Commission permanente agricole rendrait plus efficace la collaboration de toutes les organisations internationales qui s’occupent des problèmes agricoles, ainsi que la collaboration entre l’Institut international d’Agriculture et le Bureau. Elle comblerait une lacune qui a souvent été relevée dans les milieux agricoles. Enfin, elle répondrait à des vœux qui ont souvent été présentés par correspondance au Conseil ou formulés à la Conférence. C’est pour cette raison que cette proposition a trouvée l’approbation de tous les milieux agricoles. Les travailleurs agricoles se sont souvent plaints que l’on négligeât quelque peu leurs intérêts. Le Conseil a, pour l’instant, l’occasion de remédier à cette situation.

D’après M. Kirkaldy, il existerait déjà assez d’organismes s’occupant de questions agricoles. Mais ce serait une erreur que de ne pas chercher à coordonner les efforts de ces différents organismes, à éviter les doubles emplois et à donner une orientation plus nette à l’œuvre entreprise en faveur de l’agriculture.

M. Estrada Cajigal appuie la proposition de M. de Michelis et s’associe aux observations formulées par le représentant du Gouvernement argentin.

M. Muniz se rallie aux observations des représentants du Gouvernement italien et du Gouvernement argentin qui ont indiqué qu’il fallait laisser au Directeur la latitude nécessaire pour présenter les suggestions au sujet de la composition de la Commission, afin que celle-ci puisse comprendre des représentants de toutes les régions agricoles, y compris celles du continent américain.

M. Norman estime comme M. de Michelis que le Directeur devrait avoir une certaine latitude quant à la composition de la Commission. Il estime toutefois que le Directeur devrait faire usage de cette latitude pour limiter le plus possible le nombre de membres de cette Commission, qui risque de prendre des proportions démesurées. Une petite commission est mieux à même de faire du bon travail qu’un organe trop étendu. Le Conseil comprend parfaitement le désir manifesté par certaines organisations d’être représentées dans la Commission. Toutefois, si l’on examine la composition envisagée pour la Commission, on doit reconnaître qu’elle est très vaste. Elle comprendrait, outre des représentants des trois groupes du Conseil, des représentants des organisations patronales et des organisations ouvrières agricoles ainsi que des représentants d’autres organisations agricoles, des représentants de diverses institutions agricoles et enfin des experts. Or, l’agriculture est pratiquée dans presque tous les pays du monde et on trouverait dans la plupart d’entre eux des organisations correspondant aux catégories en question. La Commission ne devrait assurément pas être privée d’éléments qui lui permettent d’aboutir à des résultats satisfaisants. Il espère toutefois qu’il sera possible de constituer un organisme d’une composition raisonnable qui puisse de ce fait accomplir de bon travail, dans l’intérêt même des travailleurs de l’agriculture.
interests of the work of the Organisation. Another reason was that of expense. The figures for the expenditure on Committees of the International Labour Organisation were as follows: in 1932, 37,000 francs; in 1933, 45,000 francs; in 1934, 40,000 francs; in 1935, 77,000 francs; the budget for 1936 provided for 115,000 francs and the budget for 1937, which would be submitted to the Governing Body at the present session, provided for 143,000 francs for Committees. If the new Committee was set up, and certain other proposals in connection with Committees were agreed to, he understood that the figure would be raised to 184,000 francs. In his opinion the question of expenditure was a subsidiary one and should not control the actions of the Governing Body. It was nevertheless a matter of importance.

His reasons for opposing the new Committee were that he did not consider it necessary, and that the object of the resolution would be met by adding to the existing machinery a panel of experts to work in collaboration with the Committee on Agricultural Work.

Mr. Schürch said that the workers' group approved the proposal which had been submitted to the Governing Body. In its opinion the new Permanent Agricultural Committee would strengthen the collaboration of all the international bodies which dealt with agricultural problems, and render more effective the existing collaboration between the International Institute of Agriculture and the International Labour Office. It would remedy a lack to which agricultural circles had often drawn attention. It would also meet a desire which had been frequently expressed in letters to the Governing Body and at the Conference. It was for that reason that the proposal had met with the approval of all the interested parties. Agricultural workers had frequently complained that their interests were somewhat neglected, and this was an opportunity of remedying that state of affairs.

Mr. Kirkaldy had suggested that there were already enough bodies dealing with agriculture. It would however be a mistake not to try to co-ordinate the efforts of all those different bodies, to avoid overlapping and to place the work undertaken in the interests of agriculture on a firmer basis.

Mr. Estrada Cajigal supported Mr. de Michelis' proposal, and also the observations which had been made by the representative of the Argentine Government.

Mr. Muniz supported the proposals made by the representatives of the Italian and Argentine Governments, which showed the necessity of leaving the Director a free hand in making suggestions for the composition of the Committee so that all agricultural districts, including those in the American Continent, would be represented.

Mr. Norman said that he agreed with Mr. de Michelis that the Director should have considerable discretion as regards the constitution of the Committee. He thought that that discretion should be exercised in the direction of limiting as far as possible the size of the Committee, since there was a danger that it might assume unwieldy proportions. A small Committee was likely to be more effective than an excessively large body. The Governing Body would appreciate the desire of certain organisations to be represented, but a study of the suggested composition of the Committee showed that the field was very wide. In addition to representatives of the three groups of the Governing Body it was proposed that there should be representatives of agricultural employers' and workers' organisations and of other agricultural organisations, representatives of international institutions and agricultural experts. Agriculture existed in every country of the world, and in most of them there were organisations which would fall under one or other of the proposed headings. Whilst it was evident that the Committee should not lack any element which would really contribute to satisfactory results, it was to be hoped that it would be a body of a practicable size, so that it could be of real use to agricultural workers.
M. Pardo fait observer, en réponse aux remarques de M. Kirkaldy, que c'est la Conférence qui a préconisé la constitution de la Commission; il ne croit pas que le Conseil d'administration puisse s'opposer à la Conférence sur ce point. D'ailleurs, la proposition de constituer la Commission a reçu l'appui de toutes les organisations intéressées.

M. Kirkaldy rappelle que d'après les termes de la résolution la Conférence « décide de prier le Conseil d'administration... de prendre les mesures nécessaires pour la constitution d'une commission permanente agricole... ». On ne peut considérer que ce vœu soit une instruction. D'ailleurs, même s'il en était ainsi, la Conférence n'aurait aucun pouvoir pour contraindre les membres du Conseil à voter en faveur de cette proposition. Il signale au surplus qu'il a lui-même indiqué à la Commission des résolutions de la Conférence que cette résolution rencontrerait une certaine opposition au sein du Conseil d'administration.

Le Directeur est heureux que le Conseil paraisse approuver dans leur ensemble les suggestions du Bureau. Il est particulièrement sensible à l'approbation manifestée par M. de Michelis qui était l'auteur de la proposition. La constitution de la Commission constituerà pour l'étude des problèmes agricoles un progrès notable.

La suggestion faite par M. de Michelis de laisser au Bureau une certaine latitude pour formuler des suggestions quant à la composition à donner à la Commission lui paraît très judicieuse. En effet, cette composition suscitera probablement certaines difficultés et on peut se demander si le chiffre de 24 membres suggéré par le Bureau pourra suffire. Il se peut par exemple qu'il soit nécessaire d'augmenter le nombre de représentants « d'autres organisations », dans les pays où il n'existe guère d'organisations patronales et ouvrières régulières. Si le Conseil accepte cette proposition, il sera saisi à sa session d'automne de suggestions détaillées au sujet de la composition à donner à la Commission. C'est seulement alors qu'il sera possible d'envisager le coût financier de cette mesure.

A cet égard, il doute fort que l'établissement de la liste d'experts proposé par M. Kirkaldy entraîne en définitive des dépenses sensiblement moins importantes que la constitution de la Commission. Par contre, la Commission envisagée pourra accomplir une tâche beaucoup plus efficace et répondra plus complètement aux vœux des intéressés que le corps d'experts suggéré par M. Kirkaldy.

M. Oersted croit, comme M. Kirkaldy, que la constitution de la nouvelle Commission ne répond pas à une nécessité impérieuse. Il reconnaît toutefois que puisque l'on a constitué des Commissions pour toutes les autres catégories de travailleurs, il n'y a pas de raisons pour négliger les travailleurs agricoles.

Il lui semble cependant que l'on n'a pas suffisamment tenu compte de l'existence de deux autres commissions agricoles : la Commission consultative mixte agricole, composée de représentants de l'Institut international d'Agriculture et du Conseil d'administration, et la Commission du Travail agricole constituée, il y a relativement peu de temps, par le Conseil d'administration. Cette dernière Commission a la faculté, après approbation préalable du Conseil d'administration, d'avoir recours à des experts. Il n'a été fait usage qu'une seule fois de cette faculté. Il se peut, par ailleurs, que le fait que l'on ne convoque plus d'experts lors de réunions de la Commission consultative mixte agricole, ait fait naître le besoin de constituer une Commission au sein de laquelle les travailleurs agricoles jouiraient d'une représentation équitable.

Il s'abstiendra lors du vote; toutefois, il souhaiterait avoir quelques précisions sur deux points. Tout d'abord, envisage-t-on la dissolution de la Commission du travail agricole et de la Commission consultative mixte agricole? Dans la négative, quelles seraient à l'avenir les fonctions exactes de ces deux commissions? Il se demande si l'on devrait maintenir la Commission consultative mixte agricole, puisque la Commission nouvelle comprendrait des représentants du Conseil comme de l'Institut international d'Agriculture. S'il comprend bien les intentions du Directeur, celui-ci suggère de renvoyer l'examen du détail de toutes ces questions à la Commission du travail agricole; il demande s'il en est bien ainsi.
Mr. Pardo, in reply to Mr. Kirkaldy, pointed out that the Conference had recommended that the Committee should be set up; he did not consider that the Governing Body should oppose the Conference in this point. Furthermore, the proposal had been approved by all the organisations concerned.

Mr. Kirkaldy pointed out that the terms of the resolution adopted at the Conference were "decides to request the Governing Body to take the necessary steps to set up a Permanent Agricultural Committee...". That request could not be regarded as an order, and even if it were so regarded the Conference had no power to compel members of the Governing Body to vote in favour of the proposal. In the Committee on Resolutions of the Conference he had made it quite clear that there would be opposition in the Governing Body to the resolution.

The Director said that he was glad that the Governing Body agreed to the general lines suggested in the Office note, and particularly that they had been approved by Mr. de Michelis, who was the author of the whole proposal. The setting up of the Committee would mark a considerable step forward in the study of agricultural problems.

He considered that Mr. de Michelis' suggestion that the Office should have some latitude in making proposals as to the precise composition of the Committee was a wise one. The matter would probably give rise to certain difficulties, and it was doubtful whether the number of 24 members suggested by the Office would prove sufficient. For instance, it might be necessary to increase the numbers of the representatives of "other organisations" in countries where there were no regular organisations of employers and workers. If the Governing Body accepted that proposal, the Office would at the autumn session make more detailed suggestions as to the precise composition of the Committee. The financial aspects of the question could also be considered at that moment.

In that connection he doubted whether the constitution of a panel of experts as suggested by Mr. Kirkaldy would prove much cheaper than the setting up of the Committee; and there could be no doubt that the proposed Committee was likely to be much more effective and would more adequately meet the desires of those concerned than the panel which Mr. Kirkaldy had suggested.

Mr. Oersted said that he shared Mr. Kirkaldy's view that the new Committee was not absolutely necessary. Since, however, Committees had been set up for all other classes of workers, there was no reason why agricultural workers should be neglected.

Sufficient account had not been taken, however, of the two existing agricultural Committees, namely the Mixed Advisory Agricultural Committee, on which the International Institute of Agriculture and the Governing Body were represented, and the Committee on Agricultural Work set up comparatively recently by the Governing Body. The latter Committee, with the approval of the Governing Body, had the right to call in experts. That power had only been used on one occasion. Moreover, the fact that experts were no longer called in connection with the Mixed Advisory Agricultural Committee might perhaps have led to the desire for a Committee on which the agricultural workers were really represented.

When the question was put to the vote he proposed to abstain. There were however two points on which he would like to be perfectly clear: whether it was proposed that the Committee on Agricultural Work and the Mixed Advisory Agricultural Committee should cease to function, and if not, what would be their exact duties. It seemed doubtful whether it would really be necessary to maintain the Mixed Advisory Agricultural Committee if the new Committee were to include representatives of the Governing Body and of the International Institute of Agriculture. He understood that the Director proposed to refer all those questions of detail to the Committee on Agricultural Work for study, and he asked whether that was in fact the Director's intention.
Le Directeur répond qu'à son avis, la Commission du travail agricole devrait, au cours de l'automne, être appelée à examiner les diverses suggestions du Bureau et à présenter à leur sujet un rapport au Conseil. Par la même occasion, la Commission pourrait examiner s'il y a lieu, après la constitution de la nouvelle commission permanente, de maintenir les deux commissions existant actuellement.

M. Picquenard appuie les suggestions du Bureau et espère que le Conseil les adoptera. D'après lui, les trois commissions pourraient fort bien coexister, car leurs rôles respectifs sont distincts. La Commission du travail agricole est une commission du Conseil et, à ce titre, chargée par le Conseil d'administration de préparer la discussion des questions relatives à l'agriculture. La Commission consultative mixte agricole, composée de représentants de l'Institut international d'Agriculture et du Conseil d'administration, n'est pas appelée à effectuer des études; sa tâche consiste à empêcher les doubles emplois entre l'activité des deux institutions et à assurer la coordination de leurs travaux.

Quant à la nouvelle commission, elle assurerait le contact entre le Bureau international du Travail, les organisations patronales et ouvrières et les autres organisations agricoles. Ainsi elle constituerait un organe de liaison permanent entre le Bureau et les représentants qualifiés des milieux agricoles. C'est là une tâche entièrement différente de celle qui est assurée par les deux autres commissions.

Le Président constate que le Conseil d'administration est appelé à se prononcer sur le principe de la constitution d'une commission agricole tripartite; il serait entendu que la Commission du travail agricole serait, au cours de l'automne, appelée à examiner les propositions précises du Directeur au sujet de la composition à donner à la Commission agricole tripartite ainsi que la question du maintien de sa propre activité et de celle de la Commission consultative mixte agricole.

Par 25 voix contre 4, le Conseil d'administration adopte cette proposition.

SIXIÈME QUESTION A L'ORDRE DU JOUR.

Rapport de la Commission des loisirs des travailleurs.

M. Rice, président et rapporteur de la Commission des loisirs des travailleurs, rappelle les conclusions auxquelles ont abouti les travaux de la Commission.

Celle-ci suggère la création d'un comité composé de six membres du Conseil d'administration qui constituerait le bureau d'une commission consultative de correspondants pour les loisirs des travailleurs, dont la création est également proposée. Le Conseil serait ultérieurement appelé à fixer le nombre de membres de ce comité consultatif. Le Bureau tiendra probablement à présenter au Conseil des suggestions au sujet de la composition de cette commission; le Conseil pourrait donc provisoirement laisser cette question en suspens.

Dans son rapport, la Commission des loisirs des travailleurs signale qu'il serait sans doute opportun de prendre en considération les facteurs suivants :

a) Représentation des organisations des loisirs créées par les travailleurs;
b) Représentation des organisations d'employeurs;
c) Représentation des organisations de caractère officiel;
d) Représentation des organisations de caractère général;
e) Représentation des mouvements confessionnels;
f) Représentation des œuvres de loisirs pour certaines catégories de travailleurs.

Dans le choix des représentants des diverses organisations, l'on devrait s'efforcer de comprendre au moins un ressortissant de chaque Membre de l'Organisation.

Le Conseil a déjà reconnu l'opportunité de constituer un comité pour effectuer des études au sujet des loisirs des travailleurs et coordonner l'activité des diverses organisations qui s'occupent de cette question; la suggestion de la Commission des loisirs des travailleurs n'a donc pas besoin d'être justifiée davantage.
The Director, in reply to Mr. Oersted, said that in his opinion the suggestions of the Office should be considered in October by the Committee on Agricultural Work, which would make a report to the Governing Body. At the same time that Committee should consider the question whether the two existing Committees should continue to function after the new Committee had been set up.

Mr. Picquenard said that he supported the Office proposals and hoped that the Governing Body would adopt them. In his opinion the three Committees could quite well coexist, as their respective functions were distinct. The Committee on Agricultural Work was a Committee of the Governing Body and was instructed by the Governing Body to prepare the discussion of questions concerning agriculture. The Mixed Advisory Agricultural Committee, composed of representatives of the International Institute of Agriculture and of the Governing Body, was not called upon to make studies, but to avoid overlapping between the two organisations and co-ordinate their work.

The new Committee, on the other hand, would ensure liaison between the International Labour Office and the employers' and workers' organisations and other agricultural organisations. It would provide a permanent link between the Office and the qualified representatives of agriculture. That was a totally different function from that carried out by either of the other two Committees.

The Chairman said that the Governing Body was asked to vote on the principle of setting up a Tripartite Agricultural Committee, on the understanding that the Director's precise proposals as to its composition would be considered in the autumn by the Committee on Agricultural Work, which would also deal with the question of the future continuation of its own work and that of the Mixed Advisory Agricultural Committee.

The Governing Body adopted that proposal by 25 votes to 4.

Sixth Item on the Agenda.

Report of the Committee on Workers' Spare Time.

Mr. Rice, speaking as Chairman and Reporter of the Committee, summarised the conclusions at which the Committee had arrived.

In the first place it proposed that a Committee composed of six members of the Governing Body should be formed to serve as the Executive Committee of a larger Advisory Correspondence Committee on Workers' Spare Time which it was also proposed to set up. The Governing Body would settle the number of members of this Committee later. The Office would presumably wish to make some suggestions as to the composition of the Committee, and the Governing Body would probably desire to leave the matter open.

In setting up the Committee it was suggested in the report that it would be advisable to take the following factors into consideration:

(a) Representation of spare-time organisations set up by the workers;
(b) Representation of employers' organisations;
(c) Representation of official organisations;
(d) Representation of organisations of a general nature;
(e) Representation of religious movements;
(f) Representation of spare-time organisations for the benefit of special categories of workers.

Finally, in selecting representatives from those various organisations, an attempt should be made to ensure that at least one representative should be selected from every State Member of the Organisation.

The advisability of setting up a Committee to investigate the question of workers' spare time, and co-ordinate the work of the various organisations which existed in this field, was recognised by the Governing Body and needed no further justification.
M. Mertens accepte la constitution d’un comité composé de six membres du Conseil qui servirait de bureau au Comité consultatif de correspondants. Toutefois, le rapport de la Commission suggère ensuite de constituer un Comité consultatif de correspondants « au Conseil d’administration ». Cette indication lui paraît erronée et il demande ce qu’elle peut signifier.

Le rapport indique ensuite que les membres du Comité consultatif de correspondants seraient désignés par les organisations de loisirs des diverses catégories. Ces organisations devraient se borner à faire des suggestions et c’est au Conseil qu’il appartiendrait de désigner les membres du Comité. Il importe de bien préciser ce point.

M. Picquenard tient à faire la même observation que M. Mertens. Il lui semble que le Comité consultatif de correspondants devrait être constitué avant que l’on décide que six membres du Conseil d’administration prendront part à ses travaux. D’autre part, il va de soi que les organisations devraient se borner à formuler des suggestions au sujet des désignations qui seraient ensuite effectuées par le Conseil d’administration.

Au sujet des organisations poursuivant des buts particuliers, on a mentionné les organisations s’occupant de voyages, de sports, de radiodiffusion, de cinéma, de théâtre, d’enseignement, etc.; il demande que l’on ajoute à cette liste les organisations s’occupant de jardins ouvriers. En France, l’activité des jardins ouvriers est très développée; ces jardins sont organisés tantôt par les employeurs, tantôt par les pouvoirs publics, tantôt par les organisations ouvrières, tantôt par des sociétés spécialement constituées à cet effet. Il conviendrait donc de faire figurer dans la liste les organisations s’occupant de jardins ouvriers et d’ajouter à cette énumération la mention « etc. », de manière à ne pas limiter trop étroitement le cadre de ces organisations spéciales.

M. Serrarens constate que la Commission a entendu assurer la représentation des mouvements confessionnels. Toutefois, il y a un mouvement confessionnel émanant des travailleurs qui se trouveraient visés à la fois par le paragraphe a) relatif à la représentation des organisations de loisirs créées par les travailleurs, et par le paragraphe e) relatif à la représentation des mouvements confessionnels. Il ne s’agit là évidemment que d’une question de rédaction. Il donne donc son approbation au rapport de la Commission auquel on pourrait apporter les modifications nécessaires pour éviter cette ambiguïté.

M. Jouhaux est disposé à voter en faveur du rapport de la Commission, avec les diverses modifications qui ont été demandées. On ne peut le suspecter de tendre à limiter les travaux des commissions ni leur composition. Il ne voit pas d’inconvénient à prévoir la représentation au sein du Comité des diverses organisations mentionnées y compris celles qui s’occupent de jardins ouvriers. Toutefois, si l’on ne veut pas avoir un Comité d’une grandeur démesurée, il est nécessaire de faire certaines discriminations tant au point de vue national que du point de vue international.

S’il a bien compris l’exposé de M. Rice, celui-ci suggère que tous les États Membres de l’Organisation soient représentés comme tels au sein du Comité. Il ne peut accepter cette proposition puisque celle-ci aboutirait à créer un organisme indépendant pouvant prendre des décisions sans en référer au Conseil d’administration.

M. Rice constate que les divers orateurs approuvent le rapport quant au fond; il sera possible de répondre aux diverses observations qui ont été faites par de légères modifications de rédaction.

Le Comité consultatif de correspondants dont on envisage la création sera, sans doute, comme toutes les autres commissions, une commission relevant du Conseil d’administration; il se peut cependant que les termes employés : « constituer au Conseil d’administration » ne rendent pas très exactement la pensée de la Commission des loisirs des travailleurs. En fait, celle-ci a envisagé la création d’une commission dans les mêmes conditions que tous les autres comités de correspondance. Le bureau du Comité serait constitué par six membres du Conseil. Il reconnaît avec M. Mertens et M. Picquenard qu’il faudra inviter les diverses organisations à suggérer les noms
Mr. Mertens said that he agreed that a Committee of six members of the Governing Body should be set up which would constitute the Executive Committee of the Advisory Correspondence Committee. It was then suggested that the Advisory Correspondence Committee should be a Committee of the Governing Body. There seemed to be some confusion in that suggestion, and he asked for an explanation. It was further suggested that the members of the Correspondence Committee should be appointed by the spare time organisations of various kinds. In his opinion those organisations should merely make suggestions, and it should be for the Governing Body to appoint the members of the Committee. This point should be made quite clear.

Mr. Picquenard said that he had proposed to make the same comments as Mr. Mertens. In his view the Advisory Correspondence Committee should be set up before it was decided that six members of the Governing Body should take part in its work. It was also evident that the organisations could merely make suggestions as to appointments which would in fact be made by the Governing Body itself.

In regard to organisations with special objects, reference had been made in the report to those dealing with travel, sport, broadcasting, the cinema, the theatre and instruction, and he hoped that allotments would be added to this list. In France the allotments movement was very highly developed; in some cases the allotments had been organised by the employers, in other cases by the public authorities or by workers' organisations and again in other cases by societies specially constituted for that purpose. It was therefore desirable that specific mention of allotments should be made in the list, and he thought it would be well also to add the word "etc." so as not to limit too strictly the scope of the special organisations.

Mr. Serrarens said that the Committee had desired to ensure the representation of religious movements. There was, however, a religious movement set up by the workers which would come under both paragraph (a), representation of spare-time organisations set up by the workers, and paragraph (e), representation of religious movements. That was of course merely a question of drafting. He supported the Committee's report, in which the necessary changes to remove this ambiguity might be made.

Mr. Jouhaux said that he was prepared to vote for the Committee's report with the various amendments which had been proposed. He could not be suspected of wishing to restrict the activities of Committees or their composition. He saw no reason why the various organisations referred to should not be represented on the Committee, including the allotments movement. It was, however, necessary to make some discrimination both from the national and international point of view if the size of the Committee were to be kept within bounds.

If he had understood Mr. Rice correctly, he proposed that all the States Members of the Organisation should be represented as such on the Committee. He could not accept that proposal, since it would mean the setting up of a body which would have the right to take decisions without referring to the Governing Body.

Mr. Rice said that the various speakers seemed to be in agreement with the substance of the report; the comments which had been made could be met by slight drafting amendments.

The Advisory Correspondence Committee which it was proposed to set up would presumably, as in all other cases, be a Committee of the Governing Body, although perhaps the words used in the French text "constituer au Conseil d'administration" did not exactly convey the Committee's meaning. The suggestion merely was that the new Committee should be on the same footing as all other Correspondence Committees. Six members of the Governing Body would constitute the Executive Committee of this Advisory Committee. He agreed with Mr. Mertens and Mr. Picquenard that the various organisations should be asked to suggest members who would
de personnalités qui seraient ensuite désignées comme membres du Comité par le Conseil d'administration. Enfin, il accepte la proposition de M. Picquenard d’ajouter dans le paragraphe a) une mention relative aux jardins ouvriers ainsi que l’expression « etc. ».

Si M. Serrarens formule une proposition précise au sujet des organisations confessionnelles, il sera tout disposé à l’introduire dans le rapport.

Quant à l’observation de M. Jouhaux, il souligne qu’il ne s’agit pas de donner aux États une représentation indépendante. Il s’est borné à signaler qu’il serait désirable que la Commission comprenne au moins une personnalité appartenant à chaque Membre de l’Organisation.

M. Norman espère que le nombre de membres de la Commission restera dans des limites raisonnables. Il est exact que le Comité dont on envisage la création sera un Comité de correspondants, ce qui n’entraînera pas la convocation à Genève d’un grand nombre de personnes; toutefois, si l’on désigne un trop grand nombre de membres, on court le risque de voir le Bureau consacrer trop de temps à des questions qui ne présentent pas une importance capitale.

M. Serrarens fait connaître que la suggestion concrète demandée par M. Rice consisterait à ajouter au point 4, paragraphe e), après les mots « représentation des mouvements confessionnels », les mots « qui ne sont pas visés par les paragraphes a) et b). ».

M. Rice demande si M. Norman entend proposer la suppression du dernier paragraphe selon lequel ce comité serait constitué de façon à assurer une représentation compétente pour chaque pays Membre de l’Organisation.

M. Norman répond qu’il ne propose pas la suppression du dernier paragraphe du rapport. Il reconnaît que la Commission sera nécessairement assez nombreuse, mais il estime qu’elle devrait cependant rester dans des proportions raisonnables.

Le Président constate que le Conseil se trouve appelé à décider la constitution du Comité consultatif de correspondants pour les loisirs des travailleurs et la désignation de six membres du Conseil qui constitueront le bureau du Comité. Ce bureau pourra se réunir et présenter des suggestions au Conseil lors de sa session d’automne.

Par 25 voix sans opposition, le Conseil d’administration accepte cette proposition et approuve les conclusions du rapport avec les modifications demandées par divers membres.

Séptième question à l’ordre du jour.

Examen préliminaire des questions susceptibles d’être portées à l’ordre du jour de la session de 1938 de la Conférence.

Le Président signale que dans la note soumise au Conseil se trouvent exposées les raisons pour lesquelles le Conseil pourrait ajourner cet examen. En effet, le Conseil ne peut guère procéder à une discussion utile à sa session d’avril alors qu’au mois d’octobre, lorsqu’il devra prendre une décision définitive, la Conférence aura sans doute adopté des résolutions proposant l’inscription de questions à l’ordre du jour de sessions ultérieures. Le Directeur suggère donc au Conseil d’ajourner à sa session d’automne l’examen préliminaire des questions susceptibles d’être portées à l’ordre du jour de la session de 1938 de la Conférence.

M. Mertens déclare que le groupe ouvrier accepte la suggestion du Directeur tendant à renvoyer à la session d’automne cet examen préliminaire. Il demande toutefois que le Directeur présente au Conseil, lors de cette session, un rapport dans lequel il formulera des suggestions au sujet des questions qui présentent le plus d’importance en vue de leur inscription à l’ordre du jour de la Conférence.
be appointed to the Committee by the Governing Body itself. He also agreed with Mr. Picquenard's proposal to add a reference to allotments and the word "etc." to paragraph (a).

If Mr. Serrarens would make a concrete proposal in regard to religious movements, he would be happy to insert it in the report.

As regards Mr. Jouhaux's point, there was no proposal that States should be represented as such. What he had intended to convey was that the Committee should include at least one person from every State Member of the Organisation.

Mr. Norman said that he hoped that the size of the Committee would be kept within measurable proportions. It was true that the proposed Committee was a Correspondence Committee and would therefore not entail large numbers of persons coming to Geneva, but if too many members were appointed there would be the risk that the valuable time of the Office staff would be taken up with matters which were not of the first importance.

Mr. Serrarens said that as Mr. Rice had asked for a concrete suggestion he would propose that after the words in point 4, paragraph (e) "representation of religious movements" the words "which are not covered by paragraphs (a) and (b)" should be added.

Mr. Rice asked whether Mr. Norman's proposal was that the last paragraph, which stated that the Committee should be constituted so as to ensure due representation for each State Member of the Organisation, should be deleted.

Mr. Norman said that he did not propose the deletion of the last paragraph. He agreed that the Committee would necessarily be a large one, but it could be kept within reasonable proportions.

The Chairman said that the Governing Body was asked to decide whether to set up the Advisory Correspondence Committee on Workers' Spare Time and to appoint the six members of the Governing Body who were to act as its Executive Committee. Those members could then meet and make proposals to the Governing Body at its October Session.

The Governing Body, by 25 votes to nil, agreed to that proposal, and approved the conclusions of the report with the amendments proposed by various members.

Seventh Item on the Agenda.

Preliminary discussion of the questions which might be placed on the agenda of the 1938 Session of the Conference.

The Chairman pointed out that in the note which it had submitted, the Office had given reasons why the Governing Body might adjourn this question. It was difficult to hold a useful preliminary discussion in April when it was known that before the final decision was taken in October the Conference would probably have adopted resolutions proposing questions for the agenda of future sessions. The Director accordingly suggested that the Governing Body should adjourn the preliminary discussion of the agenda of the 1938 Session of the Conference until its autumn session.

Mr. Mertens said that the workers' group agreed with the Director's suggestion that the preliminary discussion should be adjourned until the autumn session. He asked, however, that the Director should submit a report to that session in which he would make proposals as to the most important questions to be considered for the agenda of the Conference.
Le groupe ouvrier espère qu’en présentant ces suggestions le Directeur tiendra compte d’une résolution relative à l’apprentissage et à l’enseignement professionnel que lui-même a soumise à la Conférence en 1925. Cette question prend de plus en plus d’importance. En effet, le Conseil inscrira sans doute à l’ordre du jour la question de la révision des quatre conventions concernant l’âge minimum d’admission au travail ; d’autre part la prolongation de la fréquentation scolaire rendra nécessaire un examen de la question de l’enseignement professionnel et de l’apprentissage. Le groupe ouvrier insiste donc pour que cette question soit retenue parmi les premières que la Conférence devrait examiner.

Il signale au Conseil que M. Watt, représentant ouvrier des États-Unis, a quelques observations à présenter au sujet d’un problème connexe. En effet, il y a, à l’heure actuelle, un grand nombre de chômeurs qui ne peuvent plus trouver du travail dans leur propre profession ; il est indispensable qu’on les réadapte à une autre occupation de manière qu’ils puissent gagner leur vie. Cette question doit être traitée en relation avec celle de l’enseignement professionnel.

M. Watt s’intéresse particulièrement à cette question qui, au surplus, préoccupe vivement les travailleurs des États-Unis à la suite de l’adoption de la loi qui prévoit la création d’une assurance-chômage dans 12 des 48 États de l’Union. Il appuie les observations faites par M. Mertens au sujet de l’apprentissage et de l’enseignement professionnel, et considère que cette question, si elle était inscrite à l’ordre du jour de la Conférence, devrait être libellée de manière à comprendre la question de la réadaptation et de l’enseignement professionnels des nombreux travailleurs qui sont en état de chômage permanent parce que l’industrie où ils étaient occupés est en déclin ou même a disparu. Il est une autre importante catégorie de travailleurs que l’on ne doit pas négliger plus à cet égard : il s’agit des victimes d’accidents du travail qui, à cause de la nature de leur invalidité, ne peuvent plus exercer leur métier.

Il espère donc qu’en envisageant la question soulevée par M. Mertens, le Conseil prendra en considération la situation des deux catégories de travailleurs dont il vient de parler.

M. Norman se déclare pleinement d’accord avec les déclarations de M. Watt.

M. Yoshisaka apprécie les raisons invoquées par le Bureau en faveur d’un ajournement ; toutefois, il regrette qu’il soit nécessaire de reporter l’examen préliminaire jusqu’à la session d’automne.

Il appuie la proposition de M. Mertens tendant à inscrire à l’ordre du jour de la session de 1938 la question de l’apprentissage et de l’enseignement technique, laquelle intéresse tous les pays en raison de la transformation de l’organisation industrielle, et revêt donc un caractère universel.

Les pays lointains attachent beaucoup d’importance à ce que l’ordre du jour de la Conférence soit établi deux années à l’avance, car ils éprouvent de sérieuses difficultés à préparer les travaux de la Conférence. C’est ainsi que la délégation japonaise à la prochaine session de la Conférence a dû quitter son pays le 17 avril dernier, tandis que les délégués des pays d’Europe n’ont sans doute pas encore été désignés par leurs Gouvernements. La délégation japonaise n’avait reçu avant son départ aucun des documents préparés par le Bureau. Ses membres devront donc étudier ces très volumineux rapports après leur arrivée à Genève, pendant les quelques jours précédant l’ouverture de la Conférence. On comprendra que le Gouvernement japonais tienne à ce que l’ordre du jour de la Conférence soit établi aussi longtemps d’avance que possible, afin que non seulement les représentants gouvernementaux, mais également les représentants des organisations patronales et ouvrières, soient en mesure d’étudier les questions figurant à l’ordre du jour et afin de provoquer dans l’opinion publique un certain intérêt pour ces questions. Il convient également d’éviter d’inscrire de nouvelles questions à l’ordre du jour peu avant l’ouverture des sessions de la Conférence.

Enfin il importe de limiter le nombre des questions inscrites à l’ordre du jour de chaque session de la Conférence. A son avis, ce nombre ne devrait pas dépasser cinq. Une décision dans ce sens faciliterait les travaux de la Conférence. Il espère
The workers' group hoped that in making these suggestions the Director would bear in mind the resolution concerning apprenticeship and vocational training which he had submitted to the Conference in 1925. That question was becoming more and more important. The Governing Body would doubtless decide to place on the agenda of the Conference the question of revision of the four Minimum Age Conventions, and the prolongation of compulsory school attendance would make it necessary that the question of vocational training and apprenticeship should be dealt with. For those reasons the workers' group urged that that question should be placed amongst the first problems to be considered by the Conference.

The United States workers' representative, Mr. Watt, would make some observations on a related problem. At the present moment considerable numbers of unemployed could no longer find work in their own occupation, and it was essential that they should be re-adapted to some other occupation so as to enable them to earn their livelihood. This question should be dealt with in connection with that of vocational education.

Mr. Watt said that this was a question in which he was personally keenly interested and one of particular moment to the workers in the United States owing to the passing of the National Security Act which provided for a system of unemployment insurance for 12 out of the 48 American States. He agreed with Mr. Mertens' remarks in regard to apprenticeship and vocational education. If this question were placed on the agenda of the Conference, it should be framed in such a way as to include the question of the rehabilitation and vocational training of the vast number of workers who were permanently unemployed because they had worked in industries which were either declining or dead. There was also another very large group of workers for whom something should be done, namely those who had been injured in industry and who because of the nature of their injury were unable to follow their former occupation.

He hoped that in considering the question raised by Mr. Mertens, the Governing Body would take into account the position of the two classes of workers to which he had referred.

Mr. Norman said that he was in complete agreement with the statement made by Mr. Watt.

Mr. Yoshisaka said that while he understood the reasons which had been given by the Office, he much regretted that it was necessary to adjourn the preliminary discussion until the October Session.

He supported Mr. Mertens' proposal that the question of apprenticeship and technical education should be placed on the agenda of the 1938 Session of the Conference. This question was of interest to all countries in view of the transformation of the organisation of industry, and therefore had a universal character.

It was important for the far distant countries that the agenda of the Conference should be selected two years in advance, since it was very difficult for them to prepare for the work of the Conference. For example, the Japanese delegation to the forthcoming session of the Conference had already left Japan on 17 April, whereas the European delegates to the Conference had probably not yet been nominated. The Japanese delegation had not received any of the documents prepared by the Office before its departure, and its members would have to study the voluminous reports after their arrival in Geneva during the few days preceding the opening of the Conference. The Japanese Government was therefore anxious that the agenda of the Conference should be fixed as early as possible, in order that not only the Government representatives but also the representatives of the employers' and workers' organisations should be able to study the questions on the agenda, and in order to arouse the interest of the general public in those questions. It was also desirable that no new items should be added to the agenda shortly before the Conference.

There was also the important question of limiting the number of items to be placed on the agenda of each session of the Conference. In his opinion not more than five items should be selected. A decision to that effect would facilitate the work of
qu'à sa session d'automne le Conseil examinera les questions susceptibles d'être inscrites à l'ordre du jour, et fixera également le nombre maximum de questions qui pourront figurer à l'ordre du jour des sessions ultérieures de la Conférence.

*M. de Buen* demande que l'ordre du jour de la session de 1938 de la Conférence comprenne la question de l'enseignement social pour la préparation des ouvriers et employeurs qui font partie des organismes chargés d'appliquer la législation ouvrière : tribunaux de travail, conseils du travail, bureaux de conciliation. En Espagne, l'existence de nombreux organismes consultatifs et judiciaires constitués sur une base paritaire a nécessité la création d'écoles sociales préparant les individus à remplir leur mission dans ces organismes.

Il dépose à cet égard la proposition suivante :

Considérant que, dans la majorité des pays du monde, l'enseignement des méthodes pratiques d'étude des faits sociaux (dans des centres d'instruction du degré moyen qui, tout en laissant à l'Université l'étude purement théorique des problèmes de ce genre, préparaient leurs élèves à des charges importantes) n'est pas développé de façon suffisante, de sorte qu'il faut recourir dans de nombreux cas, pour des expériences sociales nouvelles, à un personnel improvisé, ce qui entraîne des inconvénients évidents ;

Considérant qu'un enseignement social du degré moyen ou supérieur peut et doit, non seulement permettre de donner aux élèves la préparation technique et professionnelle nécessaire, mais rendre possible une utilisation adéquate des loisirs ouvriers tout en fournissant des occupations utiles dans certains cas, à condition qu'il permette aux travailleurs de vouer une partie de leur activité au fonctionnement de nouveaux organismes d'État mis au service de la justice et de la paix sociale ;

Considérant que la Conférence de Santiago du Chili a déjà adopté des résolutions montrant la nécessité d'une meilleure connaissance de problèmes sociaux par les classes ouvrière et patronale de façon à leur permettre de participer à l'application pratique de la législation sociale, en particulier en collaborant à l'œuvre de certains organismes nouveaux qui exigent une meilleure préparation ;

Considérant l'utilité de visites organisées du Bureau international du Travail par les étudiants ;

Le représentant du Gouvernement espagnol prie le Conseil de considérer l'opportunité d'inscrire à l'ordre du jour de la session de 1938 de la Conférence internationale du Travail la question de la création de centres d'enseignement théorique et pratique chargés de préparer spécialement les jeunes gens aux charges de direction et d'administration des institutions de caractère social et d'organiser pour leurs élèves des visites d'étude auprès du Bureau international du Travail.

Cette proposition s'écarte évidemment de celle qui figure dans le rapport du Bureau au sujet de l'apprentissage et de l'enseignement technique et professionnel. Il estime pour sa part qu'une étude de la question qu'il a suggérée en vue de l'adoption d'une convention ou peut-être d'une recommandation pourrait propager dans les divers pays l'esprit de l'Organisation. Il ne faut pas oublier que l'application de la législation et l'esprit dans lequel elle est conçue importent plus que le texte de la loi elle-même.

*Le Directeur* répond à M. Mertens que le Conseil sera saisi à sa session d'automne d'un nouveau rapport contenant des suggestions quant aux questions particulièrement susceptibles d'être inscrites à l'ordre du jour. Il est probable que l'une de ces questions sera celle de l'apprentissage et de l'enseignement professionnel ; déjà le Conseil en avait envisagé l'inscription à l'ordre du jour de la session de 1937 et la question n'avait été éliminée que par un faible écart de voix.

Il ne manquera pas de tenir compte de la proposition de M. Watt tendant à comprendre dans le champ de cette question la rééducation et la réadaptation des travailleurs qui ont perdu l'occasion d'exercer leur profession ou qui, par suite d'accidents du travail, sont devenus inaptes à l'exercer.

Il comprend parfaitement les préoccupations de M. Yoshisaka ; à bien des égards il serait certainement désirable d'établir l'ordre du jour de la Conférence deux années
the Conference. He hoped that the Governing Body, at its October Session, would deal not only with the items to be placed on the agenda but also with the maximum number of items which should be selected for the sessions of the Conference.

Mr. de Buen asked that the agenda of the 1938 Session of the Conference should include the question of the social training of employers and workers who took part in the bodies entrusted with the application of labour legislation, namely, labour courts, labour councils and conciliation boards. In Spain the numerous advisory and legal bodies set up on a joint basis had necessitated the creation of social schools to prepare the persons concerned for their various tasks.

In this connection he submitted the following proposal:

"Whereas in most countries the teaching of practical methods for the study of social conditions (in secondary educational establishments, which, while leaving the theoretical study of these problems to the Universities, train students for important posts) is insufficiently developed, so that in many cases recourse must be had, for the purposes of new social experiments, to inexperienced staff, a procedure which involves obvious disadvantages;

Whereas secondary and higher social education can and should not only afford students the necessary technical and vocational training, but also permit of utilising workers' spare time more suitably while providing useful occupations in certain cases on condition that the workers are given an opportunity of devoting part of their activity to new State organisations which have been set up to serve the purposes of social peace and justice;

Whereas the Santiago Conference adopted resolutions which stressed the need for making employers and workers better acquainted with social problems, so that they may both take part in applying social legislation, more especially by co-operating in the work of certain new organisations which call for a better education in regard to these problems;

Whereas it would be useful to organise trips to the International Labour Office for students;

The Spanish Government representative requests the Governing Body to consider the desirability of placing on the agenda of the International Labour Conference in 1938 the question of setting up theoretical and practical education centres for the special purpose of training young persons to fill executive and administrative posts in social institutions and of organising trips for students to study the organisation of the International Labour Office."

This proposal differed from that referred to in the report under the heading "Apprenticeship and vocational and technical education". A study of the question which he suggested with a view to the adoption of a Convention or perhaps a Recommendation would further the work for which the Organisation was set up in the various countries. It must be remembered that the application of the law and the spirit in which it was drawn up were more important than the law itself.

The Director, in reply to Mr. Mertens, said that the Office would make a further report to the Governing Body at its autumn session, containing suggestions as to the questions which might most suitably be placed on the agenda. It was probable that one of those questions would be that of apprenticeship and vocational education, as that question had already been considered with a view to the 1937 agenda, and had only been eliminated by a few votes. The Office could certainly take into the fullest account Mr. Watt's proposal to extend the question to include the rehabilitation and retraining of workers who had lost their occupation or had become incapacitated for it by an industrial accident.

He felt much sympathy with the point of view put forward by Mr. Yoshisaka, and in some ways it would no doubt be preferable to draw up the agenda two years in advance. On the other hand, experience had shown there were disadvantages in
à l'avance. Toutefois, l'expérience a révélé que cette procédure présentait des inconvenients; en effet, lorsque l'ordre du jour est établi longtemps à l'avance, il arrive presque toujours qu'il soit nécessaire de le compléter par la suite; c'est pour cette raison notamment que l'ordre du jour s'est trouvé aussi chargé lors des dernières sessions de la Conférence. Si l'on veut établir un ordre du jour plus restreint, il est sans doute opportun d'ajourner l'examen préliminaire à la session d'automne, ainsi que le Bureau l'a suggéré.

Il a, dans le rapport du Directeur soumis au Conseil à sa présente session, fait allusion au retard avec lequel ont paru certains documents destinés à la session de 1936 de la Conférence; il signale que ce retard n'est pas imputable au Bureau mais plutôt aux Gouvernements qui n'ont pas envoyé leurs réponses aux questionnaires à la date prévue.

Il tient à assurer M. de Buen qu'en suggérant des questions en vue de leur inscription à l'ordre du jour de la session de 1938 de la Conférence, il tiendra compte de la proposition que M. de Buen a formulée.

Le Conseil décide d'ajourner à sa session d'automne l'examen préliminaire des questions susceptibles d'être inscrites à l'ordre du jour de la session de 1938 de la Conférence.

HUITIÈME QUESTION A L'ORDRE DU JOUR.

Enquête à faire par le Bureau et rapport au Conseil d'administration sur les mesures à prendre en vue d'une réglementation protectrice internationale relative aux conditions d'emploi, de travail, de prévention et de prévoyance sociale des salariés occupés dans les transports automobiles routiers (Proposition de M. de Michelis).

Le Directeur expose que la note soumise au Conseil a trait à une proposition faite par M. de Michelis au sujet d'une branche d'industrie à laquelle, jusqu'ici, on n'a pas assez accordé d'attention. On ne se rend pas toujours compte que, au cours des dernières années, l'industrie des transports automobiles s'est développée très rapidement dans presque tous les pays et peut, actuellement, rivaliser avec les chemins de fer quant au nombre de personnes qu'elle occupe. Comme elle est de création récente, on n'a accordé que peu d'attention aux conditions dans lesquelles elle est exploitée. Ce n'est que depuis peu que certains pays ont adopté des mesures législatives à son sujet. Comme l'indique un article sur la durée du travail et les périodes de repos des conducteurs de véhicules automobiles paru dans le numéro de décembre 1935 de la Revue internationale du Travail, il reste beaucoup à faire pour mettre cette branche d'industrie au même niveau que la plupart des autres.

Il se félicite donc que l'attention du Conseil ait été attirée sur cette question. Si le Conseil d'administration en décide ainsi, le Bureau poursuivra et développera ses études sur ce problème, notamment du point de vue de la durée du travail et de la prévention des accidents. Ce sont là des questions qui présentent une très grande importance non seulement pour les conducteurs de véhicules automobiles eux-mêmes, mais aussi pour tous les usagers de la route.

Sans doute le Conseil sera-t-il amené assez prochainement à envisager l'adoption par la Conférence d'une réglementation protectrice en faveur des travailleurs occupés dans les transports automobiles routiers. Mais, pour l'instant, il importe de poursuivre et d'intensifier les études entreprises par le Bureau sur cette question.

M. Jouhaux estime qu'il s'agit là d'une question très importante, laquelle devrait être étudiée non du point de vue des usagers de la route, mais surtout de celui des travailleurs occupés dans les diverses entreprises de transports routiers. Ces entreprises ont pris un essor remarquable, et dans certains pays constituent de dangereuses rivales pour les compagnies de chemins de fer. Il n'est pas douteux que les conditions de travail des personnes employées par ces entreprises sont très mal définies dans tous pays, et qu'elles échappent à toute réglementation et à tout contrôle. C'est ainsi que le mécanicien d'une locomotive remorquant un train de Paris à Marseille sera remplacé trois fois au cours de ce trajet, qui cependant présente des conditions de sécurité bien plus grandes que le trajet par route. Par contre, un chauffeur conduisant un camion
that procedure, since when the agenda was drawn up a long time in advance it almost always happened that it was necessary to add to it; this was one of the reasons why in recent years the agenda had been more heavily loaded than it would otherwise have been. It was therefore probably in the interests of a smaller agenda to defer the discussion until the autumn in accordance with the Office proposal.

A reference had been made in the Director's Report to the question of the late issue of the documents for the 1936 Conference. It had been pointed out that the delay had not been the fault of the Office but rather of the Governments, which had not sent in their replies to the questionnaires by the stipulated date.

In suggesting items for the agenda of the 1938 Session of the Conference, he would bear in mind the proposal which Mr. de Buen had just put forward.

The Governing Body decided to adjourn the preliminary discussion of the questions which might be placed on the agenda of the 1938 Session of the Conference until its October Session.

Eighth Item of the Agenda.

Study by the Office and report to the Governing Body on the steps to be taken for the protective international regulation of the conditions of employment, work, safety and social welfare of wage-earners employed in road motor transport (Mr. de Michelis' proposal).

The Director said that the document which had been submitted to the Governing Body dealt with the suggestion made by Mr. de Michelis relating to an industry to which insufficient attention had hitherto been given. It was not always realised that in recent years the road motor transport industry had extended very rapidly in practically every country, and was now beginning to rival the railway industry in the number of its employees.

As it was a comparatively new industry, little attention had been paid to the conditions which prevailed in it. It was only in recent years that legislation had been introduced in a certain number of countries. As was stated in an article in the December 1935 number of the International Labour Review on hours of work and rest periods of motor vehicle drivers, much remained to be done in bringing the conditions of that industry up to the level of most other industries.

It was therefore most timely that the Governing Body's attention should be called to the question. If the Governing Body agreed, the Office would pursue and intensify its studies, particularly with regard to hours of work and the prevention of accidents. These were questions of great importance not only for the drivers of motor vehicles but for other users of the road. The time would probably shortly arrive when the Governing Body might consider the possibility of the Conference adopting protective regulations for workers employed in the motor transport industry. For the present, however, the Office should continue and develop its study of the question.

Mr. Jouhaux said that this was a question of the greatest importance which should be studied from the point of view not of the users of the road but of the workers employed by all kinds of transport undertakings. Such undertakings had developed in a remarkable manner, and in certain countries were now proving serious rivals to the railway companies. It was evident that the conditions of work of such workers were very ill defined in all countries, and were not subject to any kind of regulation or supervision. For example, an engine-driver driving a train from Paris to Marseilles would be relieved three times during a journey which would be far safer by the railway than by road. Yet a man who drove a lorry from Paris to Marseilles would do the whole trip without ever being relieved. However strong the driver might be, it was
de Paris à Marseille ne sera remplacé à aucun moment. Quelle que soit sa résistance physique, il ne peut résister à la fatigue excessive résultant de la conduite de son véhicule sur la distance qui sépare Paris de Marseille. Il faut prévenir les risques d'accident qui résultent de cet état de choses.

La question se présente encore sous un autre aspect. Le rapport relève non sans raison que les entreprises de transports ont souvent un caractère presque familial. Cela est vrai pour les petites entreprises qui n'opèrent que sur des trajets réduits, mais cela ne s'applique certainement pas aux grandes entreprises. Celles-ci sont presque toujours, soit des consortiums constitués par les fabricants d'automobiles, soit des filiales des compagnies de chemins de fer. Il n'est pas douteux qu'en France on s'est efforcé de remédier à la diminution du trafic ferroviaire en développant les entreprises de transports routiers appartenant aux compagnies de chemins de fer. Néanmoins, les entreprises dépendant directement des compagnies de chemins de fer ne sont pas soumises à la législation du travail applicable aux cheminots.

Ainsi donc, si dans certaines régions, les entreprises de transports automobiles routiers présentent parfois un caractère familial, elles ont, en général, le caractère d'entreprises industrielles, et devraient être soumises aux prescriptions légales s'appliquant d'une manière générale à tous les travailleurs. Le contrôle devrait dans leur cas être particulièrement strict, car il ne s'agit pas seulement des conditions de travail du personnel mais aussi de la sécurité de tous les usagers de la route.

Le rapport indique que, pour les congés payés, les travailleurs des transports automobiles routiers seront vraisemblablement compris parmi les salariés auxquels s'appliquera la réglementation que doit établir la Conférence à sa prochaine session. Il importe qu'ils soient en tout état de cause visés par cette réglementation, car l'on commettrait une erreur capitale en envisageant l'adoption d'une législation spéciale en la matière pour les transports automobiles routiers.

Il considère que le Bureau doit poursuivre ses études de manière à assurer aux travailleurs des transports routiers le bénéfice de la législation sociale et d'un contrôle de leurs conditions de travail plus strict encore que pour les autres industries.

M. de Michelis conclut des observations que vient de présenter M. Jouhaux que sa proposition tendant à faire étudier cette question était justifiée. Aussi espère-t-il que le Conseil décrira à l'unanimité de donner suite aux conclusions de la très intéressante note du Bureau.

Il tient à signaler un aspect particulier de la question dont devrait tenir compte le Bureau dans les études qu'il va poursuivre. Il conviendrait d'examiner attentivement en fait et en droit la situation des travailleurs occupés dans les transports automobiles routiers. D'autre part, il serait intéressant de déterminer comment il est possible d'assurer une protection légale et de fixer des conditions de travail pour ces travailleurs dans des pays limitrophes du leur. En effet, beaucoup de ces travailleurs commencent leur journée de travail dans un pays et la terminent dans un deuxième ou même dans un troisième pays ; leur travail présente donc, dans un laps de temps très bref, un caractère nettement international. Il sera intéressant d'examiner la possibilité d'aboutir à des accords bilatéraux ou multilatéraux assurant des conditions de travail équitables à des travailleurs qui, par la nature même de leur emploi, sont soumis à des législations différentes.

M. Picquenard est d'accord avec les orateurs précédents pour estimer que la question présente une grande importance ; l'aspect qui, à son avis, présente le plus d'urgence, est celui de la durée du travail.

La proposition initiale de M. de Michelis vise l'ensemble, y compris les conditions d'emploi, la prévention des accidents et la prévoyance sociale. Le Bureau constate lui-même que la réglementation relative à la prévoyance sociale ne présente pas un caractère d'urgence marqué, ce qui s'explique par le fait que l'application des assurances sociales ne dépend pas des conditions de travail, mais des contrats conclus entre patrons et salariés. Or, du point de vue juridique, le contrat de travail des conducteurs de véhicules automobiles ne diffère pas de celui des autres travailleurs. Quant à la question de la sécurité et de la prévention des accidents, le Bureau signale qu'il s'agit d'un problème général intéressant tous les conducteurs de véhicules.
impossible for him to resist the excessive fatigue which would result from driving from Paris to Marseilles. It was essential to prevent the danger of accident which arose from this state of affairs.

There was another aspect of the question. In the report, reference was made with a certain amount of reason to the fact that transport undertakings were often more or less family businesses. That was true in regard to small undertakings which were only concerned with short journeys, but certainly did not apply to larger undertakings. The latter were generally either concerns set up by the manufacturers of motor vehicles, or branches of railway companies. In France at any rate an endeavour had been made to redress the falling off in railway traffic by developing road transport undertakings owned by the railway companies themselves. But such undertakings directly controlled by the railway companies were not subject to the labour legislation which applied to railway workers.

Whilst road transport undertakings might be family undertakings in certain districts they were thus generally industrial undertakings which should be subject to the general regulations obtaining for workers as a whole. They should be particularly strictly supervised, since it was not only a question of the welfare of the workers concerned, but also the safety of persons using the road.

The report, in referring to holidays with pay, stated that workers in road transport would presumably be included among the wage-earners covered by any measure which might be adopted at the next session of the Conference. It was essential that they should in any case be covered by these regulations, for it would be a great mistake to contemplate special legislation on the subject for the motor transport industry.

The Office should, in his view, continue its studies with a view to ensuring that workers employed in road transport should enjoy the benefits of social legislation, and that the supervision of their conditions of work should be still more strict than in other industries.

Mr. de Michelis said that Mr. Jouhaux's speech had shown him that the proposal that the question should be studied was well founded. The Governing Body would, he hoped, unanimously decide to give effect to the conclusions of the interesting note submitted by the Office.

There was one special aspect of the question to which particular attention should be paid in the studies which the Office would undertake. It would be necessary to consider the actual and legal position of workers employed in motor road transport. It would also be interesting to see how legal protection could be provided and the conditions of these workers safeguarded in neighbouring countries. Many of the workers concerned began their day's work in one country and finished it in a second or even a third country; their work thus very rapidly assumed an international character. It would be interesting to see whether it would be possible to arrive at bilateral or multilateral agreements which would ensure fair conditions for those workers who, owing to the nature of their employment, were subject to different legislations.

Mr. Picquenard said that he agreed with previous speakers that the question was of great importance. In his view the most urgent aspect was that of hours of work.

Mr. de Michelis' original proposal referred to the whole question, including conditions of employment, work, safety and social welfare. The Office itself pointed out that the regulation of social insurance for these workers was not a specially urgent matter; the reason for this was that the application of social insurance did not depend upon conditions of work but upon contracts between employer and employed. From the legal point of view the labour contracts of motor vehicle drivers did not differ from those of other workers. As regards safety and the prevention of accidents, the Office report pointed out that this was a general question which concerned all motor drivers, and in this connection it was collaborating with
automobiles et que, à cet égard, il collabore avec le Comité permanent de Circulation routière de la Société des Nations. Cette collaboration ne présente que des avantages. Mais il est un aspect du problème qui relève directement de la compétence du Bureau et dont l'étude s'impose de la façon la plus urgente : c'est la réglementation de la durée du travail et des périodes de repos. C'est par là que le Bureau devrait aborder l'étude suggérée par M. de Michelis.

Les dispositions de la réglementation générale sur la durée du travail s'appliquent difficilement aux travailleurs qui sont occupés dans des entreprises de transports routiers et qui, dans certains cas, n'ont ni itinéraire fixe, ni heures de départ et d'arrivée régulières. Les études entreprises en France ont permis de constater les très grandes difficultés auxquelles on se heurte pour élaborer une réglementation de leur travail, et plus encore pour en assurer le contrôle. On est arrivé, d'autre part, en France à la conclusion que, en ce qui concerne les véhicules automobiles assurant les transports routiers, la réglementation des heures de travail devrait s'appliquer à tous les conducteurs de ces véhicules, sans distinction entre les petites et les grandes entreprises, que les véhicules soient conduits par des salariés ou par les chefs de ces entreprises.

Il attire donc l'attention du Bureau sur la question de la durée du travail et des périodes de repos pour cette catégorie de travailleurs, et sur la nécessité de faire porter son étude sur tous les travailleurs affectés aux transports automobiles routiers, même lorsqu'ils sont propriétaires de leurs véhicules.

Le Conseil d'administration approuve les conclusions figurant dans la note du Bureau.

La séance est levée à 13 heures.

W. A. RIDDLE.
the Permanent Committee on Road Transport of the League of Nations. There was every advantage in that collaboration. There was however one aspect of the question which fell directly within the competence of the Office and which it was urgent to study: the regulation of hours of work and rest periods. That was the point of view from which the Office should begin the study suggested by Mr. de Michelis.

It was difficult to apply the general regulations concerning hours of work to road transport workers, who in certain cases had no fixed itinerary and no fixed hours of departure and arrival. The studies which had been undertaken in France showed that there were great difficulties in drawing up regulations for such work and still greater in enforcing them. The conclusion had moreover been arrived at in France that as regards motor transport vehicles the regulation of hours of work should apply to all the drivers of such vehicles, without making any distinction between small and large undertakings, whether the vehicles were driven by wage-earners or by the heads of the undertakings.

He therefore called the Office's special attention to the question of hours of work and rest periods for this class of workers and to the necessity of extending its studies to all workers employed in road motor transport, even when they were owners of vehicles.

The Governing Body approved the proposals contained in the note submitted by the Office.

The sitting closed at 1 p.m. W. A. Riddell.
PROCÈS-VERBAL DE LA QUATRIÈME SÉANCE (PRIVÉE).

Au cours de cette séance, qui a eu un caractère privé, le Conseil d’administration a examiné la dixième question à l’ordre du jour (Rapport du Comité du budget).
Conformément aux dispositions de l’article 8 du règlement du Conseil d’administration, le procès-verbal de cette séance est imprimé séparément.
MINUTES OF THE FOURTH SITTING (PRIVATE).

At this sitting, which was private, the Governing Body considered the Tenth Item on the Agenda (Report of the Finance Committee).

In accordance with the provisions of Article 8 of the Standing Orders of the Governing Body, the minutes of this sitting have been printed separately.

QUESTION A L'ORDRE DU JOUR.

du Bureau sur les questions relatives à la durée des travaux de la Conférence concernant la réduction de la durée du travail dans l'industrie de métier et dans l'industrie chimique.

Le Directeur rappelle que le Conseil d'administration avait, lors de sa 74e session, demandé au Bureau de lui faire des propositions au sujet de la convocation d'une réunion tripartite, chargée de procéder à une discussion de caractère préparatoire sur la réduction de la durée du travail dans l'industrie chimique. Cette industrie est d'une structure particulièrement compliquée, et il est très difficile d'en donner une définition qui ne puisse être contestée. La détermination du champ de la question à inscrire à l'ordre du jour donnera certainement lieu à des difficultés, et le Bureau ne saurait résoudre cette question sans l'aide d'experts. C'est pourquoi le Bureau propose que le Conseil l'autorise à convoquer une réunion technique préparatoire de caractère tripartite à la fin de 1936 ou au commencement de 1937. Il suggère que tous les États Membres dont l'industrie chimique occupe plus de 40.000 salariés soient invités à participer à cette réunion. Les pays en question sont les suivants : Belgique, États-Unis, France, Grande-Bretagne, Italie, Japon, Pologne, U.R.S.S. Il est peut-être d'autres pays dans lesquels l'industrie chimique est suffisamment importante pour qu'il paraisse opportun de les ajouter à cette liste. Le critère adopté est sans doute un peu arbitraire, et il se pourrait qu'il fût trop exclusif.

La réunion serait appelée à effectuer une tâche analogue à celle qui a accompli la réunion préparatoire technique tripartite pour la session maritime de la Conférence. Elle examinerait les différents problèmes relatifs à cette industrie en ce qui concerne la réduction de la durée du travail et fournirait en particulier des indications sur la manière dont on pourrait définir l'industrie chimique.

Le Bureau préparerait une base de discussion pour la Conférence à la lumière du rapport de cette réunion préliminaire tripartite. Il ignore si la réunion aboutirait à des conclusions suffisamment définies pour que ce débat puisse tenir lieu de première discussion au sein de la Conférence. En tout cas, les délégués qui participeront aux débats de la réunion ne prendraient en aucune manière la responsabilité des propositions que le Bureau ferait par la suite à la Conférence. La réunion aurait un caractère consultatif, et le Bureau rédigerait un rapport pour la Conférence à la lumière des débats. A moins que le Bureau ne soit assisté de cette manière, la question de la réduction de la durée du travail dans l'industrie chimique ne pourra être traitée dans des conditions présentant des chances sérieuses d'aboutir à des résultats satisfaisants.

En ce qui concerne l'industrie graphique, la situation est assez différente. Cette industrie ne présente pas de grandes difficultés techniques ; le Bureau n'a donc pas cru devoir proposer la convocation d'une réunion préparatoire.

M. Mertens conclut des déclarations du Directeur que ce dernier n'aurait pas d'objections si l'on proposait d'inviter à la réunion préparatoire pour l'industrie
MINUTES OF THE FIFTH SITTING.

(Friday, 24 April 1936, 5 p.m.)

The Governing Body was composed as follows: Mr. Riddell, Chairman, Mr. de Buen, Mr. Erukkar, Mr. Estrada Cajigal, Mr. Forslund, Mr. Jouhaux, Mr. Jurkiwicz, Mr. Kirkaldy, Mr. Kotek, Mr. Kupers, Mr. Lecocq, Mr. Li Ping-Heng, Mr. Mannio, Mr. Markus, Mr. Mertens, Mr. de Michelis, Mr. Muniz, Mr. Němecék, Mr. Norman, Mr. Oersted, Mr. Olivetti, Mr. Parado, Mr. Piquenard, Mr. Rice, Mr. Schürch, Mr. Serrarens, Mr. Takeuchi, Mr. Tzaut, Mr. Waline, Mr. Watt, Mr. Yoshisaka, Mr. Zaman.

NINTH ITEM ON THE AGENDA.

Report of the Office on questions relative to the preparation of the work of the Conference in regard to the reduction of hours of work in printing and kindred trades and in the chemical industry.

The Director said that the Governing Body had at its Seventy-fourth Session instructed the Office to make suggestions for the calling of a tripartite meeting to hold a preparatory discussion on the reduction of hours of work in the chemical industry. This industry was a particularly complicated one, in regard to which it was very difficult to arrive at an agreed definition. The question of the scope of the item to be included in the agenda was certain to give rise to difficulty, and the Office would not be able to solve it without expert assistance. The Office therefore suggested that it should be authorised to convene a preliminary technical meeting of a tripartite character at the end of 1936 or the beginning of 1937. It suggested that all States Members in which the chemical industry employed over 40,000 wage-earners might be invited to take part. The countries in question were: Belgium, France, Great Britain, Italy, Japan, Poland, the United States of America and the Union of Soviet Socialist Republics. There might be other countries whose interest in the chemical industry was sufficiently great to make it desirable to add them to this list. The criterion which had been adopted was perhaps a somewhat arbitrary one and might be too exclusive.

The meeting would be asked to do the same kind of work as the Preparatory Technical Tripartite Meeting had done for the maritime session of the Conference. It would review the various problems arising in the industry in connection with the reduction of hours of work, and, in particular, would make suggestions as to how the chemical industry should be defined.

The Office would have to prepare a basis of discussion for the Conference in the light of the report of this preliminary tripartite meeting. He did not know whether the meeting would arrive at sufficiently definite conclusions to make it a substitute for a first discussion at the Conference. In any case, the delegates at the meeting would bear no responsibility for whatever proposals the Office subsequently made to the Conference. The meeting would be an advisory one, and the Office would draft its own report for the Conference in the light of the discussions which had taken place. Unless the Office received some assistance of this kind, it would not be possible to deal with the reduction of hours of work in the chemical industry in such a way as to give any real hope of a satisfactory conclusion.

The position as regards the printing industry was somewhat different. That industry did not present any great technical difficulties, and the Office therefore did not suggest that a preliminary meeting should be called.

Mr. Mertens said that he had understood from the Director's statement that he would have no objection if it was suggested that other countries besides those...
chimique des pays autres que ceux qu’il a énumérés. Les ouvriers estiment que la réunion ne devrait pas être strictement limitée à ces huit pays.

Par contre, le groupe ouvrier ne peut se rallier aux raisons pour lesquelles le Bureau renonce à envisager la convocation d’une réunion préparatoire pour étudier la question de la réduction de la durée du travail dans l’industrie graphique. Les ouvriers désirent que l’on convoque une réunion préparatoire pour cette industrie, parce qu’ils espèrent qu’une telle réunion permettra à la Conférence d’adopter, en 1937, une convention concernant la réduction de la durée du travail dans l’industrie graphique par la procédure de la simple discussion. Si l’on convoquait, pour discuter cette question, une réunion tripartite, le travail de la Conférence de 1937 en serait facilité. Il demande donc au Directeur de réexaminer la proposition qu’il a faite à ce sujet.

* M. de Buen* accepte que les seuls pays invités à la réunion préparatoire pour l’industrie chimique soient ceux dans lesquels cette industrie occupe plus de quarante mille salariés. Par contre, il n’accepte pas l’estimation selon laquelle le nombre des salariés de l’industrie chimique espagnole serait inférieur à ce chiffre. Selon les statistiques du Gouvernement espagnol, il y a beaucoup plus de 40.000 ouvriers occupés dans l’industrie chimique. Il fait donc toutes réserves à cet égard, et, s’il est établi que tel est bien le cas, il demande au Bureau d’en tenir compte et d’inviter l’Espagne à se faire représenter à la réunion tripartite.

* M. Picquenard* demande si les frais de voyage et de séjour des délégués de la réunion tripartite seraient payés par le Bureau ou par les Gouvernements.

* M. Rice* déclare que les États-Unis préféreraient qu’une réunion tripartite fût convoquée tant pour l’industrie graphique que pour l’industrie chimique. Il se félicite des résultats de la réunion préparatoire technique tripartite pour les questions maritimes, et il serait heureux que l’on suivît la même procédure en ce qui concerne la réduction de la durée du travail dans les deux industries en question.

* M. Kupers* appuie la proposition de convocation d’une réunion préparatoire pour l’industrie chimique, car la définition de cette industrie présente de grandes difficultés. Dans son opinion cependant, il ne suffirait pas d’inviter huit pays à la réunion. Le critère proposé par le Bureau n’est pas très satisfaisant, car il importe de tenir compte non seulement du nombre absolu de travailleurs occupés dans l’industrie chimique des divers pays, mais également de l’importance relative de l’industrie dans chaque pays. Si l’industrie chimique dans un petit pays occupe 30.000 ouvriers, elle peut être plus importante pour ce pays qu’une industrie chimique occupant 60.000 ouvriers dans un très grand pays. Aucune raison financière ne s’opposerait à ce que l’on invité d’autres pays à la réunion, puisque les Gouvernements doivent payer les dépenses de leurs délégations.

Il regrette que le Directeur n’ait rien dit de l’industrie de la margarine, des huiles et des graisses. A des sessions précédentes du Conseil d’administration, il avait souligné l’importance de cette industrie, et le fait qu’il serait facile d’y procéder à une réduction de la durée du travail, en raison de sa forte centralisation.

* M. Oersted* désire présenter une explication de vote. La grande majorité des membres du groupe patronal s’étant opposés à l’inscription de la réduction de la durée du travail dans ces deux industries à l’ordre du jour de la Conférence, se prononcent contre la convocation des réunions préparatoires envisagées.

* Le Directeur*, répondant à la question de M. Picquenard, indique que, conformément à divers précédents, les dépenses des délégués à la réunion préparatoire seront supportées par les gouvernements respectifs.

Pour sa part, le Bureau n’a aucune objection contre la convocation d’une réunion préparatoire pour l’industrie graphique également. S’il n’a pas lui-même présenté une proposition à cet effet, c’est que cette réunion lui semblait moins nécessaire que dans le cas de l’industrie chimique, et qu’il considérait que les gouvernements
which he had mentioned should be invited to the preparatory meeting on the chemical industry. The workers' group felt that the meeting should not be strictly limited to those countries.

The workers' group could not, however, subscribe to the reasons for which the Office had decided not to propose the holding of a preparatory meeting to deal with the reduction of hours of work in the printing industry. The reason why the workers were anxious to have a preparatory meeting for that industry was that they hoped that it would make it possible for the Conference in 1937 to adopt a Convention concerning the reduction of hours of work in the printing and kindred trades by way of a single discussion. If a tripartite meeting were held to discuss the matter, the work of the 1937 Conference would be facilitated. He therefore asked the Director to reconsider his proposal on this point.

*Mr. de Buen* said that he agreed to the suggestion that the countries invited to the preparatory meeting on the chemical industry should be those where over 40,000 wage-earners were employed in that industry. He did not, however, agree that the number of wage-earners in the chemical industry in Spain was below that figure. According to the statistics of the Spanish Government, there were far more than 40,000 workers engaged in the chemical industry. He therefore made a reservation on that point, and if the facts proved to be as he had stated, he asked the Office to take note of it and invite Spain to be represented at the tripartite meeting.

*Mr. Picquenard* asked whether the travelling and subsistence expenses of the delegates to the tripartite meeting would be paid by the Office or by the Governments.

*Mr. Rice* said that the United States would prefer that a preparatory meeting should be called both for the chemical industry and for the printing industry. It had been very well satisfied with the results of the Preparatory Technical Tripartite Meeting on maritime questions, and would be glad to see the same procedure followed with respect to reduction of hours of work in both these industries.

*Mr. Kupers* supported the proposal for the holding of a preparatory meeting on the chemical industry, since that industry presented great difficulties of definition. In his view, however, it would not be sufficient to invite eight countries to the meeting. The criterion suggested by the Office was not very satisfactory; it was necessary to take account not merely of the actual number of workers employed in the chemical industry in the various countries, but also the relative importance of the industry in each country. If the chemical industry in a small country employed 30,000 workers, it might be more important to that country than a chemical industry employing 60,000 workers in a very large country. There would be no difficulty in inviting additional countries to the meeting on the grounds of expense, as the Governments were to pay the expenses of their delegations.

He regretted that the Director had made no reference to the margarine, oils and fats industry. He had drawn attention at previous sessions of the Governing Body to the importance of this industry and to the fact that reduced hours of work could readily be applied in it on account of its centralised character.

*Mr. Oersted* said that he would explain his vote. The large majority of the employers' group had been opposed to the inclusion of the reduction of hours of work in these two industries in the agenda of the Conference, and was therefore opposed to the calling of the proposed preparatory meetings.

*The Director* said, in reply to Mr. Picquenard's question, that the expenses of the delegates to the preparatory meeting would, in accordance with precedent, be borne by the respective Governments.

As far as the Office was concerned it would have no objection to holding a preparatory meeting for the printing industry also. It had not itself proposed such a meeting because it thought that it was less necessary than in the case of the chemical industry, and that Governments might perhaps be reluctant to pay the
hésiteraient peut-être à payer les frais de deux réunions préparatoires de ce genre. Plusieurs orateurs, dont le représentant des États-Unis, ont souligné l’utilité d’une réunion préparatoire pour les deux industries envisagées; cette utilité n’est pas douteuse, bien qu’elle risque d’être moins grande dans le cas où des représentants patronaux ne participeraient pas à ces réunions.

Il n’y a pas de limite absolue au nombre des pays qui pourraient être invités à prendre part à ces réunions, mais il ne serait guère possible, comme le suggère M. Kupers, de déterminer l’importance internationale d’une industrie en se fondant sur l’importance qu’elle présente pour l’économie interne d’un pays donné. En fait, le critère qui a été adopté par le Bureau couvre la plupart des pays qui possèdent une industrie chimique importante. Si, cependant, un ou deux autres pays désiraient être représentés, le Bureau n’aurait aucune raison de s’y opposer. Si, par exemple, le Gouvernement espagnol désire envoyer une délégation, ses délégués seront les bienvenus, car l’Espagne possède, sans aucun doute, une industrie chimique importante. Pour la bonne marche des travaux de la réunion, il convient toutefois d’éviter d’inviter des pays dont l’industrie chimique est notoirement peu importante.

Répondant à M. Kupers, il déclare que, dans les propositions présentées au Conseil d’administration, l’industrie de la margarine est comprise dans l’industrie chimique.

Le Conseil d’administration décide par 18 voix contre 6 d’autoriser le Bureau à convoquer, dans les conditions indiquées, une réunion préparatoire technique sur la réduction de la durée du travail dans l’industrie chimique.

Le Conseil d’administration décide par 16 voix contre 6 d’autoriser le Bureau à convoquer, dans les conditions indiquées, une réunion préparatoire technique sur la réduction du travail dans l’industrie graphique.

Le Président demande si le Conseil d’administration désire être représenté au sein des réunions préparatoires par un membre de chaque groupe.

M. Jouhaox fait remarquer qu’il est d’usage que le Conseil d’administration soit représenté au sein de telles réunions.

Le Conseil d’administration décide par 16 voix sans opposition qu’il sera représenté par un membre de chaque groupe au sein des réunions préparatoires pour l’industrie chimique et pour l’industrie graphique.

Le Président déclare que les groupes seront appelés en temps voulu à proposer le nom de leurs représentants.

M. Mertens rappelle que le Conseil d’administration doit décider également si le Directeur doit présenter un rapport gris ou un rapport gris-bleu à la session de 1937 de la Conférence, au sujet de la réduction de la durée du travail dans l’industrie chimique et dans l’industrie graphique.

Le Conseil d’administration décide par 16 voix contre 7 de charger le Directeur de présenter un rapport gris-bleu à la Conférence sur ces deux questions.

M. Yoshisaka demande si la date des deux réunions préparatoires sera fixée en relation l’une avec l’autre et si les mêmes États Membres seront invités aux deux réunions.

Le Directeur ne peut répondre immédiatement à ces deux questions, mais s’efforcera de tenir compte des désirs du Japon, pays éloigné de Genève, quant à la date des réunions.

M. Yoshisaka déclare qu’il serait commode que les deux réunions préparatoires fussent convoquées à la même époque afin que les pays qui le désirent puissent y envoyer les mêmes délégués.
expenses of two preparatory meetings of this kind. Several speakers, however, including the United States representative, had urged the desirability of having a preparatory meeting for both industries; and such meetings would undoubtedly be of value, though some of their utility would be removed if there were no representatives of the employers present.

While there was no absolute limit on the number of countries which could be invited to the meetings, it would hardly be possible, as Mr. Kupers had suggested, to determine the international importance of an industry on the basis of its importance for the internal economic life of a particular country. As a matter of fact, the criterion which had been adopted by the Office included most of the countries which had an important chemical industry. If however one or two other countries wished to be represented, it was certainly not for the Office to refuse them. If for example the Spanish Government desired to send a delegation, its action would be welcomed because Spain undoubtedly had an important chemical industry. In order, however, to enable the preparatory meeting to work satisfactorily, it would be better not to invite countries which were known to have only a small chemical industry.

In reply to Mr. Kupers' question, he could say that for the purposes of the proposal before the Governing Body the margarine industry was included in the chemical industry.

The Governing Body decided by 18 votes to 6 to authorise the Office to convene a preparatory technical meeting on the reduction of hours of work in the chemical industry in the manner indicated.

The Governing Body decided by 16 votes to 6 to authorise the Office to convene a preparatory technical meeting on the reduction of hours of work in the printing and kindred trades in the manner indicated.

The Chairman asked whether the Governing Body wished to be represented at the preparatory meetings by one member from each group.

Mr. Jouhaux said that it was the usual practice for the Governing Body to be so represented.

The Governing Body decided by 16 votes to nil to be represented by one member from each group at the preparatory meetings on the chemical industry and printing and kindred trades.

The Chairman said that the groups were requested to submit nominations for their representatives in due course.

Mr. Mertens said that the Governing Body also had to decide whether the Director should be instructed to submit a grey or a grey-blue report to the 1937 Session of the Conference on the reduction of hours of work in the chemical industry and in the printing and kindred trades.

The Governing Body decided by 16 votes to 7 to instruct the Director to submit grey-blue reports to the Conference on these two questions.

Mr. Yoshisaka asked whether the date of the two preparatory meetings would be fixed in connection with one another and whether the same States Members would be invited to both.

The Director said that he could not give an immediate answer to these questions. He would however try to meet the views of Japan as regards the dates of the meetings, as this country was a distant one.

Mr. Yoshisaka said that it would be convenient if the two preparatory meetings were held in connection with one another so that countries which wished could send the same delegates to both.
Onzième question à l'ordre du jour.

Rapport du Directeur.

Nécrologie.

Le Directeur déclare que le Conseil d'administration aura appris avec un vif regret le décès de M. de Tolnay, qui avait pris part pendant huit années aux travaux de la Conférence en qualité de délégué patronal de la Hongrie, ainsi que le décès du Professeur Biondi, qui a joué un rôle important au sein du Comité de correspondance pour l'hygiène industrielle. De son côté, le personnel du Bureau a perdu M. Domerego.

Il est entendu que le Président transmettra les condoléances du Conseil à la famille de ces trois personnes.

Préparation de la XXIème session de la Conférence.

Le Directeur signale qu'un certain retard s'est produit dans l'envoi des rapports destinés à la Conférence, en raison de la date tardive à laquelle beaucoup des réponses au questionnaire ont été reçues. Cependant, tous les rapports ont été expédiés, sauf ceux qui concernent la réglementation de certains systèmes spéciaux de recrutement des travailleurs et la réduction de la durée du travail dans les mines de charbon, l'industrie textile et l'industrie du fer et de l'acier. Pour ces questions, le Bureau se propose d'envoyer d'abord très prochainement le texte des projets de convention envisagés et d'expédier ensuite le rapport aussitôt que possible.

M. Oersted demande au Directeur à quelle date il pense que ces rapports parviendront dans les pays Membres de l'Organisation les plus éloignés.

Le Directeur répond que chaque fois que l'emploi de la poste aérienne présente des avantages, le Bureau y recourt pour l'expédition des rapports. Pour quelques-uns des pays les plus éloignés, les délégations sont déjà parties, et il espère que les rapports les atteindront en cours de route.

M. Oersted fait observer que la déclaration du Directeur montre clairement que l'ordre du jour de la Conférence est surchargé et, en outre, que le personnel du Bureau ne peut faire face à tous les travaux préparatoires en vue de la Conférence.

Le Directeur répond que le retard n'est pas dû au fait que le personnel du Bureau a trop de travail, mais au fait que les réponses des gouvernements ont été reçues trop tard.

M. Olivetti demande au Directeur si des négociations ont été engagées en ce qui concerne la présidence de la prochaine session de la Conférence. Il rappelle que le Conseil d'administration est d'ordinaire mis au courant de ces négociations au cours de sa session d'avril.

Le Directeur répond qu'il est d'usage que cette question soit traitée au cours des réunions des groupes ; il estime qu'il vaut mieux continuer à suivre cette procédure. La question a été examinée par le Président et les vice-présidents du Conseil d'administration.

M. Mertens fait remarquer qu'il a été d'usage au cours des dernières années que le Président et les vice-présidents du Conseil d'administration délibèrent sur la question de la présidence de la Conférence. Une candidature avait été envisagée et elle a rencontré l'agrément du groupe ouvrier. Il estime peu souhaitable de discuter la question au sein du Conseil d'administration lui-même.
ELEVENTH ITEM ON THE AGENDA.

Obituaries.

The Director said that the Governing Body would have learned with great regret of the death of Mr. de Tolnay, who had for eight years attended the Conference as employers' delegate for Hungary, and also the death of Professor Biondi, who had played an important part in the work of the Correspondence Committee on Industrial Hygiene. The staff of the Office had also suffered a loss owing to the death of Mr. Domerego.

It was agreed that the Chairman should convey the Governing Body's condolences to the relatives of these three persons.

Preparation of the Twentieth Session of the Conference.

The Director said that there had been considerable delay in the despatch of the reports for the Conference owing to the late date at which many of the replies to the questionnaires had been received. All the reports had however now been despatched except those relating to the regulation of certain special systems of recruiting workers and the reduction of hours of work in coal mines, the textile industry and iron and steel works. In the case of these items the Office proposed to despatch the text of the drafts for Conventions in the very near future and the report as soon afterwards as possible.

Mr. Oersted asked the Director when he thought that these reports would reach the more distant States Members of the Organisation.

The Director said that wherever the use of the air mail presented advantages, the Office was using it for the despatch of the reports. In the case of some of the most distant countries, however, the delegates had already set out, and it was hoped that the reports would reach them in the course of their journey.

Mr. Oersted said that the Director's statement clearly showed that the agenda of the Conference was overloaded, and also that the staff of the Office was unable to deal with all the preparatory work for the Conference.

The Director said that the delay was not due to the fact that the staff of the Office was over-worked, but to the fact that the replies of the Governments had been received so late.

Mr. Olivetti asked the Director whether any negotiations had been undertaken as regards the appointment of the President of the next session of the Conference. The Governing Body was usually informed of such negotiations at the April Session.

The Director said that the usual practice was for this matter to be dealt with in the meetings of the various groups, and he considered that it would be better to continue that practice. The matter had been discussed by the Officers of the Governing Body.

Mr. Mertens said that the usual practice in past years had been for the question of the President of the Conference to be discussed by the Officers of the Governing Body. A suggestion had already been put forward and was supported by the workers' group. He thought it undesirable that the matter should be discussed in the Governing Body itself.
M. Olivetti se déclare satisfait des indications données par M. Mertens; il lui suffit de savoir que la question a déjà fait l’objet de négociations.

Préparation de la session maritime.

Le Directeur indique que le rapport de la réunion préparatoire technique tripartite pour les questions maritimes a été envoyé aux Gouvernements et que le Bureau leur a demandé de lui communiquer leurs observations dans la première semaine de mai. S’ils le font, le Bureau pourra envoyer au mois de juin le rapport destiné à la session maritime de la Conférence.

Il a proposé dans son rapport que la session maritime de la Conférence s’ouvrît le 5 octobre 1936. Les armateurs ont toutefois demandé que la Conférence fût convoquée pour le 6 octobre, de façon que les groupes puissent se réunir le 5 octobre. Il propose donc de fixer la date d’ouverture de la session maritime au 6 octobre 1936.

Il se peut que le Conseil d’administration décide, lors de sa 76ème session, d’inscrire à l’ordre du jour de la session maritime de la Conférence la révision de la convention concernant l’âge minimum d’admission au travail maritime. Dans ce cas, il serait nécessaire, pour pouvoir observer les délais réglementaires, de suivre une procédure exceptionnelle et de tenir une seconde session maritime de la Conférence qui s’ouvrirait le 22 octobre et discuterait de cette question. Il semble que pour la principale session maritime, la date qui convienne le mieux aux intéressés soit le début d’octobre, ce qui rend nécessaire de prévoir, du point de vue formel, cette session supplémentaire pour discuter de la révision de la convention relative à l’âge minimum d’admission au travail maritime.

M. Mertens suppose que les propositions du Directeur sont faites d’accord avec les armateurs et les marins; dans ces conditions, il ne s’oppose pas à la procédure envisagée, bien qu’il eût peut-être été possible d’éviter d’avoir deux sessions maritimes successives.

Par contre, le groupe ouvrier ne peut pas approuver le passage du rapport du Directeur dans lequel celui-ci déclare qu’il faudra profiter de la réunion de la Conférence maritime pour lui demander de procéder au renouvellement de la composition de la Commission paritaire maritime. Il constate que, dans le passé, les membres de la Commission paritaire maritime ont bien été nommés par les groupes des armateurs et des marins au cours d’une session maritime de la Conférence, mais il propose au Conseil d’administration de changer cette procédure. La Commission paritaire maritime a été, comme toutes les autres commissions de l’Organisation internationale du Travail, créée par le Conseil d’administration. Pour toutes les autres commissions de ce genre, si les groupements intéressés peuvent présenter des candidatures, les membres ne sont formellement nommés que par le Conseil d’administration. Il propose que l’on suive la même procédure pour la Commission paritaire maritime. On pourrait demander aux membres des groupes des armateurs et des marins de la prochaine Conférence maritime d’établir une liste de candidats pour la Commission paritaire maritime, et le Conseil d’administration pourrait désigner formellement les membres de la Commission lors de la première session qu’il tiendra après la Conférence maritime.

M. Kirkaldy déclare que la proposition de M. Mertens le prend au dépourvu et qu’il n’est pas en mesure de la discuter en ce moment quant au fond. Depuis que la Commission paritaire maritime existe, ses membres ont été nommés par les sessions maritimes de la Conférence. Il importait que le groupe patronal eût l’occasion de consulter les représentants des armateurs avant qu’une décision fût prise en la matière; M. Kirkaldy demande, en conséquence, à M. Mertens d’accepter le renvoi de sa proposition jusqu’à la 76ème session du Conseil d’administration.

M. Mertens rappelle que le mandat des membres des Commissions doit être renouvelé tous les trois ans. Cette pratique ne pourrait pas être suivie en ce qui concerne la Commission paritaire maritime si les membres étaient désignés par les sessions maritimes de la Conférence, puisque de telles sessions ne sont pas convoquées tous les trois ans.
Mr. Olivetti said that he was satisfied with the information supplied by Mr. Mertens; all that he desired to know was whether negotiations had yet taken place.

**Preparation of the Maritime Session.**

The Director said that the report of the Preparatory Technical Tripartite Meeting on maritime questions had been sent to Governments, and they had been asked to communicate their observations by the first week in May. If they did so, the Office would be able to despatch the report for the maritime session of the Conference in July.

He had suggested in his Report that the maritime session of the Conference should open on 5 October. The shipowners had however asked that the Conference should open on 6 October, so that the groups might meet on 5 October. He accordingly proposed that the maritime session should open on 6 October 1936.

It was possible that the Governing Body might decide at its Seventy-sixth Session to place the revision of the Minimum Age (Sea) Convention on the agenda of the maritime session of the Conference. If so, it would be necessary, in order that the time limits might be observed, to resort to an exceptional procedure and to hold a second maritime session of the Conference, beginning on 22 October, in order to deal with that question. It was apparently more convenient for those concerned that the main maritime session should meet early in October, and in that case it would be necessary to hold a formal additional session to deal with the revision of the Minimum Age (Sea) Convention.

Mr. Mertens said that he presumed that the Director's proposals were put forward in agreement with the shipowners and seamen; in that case he would not oppose the proposed procedure, although it might perhaps have been possible to avoid the necessity for two successive maritime sessions:

The workers' group could not however, agree with the passage in the Director's Report stating that the opportunity of the maritime Conference should be taken in order to re-elect the Joint Maritime Commission. He understood that in the past the members of the Joint Maritime Commission had been appointed by the shipowners' and seamen's groups at a maritime session of the Conference; but he proposed that the Governing Body should change that practice. The Joint Maritime Commission, like all other Committees of the International Labour Organisation, had been set up by the Governing Body. In the case of all other such Committees the members might be proposed by the groups concerned but were formally appointed by the Governing Body. He proposed that the same procedure should be followed for the Joint Maritime Commission. The shipowners' and seamen's groups at the next maritime Conference might be asked to draw up a list of their candidates for the Joint Maritime Commission, and the Governing Body might formally appoint the members of the Commission at the next session following the maritime Conference.

Mr. Kirkaldy said that Mr. Mertens' proposal had come as a surprise, and he was not prepared to discuss its merits at present. Ever since the Joint Maritime Commission had existed, its members had been appointed by the maritime sessions of the Conference. It was desirable that the employers' group should have an opportunity of consulting the shipowners' representatives before any decision was taken on the matter, and he therefore asked Mr. Mertens to agree to postpone his proposal until the Seventy-sixth Session of the Governing Body.

Mr. Mertens said that members of Committees were re-appointed every three years. That practice could not be followed in the case of the Joint Maritime Commission if it was to be elected by the maritime sessions of the Conference, since such sessions were not held every three years.
Par esprit de conciliation, il est prêt à accepter la proposition de M. Kirkaldy tendant au renvoi de la question jusqu'à la 76ème session.

Le Conseil d'administration décide d'inscrire à l'ordre du jour de sa 76ème session la question soulevée par M. Mertens en ce qui concerne le mode de désignation des membres de la Commission paritaire maritime et de demander au Bureau de préparer une note sur ce sujet.

Le Conseil d'administration décide, par 25 voix sans opposition, que la première session maritime de 1936 de la Conférence s'ouvrira le 6 octobre.

Le Conseil d'administration décide, par 19 voix sans opposition, qu'une seconde session maritime de la Conférence sera convoquée si la révision de la convention concernant l'âge minimum d'admission au travail maritime est inscrite à l'ordre du jour.

Il est entendu que la seconde session maritime de la Conférence s'ouvrira éventuellement le 22 octobre 1936.

Composition des Commissions.

Remplacement de M. Johanson.

Le Directeur annonce que le groupe ouvrier a désigné M. Forslund pour remplacer M. Johanson dans toutes les Commissions dont ce dernier faisait partie.

Le Conseil d'administration approuve cette désignation.

Comité de correspondance pour les assurances sociales.

Le Directeur rappelle que le Conseil d'administration a décidé, à sa 74ème session, qu'il serait représenté au sein de ce Comité. Le groupe patronal a désigné M. Forbes Watson et le groupe ouvrier M. Kupers avec M. Némecék comme suppléant. Le groupe gouvernemental n'a pas encore désigné son représentant.

Le Conseil d'administration approuve ces désignations.

Commission d'experts en matière de travail indigène.

Le Directeur rappelle que le Conseil d'administration avait ajourné sa décision sur la question de savoir s'il se ferait représenter à cette Commission et avait demandé au Directeur de faire rapport, au cours de la présente session, au Comité du budget sur les dépenses qu'entraînerait cette représentation. Le Bureau estime que la dépense serait d'environ 8 à 10.000 francs.

M. Jouhaux propose que le Conseil d'administration soit représenté à cette Commission.

Le Conseil d'administration décide, par 13 voix contre une, qu'il sera représenté au sein de la Commission d'experts en matière de travail indigène.

M. Picquenard demande si cette décision entraîne une modification du budget de 1937.

Le Directeur répond qu'il n'est pas possible d'apporter un changement au budget de 1937, mais que les crédits nécessaires seront prévus dans le budget de 1938. Les représentants du Conseil d'administration siègeront à la Commission à partir de 1937 et, si c'est nécessaire, les dépenses seront couvertes par un virement effectué dans le budget de cette année.

Commission technique des verreries.

Le Directeur signale que deux sièges sont vacants dans le groupe gouvernemental de cette Commission et un dans le groupe patronal.
In a spirit of conciliation he would however accept Mr. Kirkaldy's proposal to postpone the question until the Seventy-sixth Session.

The Governing Body decided to place the question raised by Mr. Mertens concerning the appointment of the members of the Joint Maritime Commission on the agenda of the Seventy-sixth Session of the Governing Body and to ask the Office to prepare a note on the subject.

The Governing Body decided by 25 votes to nil that the first maritime session of the Conference to be held in 1936 should open on 6 October.

The Governing Body decided by 19 votes to nil that a second maritime session of the Conference should be held if it were decided to place the revision of the Minimum Age (Sea) Convention on the agenda.

It was agreed that the second maritime session of the Conference, if it were held, should open on 22 October 1936.

Composition of Committees.

Replacement of Mr. Johanson.

The Director said that the workers' group had nominated Mr. Forslund to take the place of Mr. Johanson on all the Committees of which he had been a member.

The Governing Body approved this nomination.

Correspondence Committee on Social Insurance.

The Director said that the Governing Body had decided at its Seventy-fourth Session that it would be represented on this Committee. The employers' group had nominated Mr. Forbes Watson and the workers' group Mr. Kupers, with Mr. Nemeček as substitute. The Government group had not yet nominated its representative.

The Governing Body approved these nominations.

Committee of Experts on Native Labour.

The Director said that the Governing Body had adjourned its decision whether it would be represented on this Committee, and had asked the Director to report to the Finance Committee at the present session on the expense involved. The Office estimated that the expense would be about 8,000 to 10,000 francs.

Mr. Jouhaux proposed that the Governing Body should be represented on the Committee.

The Governing Body decided by 13 votes to 1 that it would be represented on the Committee of Experts on Native Labour.

Mr. Picquenard asked whether this decision would involve any alteration in the budget for 1937.

The Director said that it would not be possible to make any change in the 1937 budget, but that the necessary provision could be made in the 1938 budget. The representatives of the Governing Body would sit on the Committee from 1937 onwards, and if necessary, the expenses would be paid by means of a transfer in the budget of that year.

Technical Committee on Glass Works.

The Director said that two vacancies existed on this Committee in the Government group and one in the employers' group.
M. Oersted propose que M. Delacuverelle (Belge) soit nommé pour occuper le siège vacant dans le groupe patronal de cette Commission.

Le Conseil d'administration nomme M. Delacuverelle (Belge) membre de la Commission technique des verreries.

Commission paritaire maritime.

Le Directeur annonce que M. Snedden a été désigné par le groupe des armateurs pour remplacer M. Brett qui a donné sa démission.

M. Mertens fait remarquer qu'il est inexact de dire que M. Brett était le représentant des armateurs britanniques, car les représentants des armateurs et des marins membres de la Commission représentent l'ensemble des armateurs et des marins.

Le Directeur répond que la correction nécessaire sera apportée au rapport.

Le Conseil d'administration prend note de la désignation de M. Snedden comme membre de la Commission paritaire maritime.

Comité de correspondance pour les assurances sociales.

Le Conseil d'administration nomme membres de ce Comité les experts suivants :

M. le Professeur Dr. Alejandro Unsain, professeur de législation du travail aux Universités de Buenos-Aires et de La Plata, ancien président du Département national du Travail (Argentin);
M. le Dr Daniel Rivera, chef de service à la Caisse nationale des retraites civiles (Argentin);
M. le Prof. Dr Argentino V. Acerboni, professeur à la Faculté des Sciences économiques de l'Université de Buenos-Aires (Argentin);
M. le Prof. Dr José Gonzalez Galé, professeur de mathématiques à la Faculté des Sciences économiques de l'Université de Buenos-Aires (Argentin);
M. le Dr Eduardo Fonticelli, directeur adjoint de l'Institut national du Travail (Uruguayen);
M. le Dr Emilio San Juan, président de l'Institut national des retraites et pensions (Uruguayen);
M. Hugo Hormache, actuaire de la Banque d'assurance de l'Etat (Uruguayen).

Commission d'experts pour l'application des conventions.

Le Directeur annonce que l'on a proposé de nommer le Professeur Perassi membre de cette Commission, en remplacement de M. Gini, dont le mandat est venu à expiration. Il attire l'attention du Conseil d'administration sur la précieuse collaboration apportée par M. Gini à l'œuvre de la Commission.

Le Conseil d'administration nomme membre de la Commission d'experts pour l'application des conventions, pour une période de trois ans, M. Perassi, Professeur de droit international à l'Institut des Sciences économiques et commerciales de Rome (Italien).

Sous-Comité de la silicose du Comité de correspondance pour l'hygiène industrielle.

Le Conseil d'administration nomme les personnes suivantes membres du Sous-Comité de la silicose du Comité de correspondance pour l'hygiène industrielle :

M. le Dr Badham (Australien)
M. le Dr Irvine (Sud-Africain)
M. le Dr Orenstein (Sud-Africain)
M. le Dr Russell (Etats-Unis)
M. le Dr Gardner (Etats-Unis)
M. le Dr Middleton (Britannique)
M. le Dr Kettle (Britannique)
M. le Dr Gudjonsson (Danois).
Mr. Oersted proposed the name of Mr. Delacuvellerie (Belgian) to fill the vacancy in the employers' group on this Committee.

The Governing Body appointed Mr. Delacuvellerie (Belgian) as a member of the Technical Committee on Glass Works.

Joint Maritime Commission.

The Director said that Mr. Snedden had been appointed by the shipowners' group to take the place of Mr. Brett, who had resigned.

Mr. Mertens pointed out that it was inaccurate to describe Mr. Brett as British shipowners' representative; the shipowners' and seamen's representatives on the Commission were appointed as representing the shipowners and seamen as a whole.

The Director said that the necessary correction would be made in the Report.

The Governing Body took note of the appointment of Mr. Snedden as a member of the Joint Maritime Commission.

Correspondence Committee on Social Insurance.

The Governing Body appointed the following experts as members of this Committee:

- Professor Alejandro Unsain, Professor of labour legislation at the Universities of Buenos Aires and La Plata, former President of the National Department of Labour (Argentine).
- Mr. Daniel Rivera, Chief of service in the National Civil Pensions Fund (Argentine).
- Professor Argentino V. Acerboni, Professor in the Faculty of Economic Science in the University of Buenos Aires (Argentine).
- Professor José González Galé, Professor of mathematics in the Faculty of Economic Science in the University of Buenos Aires (Argentine).
- Dr. Eduardo Fonticelli, Assistant Director of the National Institute of Labour (Uruguayan).
- Dr. Emilio San Juan, President of the National Pensions Institute (Uruguayan).
- Mr. Hugo Hormaeche, Actuary of the State Insurance Bank (Uruguayan).

Committee of Experts on the Application of Conventions.

The Director said that it was proposed that Professor Perassi should be appointed as a member of this Committee in place of Mr. Gini, whose term of office had expired. He would call the attention of the Governing Body to the valuable assistance which Mr. Gini had given as a member of the Committee.

The Governing Body appointed Professor Perassi, Professor of International Law at the Institute of Economic and Commercial Sciences, Rome (Italian), as a member of the Committee of Experts on the Application of Conventions for a period of three years.

Sub-Committee on Silicosis of the Correspondence Committee on Industrial Hygiene.

The Governing Body appointed the following persons as members of the Sub-Committee on Silicosis of the Correspondence Committee on Industrial Hygiene:

- Dr. Badham (Australian)
- Dr. Irvine (South African)
- Dr. Orenstein (South African)
- Dr. Russell (United States of America)
- Dr. Gardner (United States of America)
- Dr. Middleton (British)
- Dr. Kettle (British)
- Dr. Gudjonsson (Danish)
Comité de correspondance pour l'hygiène industrielle.

Le Directeur fait remarquer que la liste ci-dessus comprend trois personnes qui ne sont pas actuellement membres du Comité de correspondance pour l'hygiène industrielle. Il est proposé au Conseil d'administration de les nommer membres du Comité.

En conséquence, le Conseil d'administration nomme les experts suivants membres du Comité de correspondance pour l'hygiène industrielle :

M. le Dr Charles Badham, médecin inspecteur d'hygiène industrielle, Département de l'Hygiène publique de la Nouvelle-Galles du Sud, Sydney (Australien);
M. le Professeur E. H. Kettle, professeur de pathologie, St. Bartholomew's Hospital Medical School, Université de Londres (Britannique);
M. le Dr E. L. Middleton, inspecteur médecin des fabriques, Home Office, Département des Fabriques, Londres (Britannique).

Renouvellement du mandat de membres de commissions.

Le Directeur rappelle que le Conseil d'administration a décidé que le renouvellement du mandat des membres de la Commission d'experts pour l'application des conventions serait renvoyé à sa session d'octobre.

Le Conseil d'administration renouvelle pour une durée de trois ans le mandat venu à expiration des membres de commissions suivants :

Commission de correspondance pour la prévention des accidents :
M. Delauney (Français)
M. Caen (Français).

Comité de correspondance pour les assurances sociales :
M. Bisqueret (Belge)
M. De Voghel (Belge)
M. Lamond (Australien).

Commission consultative des employés :
M. Christophe (Belge)
M. Hallsworth (Britannique)
M. Horand (Suisse)
M. Klein (Tchécoslovaque)
M. Landi (Italien)
M. Tessier (Français).
M. Bunji Suzuki (Japonais)
M. Raabe (Polonais).

Sur la proposition du groupe ouvrier, le Conseil d'administration nomme M. Lundgren (Suédois) membre de la Commission consultative des employés, en remplacement de M. Aufhäuser.

Comité de correspondance pour le travail féminin.

Le Conseil d'administration désigne à nouveau pour une période de trois ans les membres suivants de ce Comité :
Miss Elizabeth Christman (Etats-Unis)
Mlle Marthe Mundt (Allemande).
Correspondence Committee on Industrial Hygiene.

The Director said that the above list included three persons who were not at present members of the Correspondence Committee on Industrial Hygiene. It was proposed that the Governing Body should appoint them as members of the Committee.

The Governing Body accordingly appointed the following experts as members of the Correspondence Committee on Industrial Hygiene:

Dr. Charles Badham, Medical Officer of Industrial Hygiene, New South Wales Department of Public Health, Sydney (Australian).

Professor E. H. Kettle, Professor of Pathology, St. Bartholomew's Hospital Medical School, University of London (British).

Dr. E. L. Middleton, H. M. Medical Inspector of Factories, Home Office, Factory Department, London (British).

Renewal of appointment of members of Committees whose term of office has expired.

The Director pointed out that the Governing Body had agreed that the renewal of the appointment of the members of the Committee of Experts on the Application of Conventions whose term of office had expired should be adjourned until the October Session.

The Governing Body re-appointed for a further period of three years the following members of Committees whose term of office had come to an end:

Correspondence Committee on Accident Prevention.

Mr. Delauney (French)
Mr. Caen (French)

Correspondence Committee on Social Insurance.

Mr. Bisqueret (Belgian)
Mr. de Voghel (Belgian)
Mr. Lamond (Australian)

Advisory Committee on Salaried Employees.

Mr. Christophe (Belgian)
Mr. Hallsworth (British)
Mr. Horand (Swiss)
Mr. Klein (Czechoslovak)
Mr. Landi (Italian)
Mr. Tessier (French)
Mr. Bunji Suzuki (Japanese)
Mr. Raabe (Polish)

On the proposal of the workers' group, the Governing Body appointed Mr. Lundgren (Swedish) as a member of the Advisory Committee on Salaried Employees in place of Mr. Außhäuser.

Correspondence Committee on Women's Work.

The Governing Body re-appointed the following members of this Committee for a further period of three years:

Miss Elizabeth Christman (United States of America)
Miss Martha Mundt (German)
Comité de correspondance pour l’hygiène industrielle.

Le Conseil d’administration nomme à nouveau pour une période de trois ans les membres suivants de ce Comité :

- M. le Dr Brezina (Autrichien)
- M. le Dr Heim de Balsac (Français)
- M. le Dr Kabrehi (Tchécoslovaque)
- M. le Dr Lorange (Norvégien)
- M. le Dr Keith Moore (Australien)
- M. Grant Cunningham (Canadien).

M. Tzaut propose de remplacer par le Dr Pometta le Dr Cristiani, qui a été empêché par son état de santé de remplir son mandat.

Le Conseil d’administration nomme, pour une période de trois ans, le Dr Pometta (Suisse), médecin en retraite de la Caisse nationale suisse d’assurance-accidents, membre du Comité de correspondance pour l’hygiène industrielle.

Commission d’experts en matière de travail indigène.

M. Erulkar demande que l’on renvoie à la session d’octobre le renouvellement des mandats de deux membres de cette commission.

Le Directeur fait observer qu’il serait difficile d’ajourner ces renouvellements, car les gouvernements des pays intéressés ont été consultés à leur égard.

M. Erulkar déclare ne pas insister.

Le Conseil d’administration nomme les personnes suivantes pour une nouvelle période de trois ans comme membres de la Commission d’experts en matière de travail indigène :

- Mme Marzorati (Belge)
- Sir Selwyn Fremantle (Inde).

Proposition tendant à la convocation d’une conférence régionale de représentants des services d’inspection du travail des pays d’Europe orientale.

Le Directeur déclare qu’à la suite du succès remporté par la Conférence régionale de représentants de services d’inspection des pays d’Europe occidentale, qui s’est réunie au mois d’octobre 1935, le Bureau suggère la réunion d’une conférence similaire pour les pays d’Europe orientale. Si le Conseil d’administration accepte en principe cette suggestion, le Bureau consultera les délégués des gouvernements intéressés au cours de la Conférence et présentera un nouveau rapport au Conseil d’administration à une session ultérieure.

M. Picquènard voit certains inconvénients à réunir des conférences régionales de représentants des services d’inspection du travail, car il se pourrait que ces conférences arrivassent à des conclusions divergentes. Les méthodes d’inspection du travail dans les pays d’Europe orientale ne diffèrent que très peu de celles de l’Europe occidentale, et il serait probablement plus utile de réunir une conférence européenne générale d’inspecteurs du travail.

Le Directeur répond qu’il sera sans doute utile un jour de réunir une conférence générale de représentants de services d’inspection du travail de l’ensemble de l’Europe. Il croit cependant que c’est pour une part à son caractère limité que la première conférence régionale d’inspection du travail doit son succès; il conviendrait donc de convoquer tout d’abord, sur des bases analogues, une réunion d’inspecteurs du travail d’Europe orientale.
Correspondence Committee on Industrial Hygiene.

The Governing Body re-appointed the following members of this Committee for a further period of three years:

Dr. Brezina (Austrian)
Dr. Heim de Balsac (French)
Dr. Kabrehi (Czechoslovak)
Dr. Lorange (Norwegian)
Dr. Keith Moore (Australian)
Mr. Grant Cunningham (Canadian)

Mr. Tsaut proposed that Dr. Pometta should be appointed as a member of this Committee in place of Dr. Cristiani, who was unable to carry out his duties owing to his state of health.

The Governing Body appointed Dr. Pometta (Swiss), former Medical Officer of the Swiss National Accident Insurance Institution, as a member of the Correspondence Committee on Industrial Hygiene for a period of three years.

Committee of Experts on Native Labour.

Mr. Erulkar proposed that the re-appointment of the two members of this Committee whose term of office had expired should be adjourned until the October Session.

The Director said that it would be difficult to postpone these re-appointments, as the Governments of the countries concerned had been consulted on them.

Mr. Erulkar said that he did not press his proposal.

The Governing Body re-appointed the following persons for a further period of three years as members of the Committee of Experts on Native Labour:

Mrs Marzorati (Belgian).
Sir Selwyn Fremantle (India).

Proposal to convene a regional Conference of representatives of factory inspection services in Eastern European countries.

The Director said that in view of the success of the regional Conference of representatives of factory inspection services in Western European countries which had been held in October 1935, the Office suggested the holding of a similar Conference for Eastern European countries. If the Governing Body agreed to this suggestion in principle, the Office would consult the Government delegates of the countries concerned during the Conference, and submit a further report to the Governing Body at a later session.

Mr. Picquenard said that in his view there were certain objections to the holding of regional Conferences of representatives of factory inspection services. It was possible that these Conferences might arrive at conflicting conclusions. Factory inspection methods did not differ greatly as between Eastern and Western European countries, and a general European Conference of factory inspectors would probably be more useful.

The Director said that it would no doubt be useful to hold a general meeting of representatives of factory inspection services for the whole of Europe one day. He thought, however, that it was largely owing to its limited character that the first regional Conference of factory inspectors had been successful, and that it would be useful first of all to hold a meeting of factory inspectors of Eastern Europe on the same lines.
M. Jouhaux estime indispensable que les conférences régionales d'inspecteurs du travail tiennent compte des principes établis par la Conférence internationale du Travail en ce qui concerne l'inspection du travail; sinon ces diverses conférences pourraient adopter des conclusions divergentes et il serait difficile, dans ces conditions, d'élaborer une convention sur l'inspection du travail.

Le Directeur répond que les conférences régionales ont précisément pour objet de coordonner et d'uniformiser l'application des conventions; elles ont nécessairement pour base de leurs travaux les principes déjà établis par la Conférence internationale du Travail.

Le Conseil d'administration approuve en principe par 19 voix contre 1 la convocation d'une conférence régionale de représentants des services d'inspection du travail des pays d'Europe orientale.

Premier rapport supplémentaire du Directeur.

La situation économique et sociale en 1935.

M. Waline constate que cette revue de la situation économique et sociale contient beaucoup d'informations intéressantes. Toutefois, il considère que la rédaction de certains passages laisse à désirer. C'est ainsi qu'il n'a pas lu sans quelque étonnement le passage dans lequel il est dit que certains pays tels que la France, la Suisse, les Pays-Bas et la Pologne souffrent d'une surevaluation de leur monnaie. C'est là l'expression d'une opinion sur un sujet qui fait l'objet de controverses. Il serait préférable que le rapport se limitât à l'exposé des faits. Par ailleurs, on semble considérer dans le rapport que les pays qui ont dévalué leur monnaie sont, de ce fait, ceux qui se trouvent dans la meilleure situation du point de vue économique. Il est d'avis que la situation économique est affectée par un certain nombre de facteurs autres que la situation monétaire, et que les événements de politique intérieure et extérieure peuvent exercer une influence au moins aussi importante.

Le Directeur reconnaît avec M. Waline que les passages qu'il a mentionnés peuvent prêter à controverse. Le Bureau procédera aux modifications nécessaires.

Le Conseil d'administration prend note du premier rapport supplémentaire du Directeur.

Deuxième rapport supplémentaire du Directeur.

Nécrologie.

Le Directeur dit que le Conseil d'administration aura appris avec un vif regret le décès de M. Gohr qui a été pendant de nombreuses années membre de la Commission d'experts en matière de travail indigène.

Comité de correspondance pour l'hygiène industrielle.

Le Conseil d'administration nomme, pour une période de trois ans, M. Ismaïl Urbandt, chef de la Section d'hygiène industrielle du Département national d'Hygiène à Buenos-Aires (Argentin), comme membre du Comité de correspondance pour l'hygiène industrielle.

Communication de M. Anselmi.

Le Président informe le Conseil d'administration qu'il a reçu de M. Anselmi, délégué suppléant du Gouvernement italien, une lettre dans laquelle il déclare que, ayant été absent au moment du vote final sur le budget, il demande au Président de faire prendre note de son vote favorable au budget de 1937.

La séance est levée à 19 heures 5.

W. A. Riddell.
Mr. Jouhaux said that it was essential that the regional Conferences of factory inspectors should bear in mind the general principles which had been laid down by the International Labour Conference as regards factory inspection; otherwise they might arrive at divergent conclusions, and this would make it difficult to draw up a Convention on factory inspection.

The Director said that the whole object of the regional Conferences was to co-ordinate and standardise the application of Conventions; they therefore necessarily took as the basis of their discussions the principles already laid down by the International Labour Conference.

The Governing Body, by 19 votes to 1, approved in principle the proposal for the holding of a regional Conference of representatives of factory inspection services in Eastern European countries.

First Supplementary Report of the Director.

Social-Economic Survey of 1935.

Mr. Waline said that this Survey contained much interesting information; but he thought that there were objections to the drafting of certain passages. For example, he had been somewhat surprised to see the statement that certain countries such as France, Switzerland, the Netherlands and Poland, suffered from currency overvaluation. This was an expression of opinion on a controversial matter. It would be better for the Report to be confined to statements of fact.

The Report also appeared to suggest that those countries which had depreciated their currencies were, as a result, the best off from an economic point of view. In his opinion the economic situation was affected by a number of other factors besides the currency factor, and developments of internal or external policy might have at least as much influence.

The Director agreed with Mr. Waline that the statements which he had mentioned were controversial. The Office would introduce the necessary amendments.

The Governing Body took note of the First Supplementary Report of the Director.

Second Supplementary Report of the Director.

Obituary.

The Director said that the Governing Body would have learnt with much regret of the death of Mr. Gohr, who had for many years been a member of the Committee of Experts on Native Labour.

Correspondence Committee on Industrial Hygiene.

The Governing Body appointed Mr. Ismaël Urbandt, Chief of the Industrial Hygiene Section of the National Health Department at Buenos Aires (Argentina), as a member of the Correspondence Committee on Industrial Hygiene for a period of three years.

Communication from Mr. Anselmi.

The Chairman informed the Governing Body that he had received a letter from Mr. Anselmi, substitute representative of the Italian Government, saying that he had been absent when the final vote on the budget had been taken, and asking that his vote in favour of the 1937 budget should be recorded.

The sitting closed at 7.5 p.m.
PROCÈS-VERBAL DE LA SIXIÈME SÉANCE.

(Samedi 25 avril 1936 — 10 heures 15.)


TREIZIÈME QUESTION À L'ORDRE DU JOUR.

Rapport de la Commission d'experts pour l'application des conventions
(Article 22 de la Constitution).

Le Directeur est convaincu que les membres du Conseil ont pu constater que, comme d'habitude, le rapport de la Commission d'experts a été préparé avec le plus grand soin. Depuis l'élaboration de ce rapport le Bureau a reçu les rapports du Gouvernement grec, ainsi que divers rapports du Gouvernement espagnol.

Le Conseil d'administration approuve la transmission à la Conférence du rapport de la Commission d'experts.

QUATORZIÈME QUESTION À L'ORDRE DU JOUR.

Approbation de divers formulaires pour les rapports annuels sur l'application des conventions.

1. Proposition tendant à l'insertion d'une question additionnelle concernant un nouvel examen des « conditions locales » dans les colonies.

Le Directeur indique que le texte de cette question est le suivant :

« Lorsque la convention a été en vigueur pour votre pays pendant deux ans ou plus, prière d'indiquer si, au cours de la période couverte par le présent rapport, votre Gouvernement a procédé à un nouvel examen, à la lumière des changements qui auraient pu survenir dans les conditions locales, de la possibilité d'appliquer la convention ou d'ën étendre l'application dans les territoires où ses dispositions avaient été considérées comme inapplicables ou applicables seulement avec modifications. »

M. Delauney déclare que le Gouvernement français n'a pas d'observations à faire quant au texte de la question additionnelle. Toutefois, il doit être bien entendu que les gouvernements ne seront tenus de répondre que par oui ou non à cette question, sans être engagés à donner des explications, à motiver les raisons pour lesquelles il a pu paraître impossible dans certains cas, même après un nouvel examen, d'étendre aux colonies les dispositions des conventions.

Le Directeur considère qu'il appartiendra aux gouvernements de donner les réponses qui leur paraîtront appropriées.

M. Mertens reconnaît qu'on ne peut imposer aux gouvernements aucune obligation quant à l'étendue de leurs réponses, mais ce que le Bureau international du Travail recherche, c'est d'obtenir des renseignements suffisamment précis pour
MINUTES OF THE SIXTH SITTING.
(Saturday, 25 April 1936—10.15 a.m.).

The Governing Body was composed as follows: Mr. Riddell, Chairman, Mr. de Buen, Mr. Curcín, Mr. Delauney, Mr. Erulkar, Mr. Estrada Cajigal, Mr. Forslund, Mr. Jouhaux, Mr. Jurkiewicz, Mr. Kirkaldy, Mr. Kupers, Mr. Lecocq, Mr. Li Ping-Heng, Mr. Mannio, Mr. Markus, Mr. de Michélis, Mr. Mertens, Mr. Muniz, Mr. Némécék, Mr. Norman, Mr. Oersted, Mr. Olivetti, Mr. Pardo, Mr. Rice, Mr. Schürch, Mr. Serrarens, Mr. Takeuchi, Mr. Tzaut, Mr. Watt, Mr. Veremitch, Mr. Yoshisaka, Mr. Zaman.

THIRTEENTH ITEM ON THE AGENDA.

Report of the Committee of Experts on the application of Conventions
(Article 22 of the Constitution.)

The Director said that the Governing Body would have noticed that, as usual, the report of the Committee of Experts had been very carefully prepared. Since the report had been drafted, the reports from the Greek Government and also several reports from the Spanish Government had been received.

The Governing Body decided to transmit the report of the Committee of Experts to the Conference.

FOURTEENTH ITEM ON THE AGENDA.

Approval of various forms for the annual reports on the application of Conventions.

1. Proposed new question regarding the re-examination of "local conditions" in the Colonies.

The Director said that this question was as follows:

"Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications."

Mr. Delauney said that the French Government had no observations to make concerning the proposed new question. It should, however, be understood that Governments would merely be required to answer "yes" or "no", and not to give any explanations to account for the reasons why it might be impossible in certain cases, even after re-examination, to apply the Conventions in the colonies.

The Director said that it would be for the Governments to give such replies as they saw fit.

Mr. Mertens said that obviously no obligation could be imposed on Governments as regards how fully they should reply. What the International Labour Office wanted, however, was to obtain sufficiently precise information to enable it to draw
qu'il soit possible d'en tirer des conclusions. À son avis, c'est là l'objet même des questionnaires envoyés aux gouvernements.

Le Conseil d'administration approuve le texte de la question additionnelle proposée.

Le Directeur signale qu'en raison du caractère particulier de la convention sur le travail forcé, il serait nécessaire, pour ce qui est de cette convention, d'apporter une légère modification au texte de la question additionnelle qui vient d'être approuvée. Le Bureau propose d'adopter dans ce cas le texte suivant :

« Si votre gouvernement s'est prévalu des dispositions de l'article 35 de la Constitution de l'Organisation internationale du Travail (article 421 du Traité de Versailles et articles correspondants des autres traités de paix) et si la convention a été en vigueur pour votre pays pendant deux ans ou plus, prière d'indiquer si, au cours de la période couverte par le présent rapport, votre gouvernement a procédé à un nouvel examen, à la lumière des changements qui auraient pu survenir dans les conditions locales, de la possibilité de faire la nouvelle déclaration mentionnée au second paragraphe dudit article de la convention. »

Le Conseil d'administration adopte la proposition tendant à l'insertion de cette question additionnelle dans le formulaire relatif à la convention sur le travail forcé.

2. Nouvelle question à insérer dans le formulaire de rapport sur la convention sur le travail de nuit des femmes :

Le Directeur donne lecture de cette question :

« Prière d'indiquer notamment si, d'après l'interprétation donnée dans votre pays au terme pour l'application de cet article, ce terme désigne toutes les femmes employées dans les établissements industriels, sans distinction quant à la nature de leurs fonctions. »

Le Conseil d'administration approuve le texte de cette nouvelle question.

3. Projet de formulaire de rapport annuel pour la convention sur la réparation des maladies professionnelles, revisée en 1934.

Le Directeur rappelle que ce projet de formulaire figure en annexe (Document A) au rapport soumis au Conseil.

Le Conseil d'administration approuve le projet de formulaire de rapport annuel pour la convention sur la réparation des maladies professionnelles, revisée en 1934.

4. Note supplémentaire.

Le Directeur donne lecture du texte d'une nouvelle question qu'il est proposé d'insérer dans le formulaire relatif à la convention sur le chômage, à propos de l'article 3 de cette convention :

« Prière de fournir des renseignements sur les négociations engagées avec d'autres Membres qui ont ratifié la convention en vue de réaliser le commun accord prévu par le présent article et sur l'état actuel des pourparlers. »

Le Conseil d'administration approuve le texte de la nouvelle question proposée.
conclusions. In his view that was the whole object of the questionnaires sent to the Governments.

*The Governing Body approved the proposed new question.*

*The Director* said that in view of the special structure of the Forced Labour Convention, a slight modification of the question which had just been approved would be necessary in the case of that Convention. The Office proposed that the following should be adopted:

"If advantage has been taken of the provisions of Article 35 of the Constitution of the International Labour Organisation (Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace), and the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of making the subsequent declaration referred to in the second paragraph of the above Article of the Convention."

*The Governing Body approved the proposed new question to be inserted in the form relating to the Forced Labour Convention.*


*The Director* read the following proposed question:

"In particular, please indicate whether the term ‘women’ for the purposes of the application of this Article is interpreted in your country as covering all women employed in industrial undertakings without distinction as to the nature of their duties."

*The Governing Body approved this new question.*


*The Director* said that the proposed form was given in Annex A to the note submitted to the Governing Body.

*The Governing Body approved the proposed report form for the Workmen's Compensation (Occupational Diseases) (Revised) Convention.*

4. *Supplementary Note.*

*The Director* said that it was proposed to insert the following new question in the report form for the Unemployment Convention in connection with Article 3 of the Conventions:

"Please supply information on any negotiations undertaken with other Members which have ratified the Convention with a view to making arrangements upon agreed terms as provided in this Article, and on the progress of these negotiations."

*The Governing Body approved the proposed new question.*
Douzième question à l'ordre du jour.

Rapport de la Commission pour l'examen des rapports périodiques.

Le Président rappelle que le rapport soumis au Conseil porte sur les rapports périodiques relatifs aux quatre conventions suivantes :

Convention concernant la réparation des accidents du travail (N° 17).
Convention concernant la réparation des maladies professionnelles (N° 18).
Convention concernant la simplification de l'inspection des émigrants à bord des navires (N° 21).
Convention concernant le travail forcé ou obligatoire (N° 29).

M. de Michelis, en sa qualité de président et rapporteur de la Commission, déclare que les conclusions de la Commission sont qu'aucune révision n'est nécessaire en ce qui concerne les quatre conventions en question.

M. Mannio attache la plus grande importance à la question parce qu'il considère que la procédure de révision doit prendre de plus en plus d'importance. Il est d'accord pour que la révision des conventions soit poursuivie dans deux directions : tout d'abord pour éliminer les difficultés qui peuvent s'opposer à la ratification d'une convention, et ensuite élargir autant que possible la réglementation internationale. Toutefois, il désire obtenir des éclaircissements sur un point. Le point 4° du rapport a trait à la ratification et l'application des conventions. Il avait cru comprendre que la Commission s'occupait particulièrement de la question de la révision. Il y a des organes spécialisés chargés du contrôle de l'application des conventions : la Commission d'experts pour l'application des conventions et la Commission de la Conférence. Il risque donc d'y avoir double emploi si la Commission pour l'examen des rapports périodiques s'occupe également de l'application des conventions. Il a par ailleurs proposé que des rapports soient fournis tous les cinq ans sur l'application des recommandations ; la Commission pourrait très utilement se saisir également de cette question.

M. de Michelis répond que la Commission n'a pas eu l'intention d'empêcher sur les attributions d'une autre commission du Conseil. Mais en examinant le problème de l'éventualité d'une révision, la Commission a été amenée à se demander si cette convention était applicable et appliquée en fait. Il est impossible de se prononcer sur l'opportunité d'une révision sans tenir compte de cet aspect de la question.

Il fait observer par ailleurs que la Commission d'experts pour l'application des conventions n'est pas une commission du Conseil, et qu'il n'y a en conséquence pas de raison pour que la Commission chargée de l'examen des rapports périodiques n'examine pas également la question de l'application des conventions.

Il est facile de se rendre compte de la nécessité pour la Commission de rechercher si les ratifications de conventions ont été suivies d'une application réelle, ou si cette application a été impossible pour des raisons qui tiennent à la structure même de la convention.

Le rapport de la Commission a été très simple puisque tous ses membres se sont trouvés entièrement d'accord, à l'exception d'un point concernant la procédure de la Commission. Le rapport fondé sur les informations communiquées par le Bureau a dû constater qu'il n'y avait pas lieu de reviser les conventions qui lui étaient soumises puisqu'aucun des gouvernements consultés n'avait fait de suggestion dans ce sens.

M. Mortens considère que, lorsqu'elle examine le problème de la révision éventuelle d'une convention, la Commission doit tenir compte des difficultés d'application qui ont pu être rencontrées dans certains pays. En effet, il serait impossible à la Commission de faire œuvre utile sans prendre en considération cet aspect du problème.

Le paragraphe 4 du rapport de la Commission contient le passage suivant : « Elle tient toutefois à souligner en même temps l'importance qu'il y a à ce que les Membres
TWELFTH ITEM ON THE AGENDA.

Report of the Committee on the Periodical Reports.

*The Chairman* said that the report which had been submitted to the Governing Body dealt with the periodical reports on the following four Conventions:

- Workmen's Compensation (Accidents) Convention (No. 17).
- Workmen's Compensation (Occupational Diseases) Convention (No. 18).
- Inspection (Emigrants) Convention (No. 21).
- Forced Labour Convention (No. 29).

*Mr. de Michelis*, speaking as Chairman and Reporter of the Committee, said that the Committee had come to the conclusion that no revision was required in any of the four Conventions in question.

*Mr. Mannio* said that he considered the question of the greatest importance as he considered that increasing attention should be given to the question of revision. He agreed that revision of Conventions should be undertaken for two reasons—first, in order to eliminate any difficulties which might prevent the ratifying of a Convention, and secondly in order to extend international labour legislation as far as possible. There was one point, however, on which he desired an explanation. Point 4 of the report referred to the ratification and application of Conventions. He had understood that the Committee was particularly concerned with the question of revision. There were special bodies which dealt with the supervision of the application of Conventions, namely, the Committee of experts on the application of Conventions and the Conference Committee. There would therefore seem to be some danger of overlapping if the Committee on the Periodical Reports also dealt with the question of application. He had himself proposed that reports should be sent in every five years on the application of Recommendations, and this point also could usefully be dealt with by the Committee.

*Mr. de Michelis* said that the Committee had no intention of undertaking work which belonged to another Committee of the Governing Body. The Committee, in considering the question of the possible revision of a Convention, had however been bound to enquire whether the Convention was applicable and had in fact been applied. It was impossible to consider the desirability of revision unless that aspect of the question were taken into account. He would point out that the Committee of Experts on the application of Conventions was not a Committee of the Governing Body, and there was therefore no reason why the Committee on the Periodical Reports should not also consider the application of Conventions.

It would be readily understood that it was necessary for the Committee to consider whether the ratification of Conventions had been followed by real application, or whether application had been rendered impossible owing to the manner in which the Convention itself had been drawn up.

The report of the Committee was very straightforward, since all members had been in complete agreement, except on one point concerning the procedure of the Committee. The report had reached the conclusion on the information supplied by the Office that it was not desirable to revise any of the Conventions, since none of the Governments consulted had made any such suggestion.

*Mr. Mertens* said that when the question of revision of a Convention was being considered, it was essential that the Committee should take into account any difficulties in application which had been encountered in the various countries. It would be impossible for the Committee to perform useful work unless it took that aspect into consideration.

Paragraph 4 of the report contained the following passage: "It desires, however, at the same time to emphasise the importance of States Members giving consideration,
procèdent, avant de ratifier des conventions, à l'examen des mesures, législatives ou autres, qui pourraient être nécessaires pour faire porter effet à leurs dispositions.

Telle est la procédure qui était en vigueur à l'origine. Récemment toutefois, on a recouru à une méthode différente. Les clauses de style insérées dans les conventions adoptées au cours des dernières années contiennent une disposition aux termes de laquelle la convention entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Secrétaire général et, par la suite, elle entrera en vigueur pour chaque Membre douze mois après l'enregistrement de sa ratification. À son avis, cette mesure constitue une erreur, car un pays qui se prépare à ratifier une convention devrait se préparer en même temps à l'appliquer. Il ne comprend pas pourquoi il est nécessaire d'accorder à un pays un délai de douze mois après ratification pour examiner les mesures d'application nécessaires. Il ne propose pas au Conseil d'examiner cette question pour le moment; mais il lui demande de rechercher s'il ne vaudrait pas mieux prévoir que la ratification et la mise en application des conventions doivent avoir lieu en même temps.

M. Oersted est pleinement d'accord avec M. de Michelis quant à sa réponse à la question soulevée par M. Mannio. Lorsque la Commission a procédé à l'examen de certains rapports, elle a pu constater que divers pays avaient ratifié les conventions sans les avoir appliquées. Il est impossible à une commission, constituée à l'effet d'examiner l'opportunité d'une révision, d'éviter une discussion sur cet aspect de la question.

Il est également tout à fait d'accord avec M. Mertens et c'est précisément pour les raisons que ce dernier vient d'exposer que la Commission a inséré dans son rapport le passage dont il a donné lecture. La Commission a recherché un moyen d'indiquer clairement, dans son rapport, que les États Membres de l'Organisation sont appelés non seulement à ratifier les conventions, mais encore à les appliquer. Toutefois, la Commission n'a pas pris de décision sur ce point et n'a pas saisi, en conséquence, le Conseil d'une proposition formelle. Aussi est-il heureux d'appuyer la proposition de M. Mertens qui, s'il a bien compris, demande qu'à l'occasion de l'élaboration des conventions à venir on étudie la possibilité de modifier la clause de style à laquelle il a fait allusion. La Conférence aurait ainsi en même temps l'occasion d'ouvrir une discussion sur la nécessité d'appliquer immédiatement les conventions ratifiées. La procédure idéale serait évidemment que les pays qui se proposent de ratifier des conventions mettent par avance leur législation en accord avec celles-ci afin de pouvoir appliquer immédiatement les conventions ratifiées.

M. Jouhaux constate qu'il n'est pas possible, au moment présent, d'ouvrir une longue discussion sur la question soulevée. Outre l'examen de la question des obligations des pays ayant ratifié les conventions, il faudra bien, cependant, discuter un jour la situation des pays qui, participant à la Conférence internationale du Travail, se sont prononcés en faveur de l'adoption de diverses conventions et ont ainsi pris l'engagement moral de les ratifier. Ce qui vicie tout le système, à l'heure actuelle, c'est qu'il n'y a de responsabilité que pour les pays qui respectent l'engagement qu'ils ont pris, tandis que les autres se contentent de déposer les projets de convention devant leur parlement et n'encourent aucune autre responsabilité. Après seize années de fonctionnement de l'Organisation, c'est là une situation qui doit faire l'objet d'un examen approfondi.

Une autre question qui devrait également être examinée, c'est celle des sanctions. Les sanctions sont prévues par la Constitution de l'Organisation, mais n'ont jamais été appliquées, puisque, dans l'état actuel des choses, on redoute que leur application n'ait pour résultat d'empêcher les gouvernements de ratifier les conventions. Aussi conviendrait-il de discuter la procédure des sanctions et, si cela est nécessaire, de la modifier sur tel ou tel point, afin de permettre l'adoption d'une procédure plus souple.

Le Conseil d'administration approuve le rapport de la Commission pour l'examen des rapports périodiques.
before ratifying Conventions, to the legislative or other action which may be necessary to give effect to their provisions." That was the practice which was originally followed. Recently, however, a different system had been adopted. The standard clauses in the Conventions adopted in the last few years had contained a provision to the effect that the Convention would come into force twelve months after the date on which the ratifications of two Members had been registered with the Secretary-General; thereafter, the Convention would come into force for any Member twelve months after the date on which its ratification had been registered. In his opinion that was a mistake, since a country which was prepared to ratify a Convention should be prepared to apply it at the same time. He did not understand why it was necessary to allow a country twelve months after ratification to consider the necessary measures of application. He did not suggest that the point should be discussed at the present moment, but that the Governing Body should consider whether it would not be preferable to provide that ratification and application should take place at the same time.

Mr. Oersted said that he was in complete agreement with the reply which Mr. de Michelis had made to the point raised by Mr. Mannio. When the Committee had considered certain reports, it had found that some countries had ratified Conventions but had not applied them. It was impossible for a Committee set up to consider the desirability of revision not to discuss that aspect of the question. He was also in complete agreement with Mr. Mertens, and it was for the reasons which Mr. Mertens had just given that the passage in the Committee's report to which he had referred had been inserted. The Committee had desired to find a means of stating definitely in the report that States Members of the Organisation were called upon, not merely to ratify Conventions, but also to apply them. No decision was taken on that point, and no formal proposal had therefore been made to the Governing Body. He therefore gladly supported Mr. Mertens' proposal, which he had understood to be to the effect that when the standard articles were being drawn up in future, the question of modifying that part of the standard clauses should be considered. That might give the Conference an opportunity of discussing the necessity of the immediate application of Conventions which had been ratified. The ideal procedure would obviously be for countries which proposed to ratify Conventions to make the necessary adjustments in their legislation in advance which would enable them to apply the Conventions immediately.

Mr. Jouhaux said that it was not possible at the present moment to enter into a long discussion of the question which had been raised. In addition to considering the question of the obligations of countries which had ratified Conventions, it might well be necessary to discuss the position of countries which had attended International Labour Conferences, had voted in favour of Conventions, and had by so doing given a moral undertaking to ratify them. The whole system was vitiated at present by the fact that only the countries which respected their undertakings had any responsibilities, whereas others merely laid the Draft Conventions before their Parliaments and took no further responsibility. Now that the Organisation had been in being for sixteen years, that was an aspect which required careful consideration.

Another point which should be discussed was the question of sanctions. They were provided for in the Constitution, but had never been applied since in present circumstances it was felt that to apply them would have the effect of preventing Governments from ratifying Conventions. The procedure of sanctions should therefore be discussed, and if necessary modified in some way or another, in order to provide a more elastic procedure.

The Governing Body approved the report of the Committee on the Periodical Reports.
Le Conseil autorise le Bureau à transmettre à la Conférence les quatre rapports périodiques examinés par la Commission, en y insérant, le cas échéant, certaines modifications qui auraient été suggérées par les gouvernements.

Quinzième question à l'ordre du jour.

Rapport du bureau de la Commission consultative des travailleurs intellectuels.

Le Président rappelle que le bureau de la Commission consultative des travailleurs intellectuels s'est réuni juste avant l'ouverture de la présente séance du Conseil et prie le président de la Commission de donner au Conseil un bref résumé oral des travaux du bureau de la Commission.

M. de Michelis déclare que le bureau de la Commission des travailleurs intellectuels a décidé de soumettre au Conseil un rapport à sa prochaine session.

Le bureau a décidé de proposer au Conseil d'inscrire à l'ordre du jour de la prochaine réunion de la Commission des travailleurs intellectuels les questions suivantes : protection du titre et de la profession d'expert-comptable ; étude de l'application aux travailleurs intellectuels de la protection prévue par les conventions internationales du travail. En ce qui concerne deux autres questions, le droit moral des travailleurs intellectuels salariés sur leurs créations et l'indemnisation en cas de suppression définitive d'emploi, le bureau de la Commission a prié le Bureau international du Travail de préparer deux rapports : un rapport préliminaire pour la Commission concernant le droit moral des travailleurs intellectuels salariés sur leurs créations, et un rapport supplémentaire sur la question de leur indemnisation en cas de suppression définitive d'emploi. Ce dernier rapport serait soumis à nouveau au bureau de la Commission avant d'être transmis à la Commission elle-même.

Le Conseil d'administration prend acte du rapport oral du bureau de la Commission consultative des travailleurs et note qu'il sera saisi d'un rapport écrit à sa 76ème session.

Seizième question à l'ordre du jour.

Rapport de la Commission du règlement.

1. Procédure d'élection du président du Conseil d'administration.

M. Mannio rappelle que, M. Mahaim ayant été empêché d'assister à la réunion, la Commission l'a désigné pour diriger ses travaux. Deux questions seulement figuraient à son ordre du jour et l'une a été adjournée. Le rapport de la Commission du règlement porte donc seulement sur la procédure d'élection du président du Conseil d'administration. Cette question a déjà été discutée à plusieurs reprises au sein de la Commission du règlement, comme au sein du Conseil lui-même. Il n'est pas nécessaire de refaire l'historique de la question et il rappellera seulement au Conseil que, depuis l'origine de l'Organisation jusqu'à 1931, le règlement avait seulement prévu que le Président du Conseil devait être élu chaque année. Le Conseil pouvait donc procéder à cette élection en pleine liberté.

Après le décès d'Arthur Fontaine, l'article premier actuellement en vigueur a été inséré dans le règlement. Il prévoit un système de roulement entre trois groupes de représentants gouvernementaux, ce qui rend à peu près impossible, en pratique, la rééligibilité d'un président.

Lorsque le Conseil a été élargi, en 1934, l'équilibre des trois groupes gouvernementaux a été rompu. Pour cette raison, et aussi pour atténuer la rigidité du système de roulement, on a étudié la modification de l'article premier du règlement.
The Governing Body authorised the Office to transmit to the Conference the four periodical reports which the Committee had examined, and to insert any modifications which might be suggested by Governments.

**Fifteenth Item on the Agenda.**

*Report of the Officers of the Advisory Committee on Professional Workers.*

The Chairman said that the Officers of the Advisory Committee on Professional Workers had only just met before the present sitting of the Governing Body, and that the Chairman of the Committee would give the Governing Body a brief summary of what had taken place.

Mr. de Michelis said that the Officers of the Advisory Committee on Professional Workers had decided to submit a report to the Governing Body at its next session. The Officers had decided to propose that the Governing Body should place the following questions on the agenda of the next meeting of the Advisory Committee on Professional Workers: the protection of titles and professional organisation for chartered accountants, and a study of the application to professional workers of the protective measures laid down in the Conventions adopted by the International Labour Conference. As regards two other questions, namely the moral right of professional workers in receipt of a salary over their creations and compensation in case of final abolition of post, the Officers had requested the Office to prepare two reports, a preliminary report for the Committee concerning the moral right of professional workers in receipt of a salary over their creations, and a supplementary report on the question of compensation in case of final abolition of post. The latter report would be submitted to the Officers before being communicated to the Committee itself.

The Governing Body took note of the verbal report of the Officers of the Advisory Committee on Professional Workers, and noted that a written report would be submitted to it at its Seventy-sixth Session.

**Sixteenth Item on the Agenda.**

*Report of the Standing Orders Committee.*

1. **Procedure for the election of the Chairman of the Governing Body.**

Mr. Mannio said that, as Mr. Mahaim had been unable to attend the meeting, the Committee had appointed him as its Chairman. There were only two items on the Committee’s agenda, and one had been adjourned. The report therefore merely referred to the question of the procedure for the election of the Chairman of the Governing Body. The question had been discussed on several occasions, both in the Standing Orders Committee and in the Governing Body itself. It was therefore not necessary to go into the history of the question, and he would merely remind the Governing Body that from the time when the Organisation was set up until 1931 the Standing Orders had merely provided that the Chairman of the Governing Body should be elected each year. The Governing Body had therefore been left free to elect the Chairman as it saw fit.

After the death of Mr. Arthur Fontaine, the existing Article I had been inserted in the Standing Orders. It provided for a system of rotation between three groups of Government representatives, and thus made it practically impossible for a Chairman to be re-elected.

When the Governing Body was enlarged in 1934, the balance between the three different kinds of Governments had been upset. For that reason, and also with a view to rendering less strict the system of rotation, the question of modifying
du Conseil. Trois principes essentiels ont été envisagés à ce propos : en premier lieu, l'égalité absolue de tous les membres du Conseil à l'éligibilité à la présidence; en deuxième lieu, le maintien d'un système de roulement garantissant à certains groupements de pays le droit de désigner un de leurs représentants comme président; enfin, les capacités techniques nécessaires à un président.

Quand la Commission du règlement, juste avant l'ouverture de la présente session, a examiné cette question, elle a été saisie de trois textes différents tendant à modifier l'article premier du règlement du Conseil. Toutefois, avant d'aborder l'examen de ces textes, elle a voulu fixer certains principes de base pour la nouvelle réglementation, notamment quant à l'égalité du droit de tous les membres du Conseil, sans distinction de groupes, à être élus président, et quant à la rééligibilité du président. En ce qui concerne le premier de ces points, les trois textes présentés à la Commission prévoient l'égalité complète de droit pour tous les membres du Conseil et la Commission a adopté ce principe à l'unanimité.

Pour ce qui est de la rééligibilité, les trois textes proposés prévoient un système de roulement où, tout au moins, une limitation de la rééligibilité immédiate. Lorsque la Commission a été appelée à voter sur cette question, elle s'est prononcée, par la faible majorité de 7 voix contre 6, en faveur de la rééligibilité immédiate.

Dans ces conditions, la Commission n'a pas voulu procéder à l'examen des textes qui lui étaient soumis, puisque le système de roulement tomberait en conséquence de la rééligibilité immédiate du président. Aussi la Commission a-t-elle décidé de soumettre les deux principes envisagés à l'appréciation du Conseil. Le Conseil est appelé à décider :

a) S'il approuve le principe d'après lequel tous les membres du Conseil, sans distinction de groupes, sont éligibles à la présidence;

b) S'il approuve le principe de la rééligibilité immédiate du président.

Il demande au Conseil de se prononcer tout d'abord sur le premier de ces principes.

M. Oersted n'a pas d'observation à formuler, à condition que le Conseil se declare d'accord sur ce principe. A la vérité, il ne semble pas nécessaire que le Conseil prenne une décision nouvelle à cet égard. En effet, la Constitution de l'Organisation internationale du Travail prévoit que chacun des membres du Conseil a le droit d'être élu à la présidence. En conséquence, comme il n'appartient pas au Conseil de modifier la Constitution, il ne peut que reconnaître ce droit.

Si cependant la question se trouve posée, c'est que les membres patronaux et ouvriers, pour délier au désir des membres du groupe gouvernemental, ont accepté d'insérer dans le règlement du Conseil des dispositions prévoyant que le président devrait être désigné parmi les représentants gouvernementaux. Mais les membres du Conseil reconnaissent maintenant que ce système est mauvais puisqu'il est contraire non seulement à l'esprit, mais à la lettre de la Constitution. Il convient de reconnaître formellement qu'il y a lieu de modifier ce système. Comme il l'a déclaré à maintes reprises, il n'a aucune ambition personnelle en la matière, mais il considère qu'il est indispensable de reconnaître l'égalité absolue entre les trois groupes du Conseil.

Il est un autre point qu'il n'a pas l'intention de soulever pour le moment, mais qui devra être examiné ultérieurement, et qui est l'égalité de droit des membres des trois groupes à présider les commissions du Conseil. Jusqu'à présent, seuls les membres du groupe gouvernemental ont été appelés à remplir ces fonctions.

Par 31 voix, sans opposition, le Conseil d'administration approuve le principe d'après lequel tous les membres du Conseil, sans distinction de groupes, sont éligibles à la présidence.

Le Président invite le Conseil à procéder à l'examen du second point concernant le principe de la rééligibilité immédiate du président.

M. Norman préférerait que la question fût posée sous la forme d'une proposition tendant au maintien du système actuel de roulement ou, tout au moins, du principe actuel du roulement, plutôt que sous la forme de la question de la rééligibilité immédiate du président.
Article 1 of the Standing Orders of the Governing Body had been under consideration. Three essential principles had been put forward: first, the absolute equality of all members of the Governing Body as regards election to the Chair; secondly, the maintenance of a system of rotation which guaranteed to certain groups of countries the right to appoint one of their representatives as Chairman; and thirdly, the technical qualifications required in a Chairman.

When the Standing Orders Committee had discussed the question immediately before the present session, it had had before it three separate texts as amendments to Article 1 of the Standing Orders of the Governing Body. Before considering those texts it had desired to lay down certain principles as regards the new rule, particularly as regards the equal right of all members of the Governing Body, without distinction of group, to be elected as Chairman and the question of the re-eligibility of the Chairman. As regards the first point, all three texts which had been submitted provided for complete equality as among the members of the Governing Body, and the Committee had unanimously adopted that principle.

As regards the question of re-eligibility, the three texts provided either for a system of rotation or at any rate for the limitation of immediate re-eligibility. When the Committee had voted on this question, it had decided by a small majority of only 7 votes to 6 in favour of immediate re-eligibility.

In the circumstances the Committee had decided not to consider the actual texts submitted to it, since the system of rotation would be eliminated by the immediate re-eligibility of the Chairman. The Committee had decided to submit the two principles in question to the Governing Body. The Governing Body was therefore asked to decide:

(a) Whether it approved the principle that all members of the Governing Body, without distinction, were eligible for the office of Chairman;
(b) Whether it approved the principle of the immediate re-eligibility of the Chairman.

He asked the Governing Body to decide first on the former of these two principles.

Mr. Oersted said that he had no observations to make provided that the Governing Body was in agreement in regard to the first principle. As a matter of fact, it was not really necessary for the Governing Body to take any new decision on this point. The Constitution of the International Labour Organisation laid down that every member of the Governing Body had the right to be elected to the Chair. As it was not for the Governing Body to change the Constitution, it could not do otherwise than recognise that right. The reason why the question had never arisen was that the employers and workers, in their desire to meet the wishes of the Government representatives, had allowed provisions to be inserted in the Standing Orders by which it was laid down that the Chairman should be chosen from among the representatives of the Governments. That had now been recognised to be a bad system, since it was contrary not only to the spirit but to the letter of the Constitution. It should be formally recognised that the system ought to be changed. As he had already stated on several occasions, he had no personal ambitions whatever in the matter, but he thought it essential that the principle of absolute equality between the three groups should be recognised.

There was another point which he did not propose to raise at the present moment, but which would have to be considered later. This was the equal right of members of all three groups to be elected Chairman of the Committees of the Governing Body. Up to the present only members of the Government group had occupied that office.

The Governing Body, by 31 votes to nil, approved the principle that all members of the Governing Body, without distinction of group, were eligible for the office of Chairman.

The Chairman requested the Governing Body to consider the second point, relating to the principle of the immediate re-eligibility of the Chairman.

Mr. Norman said that he would like the question to be put in the form of a proposal that the present system of rotation, or at least the present principle of rotation, should continue to be followed, rather than that the question of the immediate re-eligibility of the Chairman should be put.
M. Rice ne peut se rallier à la proposition de M. Norman. La question soumise au Conseil ne porte pas, en effet, sur le maintien du système du roulement, mais sur la possibilité de la rééligibilité. On peut, en effet, être à la fois adverse de la rééligibilité et du système du roulement.

Le Président répond qu'il a l'obligation de soumettre au Conseil la question telle qu'elle a été formulée dans le rapport, à moins qu'un amendement ne soit déposé.

M. Mannio rappelle que la Commission du règlement n'a pas discuté la date de l'entrée en vigueur des nouvelles dispositions et n'a soumis sur ce point aucune proposition au Conseil. Il faudra donc que le Conseil, après s'être prononcé sur la rééligibilité, prenne une décision sur la date à laquelle le nouveau système entrera en vigueur.

Le Directeur considère que le Conseil est appelé pour le moment à se prononcer uniquement sur les deux questions de principe. Après l'adoption de ces deux principes ou de l'un d'eux seulement, la question devra être renvoyée à la Commission du règlement, qui sera appelée à soumettre des propositions détaillées portant sur l'application de ces principes. C'est à ce moment seulement et non à la session actuelle que se posera la question de date à laquelle M. Mannio a fait allusion.

Quinze voix se prononcent en faveur du principe de la rééligibilité immédiate du président et quinze voix contre.

Le Directeur considère que dans ces conditions le Conseil a décidé que le règlement actuel est inapplicable, puisqu'il vient d'adopter le principe que tous les membres du Conseil sont éligibles à la présidence. Or, tel n'est pas le cas aux termes du règlement actuel. Il lui paraît en conséquence qu'il y a lieu de renvoyer l'ensemble de la question à la Commission du règlement pour nouvel examen à la lumière de la décision prise par le Conseil.

M. Jouhaux estime que le vote qui vient d'intervenir à l'égard de l'égalité de tous les membres du Conseil en matière d'éligibilité à la présidence était réellement superflu puisque cette éligibilité est un droit. Les membres patronaux et ouvriers du Conseil n'avaient accepté le système du roulement que par déférence à l'égard des représentants gouvernementaux, mais non comme une dérogation à leurs droits fondamentaux. Puisque la question se trouve à nouveau posée complètement, il demande que la Commission du règlement examine la suppression de la partie du règlement qui prévoit que seuls les membres gouvernementaux peuvent accéder à la présidence.

M. Mertens estime qu'il est impossible qu'il y ait le moindre doute sur ce point. Le Président a constaté, en effet, que le Conseil avait admis à l'unanimité le principe que tous les membres du Conseil sans distinction de groupes sont éligibles à la présidence. Dans ces conditions, il est absolument impossible de continuer à appliquer le règlement dans son état actuel, puisque l'article premier empêche les membres patronaux et ouvriers d'accéder à la présidence. Il faut donc revoir l'article en question à la lumière de la décision qui vient d'être prise par le Conseil.

Il faut également considérer la question du vice-président gouvernemental. Les dispositions relatives à sa désignation ont été suspendues, mais elles continuent à figurer dans le règlement et il y aura lieu de modifier le règlement sur ce point.

En raison de la décision qui vient d'être prise, il est donc évident que la Commission du règlement doit être maintenant invitée à élaborer un nouveau texte de l'article premier du règlement.

Le Président considère qu'aucun doute n'est possible sur le fait que le Conseil a adopté à l'unanimité le premier principe. Toutefois, le second principe n'a pas été adopté. A son avis, l'ensemble de la question devrait être renvoyé à la Commission.
Mr. Rice said that he could not agree to Mr. Norman's proposal. The question before the Governing Body was not whether there should be rotation but whether there should be re-eligibility. It was possible to be opposed to re-eligibility and also to be opposed to rotation.

The Chairman said that he felt bound to put the question as it was drafted in the report unless an amendment were submitted.

Mr. Mannio pointed out that the Standing Orders Committee had not discussed or made any proposal as regards the date on which the new provisions should be put into force. It would therefore be necessary for the Governing Body, after voting on the question of re-eligibility, to decide as to the date on which the new system would be put into operation.

The Director said that all that the Governing Body had before it at the present moment was the two principles. If either or both of those two principles were adopted, the question would be referred back to the Standing Orders Committee in order that further detailed proposals might be submitted as to how those principles should be applied. The question of date which Mr. Mannio had just mentioned would not come up for consideration until then.

15 votes were cast in favour and 15 against the principle of the immediate re-eligibility of the Chairman.

The Director said that it appeared to him that the Governing Body had decided that the present rules were inapplicable, since it had just adopted the principle that all members of the Governing Body were eligible for the office of Chairman. Under the present Standing Orders that was not the case. It would therefore seem necessary to refer the whole question back to the Standing Orders Committee for reconsideration in the light of the decision that had been taken.

Mr. Jouhaux said that the vote which had been taken with regard to the equality of all members of the Governing Body as regards election to the Chair had really been superfluous, since they were eligible in any case. The workers' and employers' members of the Governing Body had only accepted the system of rotation out of deference to the Government representatives, and not because they had abandoned their fundamental rights. As the whole question had come up again for consideration, he requested that the Standing Orders Committee should consider the deletion of that part of the Standing Orders which provided that only members of the Government group could be elected to the office of Chairman.

Mr. Mertens said that there must be no doubt whatever on this point. The Chairman had announced that the Governing Body had unanimously recognised the principle that all members of the Governing Body, without distinction of group, were eligible for the office of Chairman. In the circumstances it was quite impossible to continue to apply the Standing Orders as they existed at present, since Article 1 made it impossible for either employers' or workers' representatives to be elected Chairman of the Governing Body. That article must therefore be reconsidered in the light of the decision which the Governing Body had taken.

There was also the question of the Government Vice-Chairman. The Standing Orders in regard to this point had been suspended, but the provision nevertheless still existed in the Standing Orders. The Standing Orders would also have to be amended on that point.

In view of the decision which had been taken, therefore, it was evident that the Standing Orders Committee must now be called upon to draw up a new text for Article 1 of the Standing Orders.

The Chairman said that there was no doubt that the Governing Body had unanimously adopted the first principle. The second principle, however, was not adopted. In his opinion the whole question should be referred back to the Standing Orders Committee.
M. Mannio considère que la Commission du règlement doit prendre pour directives les deux décisions qui viennent d'être prises. Toutefois, dans son opinion, les travaux de la Commission du règlement doivent être dirigés dans un sens déterminé. Il faut reprendre les propositions prévoyant des limites à la rééligibilité, puisque le Conseil n'a pas adopté le principe de la rééligibilité immédiate.

M. Olivetti estime que la seule proposition qui puisse être acceptée, au moment présent, est celle qui vise au renvoi de l'ensemble de la question à la Commission du règlement, à l'exception du principe d'égalité qui a été adopté par le Conseil. En effet, il ne croit pas que le Conseil se soit prononcé pour ou contre le principe de la rééligibilité. C'est l'ensemble de la question qu'il y a lieu de renvoyer à la Commission du règlement, qui devra l'examiner de nouveau à fond à l'effet de faire au Conseil des propositions précises.

M. Jouhaux voudrait, en sa qualité de membre de la Commission du règlement, préciser la situation après les explications qui viennent d'être données. La proposition doit être renvoyée à la Commission du règlement d'une façon totale, à l'exception évidemment du premier principe, qui a été adopté par le Conseil. Ce principe, d'ailleurs, constitue en réalité un droit que possèdent les membres du Conseil en vertu de la Constitution, mais la décision prise par le Conseil a une conséquence très concrète. Puisqu'il a été décidé que tous les membres du Conseil sont éligibles à la présidence, on a supprimé *ipso facto* la règle d'après laquelle la présidence n'est accessible qu'aux membres du groupe gouvernemental. Aussi la question que la Commission du règlement sera appelée à examiner porte-t-elle sur la suppression des dispositions figurant à cet effet dans le règlement.

M. Rice rappelle que la question est depuis plus d'un an soumise à l'examen de la Commission du règlement. En conséquence, si le Conseil invite la Commission, à la suite d'un vote à égalité de voix, à procéder à un nouvel examen du problème, il n'est pas possible de s'attendre à ce qu'on progresse vers une solution. Dans son opinion, la composition de la Commission du règlement n'est pas satisfaisante pour l'examen de cette question particulière. En effet, le vote intervenu au Conseil a montré clairement que le groupe gouvernemental, dans son immense majorité, est favorable à la non-rééligibilité, tandis que les deux groupes non-gouvernementaux sont d'un avis opposé. Or, dans la Commission du règlement les trois groupes sont également représentés, en sorte qu'il est à peu près inévitable que la Commission soumette à nouveau un rapport qui ne pourra davantage recueillir l'agrément du Conseil. À titre exceptionnel, il croit devoir proposer d'augmenter de cinq membres gouvernementaux la composition de la Commission du règlement pour la discussion de ce problème spécial.

M. de Michelis a été un peu surpris de la proposition soumise par M. Mannio, qui lui a paru exprimer son opinion personnelle plutôt que les conclusions adoptées par la Commission. La proposition de M. Mannio équivaut à suggérer qu'à l'avenir lorsque, dans un vote du Conseil, il y aura égalité de voix, on adopte l'avis du président ou du rapporteur de la commission ou de la section du Conseil qui est favorable à cette opinion. C'est là une procédure qu'il ne saurait accepter. Dans son opinion, lorsqu'il y a égalité de voix, il est impossible de soutenir qu'une décision a été prise. Néanmoins, le Conseil a décidé de supprimer les dispositions du règlement actuel, qui ne peuvent plus être appliquées après sa décision selon laquelle tous ses membres, sans distinction de groupes, ont le droit d'accéder à la présidence. Le Conseil a ensuite été invité à décider si le président élu pour une année et choisi au sein de n'importe lequel des trois groupes, peut être ou non immédiatement rééligible. La question reste ouverte. Il est impossible d'accepter la proposition de M. Mannio, aux termes de laquelle la Commission du règlement devrait prendre pour base de ses futurs
Orders Committee, so that it could make definite proposals to the Governing Body with a view to bringing the Standing Orders into line with the principle which had just been adopted.

Mr. Mannio said that the Standing Orders Committee should be guided by the two decisions which had been taken. In his opinion, however, the work of the Standing Orders Committee should be undertaken in a definite direction. It was necessary to reconsider the proposals which provided for limited re-eligibility, since the Governing Body had not adopted the principle of immediate re-eligibility.

Mr. Olivetti said that the only proposal which could be adopted at present was that the whole question should be sent back to the Standing Orders Committee, with the exception of the principle concerning equality which the Governing Body had adopted. He did not consider that the Governing Body had decided for or against the principle of re-eligibility. The whole question should be referred back to the Standing Orders Committee, which should examine it again in all its details and with a view to making definite proposals to the Governing Body.

Mr. Jouhaux said that, as a member of the Standing Orders Committee, he wished to make the situation quite clear after the various explanations which had been given. The proposal should be sent back to the Standing Orders Committee in its entirety, with the exception, obviously, of the first principle, which the Governing Body had adopted. That principle in fact was a right which all members of the Governing Body possessed under the Constitution. The decision taken by the Governing Body, however, entailed a very definite consequence. Since it had been decided that all members of the Governing Body were eligible for election to the office of Chairman, the rule whereby that office was only open to members of the Government group was ipso facto eliminated. The question which the Standing Orders Committee would have to consider was the suppression of those provisions in the Standing Orders.

Mr. Rice pointed out that the question had been before the Standing Orders Committee for more than a year and that if the Governing Body requested the Standing Orders Committee to reconsider the matter as a result of the tie vote, it was not to be expected that any progress would be made.

In his opinion the Standing Orders Committee was wrongly constituted to deal with this particular question. The vote which had been taken in the Governing Body had shown clearly that the Government group was overwhelmingly in favour of non-re-eligibility, whereas the two non-Government groups had registered a contrary opinion. In the Standing Orders Committee all three groups were equally represented, so that it appeared almost inevitable that the Committee would again submit a report which would not be acceptable to the Governing Body. He therefore proposed that, as an exceptional measure, five Government members should be added to the Standing Orders Committee for the discussion of this particular question.

Mr. de Michelis said that he had been somewhat surprised at the proposal put forward by Mr. Mannio, who had appeared to be expressing his personal opinion rather than the conclusions reached by the Committee. Mr. Mannio's proposal amounted to a suggestion that in the future, when there was equality in a vote of the Governing Body, the view held by the Chairman or Reporter of the Committee, or that part of the Governing Body which was favourable to that opinion, should be accepted. That was a procedure to which he could not agree. In his view, when there was an equality of votes it could not be said that a decision had been taken. The Governing Body had, however, decided to abolish the existing Standing Orders, which could no longer be applied after its decision that all members without distinction of group were eligible for the office of Chairman. The Governing Body had then been asked to decide whether the Chairman elected for one year and chosen from any of the three groups of the Governing Body should or should not be immediately re-eligible. That question remained open. It was therefore impossible to
travaux le vote du Conseil sur le point de savoir si le président est ou n'est pas immédiatement rééligible. Le Conseil ne s'est pas prononcé à une majorité déterminée : le nombre des voix favorables à la rééligibilité immédiate a été égal au nombre de voix opposées. La Commission du règlement n'a donc qu'à procéder à un nouvel examen de la question, sans qu'aucune limitation soit apportée à ses travaux. Le Conseil d'administration sera sans aucun doute infiniment reconnaissant à la Commission si elle trouve une solution à une question qui divise en deux fractions égales les membres du Conseil.

*M. Jouhaux* a entendu avec satisfaction les déclarations faites par M. de Michelis et qui confirment les siennes propres. Après la décision que le Conseil d'administration a prise, il n'y a plus de règlement en vigueur concernant la procédure d'accession à la présidence du Conseil. La question va donc revenir tout entière devant la Commission. Il se peut que les propositions que la Commission du règlement fera soient analogues à celles qui ont été déjà rapportées. Dans ce cas, il appartiendra au Conseil de se prononcer.

Il a été surpris d'entendre M. Rice proposer d'augmenter le nombre des membres gouvernementaux de la Commission du règlement. Cette proposition va directement à l'encontre des droits des groupes composant le Conseil. Si l'on devait accepter que, sous prétexte qu'un groupe est unanime en faveur d'une proposition déterminée, il a droit à une représentation supérieure au sein d'une commission, on admettrait l'inégalité des groupes composant le Conseil. Or, cette théorie est inadmissible et serait contraire à l'esprit du statut de l'Organisation internationale du Travail. Si M. Rice avait participé aux travaux de l'Organisation depuis son origine, il saurait combien le groupe patronal et le groupe ouvrier ont défendu les droits des groupes et combien ils sont peu disposés à laisser porter atteinte à ces droits. Aussi espère-t-il que M. Rice voudra bien retirer sa proposition.

*M. Mannio* ne peut se déclarer d'accord avec M. de Michelis. Conformément à la procédure parlementaire, lorsque le Parlement n'a pas accepté une proposition soumise par une commission, la commission doit être guidée par cette décision du Parlement et ne peut revenir sur la même question puisque la proposition a été déjà rejetée par le Parlement.

On ne fera pas progresser la question en la renvoyant dans son ensemble à la Commission du règlement. Dans tous ses autres aspects, la question demeure ouverte, mais en ce qui concerne le principe de la rééligibilité immédiate, le Conseil paraît avoir adopté une décision. Il est donc inutile que la Commission du règlement examine cet aspect de la question.

*M. Yoshisaka* tient à soumettre une proposition qui, il l'espère, permettra d'aboutir à un compromis. Le Conseil a approuvé le principe de l'éligibilité de tous ses membres, sans distinction, aux fonctions de président. Il est donc possible à l'avenir que le président soit pris dans un des deux groupes non gouvernementaux. Mais comme M. Rice l'a fait observer, le groupe gouvernemental, dans son immense majorité, est opposé au principe de la rééligibilité immédiate tandis que les deux autres groupes sont en faveur de ce principe. Dans ces conditions, si l'on appliquait le principe de la rééligibilité au cas où le président serait choisi parmi les groupes non gouvernementaux et le principe de la non-rééligibilité lorsque le président est choisi parmi les membres du groupe gouvernemental, on donnerait satisfaction à tous les membres du Conseil d'administration. Il espère que sa proposition sera prise en considération par la Commission du règlement. Il se rallie à la suggestion du Président tendant à renvoyer l'ensemble de la question à la Commission.

*M. Norman* déclare que si l'on adoptait la proposition de M. Yoshisaka, le président choisi parmi les membres du groupe gouvernemental ne pourrait occuper ses fonctions que pendant un an tandis qu'un président recruté dans un des deux autres groupes pourrait occuper indéfiniment la présidence. Il y aurait là une dérogation marquée au principe de l'égalité des groupes.
accept Mr. Mannio's proposal that the Standing Orders Committee should take as a basis for its further discussions the vote of the Governing Body on the question whether the Chairman should or should not be immediately re-eligible. There had been no majority in the Governing Body, but an equal number of members for and against immediate re-eligibility. The Standing Orders Committee should therefore reconsider the question without any limitations to its discussion. The Governing Body would doubtless be very grateful to the Committee if it could find a solution to a question on which the opinion of the Governing Body was equally divided.

Mr. Jouhaux said that he had listened with great satisfaction to Mr. de Michelis's declarations, which had confirmed those which he himself had made. After the decision which the Governing Body had taken, the Standing Orders in regard to the procedure for electing the Chairman no longer existed. The question would therefore go back to the Committee as a whole. It might be that the proposals which the Standing Orders Committee would make might be similar to those which it had already put forward. In that event the Governing Body would have to decide.

He had been surprised at Mr. Rice's proposal for increasing the Government members of the Standing Orders Committee. Such a suggestion would run directly counter to the rights of the groups of the Governing Body. If it were admitted that because one group was unanimously in favour of a particular proposal it had the right to a larger representation in a Committee, that would be tantamount to admitting the inequality of the groups of the Governing Body. Such a theory was inadmissible and would, moreover, be contrary to the spirit of the Constitution of the International Labour Organisation. If Mr. Rice had participated in the work of the Organisation from the beginning he would realise with what fervour the employers' and workers' groups had defended the rights of the groups and how little they would be disposed to allow those rights to be interfered with. He hoped therefore that Mr. Rice would withdraw his proposal.

Mr. Mannio said that he could not agree with Mr. de Michelis's point of view. In accordance with parliamentary procedure, when parliament had not accepted a proposal put forward by a committee, the latter should be guided by that decision and could not bring the same proposal forward again since it had not been adopted by the parliament.

No progress whatever would be made if the whole question were to be sent back to the Standing Orders Committee. In all its other aspects the question remained open, but in regard to the principle of immediate re-eligibility the Governing Body appeared to have taken a decision. It was therefore useless for the Standing Orders Committee to consider that aspect of the question.

Mr. Yoshisaka said that he had a proposal to make which he hoped would afford a compromise. The Governing Body had approved the principle that all its members, without distinction, were eligible for the office of Chairman. It was therefore possible that in future the Chairman might be elected from one of the non-Government groups. As Mr. Rice had pointed out, the Government group had been overwhelmingly opposed to the principle of immediate re-eligibility, whereas the other two groups had voted for that principle. If therefore the principle of re-eligibility were applied to a Chairman elected from among the non-Government groups and the principle of non-re-eligibility to a Chairman elected from among the Government members' group, the views of all members of the Governing Body would be met. He hoped that his suggestion would be considered by the Standing Orders Committee, and he agreed with the Chairman's proposal that the whole question should be referred back to the Standing Orders Committee.

Mr. Norman said that if Mr. Yoshisaka's proposal were adopted, a Chairman elected from among the Government members would only be able to hold office for one year, whereas a Chairman elected from either of the other two groups might hold office indefinitely. That would be a signal departure from the principle of the equality of the groups.
Il appuie la suggestion de M. Mannio relative à la procédure. La situation actuelle est que le principe de la rééligibilité immédiate n’a pas été adopté par le Conseil. Donc, conformément à la procédure actuelle, la rééligibilité immédiate n’est pas en vigueur puisqu’une proposition modifiant cette procédure a été présentée mais n’a pas été adoptée. En reprenant l’examen de la question, sur la base du status quo, la Commission du règlement doit donc abandonner l’élaboration de tout système impliquant le principe de la rééligibilité immédiate.

M. de Michielis rappelle que, dans l’exposé qu’il vient de faire, il a soumis une suggestion tendant formellement à inviter le Conseil à décider par un vote de renvoyer l’ensemble de la question à la Commission du règlement, en vue de soumettre un rapport au Conseil à une session ultérieure.

M. Mertens ne peut se rallier à la thèse défendue par M. Norman, qui soutient que le Conseil s’est prononcé contre la rééligibilité immédiate. Le Conseil n’a pas accepté la proposition de la Commission et ne l’a pas discutée. Il s’étonne de l’attitude adoptée par M. Mannio, qui était président de la Commission du règlement, et qui a pris une attitude d’hostilité à l’égard de la décision prise par la Commission au lieu d’expliquer au Conseil d’administration les conditions dans lesquelles la Commission, à la majorité de 7 voix contre 6, avait pris cette décision.

Il attire l’attention sur un point de caractère juridique. Puisque, en conséquence de la première décision, le règlement actuel n’est plus en vigueur, et puisque la Constitution de l’Organisation internationale du Travail n’est pas contraire à la rééligibilité immédiate, il n’est pas possible d’accepter la suggestion de M. Norman.

La Commission du règlement sera appelée à soumettre au Conseil des propositions afin de régler la question. Mais on n’a pas le droit de dire que le résultat du vote est conforme aux vœux de la majorité du groupe gouvernemental.

M. Oersted croit que les difficultés dans lesquelles se trouve le Conseil ont été quelque peu exagérées. Pour sa part, il considère que, lorsqu’une proposition a été mise aux voix sans recueillir la majorité, elle a été rejetée. Il est évident que l’ensemble de la question doit être renvoyé à la Commission du règlement, mais il est tout aussi certain que la Commission ne pourra pas ne pas tenir compte du vote du Conseil qui, s’il n’a donné aucun résultat précis, a néanmoins indiqué que les opinions sont extrêmement partagées.

Le Conseil a été appelé à voter sur le principe de la rééligibilité immédiate. Pour sa part, il s’est abstenue lors du vote, non parce qu’il est en faveur du système de roulement actuel, selon lequel certains membres du Conseil accèdent automatiquement à la présidence, mais parce qu’il a des doutes en ce qui concerne la question de la rééligibilité immédiate.

Le président rappelle que le Conseil a pris une première décision en faveur du principe de l’égalité absolue entre les membres des trois groupes. Le Conseil s’est prononcé ensuite sur le principe de la rééligibilité immédiate, qui n’a pas été accepté, puisqu’une majorité n’a pu se constituer. Dans son opinion, le Conseil a pris une décision nette sur ces deux points. Il est en conséquence impossible d’inviter la Commission du règlement à examiner à nouveau une question qui a été déjà réglée par le Conseil, puisqu’en approuvant pas le principe de la rééligibilité, le Conseil l’a, en fait, rejeté.

M. de Buen estime que les deux propositions faites par la Commission doivent être examinées séparément et qu’il n’y a pas lieu de les considérer comme liées. Toutes les dispositions de l’article premier du règlement actuel demeurent en vigueur, dans la mesure où elles ne sont pas modifiées. En fait, elles doivent déjà être modifiées, comme suite à la décision prise, en ce qui touche la question de l’éligibilité de tous
He supported the view held by Mr. Mannio in regard to procedure. The present position was that the principle of immediate re-eligibility had not been accepted by the Governing Body. In accordance with the existing procedure immediate re-eligibility was not allowed. A proposal to change that procedure had been made but had not been carried. On the basis of the status quo, therefore, the Standing Orders Committee, in resuming its consideration of the matter, must abandon any idea of drawing up a scheme which included the principle of immediate re-eligibility.

Mr. de Micheli said that in his previous speech he had made a suggestion that the Governing Body should definitely decide by vote to refer the whole question back to the Standing Orders Committee for a report to a subsequent session of the Governing Body.

Mr. Mertens said that he could not accept Mr. Norman's view that the Governing Body had decided against immediate re-eligibility. The Governing Body had not accepted the Committee's proposal and had not discussed it. He was surprised at the attitude adopted by Mr. Mannio, who had been Chairman of the Standing Orders Committee, and who had adopted a hostile attitude towards the decision taken by the Committee instead of explaining to the Governing Body under what conditions the Committee had, by a majority of 7 votes to 6, decided upon the proposal.

There was also a legal point. Since, as a result of the first decision, the existing Standing Orders no longer held good, and since under the Constitution of the International Labour Organisation there was nothing against immediate re-eligibility, it was not possible to accept Mr. Norman's suggestion.

The Standing Orders Committee would have to submit proposals to the Governing Body for the solution of this question, but it could not justifiably be said that the result of the vote taken by the Governing Body was in accordance with the views of the majority of the Government group.

Mr. Oersted said that he thought the difficulty of the situation was being somewhat exaggerated. Personally he considered that if a proposal, on being put to the vote, did not obtain a majority, it was defeated. It was obvious that the whole question should be referred back to the Standing Orders Committee, but it was equally obvious that that Committee could not fail to take into account the vote of the Governing Body which, although it had not resulted in a definite decision, had nevertheless shown that opinions were extremely divided.

The Governing Body had voted on the principle of immediate re-eligibility. He personally had abstained from voting, not because he was in favour of the present system of rotation, in accordance with which certain members automatically assumed the office of Chairman, but because he was doubtful as regards the question of immediate re-eligibility.

It would undoubtedly be helpful for the future work of the Standing Orders Committee if the Governing Body indicated that it was not in favour of the automatic rotation system at present in force, and he suggested that that proposal should be put to the Governing Body.

The Chairman said that the Governing Body had taken a first decision in favour of the principle of absolute equality among members of all three groups. The Governing Body had then voted on the principle of immediate re-eligibility, which it had not accepted because a majority had not been obtained. In his opinion the Governing Body had definitely decided both those questions. It was therefore impossible to instruct the Standing Orders Committee to reconsider a point against which the Governing Body had decided since, by not approving the principle of re-eligibility, it had in fact disapproved it.

Mr. de Buen said that it was necessary to separate the two proposals which had been made by the Standing Orders Committee rather than to link them together. All the provisions of Article 1 of the existing Standing Orders remained in force in so far as they had not been amended. They must, as a matter of fact, be amended as a result of the decision taken as regards the eligibility of all members of the Governing
les membres du Conseil, sans distinction de groupes. Il y aurait donc lieu d'adopter une résolution aux termes de laquelle ce principe ayant été accepté, la question serait renvoyée à la Commission du règlement à seul fin d'adapter l'article premier à ce principe. En ce qui concerne la deuxième question, il est d'avis que la Commission du règlement devrait présenter une nouvelle proposition.

*M. Jouhaux* a été heureux d'entendre la proposition de M. de Buen. Maintenant que le principe de l'égalité complète des groupes a été réaffirmé, plus rien n'existe de l'article premier du règlement qui était fondé sur l'abandon des droits des membres patronaux et ouvriers.

Le principe de la rééligibilité immédiate a été soumis à nouveau au Conseil d'administration. Pendant de nombreuses années, le représentant d'un gouvernement particulier a été constamment réélu président du Conseil d'administration. Il ne pense pas que l'abstention du représentant du Gouvernement français lors du vote sur la question de la rééligibilité immédiate signifie une diminution de la valeur que le Conseil d'administration et le Gouvernement français ont attachée à la présidence d'Arthur Fontaine.

D'après le Président, M. Mannio et certains autres orateurs, un vote négatif équivaudrait à une décision de caractère positif et, le Conseil d'administration ne s'étant pas prononcé sur un principe, ce dernier ne pourrait être à nouveau soumis au Conseil. Une telle décision serait contraire à toute procédure parlementaire. Non seulement le droit du Conseil, mais le droit de chacun de ses membres, demeure intact. Rien ne saurait empêcher un membre de la Commission de reprendre une proposition qui n'aurait pas été adoptée par le Conseil pour demander qu'elle soit à nouveau étudiée par ce dernier. La procédure suggérée plus haut serait contraire à tous les principes démocratiques et absolument inadmissible. Dans les circonstances présentes, la seule proposition qui puisse être acceptée est celle qui a été présentée par M. de Michelis, parce qu'elle renvoie l'ensemble de la question à la Commission du règlement et laisse au Conseil la possibilité, dans des circonstances peut-être plus favorables, de se prononcer de manière définitive à une date ultérieure.

*M. Rice* considère que, sur le premier principe, qui a fait l'objet d'une décision unanime du Conseil, la Commission du règlement sera invitée à élaborer un nouveau texte. Il rappelle à M. Mertens que le groupe ouvrier de la Commission du règlement avait particulièrement insisté pour qu'il fût procédé à un vote sur la question de principe et non sur un texte déterminé. C'est seulement lorsque le texte du nouveau règlement aura été adopté par le Conseil que le règlement actuel pourra être effectivement modifié.

Il ne peut admettre les critiques formulées par M. Mertens à l'égard du rapport de la Commission. Le rapport contient un exposé complet des faits et M. Mannio n'a pas énoncé d'argument favorable ou défavorable à la proposition.

M. Jouhaux a élevé des objections contre la proposition de M. Rice tendant à augmenter le nombre des membres gouvernementaux de la Commission du règlement. Selon M. Jouhaux, une telle proposition serait inconstitutionnelle et viserait à détruire le système des groupes. Mais M. Jouhaux n'ignore pas que la Constitution ne contient pas de disposition relative à la composition des commissions et que, si certaines commissions comprennent un nombre égal de membres des trois groupes, il n'en est pas de même pour d'autres. Par exemple, la Commission de proposition de la Conférence comprend deux fois plus de membres du groupe gouvernemental que de membres des deux autres groupes. Si M. Jouhaux a invoqué les principes démocratiques, il devrait en résulter l'institution d'une représentation proportionnelle des groupes au sein des commissions. C'est pourquoi, dans la situation difficile actuelle, il estime qu'il y aurait intérêt à augmenter le nombre des membres de la Commission afin de réaliser cette représentation proportionnelle des trois groupes. Si, toutefois, après la clôture de la discussion, il devait paraître que le Conseil n'est pas disposé à se prononcer sur la proposition qu'il formule, M. Rice sera disposé à la retirer.

*M. Delauney* tient à expliquer, en réponse à l'observation de M. Jouhaux, pour quel motif le représentant du Gouvernement français s'est abstenu de voter. Son gouvernement se trouve dans une situation délicate. Tout d'abord, il lui est difficile
Body without distinction of group. A resolution should therefore be adopted to the effect that as that principle had been accepted, the question was referred back to the Standing Orders Committee merely with a view to adapting Article 1 to that principle. As regards the second point, he was of opinion that the Standing Orders Committee should make a new proposal.

Mr. Jouhaux said that he had listened with satisfaction to Mr. de Buen's proposal. Now that the principle of complete equality amongst the groups had been re-affirmed, nothing remained of Article 1 of the Standing Orders, which was based on the renunciation of the rights of the employers' and workers' members.

The principle of immediate re-eligibility had been submitted again to the Governing Body. During many years the representative of one particular Government had been constantly re-elected Chairman of the Governing Body. He presumed that the fact that the representative of the French Government had abstained from voting on the question of immediate re-eligibility did not signify any lessening in the value which the Governing Body and the French Government attached to Mr. Fontaine's chairmanship.

The Chairman, Mr. Mannio and certain other speakers had suggested that a negative vote amounted to a positive decision and that, as the Governing Body had not accepted the principle, it could not be re-submitted to the Governing Body. That was contrary to all parliamentary procedure. Not only the right of the Governing Body but the right of each individual member remained intact, and there was nothing to prevent a member of the Committee from re-submitting a proposal which had not been accepted by the Governing Body with a request that it should be reconsidered by the Governing Body. The suggestion which had been made was contrary to all democratic principles and was quite inadmissible. In the circumstances the only proposal which could be accepted was that put forward by Mr. de Michelis, since it referred the whole question back to the Standing Orders Committee and left it open to the Governing Body, in what would perhaps be more favourable circumstances, to take a definite decision at a future date.

Mr. Rice said that on the first principle, on which the Governing Body had been unanimous, the Standing Orders Committee would draft new regulations. He reminded Mr. Mertens that the workers' group in the Standing Orders Committee had been most insistent that a vote should be taken on a question of principle and not on any definite text. It would only be when the text of a new Standing Order was adopted by the Governing Body that the Standing Orders would be actually changed.

He could not agree with the criticisms which Mr. Mertens had made on the Committee's report. It fully set forth the facts, and Mr. Mannio had not argued the question either for or against the proposal.

Objection had been taken by Mr. Jouhaux to Mr. Rice's proposal to increase the number of Government members of the Standing Orders Committee. Mr. Jouhaux had suggested that such a proposal was unconstitutional and would destroy the group system. But Mr. Jouhaux was well aware that the Constitution contained no provisions regarding the appointment of Committees, and that some Committees had been constituted with equal membership and some with unequal membership. For instance, the Selection Committee of the Conference was composed of twice as many Government members as members of either of the other two groups. Mr. Jouhaux's appeal to democratic principles appeared to call for proportionate representation of the groups on Committees; and in the present difficult situation he thought that it would be desirable to increase the membership of the Committee in order to secure the proportionate representation of each group. If, however, when the debate was closed it appeared that his proposal was not one on which the Governing Body wished to vote, he would withdraw it.

Mr. Delauney said that, in reply to Mr. Jouhaux's observations, he would explain why the representative of the French Government had abstained from voting. That Government found itself in a delicate situation. In the first place, it was difficult
de condamner le système du roulement, puisqu’il a bénéficié du système contraire pendant toute la durée de la présidence d’Arthur Fontaine. Il aurait été mal venu de paraître vouloir réduire les chances des autres États d’être appelés à la présidence. Mais, d’un autre côté, le Gouvernement français ne pouvait pas non plus condamner le système de la rééligibilité immédiate, puisqu’il aurait ainsi semblé condamner le système en vertu duquel un président de nationalité française, dont la mémoire est l’objet d’une vénération particulière au sein du Conseil, avait été réélu pendant de si nombreuses années. Dans cette situation particulièrement délicate, le Gouvernement français a estimé qu’il était convenable de s’abstenir.

M. Mannio déclare qu’après les observations de M. Rice, il se contentera de constater que c’est la première fois, depuis dix-sept ans, qu’il collabore aux travaux de l’Organisation, qu’il a été accusé de partialité en sa qualité de membre du bureau d’une commission. Tout ce qu’il s’est efforcé de faire, c’est de tirer la situation au clair. Il est nécessaire que la Commission du règlement sache exactement sur quelles bases elle doit continuer ses travaux et c’est justement ces bases qu’il a tenté de préciser. A son avis, il y aurait lieu de charger la Commission du règlement d’examiner à nouveau la question à la lumière des décisions de principe prises par le Conseil.

En réponse à une question du Président, M. Rice se déclare prêt à retirer sa proposition, si d’autres membres n’en demandent pas la mise aux voix.

Le Président constate qu’il est saisi de diverses résolutions. Tout d’abord, vient la résolution de M. de Michelis, conçue comme suit :

« Le Conseil d’administration décide le renvoi pur et simple de la question à la Commission du règlement. »

La résolution de M. Oersted est rédigée dans les termes suivants :

« Le Conseil d’administration déclare que le système de roulement actuellement en vigueur pour l’élection du Président doit être supprimé. »

La résolution de M. Yoshisaka est la suivante :

« Le Conseil d’administration décide de renvoyer à la Commission du règlement, pour faire l’objet d’un nouvel examen, la question de la présidence du Conseil d’administration, en y comprenant l’étude de l’opportunité d’appliquer le principe de non-rééligibilité du président choisi parmi les membres gouvernementaux, et le principe de rééligibilité du président choisi parmi les membres non gouvernementaux. »

M. Mannio propose d’amender la proposition de M. de Michelis en y ajoutant les mots : « en prenant acte des décisions de principe que le Conseil vient de prendre ».

M. de Michelis ne peut accepter cet amendement à sa résolution, parce qu’il en modifierait entièrement le sens.

Le Président invite M. Mannio à soumettre sa proposition en tant que résolution séparée.

M. Norman rappelle que c’est sur sa proposition que la Commission du règlement a renvoyé au Conseil d’administration la question de la rééligibilité immédiate avant d’aborder l’élaboration d’un texte. Si la question était renvoyée à la Commission du règlement sans aucune indication susceptible de lui servir de directive, la Commission se retrouverait exactement dans la même position qu’à sa dernière réunion. Mais si la proposition de M. Mannio était adoptée, la Commission du règlement disposerait d’une base plus précise pour ses travaux.
for it to condemn the system of rotation, since it had benefited by the opposite system during all the time of Mr. Fontaine's chairmanship. It would therefore have appeared ungracious if the French Government had seemed to wish to reduce the opportunities of other States to occupy the Chair. In the second place the French Government had thought it impossible to object to the system of immediate re-eligibility, since that would have amounted to condemning the system under which a Chairman of French nationality, whose memory the Governing Body venerated, had for so many years been re-elected. In that difficult and delicate situation the French Government had considered it advisable to abstain.

Mr. Mannio said that in view of Mr. Rice's observations he would confine himself to pointing out that this was the first occasion in the seventeen years for which he had worked in connection with the Organisation that he had been accused of partiality in connection with his functions as an Officer of a Committee. All he had endeavoured to do was to make the situation perfectly clear. It was necessary that the Standing Orders Committee should know exactly upon what basis it was to continue its work, and it was precisely that basis which he had endeavoured to define. In his opinion it would be wise to instruct the Standing Orders Committee to reconsider the question in the light of the decisions of principle which the Governing Body had taken.

In reply to a question by the Chairman, Mr. Rice said that he was prepared to withdraw his proposal unless any other member wished it to be put to the vote.

The Chairman said that several resolutions had been submitted. In the first place there was Mr. de Michelis' resolution, which was as follows:

"The Governing Body decides simply to refer the question back to the Standing Orders Committee."

Mr. Oersted's resolution was as follows:

"The Governing Body is of opinion that the system of rotation at present in force for the election of the Chairman should be abandoned."

Mr. Yoshisaka's resolution was as follows:

"The Governing Body decides to refer to the Standing Orders Committee the question of the chairmanship of the Governing Body for reconsideration, including the study of the advisability of applying the principle of non-re-eligibility to the Chairman elected from among the Government members and the principle of re-eligibility to the Chairman elected from among the non-Government members."

Mr. Mannio proposed to amend Mr. de Michelis's resolution by adding the words "taking account of the decisions of principle just taken by the Governing Body."

Mr. de Michelis said that he could not accept that as an amendment to his proposal since it altered the whole sense of his resolution.

The Chairman requested Mr. Mannio to submit his resolution as a separate motion.

Mr. Norman said that it was on his proposal that the Standing Orders Committee had referred the question of immediate re-eligibility to the Governing Body before the Standing Orders Committee had attempted to draft rules on the point. If the question were referred back to the Standing Orders Committee without any indication of what line the Committee was to take, it would be in precisely the same position as it was at its last meeting. If Mr. Mannio's proposal were adopted, the Standing Orders Committee would have a more definite basis on which to work.
Le Président invite le Conseil à se prononcer sur la résolution de M. de Michelis, conçue comme suit :
« Le Conseil d'administration décide le renvoi pur et simple de la question à la Commission du règlement. »
Par 19 voix contre 7, le Conseil d'administration adopte cette proposition.

M. Oersted déclare qu'en raison de la décision prise par le Conseil, il retire sa proposition.
Par 17 voix contre 7, le Conseil d'administration repousse la proposition de M. Mannio.
Cette proposition était ainsi conçue :
« Le Conseil décide le renvoi de la question à la Commission du règlement en prenant acte des décisions de principe que le Conseil vient de prendre. »
Par 18 voix contre 1, le Conseil d'administration repousse la proposition de M. Yoshisaka.

2. Questions relatives au retrait des Membres de l'Organisation.
M. Mannio fait connaître que la Commission du règlement a décidé d'ajourner les autres questions figurant à son ordre du jour, concernant le retrait de Membres de l'Organisation.
Le Conseil approuve cet ajournement.

M. Norman tient à dire combien il a été satisfait de la manière dont M. Mannio a assuré la présidence de la Commission du règlement.

M. Pardo s'associe entièrement aux observations de M. Norman à cet égard.

DIX-SEPTIÈME QUESTION A L'ORDRE DU JOUR.
Rapport de la Commission de la liberté syndicale.

M. Oersted propose l'ajournement de la discussion du rapport de la Commission de la liberté syndicale. Ce rapport n'a été distribué que la veille et il n'a pas eu le temps de l'étudier ou de consulter les autres membres de son groupe.

M. Rice croit savoir que certains membres du Conseil, qui assistent à la présente session, ne pourront participer aux travaux de la prochaine session. Ils pourraient tenir à exprimer immédiatement leur opinion. Aussi propose-t-il de leur donner l'occasion de le faire sans que la discussion doive aboutir à un vote.

Par 19 voix contre 9, le Conseil d'administration décide d'ajourner l'examen du rapport de la Commission de la liberté syndicale.

Question de la liberté syndicale à Dantzig.

M. Jouhaux tient à poser une question au Directeur. Elle porte sur la situation des organisations syndicales à Dantzig. Nul n'ignore qu'à l'heure actuelle les organisations syndicales sont dans l'impossibilité de fonctionner dans la ville libre de Dantzig, administrée par la Société des Nations. Si vraiment, dans une ville administrée par la Société des Nations, les libertés inscrites dans la Constitution de l'Organisation internationale du Travail ne sont plus respectées, il est évident que ce fait doit porter gravement préjudice à l'Organisation, notamment dans l'esprit des organisations ouvrières. Il sait que la question est, à l'heure actuelle, soumise à la juridiction compétente. Mais il lui paraît que cette action judiciaire a une
The Chairman requested the Governing Body to vote on Mr. de Michelis's resolution, which was as follows:

"The Governing Body decides simply to refer the question back to the Standing Orders Committee."

The Governing Body adopted the resolution by 19 votes to 7.

Mr. Oersted said that in view of the decision which the Governing Body had taken, he withdrew his resolution.

The Governing Body rejected Mr. Mannio's resolution by 17 votes to 7.

This resolution was as follows:

"The Governing Body decides to refer the question back to the Standing Orders Committee, taking account of the decisions of principle just taken by the Governing Body."

The Governing Body rejected Mr. Yoshisaka's resolution by 18 votes to 1.

2. Questions relating to the withdrawal of Members from the Organisation.

Mr. Mannio said that the Standing Orders Committee had decided to adjourn the other questions on its agenda concerning the withdrawal of Members from the Organisation.

The Governing Body approved the adjournment of this question.

Mr. Norman said that he wished to express his entire satisfaction with the manner in which Mr. Mannio had acted as Chairman of the Standing Orders Committee.

Mr. Pardo said that he associated himself with Mr. Norman's observations.

Seventeenth Item on the Agenda.


Mr. Oersted proposed that the discussion of the report of the Committee on Freedom of Association should be adjourned. The report had only been circulated on the previous day, and he had not had time to study it or to consult with other members of his group.

Mr. Rice said that he understood that there were certain members present who might not be able to attend the next meeting of the Governing Body and who might therefore like to express their views. He suggested, therefore, that they should be given an opportunity of stating their views, but that a vote should not be taken at present.

The Governing Body decided by 19 votes to 9 to adjourn the report of the Committee on Freedom of Association.

Question of Freedom of Association in Danzig.

Mr. Jouhaux said that there was a question which he wished to address to the Director. It referred to the situation of the trade unions in Danzig. Everyone was aware that at the present moment trade union organisations were unable to function in the Free City of Danzig, which was administered by the League of Nations. If in a town administered by the League, principles laid down in the Constitution of the International Labour Organisation were no longer respected, this was bound to have a prejudicial effect on the way in which the Organisation was regarded, more particularly by workers' organisations. He was aware that the question was at the present moment before the competent judicial authorities, but it appeared to him that this
consequence arbitraire à l'égard des organisations ouvrières et des travailleurs eux-mêmes. Il demande donc au Directeur d'intervenir auprès du Haut-Commissaire de la Société des Nations, par telles voies qu'il croira utiles, pour lui demander à quel moment le rétablissement de la liberté syndicale sera effectué et à quel moment l'interdiction de fonctionnement pour les organisations syndicales sera levée. C'est là une question qui intéresse spécialement le Bureau international du Travail et au sujet de laquelle les travailleurs ont pleinement le droit d'intervenir puisque l'administration de la ville de Dantzig relève de la Société des Nations et, par voie de conséquence, du Bureau international du Travail.

Le Directeur répond qu'il n'est pas au courant de la question dont a parlé M. Jouhaux, mais qu'il est tout disposé à se renseigner auprès des autorités compétentes.

M. Jouhaux insiste auprès du Directeur pour qu'il intervienne à cet égard sans délai. Si les renseignements dont il dispose sont exacts, la situation paraît tout à fait claire. La question a été soumise à la Cour permanente, qui a confirmé la thèse des organisations ouvrières. En conséquence, dans son opinion, le Haut-Commissaire de la Société des Nations a l'obligation d'appliquer les décisions de la Cour.

DIX-HUITIÈME QUESTION A L'ORDRE DU JOUR.

Date et lieu de la prochaine session.

Le Directeur propose de réunir la 76ème session du Conseil le 2 juin. En conséquence, la Commission du règlement se réunirait le lundi 1er juin.

M. Oested rappelle que le 1er juin tombe le lundi de Pentecôte. Il espère qu'il sera possible d'éviter une réunion de la Commission pendant ce jour férié. La Commission pourrait soit se réunir le samedi précédent, soit siéger pendant la Conférence.

Après des interventions de M. Mannio et de M. Mertens, déclarant qu'il leur serait difficile de se trouver à Genève avant le 1er juin, M. Oersted accepte cette date pour la réunion de la Commission du règlement.

Le Conseil d'administration décide que sa 76ème session s'ouvrira le mardi 2 juin, à Genève, et que la Commission du règlement se réunira le 1er juin.

DIX-NEUVIÈME QUESTION A L'ORDRE DU JOUR.

Rapport de la Commission des charges sociales.

M. Yoshisaka, en sa qualité de président et de rapporteur de la Commission, déclare que le Conseil est appelé à prendre deux décisions.

En premier lieu, la Commission a demandé au Conseil d'autoriser le Bureau à publier, le plus tôt possible, le tome II de l'ouvrage sur les services sociaux en 1933. En second lieu, la Commission a demandé au Conseil d'autoriser le Directeur à convoquer la Commission des charges sociales à l'occasion de la session du Conseil de janvier 1937, en vue de l'examen du rapport qui sera préparé par le Bureau sur l'opportunité et la possibilité de continuer à l'avenir les études relatives aux services sociaux.

Le Conseil d'administration décide d'autoriser le Bureau à publier le tome II de l'ouvrage sur les services sociaux en 1933 et à convoquer la Commission des charges sociales à l'occasion de la session du Conseil en janvier 1937.

La session est déclarée close à 13 heures 5.

W. A. RIDDILL.
legal action had an arbitrary result as regards the workers' organisations and the workers themselves. He consequently requested the Director to approach the High Commissioner of the League of Nations through whatever channels he considered proper, and to enquire when freedom of association would be re-established and when the prohibitions upon trade union organisations would be raised. This was a question of particular interest to the International Labour Office, and one in which the workers had every right to intervene, since the administration of the Free City of Danzig was a matter for the League of Nations and consequently for the International Labour Office.

The Director said that he had no information concerning the matter to which Mr. Jouhaux had alluded, but that he was quite prepared to make enquiries in the proper quarter.

Mr. Jouhaux urged the Director to deal with the matter without delay. If his information was correct, the situation appeared to be quite clear. The question had been submitted to the Permanent Court, which had confirmed the view of the workers' organisations. In his opinion therefore the High Commissioner appointed by the League of Nations was bound to apply the decisions of the Court.

**Eighteenth Item on the Agenda.**

*Date and place of the next session.*

The Director said that it was proposed that the Seventy-sixth Session of the Governing Body should open on 2 June. That would imply that the Standing Orders Committee would have to meet on Monday, 1 June.

Mr. Oersted pointed out that 1 June was Whit Monday. He hoped that it would be possible to arrange for the Committee not to meet on that day. The alternative would be for it to meet on the preceding Saturday 30 May, or, failing that, during the Conference.

After Mr. Mannio and Mr. Mertens had pointed out that it would be difficult for them to arrive in Geneva before 1 June, Mr. Oersted agreed to accept that date for the meeting of the Standing Orders Committee.

The Governing Body decided that its Seventy-sixth Session should open at Geneva on Tuesday, 2 June, and that the Standing Orders Committee should meet on Monday, 1 June.

**Nineteenth Item on the Agenda.**

*Report of the Committee on Social Charges.*

Mr. Yoshisaka, speaking as Chairman and Reporter of the Committee, said that the Governing Body would be asked to take two decisions: in the first place to authorise the Office to publish as soon as possible Volume II of the International Survey of Social Services in 1933; in the second place, to authorise the Director to call a meeting of the Committee in connection with the session of the Governing Body to be held in January 1937, with a view to considering the report to be prepared by the Office as to the desirability and possibility of continuing in the future the studies on social services.

The Governing Body decided to authorise the Office to publish Volume II of the International Survey of Social Services in 1933, and to call a meeting of the Committee on Social Charges in connection with the session of the Governing Body to be held in January 1937.

The session closed at 1.5 p.m.

W. A. Riddell.
APPENDICES
APPENDIX I.

AGENDA.

1. Approval of the minutes of the Seventy-fourth Session.

2. Appointment of additional experts, more particularly from extra-European countries, to the Committee of Experts on the application of Conventions.

3. Report and proposals of the Office concerning the setting up of the Tripartite Agricultural Committee and effect to be given to the resolution on agricultural work adopted by the Conference at its Nineteenth Session.


5. Report of the Committee on Agricultural Work (adjourned from the Seventy-fourth Session).


7. Preliminary discussion of the questions which might be placed on the agenda of the 1938 Session of the Conference.

8. Study by the Office and report to the Governing Body on the steps to be taken for the protective international regulation of the conditions of employment, work, safety and social welfare of wage-earners employed in road motor transport (Mr. de Michelis' proposal).

9. Report of the Office on questions relative to the preparation of the work of the Conference in regard to the reduction of hours of work in printing and kindred trades and in the chemical industry.


11. The Director's Report.

12. Report of the Committee on the Periodical Reports:
   Examination of the ten-yearly reports on Conventions Nos. 17 (Workmen's Compensation) (Accidents), 18 (Workmen's Compensation) (Occupational Diseases) and 21 (Inspection of Emigrants) and of the five-yearly report on Convention No. 29 (Forced Labour).


14. Approval of various forms for the Annual Reports on the application of Conventions.


18. Date and place of the next session.

APPENDIX II.

SECOND ITEM ON THE AGENDA.

APPOINTMENT OF ADDITIONAL EXPERTS, MORE PARTICULARLY FROM EXTRA-EUROPEAN COUNTRIES, TO THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS.

The Governing Body, at its Seventy-fourth Session, discussed a note prepared by the Office on the questions arising out of the examination of the annual reports on the application of Conventions. One of the questions mentioned in the note related to the material difficulties encountered by the Conference Committee on the application of Conventions, and the suggestions put forward by the Committee to improve the position. During the debate on this question, the Governing Body did not confine itself to discussing the points to which the Committee had drawn attention but dealt with the whole problem of the supervision of the application of the international legislation adopted by the International Labour Organisation and the machinery by means of which it can exercise supervision without going beyond the provisions of the Constitution of the Organisation dealing with this point.

During the discussion Mr. Yoshisaka submitted the following draft resolution:

"The Governing Body decides:

(1) That additional experts from extra-European countries and experts possessing practical experience on social administration should be appointed to the Committee of Experts on the application of Conventions.

(2) That it would be desirable to amend Article 6, § 2 and Article 7 of the Standing Orders of the Conference so as to provide for the immediate constitution of the Committee on the application of Conventions in accordance with the resolution adopted at the Eighth Session of the Conference, at the beginning of each annual session."

To this draft resolution Mr. de Michelis submitted the following amendment:

"Replace paragraph 1 by the following:

That additional experts from extra-European countries which have ratified more than one-third of the Conventions in force and which have submitted the annual reports required under the Constitution, and experts possessing practical experience on social administration should be appointed to the Committee of Experts of the Office set up to consider the reports furnished by Governments under Article 22 of the Constitution.

Paragraph 2, line 1
Instead of 'that it would be desirable to' read 'to propose that the Conference should.'"

The Governing Body referred the draft resolution to the Finance Committee for preliminary consideration. Later, however, it was obliged, in view of the large number of questions on the agenda of the session, to adjourn its discussion of the resolution and the Finance Committee's suggestions until a subsequent session. Accordingly the above draft resolution and amendment are before the Governing Body at its present session.

In view of the far-reaching discussion which took place on the resolution at the Seventy-fourth Session and the questions of principle which were raised, it appears desirable, in order to enable the Governing Body to realise the exact way in which the supervision of the application of international labour legislation has developed, to recall briefly how the existing machinery for the purpose gradually came to be set up.

Until 1924 the reports submitted by Governments on the application of the Conventions which they had ratified were communicated to the Conference first of all in full and later in a summarised form in the Report which the Director submitted to the Conference. The Conference examined them in the course of the general discussion on the Director's Report. It was soon found that it was not possible by this method to make full use of the means of mutual supervision of the application of Conventions afforded by Article 22. At the Seventh Session of the Conference (1925)
Mr. O' Rahilly, Government delegate of the Irish Free State, suggested that the Conference should, at a subsequent session, set up a special Committee to examine the reports on the application of Conventions submitted under Article 22.

This suggestion was brought up in the Governing Body by Mr. Wolfe, British Government representative. At the Thirtieth Session (January 1936) the Governing Body adopted the following resolution, moved by Mr. Wolfe, by 23 votes to nil.

"The Governing Body, considering that the reports rendered by States Members of the Organisation under Article 408 of the Treaty of Versailles are of the utmost importance,
"And that careful examination of the information contained therein is calculated to throw light upon the practical value of the conventions themselves and to further their general ratification,
"Suggests that the Conference should appoint a committee to consider the ways and means for making the best and fullest use of this information and for securing such additional data as may be found desirable to supplement that already available."

This resolution came before the Conference at its Eighth Session (1926) and the Conference set up a Committee of 36 members to consider it. The Chairman of the Committee was Mr. Wolfe, Government delegate of the British Empire. The Committee, after a long discussion, decided to recommend that the Director should appoint a Technical Committee by way of experiment for a period of several years and with the approval of the Governing Body. The functions of the Committee were defined as follows:

The functions of the Committee would be entirely technical and in no sense judicial. Article 409 and the following, it will be recalled, are brought into action only in cases of complaint regarding the non-observance of ratified Conventions: the system of examination now proposed is not in any way concerned with the machinery of enquiry and of sanctions contained in these Articles, and its action is not based upon complaints. There does not appear to be any danger therefore of a confusion of function between the proposed Committee of experts and the Committee of Enquiry mentioned in the Treaty of Peace.

This will be clear from a consideration of the real task of the former. In its examination of the annual reports it should, in the view of the Office, perform the following functions:

(a) It will note the cases where the information supplied appears to be inadequate for a complete understanding of the position either generally, or in a particular country.

To remedy any such deficiencies, it may suggest to the Conference that the Governing Body should take into consideration the revision of the questionnaires with a view to securing greater precision in the reports in general. If the deficiencies concern the report of a particular country, it may suggest that the Office ask by correspondence for any further details, which, within the limits of the questionnaires approved by the Governing Body, may be demanded.

(b) Its examination will certainly reveal cases in which different interpretations of the provisions of Conventions appear to be adopted in different countries. The Committee should call attention to such cases.

(c) Finally, it would present a technical report to the Director, who would communicate this report, along with the summary of the annual reports which he is called upon to make, to the Conference.

It will be seen that there is and can be no question of convoking Governments or their representatives before the proposed Committee, which would base its reports entirely upon the information which the States have undertaken, in ratifying the Convention, to supply.

The Committee further suggested that the report of the Committee of Experts should be laid before the Conference together with the summary of annual reports and that a Committee of the Conference should be set up each year to examine this technical report as well as the summary of the reports submitted by Governments.

When the report of the Committee was discussed in full sitting the Conference rejected, by 58 votes to 45, an amendment moved by Count de Altea, Spanish Government delegate, proposing to delete the passage in the Committee's proposals relating to the setting up of a Committee of the Conference every year to discuss the summary of reports on the application of Conventions.

Finally, the Conference adopted the following resolution by 66 votes to 36.

The Eighth Session of the International Labour Conference,

Considering that the reports rendered by the State Members of the Organisation under Article 408 of the Treaty of Versailles are of the utmost importance,

And that careful examination of the information contained therein is calculated to throw light upon the practical value of the Conventions themselves and to further their general ratification,

Recommends that a Committee of the Conference should be set up each year to examine the summaries of the reports submitted to the Conference in accordance with Article 408,

And requests the Governing Body of the International Labour Office to appoint, as an experiment and for a period of one, two or three years, a technical Committee of experts, consisting of six or eight members, for the purpose of making the best and fullest use of this
information and of securing such additional data as may be provided for in the forms approved by the Governing Body and found desirable to supplement that already available, and of reporting thereon to the Governing Body, which report the Director, after consultation with the Governing Body, will annex to his summary of the annual reports presented to the Conference under Article 408.

The Governing Body gave effect to this resolution by the decisions which it took at its Thirty-third Session (October 1926), its Thirty-fourth Session (January 1927) and its Thirty-fifth Session (March 1927) concerning the establishment of the Committee of Experts. The Governing Body laid down principles which may be summarised as follows:

1. **Number of members of the Committee.**
   
The number of members was fixed at 8.

2. **Selection of the members of the Committee.**
   
The members were to be selected solely on account of their technical competence and their knowledge of the position of the various industries in the different countries. They were to be completely impartial and would in no way be regarded as representatives of Governments. Persons suitable for appointment to the Committee must be independent persons, such as those included in the panel for the appointment of commissions of enquiry under Article 26 of the Constitution.

3. **Term of office of the Committee.**
   
The Committee was set up by way of experiment for two years.

4. **Functions of the Committee.**
   
The function of the Committee is to assist the Director in the preparation of the summary of annual reports to be submitted to the Conference under Article 22 of the Constitution. For that purpose it has to compare with one another the annual reports submitted by the Governments of the States Members and also compare them with the terms of each Convention. It has to ascertain in this way how the States interpret the Conventions in practice. In no case can it act as a court of final instance. The Committee has to work within the framework of the report forms drawn up by the Governing Body. If, however, a report form appears to it to be unsatisfactory it is entitled to draw the attention of the Governing Body to that fact so that the Governing Body may alter the report form if it thinks fit. The report of the Committee first comes before the Governing Body and is then appended to the summary of annual reports which the Director submits to the Conference.

At its Thirty-third Session (October 1926), its Thirty-fourth Session (January 1927) and its Thirty-fifth Session (March 1927) the Governing Body set up the Committee of Experts, choosing its members from a list of persons drawn up by the Office on its own responsibility and taking account of the candidates proposed either by members of the Governing Body belonging to any of the three groups, or by the Governments of States not represented on the Governing Body.

The following persons were appointed:

Mr. Henry William Carless Davis, Regius Professor of Modern History in the University of Oxford.

Mr. Jules Gautier, Councillor of State, Vice-Chairman of the Economic Council of France.

Professor Gini, Professor at the University of Rome, President of the National Institute of Statistics of Italy.

Sir Charles Ernest Low, former Secretary of the Government of India in the Department of Commerce and Industry.

(Replaced before the first meeting of the Committee by Sir Selwyn Fremantle, ex-member of Council of the Lieutenant-Governor of the United Provinces; ex-member of the Viceroy's Legislative Council.)

Mr. von Nostitz, President of the Administrative Tribunal of Saxony; Chairman of the Dresden Social Reform Society.

Mr. Quadrat, Engineer; Secretary-General of the Masaryk Labour Academy at Prague.

Professor William Rappard, former Rector of the University of Geneva; member of the Permanent Mandates Commission of the League of Nations.

Mr. Tschoffen, Belgian Senator; former Minister of Labour, Industry and Social Welfare.

Substitute member:

Mr. de Koszembar-Lyskowski, Professor of Roman law and late Rector of the University of Warsaw.

The Committee of Experts held its first meeting from 2 to 6 May 1927.

The Conference at its Tenth Session (1927) for the first time set up a Committee to examine the summary of the annual reports on the application of Conventions in the light of the report drawn up by the Committee of Experts, that report being attached to the summary of annual reports.
The machinery thus set up for the supervision of the application of Conventions has worked regularly since that time. The discussions of the Committee set up by the Conference at each session have led to certain observations and recommendations which have been approved by the Conference and then submitted to the Governing Body with a view to practical action. At its Forty-second Session (October 1928), when the original term of office of the Committee of Experts expired, the Governing Body decided as the result of a proposal made by the Conference Committee that the Committee should be set up for one year, and that unless there was any opposition, its term of office should be tacitly prolonged from year to year. At the same time, the Governing Body appointed a further member of the Committee of Experts—Professor R. W. Erich, former Prime Minister of Finland, and appointed Mr. de Koszembar-Lyskowski as a regular member, thus raising the number of members of the Committee to ten.

In accordance with suggestions repeatedly put forward by the Committee set up to examine the annual reports at the Conference, the Governing Body decided at its Sixtieth Session (October 1932) that it would be desirable, especially in view of the considerable increase in the number of annual reports submitted by Governments, to appoint an eleventh member of the Committee. It noted that the Committee at that time included only one member who had personal experience of the application of labour legislation in an oversea country, and it therefore considered that the new expert should belong to an extra-European country. At its Sixty-fifth Session (January 1933) it accordingly appointed Mr. César Charlone, barrister, deputy, Director of the Pensions Fund and former head of the National Department of Labour, who subsequently became Minister of Labour and then Minister of Finance of Uruguay.

The composition of the Committee of Experts on the application of Conventions is at present as follows:

- Mr. César Charlone (Uruguayan)
- Mr. Raphael Erich (Finnish)
- Sir Selwyn Fremantle (India)
- Mr. Jules Gautier (French)
- Professor Gini (Italian)
- Professor Waclaw Makowski (Polish)
- Professor Arnold D. McNair (British)
- Professor Quadrat (Czechoslovak)
- Professor William Rappard (Swiss)
- Mr. Paul Tschoffen (Belgian)

One vacant seat previously occupied by Mr. von Nostitz (German), who has resigned.

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As has already been pointed out, the Finance Committee on 21 February discussed the financial aspects of Mr. Yoshisaka's proposal concerning the appointment of further members belonging to extra-European countries to sit on the Committee of Experts, and submitted a report which the Governing Body did not have time to discuss at its Seventy-fourth Session. For the convenience of members of the Governing Body, a copy of the report is appended to the present note. As the Finance Committee stated that it was prepared to include in the budget estimates for 1937 an additional sum of not more than 10,000 francs which, according to the information supplied to the Finance Committee, would be sufficient to meet the cost of the participation of two further experts from extra-European countries in the work of the Committee, the Governing Body is now quite free to decide on an increase in the number of members of the Committee of Experts on the application of Conventions.

It is considered that there are several reasons which would justify such a measure. The first of these is the increasing number of reports furnished by Governments (the number has risen from 378 in 1932 to 584 in 1936). This imposes an amount of work on the experts which may be more than they can perform. This danger has repeatedly been pointed out by the Conference Committee. Moreover the growth of the interest which oversea countries take in the work of the Organisation, the increasing frequency with which they have had recourse to the services of the Office in recent years, and the effects which the work of the Santiago Conference may produce on the progress of labour legislation on the American continent, are reasons why the Governing Body should take every opportunity of increasing the collaboration of extra-European countries in the work of the Organisation. In addition, the growth of social legislation in these countries has led in recent years to a large number of ratifications and this makes it increasingly necessary to make a careful and systematic comparison of the standards which prevail in European and in other countries as regards labour questions.

The selection of the actual persons who should be appointed as members of the Committee is not specially urgent since the Committee is not to meet again before the spring of 1937. The Governing Body could therefore make the appointments at its session in the autumn of 1936. In the meantime the Office would draw up a list of persons possessing the requisite qualifications, taking account of any suggestions which might be made by members of the Governing Body.

In his amendment to Mr. Yoshisaka's draft resolution, Mr. de Michalis proposes that the choice of the new extra-European members should be subject to two conditions.
The ideas which underlie the amendment have several times been put forward at recent sessions of the Governing Body. It can readily be understood that States which have ratified Conventions and thus assumed definite obligations in order to make an effective contribution to the work of the International Labour Organisation should object to States which have refused to accept equally far-reaching obligations sitting in judgment on work in which they do not participate. On grounds of equity there is clearly something to be said for this view.

It is however necessary to consider what would be the effect in practice of the restrictions which Mr. de Michelas suggests should be imposed on the selection of experts. These restrictions relate to two points. It would only be possible to appoint additional experts belonging to extra-European countries which:

(a) had ratified more than one-third of the Conventions in force;
(b) had submitted the annual reports due from them.

As regards the first condition, the number of Conventions adopted by the Conference up to the present is 49, and it would thus only be possible to appoint nationals of countries which had ratified 17 Conventions. This would greatly restrict the Governing Body's choice, since, taking into account extra-European countries only, the only ones which have so far registered the necessary number of ratifications are:

Chile
Colombia
Cuba
Nicaragua
Uruguay

A national of the last-named country is at present a member of the Committee of Experts.

If this criterion were applied to the present composition of the Committee it would be found that a certain number of the States of which the present members are nationals would not fulfil the requisite condition. Thus, if this criterion were adopted, there would be a danger that the whole composition of the Committee would have to be reconsidered.

The two conditions suggested by Mr. de Michelas would, moreover, be difficult to apply in general. Supposing that experts were appointed from among the nationals of States fulfilling the two conditions, it is necessary to consider what the position of those experts would be if the States in question ceased to send in their annual reports regularly or if, owing to an increase in the number of Conventions open to ratification and a slowing down of the process of ratification, they ceased to fulfil the first condition.

It may be questioned for other reasons whether the principle of Mr. de Michelas' amendment should be rigidly applied to the composition of the Committee. The Committee consists of independent personalities selected in the first place on account of their individual competence. The character of the Committee would perhaps be somewhat changed if the conditions mentioned in Mr. de Michelas' amendment were made an essential requisite for the choice of experts. It is true that if the Governing Body, when appointing new experts, had to choose between candidates whose qualifications were approximately equal from the point of view of independence and competence but some of whom were nationals of countries which had ratified a large number of Conventions while others belonged to countries which had only ratified a few, it could take into account the ideas expressed by Mr. de Michelas, which are shared by many of the members. The adoption of an absolute rule of this kind in the choice of experts would however, as has been shown, unduly restrict the appointment of new experts and would to some extent alter the character of their functions.

As regards paragraph 2 of Mr. Yoshisaka's proposal, which suggests changes in the Standing Orders of the Conference, the Director informed the Governing Body at its Seventy-fourth Session that in his view it would be in the interest of the satisfactory working of the supervision of the application of Conventions if the Conference Committee responsible for this work were enabled to begin its discussions as soon as possible after the opening of the session.

In order to enable the Conference at its next session to apply a more expeditious procedure as Mr. Yoshisaka suggests, it might perhaps be desirable for the Governing Body to recommend the Conference this year, as an experimental measure, to make an exception to the rules at present followed for the appointment of Committees and to set up the Committee on the application of Conventions on the first day of the session at the same time as the Selection Committee. This suggestion could be brought to the notice of delegates to the Conference by a communication published in No. 1 of the Provisional Record. The Government, employers' and workers' groups would be requested to submit to the Conference their nominations for the Committee on the application of Conventions at the same time as their nominations for the Selection Committee. As regards the size of the Committee, the Governing Body might suggest the same numbers as at the 1935 Session, namely, ten Government members, five employers' members, and five workers' members.

It should be pointed out that the application of this method would necessitate the suspension of the Standing Orders and would appreciably change the procedure followed up to the present.
for the constitution of Committees, since that procedure provides for the intervention of the Selection Committee in all cases.

If the Governing Body considers that such a procedure would be likely to impede the starting of the work of the Conference owing to the decisions which would have to be taken on the first day both by the groups and by the Conference itself, it might contemplate an alternative possibility. This would be to suggest to the Conference that it should instruct the Selection Committee, when it was set up, to submit to it as soon as possible definite proposals for the institution of a Committee on the application of Conventions without passing through the intermediate stage of the approval of the number of seats to be allotted to the various committees. If that procedure were adopted, the Committee on the application of Conventions could probably begin its work on the second day of the session.

There can be no doubt that if one or other of these two methods were tried as an experiment, it would to a certain extent meet the observations put forward in previous years by the Committee on the application of Conventions. It should, however, be noted that the difficulties mentioned by the Committee were in reality caused by the fact that the Committee has been unable to meet owing to the calls on the time of certain of its members who were also members of other committees, rather than by any delay in the setting up of the Committee. At the last session of the Conference, the Committee on the application of Conventions was set up at the same time as the majority of the Committees which had to consider items on the agenda of the Conference—i.e., at the end of the second day of the session. Thus, since it is obviously important that the Committee should be able to set to work without delay, the main thing necessary would be that it should be composed in such a way that its members were not prevented from taking part in its work owing to other obligations. In order to meet that difficulty, it is thought that the Governing Body might draw the attention of the groups by a communication published in No. 1 of the Provisional Record to the fact that it would be desirable, in order to enable the Committee on the application of Conventions to work satisfactorily, if the groups nominated only those members who were most anxious and best able to devote their attention to the work of that Committee. It is thought that if this suggestion were adopted, the Committee on the application of Conventions would be able to meet more easily and would be less likely to be retarded in its work by other meetings.

ANNEX A.

SUPPLEMENTARY REPORT OF THE FINANCE COMMITTEE, SUBMITTED TO THE GOVERNING BODY AT ITS SEVENTY-FOURTH SESSION (FEBRUARY, 1936).

The Finance Committee met on 21 February 1936 to consider the financial aspect of Mr. Yoshisaka's resolution proposing that additional experts, more particularly from extra-European countries, should be included in the Committee set up to examine the reports sent in by Governments under Article 22 of the Constitution.

The Committee noted that this resolution could not be put into effect in 1936, as the Committee was to meet in March and there would be no time to invite new experts.

The Committee, having been informed by the Director that the additional credit which would be required would be not more than 10,000 francs, is however prepared to include it in the 1937 budget if the Governing Body adopts Mr. Yoshisaka's resolution.


(Signed) L. JOUHAUX,
Reporter.
THIRD ITEM ON THE AGENDA.

REPORT AND PROPOSALS OF THE OFFICE CONCERNING THE SETTING UP OF THE TRIPARTITE AGRICULTURAL COMMITTEE AND EFFECT TO BE GIVEN TO THE RESOLUTION CONCERNING AGRICULTURAL LABOUR ADOPTED BY THE CONFERENCE AT ITS NINETEENTH SESSION.

This question constituted the twenty-first item on the agenda of the Seventy-fourth Session and was adjourned from that session until the present session. It has not been considered necessary to circulate another copy of the note submitted to the last session of the Governing Body. 

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1 See appendices to the minutes of the Seventy-fourth Session, pp. 174-179
APPENDIX IV.

FOURTH ITEM ON THE AGENDA.


The Governing Body was supplied at its Seventy-fourth Session with a certain amount of information concerning the Santiago Conference, and in addition it was thought desirable to communicate the full text of the resolutions adopted by the Conference to the members of the Governing Body for their immediate information.

It had been hoped to send the note on the work of the Santiago Conference to Governments much longer in advance. Immediately after the return of the secretariat staff to Geneva at the beginning of the second fortnight in February, the services concerned were instructed to consider the effect to be given to the resolutions adopted by the Conference. It was, however, impossible to complete the various sections of the note until the cases of documents relating to the work of the Conference had reached Geneva. These documents, which were despatched from Valparaiso a few days after the close of the session, did not reach Geneva until a month after the arrival of the staff. It has therefore unfortunately been impossible to submit the important note on the work of the Santiago Conference to members of the Governing Body within the usual time limit.

Unlike the sessions of the International Labour Conference, at which members of the Governing Body are present, the Santiago Conference included only a small delegation from the Governing Body. It therefore appears necessary to give the Governing Body a short account of the work of the Conference, in addition to the information submitted concerning the effect which it would appear possible to give to the resolutions adopted by the Conference.

I

BRIEF ACCOUNT OF THE WORK OF THE CONFERENCE.

Preparation of the Conference.

It will be remembered that the agenda of the Santiago Conference included the following questions:

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

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

The documents prepared for the Conference dealt more particularly with the first item on the agenda, as it was for the States attending the Conference to suggest, in connection with the second point of the agenda, the questions which they considered suitable for future discussion by the International Labour Conference.

The Office prepared in the first place three reports dealing respectively with social insurance, conditions of work of women and conditions of work of children and young persons. These were the three questions specifically mentioned in the title of the first item on the agenda.

The Office also prepared a general report on the application of the Conventions ratified by the American States and a report on the general aspects of the situation relating to the ratification of Conventions by these countries, with special reference to the problems of hours of work and unemployment, which are of particular importance at the present time.

The Office also prepared draft Standing Orders for the Conference on the basis of the Standing Orders of the International Labour Conference and its Committees.
As the Conference was to have four official languages—English, French, Portuguese and Spanish—the five reports mentioned above were drawn up in these four languages.

At the same time, the Office brought up to date the Spanish edition of the Draft Conventions and Recommendations adopted by the International Labour Conference which had been prepared some years ago. This new edition, which was in any case to have been published in the present year, was thus at the disposal of the Conference.

The material preparatory work for the Conference had been studied in detail at Geneva by a small committee which had been set up for that purpose within the Office. This was the first occasion since the Office has been established in Geneva that it had had to organise a large conference in a distant country. The experience acquired at the successive sessions of the International Labour Conference enabled it to carry out this extremely complex and difficult work in a manner which the delegations to the Conference were agreed in regarding as extremely satisfactory.

The Office sent a few specially qualified officials to Santiago a fortnight before the Conference began in order to complete the work of organisation. Experience showed that their presence at Santiago for that period was absolutely necessary in order to settle all the points of detail involved in the organisation of a conference of this kind.

As members of the Governing Body were informed at the Seventy-third Session, the Chilean Senate adopted a resolution placing accommodation in the Congress building at the disposal of the Conference. In addition the Office was able, by the courtesy of the Chilean authorities, and in particular the President of the Chamber of Deputies, to secure all the accommodation required for the meetings of committees and the offices of the secretariat. The Conference held its plenary sittings in the magnificent Hall of Honour of the Chilean Congress, which was, so far as possible, arranged in the same way as the Conference Hall at Geneva is arranged for the sessions of the International Labour Conference.

The Office would take this opportunity of paying a tribute to the conscientious work done throughout the session both by the officials from Geneva and those engaged in Santiago or lent by the Chilean administration. It was owing to the team spirit which consistently prevailed among the secretariat, and the indefatigable work done by each member of it, that it was possible, in the short time available for the Conference, to carry out the heavy work for which the secretariat was responsible, and in particular to prepare and circulate regularly every day the records of the plenary sittings in two languages and the minutes and documents of the various committees.

Collaboration of the Chilean Government.

The Chilean Government, which, as members of the Governing Body are aware, originally proposed that the Conference should be held, and which in addition to the letters of convocation sent by the Office dispatched an invitation to the States of America to take part in this Conference in the capital of Chile, constantly gave the Office invaluable help both during the period of preparation and during the Conference itself. The Chilean Government, through its representatives in the countries of America, kept itself informed of the measures taken or contemplated by those States with a view to participation in the Conference and supported the endeavours of the Office to secure the sending of delegations, and so far as possible complete delegations.

The Chilean Government itself appointed a very large delegation whose members had carefully studied the questions under discussion and which played an important part in the discussions of the Conference. The Chilean Departments of Foreign Affairs and Labour gave the most valuable assistance in the organisation of the Conference. Mr. Cruchaga Tocornal, Minister of Foreign Affairs, and Mr. Alejandro Serani, Minister of Labour, personally did everything in their power to facilitate the work of the Office. The Minister of Foreign Affairs placed some of the ablest members of his staff at the disposal of the Office for the period of the Conference. The Minister of Labour lent the secretariat several stenographers whose assistance was extremely useful.

The Chilean authorities, with whom the small group of officials responsible for organising the Conference was in constant touch, did everything in their power to facilitate the organisation of the journey of the delegations, the members of the Governing Body and the secretariat on Chilean territory and also simplified the customs formalities both as regards personal luggage and as regards the documents and material which the Office sent to Santiago. It may be mentioned in this connection that the Argentine Government did a great deal to facilitate the journey of the members of the Governing Body and the staff of the Office through Argentina.

It should be emphasised that all that was done by the Chilean Government for the preparation of the Conference was inspired by President Arturo Alessandri himself, who, both by instructing Mr. Garcia Oldini to put forward his proposal at the International Labour Conference and by the communications which he sent to the Office, during the preparatory period, showed, even before the Conference opened, how much importance he attached to its work and the active interest which he took in ensuring its complete success.
President Alessandri, accompanied by all the members of the Government, did the Conference the honour of attending its opening sitting. He was elected Honorary President, and constantly followed its work with sympathy and attention. During the conversations which the Director had with him, he was able to estimate the importance of the social programme which the President is carrying out. He had an opportunity of observing the results which already have been achieved and which have enabled Chile to ratify nearly all the international labour Conventions. Notwithstanding the considerable economic difficulties with which Chile, like other countries, is faced, the Chilean Government, under the guidance of President Alessandri, remains attached to a full programme of social reform which it proposes to carry out systematically as circumstances permit.

During the Conference the members of the Governing Body delegation, like the Director himself and the secretariat, had an opportunity of appreciating the cordial hospitality shown them by the Chilean authorities and all those elements of the population with whom they came into contact. The personal relations established during the numerous receptions given to the Conference will do much to perpetuate the memory of the pleasant hours which were spent after the work of the Conference was over and which formed an agreeable relaxation for all those who visited the capital of Chile in connection with the Conference.

Composition of the Conference.

As the Governing Body has already been informed, 19 out of the 21 States of America which were invited sent representatives to the Santiago Conference. Ten States sent complete delegations. In addition, Costa Rica, the only American State which is not a Member of the Organisation, accepted the invitation to be represented by a delegation of observers.

A full list of the delegates to the Santiago Conference will be found in Annex A. It will be seen that the delegations of the American States to the International Labour Conference have never been so numerous and so representative. Although a certain number of States were unable to send complete delegations to the Santiago Conference, it nevertheless gave certain countries which had up to the present never sent complete delegations to the sessions of the Conference in Geneva an opportunity of participating fully in the work of the Organisation by sending a delegation including representatives of the three elements of which the Organisation is composed.

The special delegation of the Governing Body, the composition of which is mentioned in the attached list of delegations, played an extremely useful and important part in the Conference. As in the case of the sessions of the International Labour Conference, the session of the Santiago Conference was opened by the Chairman of the Governing Body, who remained in the Chair until the Conference had elected its President. In addition he undertook a preliminary examination of the credentials of the delegates and advisers.

By the speeches which they made both in the plenary sittings and in the committees and groups of the Conference, as well as by their relations with the delegations, the members of the Governing Body delegation, as well as Mr. Bandeira de Mello, Brazilian Government representative on the Governing Body and first Brazilian Government delegate at the Santiago Conference, and Mr. Unsain, a former member of the Governing Body and first delegate of the Argentine Government at the Conference, did much to ensure the necessary continuity between the work of the Santiago Conference and the general work of the Organisation. At a Conference where most of the delegates had no personal experience of the work of the Organisation, the members of the delegation of the Governing Body were frequently able to explain the functions of the various bodies which exist in the Organisation, the spirit in which those functions are carried out, and the results already achieved.

There can moreover be no doubt that the members of the delegation of the Governing Body had an opportunity of obtaining valuable personal experience of men and institutions in the American countries and of forming a concrete impression of the aspects of labour problems which are peculiar to those countries.

The Conference held 14 plenary sittings between 2 and 14 January 1936. It adopted the draft Standing Orders which had been prepared by the International Labour Office. The Conference elected the following Officers:

**President:** Mr. Alejandro Serani Burgos, first delegate and Minister of Labour of Chile.

**Government Vice-President:** Mr. Bandeira de Mello, Government delegate of Brazil.

**Employers' Vice-President:** Mr. Roberto H. Barreira, employers' delegate of Uruguay.

**Workers' Vice-President:** Mr. Rosendo Naula, workers' delegate of Ecuador.

It also made the following appointments:

**Honorary President:** Mr. Arturo Alessandri, President of the Republic of Chile.

**Honorary Vice-Presidents:** Mr. Riddell, Chairman of the Governing Body.

Mr. Oersted, employers' member and Vice-Chairman of the Governing Body.

Mr. Hayday, workers' member of the Governing Body.
Committees.

The Conference set up three committees. The first of these was the Selection Committee provided for by the Standing Orders adopted by the Conference. In accordance with the practice followed at the International Labour Conference, this Committee settled the order of business of the Conference, and also made a preliminary examination of the very numerous resolutions submitted by members of the Conference. It consisted of the President of the Conference, eight representatives of each group of the Conference and three members of the delegation of the Governing Body, one from each group.

The Conference also set up a Committee on Social Insurance consisting of ten Government members, five employers' members and five workers' members. The Riddell system was used for the voting in this Committee, the Chairman of which was Mr. Sandoval, Cuban Government delegate.

The Committee on Conditions of Work of Women and Children consisted of ten Government, five employers' and five workers' members, and also made use of the Riddell system. Its Chairman was Miss Frieda Miller, Government delegate of the United States of America.

A full list of the members of the various Committees will be found in Annex B, after the list of delegations.

The work of the Committees resulted in the adoption by the Conference of a number of resolutions on which the Governing Body is asked to take decisions. The second part of the present note contains information concerning the effect which it appears possible to give to the various resolutions.

Plenary sittings of the Conference.

The greater part of the plenary sittings of the Conference were devoted to a discussion on the general aspects of the ratification and application of international labour Conventions by the States of America. Nearly all the States represented at the Conference made a contribution to this important debate, in the course of which the delegates of several countries were able to inform the Conference of the ratification of further Conventions by their Governments, while others declared the intention of their Governments to ratify certain Conventions in the near future.

The discussion brought out the fact that while most countries do not ratify Conventions until national legislation has been brought into full harmony with the terms of the Convention, there are a certain number which regard ratification as a suitable means of encouraging the development of social progress, and use it as a means of stimulating the adoption of legislative measures which, in the absence of ratification, would not have been adopted until much later. It was pointed out in this connection that the only conception of ratification which rests on a sound legal basis is that according to which ratification should be followed immediately by effective practical application, and it was pointed out that ratification could not be justified in cases where a Government realised that the prospect of the adoption of effective measures enforcing the terms of the Convention was a distant one.

The special difficulties encountered by the countries of America in the ratification and application of Conventions were mentioned in the course of these discussions. They appear to be of two kinds. In the first place, there is the difficulty of applying advanced and detailed social legislation to scattered and heterogeneous populations. In this connection the attention of the Conference was drawn to the provisions of Article 19 of the Constitution of the Organisation, which allows the International Labour Conference, when circumstances justify it in doing so, to include clauses in the Conventions corresponding to local conditions.

A second difficulty is due to the fact that certain countries have not yet reached a very advanced stage of industrial development and that consequently the need for legislative measures corresponding to the provisions of the Conventions has not yet been acutely felt. In this connection it was pointed out that it is often wise to adopt more advanced legislation than is strictly required by existing conditions in order to avoid so far as possible the difficulties which accompanied the process of industrialisation in some of the older industrial countries.

Members of the workers' group stressed the importance of the part played by trade union organisations in securing the strict observance of the international obligations of States as regards the application of labour Conventions. In this connection they expressed the view that their first task was to create powerful trade union organisations in their respective countries, and pointed out that such organisations could not play their proper part unless the exercise of the right of association was unrestricted.

The general discussion, the principal aspects of which are briefly summarised above, led to the adoption of a resolution which is discussed in a later passage of the present note.

In the course of the discussion the delegates of most of the States represented explained the existing situation of their countries as regards social legislation, the results hitherto achieved and the programme of social reforms pursued by the Governments of the countries in question. Special mention may be made of the tendency towards the creation or development of social insurance schemes in a certain number of American countries.
The other plenary sittings of the Conference were devoted mainly to the discussion of the reports submitted by the various committees.

**Record of the Conference.**

Immediately after the close of the Conference the Office took steps to publish the final record of the Conference as soon as possible. The Spanish edition was revised and printed at Santiago, and early in March it was dispatched from that city to the Spanish-speaking States represented at the Conference. Copies of the record are at the disposal of any members of the Governing Body who may wish to have them.

On the basis of the Spanish edition the Office will shortly complete the preparation of an English edition which it is hoped to publish before very long.

**Financial questions.**

The final accounts of the Santiago Conference have not yet been prepared as some of the necessary documents relating more particularly to expenditure in Santiago after the close of the Conference have not yet been received. A report on the subject will be submitted to the Governing Body as soon as possible.

The Governing Body can, however, already be informed that the expenditure, which was supervised with strict regard to economy, is within the limits of the budget voted by the Governing Body and that an appreciable balance will remain available after the final closing of the accounts.

* * *

It is not thought desirable to put forward any general conclusions concerning the results of the Santiago Conference. Members of the Governing Body will be able to estimate the importance and extent of those results when they consider the effect to be given to the conclusions of the Conference. It will be sufficient to pay a tribute to all that has been done by the States of America to make a contribution to the work of the Conference and the spirit of collaboration shown by the delegations both on the Government side and on the employers’ and workers’ side. This spirit is a valuable guarantee for the establishment of still closer relations between the States of America and the International Labour Organisation.

Apart, however, from the immediately apparent results represented by the resolutions adopted by the Conference, it should be remembered that the Santiago Conference provided an invaluable opportunity of direct contact with those concerned with social policy in the various States of America, just as it enabled the representatives of those circles to become better acquainted with the work of the Organisation.

It may, therefore, be said that both in regard to the importance of the conclusions reached in the discussion of the items on its agenda and in regard to the importance of the trends of opinion and personal relations which it created, the Santiago Conference fully realised the hopes entertained by the Governing Body when it decided to call it. Far from in any way weakening the universal character of the Organisation, as some may have feared, it helped all those who took part in it to feel more keenly the universality of the work to which each State Member, without losing sight of its own particular problems, makes a sincere and enthusiastic contribution.

**II. EFFECT TO BE GIVEN TO THE RESOLUTIONS ADOPTED BY THE SANTIAGO CONFERENCE.**

The Governing Body is requested to decide on the effect which it would seem possible to give to the very numerous and important resolutions adopted by the Santiago Conference.

In the first place, the Conference, after considering the report of its Committee on Social Insurance, adopted a detailed resolution concerning the fundamental principles of social insurance (see below, pp. 82-92).

After considering the report of its Committee on the conditions of work of women and children, it adopted a number of resolutions, dealing in the first place with the conditions of work of women, and in the second place with the conditions of work of children and young persons (pp. 92-98). After receiving the report of its Selection Committee, the Conference adopted a considerable number of resolutions, some of which it would be difficult to classify strictly under the headings generally used when the resolutions adopted by the International Labour Conference are submitted to the Governing Body. Several of the resolutions adopted by the Santiago Conference at the same time suggest questions for the agenda of the International Labour Conference, action to be taken by the Governing Body, and questions to be studied by the International Labour Office (pp. 98-117).

In order to facilitate the discussion of the resolutions by the Governing Body, the usual headings have been used, but the resolutions proposing action of various kinds have been classified under a separate heading.
The resolutions adopted by the Santiago Conference on the report of its Selection Committee may be classified as follows:

**I. Resolutions suggesting action of various kinds.**

1. Resolution concerning immigration, submitted by Mr. Unsain, Government delegate, Argentine Republic (pp. 98-99).
2. Resolution concerning the living and working conditions of native populations, submitted by Mr. Eduardo Rebagliati, Government delegate, Peru (pp. 99-100).
3. Resolution concerning the relations of the American countries with the International Labour Organisation (pp. 100-102).
4. Resolution concerning unemployment (pp. 103-104).
5. Resolution concerning the cost of living in American countries, submitted by the Government delegation of the United States of Mexico (pp. 104-105).
6. Resolution concerning popular nutrition, submitted by the Government delegation of Chile (pp. 105-107).
7. Resolution concerning popular nutrition, submitted by Mr. Manuel B. Llosa, Government delegate, Peru, and Mr. Solis, workers' delegate, Chile (pp. 106-107).

**II. Resolutions proposing questions for the agenda of the Conference.**

1. Resolution concerning the weekly rest, submitted by the Government, employers' and workers' delegates, Ecuador (pp. 107-108).
3. Resolution concerning minimum wages, submitted by Mr. Escribar, Government delegate, Chile (pp. 108-109).
4. Resolution concerning the effective application of labour legislation, submitted by the Government delegation of Chile (pp. 109-110).

**III. Resolutions requesting the Governing Body to take action.**

1. Resolution concerning the creation of employers' and workers' federations, submitted by the workers' group (p. 111).
2. Resolution concerning calendar reform, submitted by Mr. Gaston Goyeneche, employers' delegate, Chile (p. 111).
3. Resolution concerning the study of industrial relations, submitted by the Government, employers' and workers' delegates, Ecuador (pp. 111-112).
5. Resolution concerning the co-ordination of the economic policy of States and protective labour legislation, submitted by the Government delegation of Haiti (p. 112).

**IV. Resolutions proposing that the International Labour Office should be instructed to study certain questions.**

1. Resolution concerning the ratification and application of the Conventions and Recommendations by the American States, submitted by Mr. Ramirez Otarola, employers' delegate, Peru (pp. 113-114).
2. Resolution suggesting the study of various questions by the International Labour Office, submitted by the workers' group (pp. 114-115).
4. Resolution concerning an enquiry into agricultural statistics in the American countries, submitted by the Government delegation of the United States of Mexico (pp. 116-117).
5. Resolution concerning the truck system, submitted by Mr. Enrique Forn, Government delegate, Argentine Republic (p. 117).

* * *

The effect which it appears possible to give to each of these resolutions is considered below.
A.

Resolution on the Fundamental Principles of Social Insurance.

This resolution is as follows:

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

1. Considering that compulsory social insurance is at once the most rational and the most effective means of affording to the workers the social security to which they are entitled, and

2. Having regard to the body of international regulations already adopted in the field of social insurance by the International Labour Organisation, a work which it desires to have continued and improved with the active and constant help of all the American States which are Members of the Organisation, and

3. Desirous of contributing to the development and spread of social insurance among the American States which are Members of the Organisation, but without prejudice to the obligations resulting from Conventions ratified by such States;

Adopts certain fundamental principles which appear likely to facilitate the establishment of fair and suitable systems of social insurance, and

Requests the Governing Body to be good enough to communicate these principles to the American States which are Members of the International Labour Organisation, in order that they may serve as a guide to social insurance policy.

FUNDAMENTAL PRINCIPLES OF SOCIAL INSURANCE.

CHAPTER I.

NECESSITY AND PURPOSE OF SOCIAL INSURANCE.

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

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

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

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

5. Every social insurance scheme should aim at:

(a) Preventing as far as possible the premature loss of earning capacity;

(b) Curing or alleviating incapacity for work, in order to enable the worker to resume his occupation;

(c) Providing, by the grant of cash benefits, at least partial compensation for the pecuniary loss resulting from the interruption or cessation of gainful activity.

CHAPTER II.

WORKMEN'S COMPENSATION FOR ACCIDENTS.

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

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

II. Scope.

Workmen's compensation legislation should apply to all employed persons.
III. Benefit in kind.

An injured workman should be entitled to:

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

IV. Cash benefits in case of temporary incapacity.

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

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

2. Minimum rate of benefit.

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

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

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

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

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

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

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

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

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

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

VII. Benefits in case of fatal accident.

1. Dependants entitled to benefit.

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

(a) Deceased's widow or invalid widower;
(b) Deceased's children under 18 years of age, or above that age if, by reason of physical or mental infirmity, they are incapable of earning;
(c) Deceased's ascendants (parents or grandparents) provided that they are without means of subsistence and were dependent on the deceased, or the deceased was under an obligation to contribute towards their maintenance;
(d) Deceased's grandchildren and brothers and sisters, if under 18 years of age, or above that age if, by reason of physical or mental infirmity, they are incapable of earning, and if they are orphans, or if their parents, though still living, are incapable of providing for them.

2. Minimum rate of benefit for all dependants.

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

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

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

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

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

IX. Settlement of Disputes and Judicial Authorities.

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

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

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

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

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

X. Equality of Treatment for National and Foreign Workers.

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

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

XI. Occupational Diseases.

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

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

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

COMPULSORY SICKNESS INSURANCE.

I. The Compulsory Principle.

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

II. Scope.

Compulsory sickness insurance legislation should apply to:

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

III. Medical and Pharmaceutical Benefits.

1. Nature of benefit.

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

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

2. Duration of benefit.

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

3. Medical benefit for the insured person's family.

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

IV. Sickness Cash Benefit.

1. Right to benefit.

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

2. Duration of benefit.

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

3. Rate of benefit.

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

V. Sickness Prevention.

1. Health education.

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

2. Preventive policy.

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

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

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

VI. Insurance Institutions.

1. Principle of autonomy of insurance institutions.

Sickness insurance should be administered by self-governing institutions not carried on for profit, under the administrative and financial supervision of the competent public authority.

2. Participation of insured persons and employers in management.

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

3. Organisation of institutions on territorial basis.

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

VII. Financial Resources.

1. Workers' contributions and employers' contributions.

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

2. Financial assistance by public authorities.

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

VIII. Disputes Concerning Benefits.

1. Insured person's right of appeal.

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

2. Competent tribunal,

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

IX. Special Measures for Sparsely Populated Regions.

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

X. Position of Foreign Workers.

Workers of foreign nationality should be liable to insurance and to the payment of contributions under the same conditions as nationals; in return they should be entitled under the same conditions as nationals to the benefits of insurance in their entirety.
CHAPTER IV.

INVALIDITY, OLD-AGE, AND WIDOWS' AND ORPHANS' INSURANCE.

I. The Compulsory Principle.

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

II. Scope.

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

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

III. General Conditions for Award of Pensions.

1. Qualifying period.

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

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

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

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


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

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

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

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


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

IV. Method of Calculating Pensions.

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

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

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

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

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

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

2. Minimum rate of pension.

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

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

VI. Invalidity Pension.

1. Definition of invalidity.

(a) An insured person who becomes generally incapacitated for work and thereby unable to earn an appreciable remuneration should be entitled to an invalidity pension.

(b) An insured person should be deemed to be invalid who by reason of sickness or infirmity is unable to earn by work suited to his strength and ability and his training as much as one-third of the ordinary remuneration of a fit worker of similar training and experience, provided that the said one-third is sufficient to enable the insured person to procure the primary necessities of life.

(c) Nevertheless, in special insurance schemes set up on behalf of manual or non-manual workers in certain occupations, reduction of capacity for work should be assessed solely with reference to the occupation hitherto followed or to a similar occupation.

2. Minimum rate of pension.

(a) An insurance scheme should provide for every insured person who becomes invalid after having completed the qualifying period a pension sufficient to cover his essential needs. The minimum pension provided for every pensioner should accordingly be fixed with due regard to the cost of living.

(b) In insurance schemes in which the minimum pension is fixed in terms of the remuneration taken into account for insurance purposes, the minimum should not be less than 40 per cent. of such remuneration. The same result should be aimed at by schemes in which the pension includes a fixed portion which is the same for every pensioner and a portion varying with the number and amount of the contributions credited to his account.

3. Supplement to pension.

(a) A supplement should be paid to a pensioner for each dependent child who is of school age or, being under the age of 17, is continuing his general or vocational education or who cannot by reason of invalidity earn his living.

(b) A pensioner who needs the constant attendance of another person should be awarded a special supplement.

2. Widow's (Widower's) Pension.

(a) If a pensioner or insured person dies after completing the qualifying period and leaves a widow, the widow should be entitled to a pension as long as she does not remarry.

(b) If, however, the award of the pension is subject to the fulfilment of other conditions, pensions should nevertheless be awarded to widows unable to earn their living by reason of age or invalidity, and to widows with a dependent child who is of school age or who, being under the age of 17, is continuing his general or vocational education.
(b) A pension should also be awarded to an invalid widower who by reason of his invalidity was dependent on an insured woman who died after completing the qualifying period.

2. Minimum rate of pension.

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

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

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

C. Children’s Pensions.

i. Conditions for award of pension.

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

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

2. Minimum rate of pension.

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

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

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

VIII. Provisions for Suspension or Reduction of Pensions.

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

(a) Is maintained at the public expense or by a social insurance institution;

(b) Refuses without valid reason to comply with the doctor’s orders or the instructions relating to the conduct of invalids, or voluntarily and without authorisation removes himself from the supervision of the insurance institution;

(c) Is in employment involving compulsory insurance;

(d) Is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen’s compensation for accidents or occupational diseases. In this case the pensioner should be enabled to receive in its entirety whichever of the pensions is the higher and in any case he should be paid that part of the invalidity, old-age or survivor’s pension which corresponds to the insured person’s own contributions.

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

IX. Lump-Sum Payment at Death.

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

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

1. The insured persons and their employers should contribute to the financial resources of the insurance scheme.
2. As a general rule the contribution of the insured person should not be higher than the contribution of his employer.
3. The employer should be responsible for the whole or the greater part of the joint contribution in respect of workers who are remunerated only in kind, or whose remuneration is very low.
4. Contributions from employers may be dispensed with under national schemes not restricted in scope to employed persons.
5. The public authorities should contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

XI. Insurance Institutions.

1. The insurance scheme should be administered by institutions founded either by the public authorities or on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.
2. Insurance institutions should not be conducted with a view to profit and should be under the administrative and financial supervision of the public authorities.
3. The funds of insurance institutions should be administered separately from public funds.
4. Representatives of the insured persons should participate in the management of insurance institutions under conditions to be determined by national laws, which may likewise decide as to the participation of representatives of employers and of the public authorities.

XII. Settlement of Disputes.

1. The insured person or his legal representatives should have a right of appeal in any dispute concerning benefits.
2. Such disputes should be referred to special tribunals, which should include judges, whether professional or not, who are specially cognisant of the purposes of insurance and the needs of insured persons, or are assisted by assessors chosen as representative of insured persons and employers respectively.
3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

XIII. Position of Foreigners.

1. Foreign employed persons should be liable to insurance and to the payment of contributions under the same conditions as nationals.
2. Foreign insured persons and their dependants should be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.
3. Foreign insured persons and their dependants should, subject to reciprocity, be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds.

* * *

In this resolution, the Conference, taking as a basis the Draft Conventions and Recommendations adopted by the International Labour Conference, laid down a certain number of fundamental principles which would, in its view, permit of the just and expedient organisation of social insurance.

This very full resolution emphasises the need for social insurance and its objects, and states that compulsory insurance is at once the most rational and the most effective means of affording to the workers the social security to which they are entitled. The resolution goes on to lay down the fundamental principles which should be followed by national legislation on workmen's compensation for accidents, compulsory sickness insurance, and compulsory invalidity, old age and widows' and orphans' insurance.

In the preamble, the Conference decided to request the Governing Body to communicate the resolution on the fundamental principles of social insurance to the American States which are Members of the Organisation, in order that they may serve as a guide to social insurance policy.

It is suggested that the Governing Body should agree to the suggestion made by the Santiago Conference and instruct the Office to communicate the resolution on the fundamental principles of social insurance to the Governments of the American States Members of the Organisation.
The Governments, and subsequently the employers' and workers' organisations, will find it useful also to study the report of the Committee on Social Insurance set up by the Santiago Conference. They will find the report in the official record of the Conference.

The report refers to the considerations which the Committee had in mind in drawing up the resolution, and constitutes to some extent a statement in explanation of the resolution. The report also deals with two proposals which were submitted during the Committee's discussions, and which the Committee decided to mention in its report so that they might be brought to the notice of the Governing Body.

These proposals were put forward respectively by the Peruvian Government delegation and the Mexican Government delegation.

Proposal of the Peruvian Government delegation.

The passage of the report of the Committee on Social Insurance relating to this proposal is as follows (Cfr. C. T. E. A., C. S. S., D. I., pp. 22-23):

"After the close of the discussion on the Office Report, the Committee considered a proposal submitted by Mr. Rebagliati, Government Delegate, Peru:"

"To recommend to the Governing Body of the International Labour Office that it should arrange for an organisation within the Office of a service of information on American social insurance matters, which could deal with enquiries of a technical nature submitted by American countries and assist in the establishment on a sounder basis of the actuarial calculations and financial estimates of schemes which such countries would refer to it for its consideration.

"This proposal was approved by 16 votes to nil.

"With the agreement of the author of the proposal, it was decided that the proposal should be included in the Committee's report."

Although the proposal of the Peruvian Government delegation does not require an immediate decision, it is thought that it deserves the attention of the Governing Body. Members of the Governing Body are aware that, in response to requests addressed to the Office, the Social Insurance Section has on several occasions been directly associated in one way or another with the preparatory work undertaken with a view to the introduction or the revision of national social insurance legislation. Collaboration of this kind has provided the Office with an opportunity of making use of the lessons to be drawn from a comparison of the results obtained in various countries. It has proved useful, and the Office intends to continue it.

The proposal of the Peruvian Government delegation, however, refers to the special difficulties which those States of America which attempt to set up a social insurance system almost inevitably encounter in investigating the demographic bases and drawing up the actuarial forecasts which are necessary in order to estimate the financial development of insurance schemes with the necessary accuracy. These difficulties, with which American technicians are rightly concerned, can be overcome, to some extent at any rate, by international co-operation. It is for this reason that the Social Insurance Section is, as the Governing Body is aware, preparing a publication on technical actuarial methods, dealing with the statistical bases, financial systems, and actuarial forecasts of invalidity, old-age and widows' and orphans' insurance.

The volume gives an account of the financial structure of a certain number of general insurance schemes which have been in operation for many years past in various European countries. It cannot, however, deal exhaustively with all the technical problems with which the countries of America are faced. In order to meet their views and satisfy their expectations, the Social Insurance Section will have to investigate more specially the technical methods required for adapting social insurance to the conditions of these countries.

This work, which is of great difficulty, but is of essential importance if social insurance is to be established on a sound basis in the States of America, is the object of the proposal of the Peruvian Government delegation. In order to carry it out, the Social Insurance Section will need to be strengthened. The Director will in due course submit to the Governing Body such suggestions as are thought appropriate to the needs of the American States.

Proposal of the Mexican Government delegation.

The passage of the report of the Committee on Social Insurance which deals with this proposal is as follows (Cfr. C. T. E. A., C. S. S., D. I., pp. 23-24):

"Lastly, the Government Delegate of Mexico submitted a proposal concerning an enquiry into the problem of the investment of the funds of social insurance institutions that the said Delegation would be glad to see carried out by the International Labour Office.

"The Committee agreed to include this proposal in its report, as it considers that the problem in question is one of immediate importance in the American countries, and that it should be brought to the attention of the Governing Body of the International Labour Office, with a view to having the possibility of taking further action upon it considered."

In support of its proposal, the Mexican Government delegation submitted a memorandum to the Committee on Social Insurance explaining the special aspects of the problem of the investment of the reserves of social insurance institutions in countries which have little capital.
The memorandum appeared to the Office to be so interesting that it got in touch with the Mexican authorities concerned in order to secure their consent for its publication in the International Labour Review.

The Office is glad to be able to inform the Governing Body that the enquiry suggested in the Mexican Government's proposal is already on its programme of work. As the Governing Body was informed by the Director's Report to the Seventy-third Session (October 1935), the Office is preparing a series of national monographs on the regulation and policy of investment of the reserve funds of invalidity, old-age and widows' and orphans' insurance. The Office intends to ask the Governing Body in the near future to authorise it to carry out a consultation of experts on this subject, by correspondence in the first place. The proposal of the Mexican Government confirms its original intention to include experts from American countries in the proposed consultation.

B.

Resolutions concerning the conditions of employment of women and children.

In connection with the report of its Committee on the conditions of employment of women and children, the Conference adopted the following resolutions.

I. Conditions of employment of women.

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

1. Wages.

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

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

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

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

2. Hours of Work.

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

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


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

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

4. Maternity Protection.

The Conference expresses the wish that the Convention concerning the employment of women before and after childbirth, adopted by the International Labour Conference at Washington in 1919, should be ratified.
The Conference further draws the attention of Governments, employers and workers to the following principles 1:

1. In countries in which no budgetary provision is made for the payment of benefit during the period of rest before and after childbirth, and in which there is no system of social insurance for this purpose, the payment of benefit should be an obligation on the employer of the woman concerned.

2. The payments fixed by the competent authority in each country as maternity benefits, to be paid during the period of compulsory rest, should not be less than 50 per cent. of the actual wages earned by the woman concerned.

3. There should be established a minimum period of ninety days before and after childbirth during which the dismissal of a woman worker should be prohibited, provided that the worker may be dismissed where sufficient reasons exist having no connection with the fact of maternity. Any employer violating this provision should be required to pay the woman worker concerned the equivalent of ninety days' wages.

4. Employers should be required to establish day nurseries in all workplaces where more than twenty women are employed.

5. All the rights and benefits conferred by the Childbirth Convention should be extended to all women working for any employer including domestic servants and women employed in agricultural undertakings.

6. Women in Government service should be granted three months' leave with full pay in the event of pregnancy.

5. Medical Attendance during Childbirth.

“Considering:

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

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

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

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


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

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

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

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

7. Dangerous and Unhealthy Employment.

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

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

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

1 The provisions of paragraphs (1) and (2) are to be regarded as temporary and transitional measures, in countries which have not yet established maternity protection by social insurance.
The Conference recommends that the following industries should be regarded as dangerous for the purpose of the employment of women:

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


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

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


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


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

11. Women and Workers' Housing Projects.

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

12. Women's Bureaux in Labour Ministries.

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


"Whereas a fuller knowledge of the existing economic situation of women workers would be of assistance in taking the steps required to improve it,
The Conference expresses the hope that the International Labour Office will endeavour to collect all the information available concerning the economic situation of women workers in various countries."

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

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

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

15. Right of Representation.

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

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

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Several of these resolutions aim at a wider application by the American States of Conventions which have already been adopted by the International Labour Conference: the Minimum Wage Fixing Machinery Convention (Resolution No. 1), the Night Work (Women) Convention (Resolution No. 3), and the Childbirth Convention (Resolution No. 4).

Other resolutions are based on local circumstances and are mainly addressed to American States.

The following points should be mentioned in view of the general interest of the problems raised by the resolutions and the fact that some of them make a direct appeal to the Governing Body with a view to the international regulation of the problems with which they deal.

Protection of Maternity.

There are two resolutions dealing with this question. Paragraph 5 of Resolution No. 4 is as follows:

"All rights and benefits conferred by the Childbirth Convention should be extended to all women working for any employer including domestic servants and women employed in agricultural undertakings."

The resolution is intended to remedy what is undoubtedly a very important omission still existing in the legislative protection established internationally for women workers. As was pointed out in the report submitted by the International Labour Office to the Santiago Conference on the conditions of work of women, it is a fact that women workers employed in industrial and commercial undertakings are the only ones covered by the Childbirth Convention. Institutions and occupations in which a large number of women are employed, such as hospitals, theatres, etc., schools, hotels, private domestic service and offices of a non-commercial and non-industrial character, are not covered by any international regulation protecting the woman worker in case of childbirth, while agricultural women workers are protected only by a Recommendation. Though there are certain national legislations which provide protection for some of these workers, they are much less highly developed than the legislative measures dealing with women wage-earners in industry and commerce, since measures of the latter kind received a stimulus from the international Convention adopted in 1919.

It is, however, of extreme importance both for the well-being of the women concerned and for that of the community as a whole that women workers, whatever may be their occupation, should enjoy the rest which is necessary to their health under satisfactory economic conditions at the time of childbirth. It would thus appear eminently desirable that the work of the International Labour Conference in this respect should be completed so that working mothers of all kinds may enjoy really effective legal protection.

The question of one particular class of women workers, those employed in agriculture, is being brought before the Governing Body at this session in a report of the Committee on Agricultural Work, which deals among other things with the protection of maternity. The Committee on Agricultural Work considered the position existing in agriculture with regard to the protection of women workers before and after childbirth, and decided to draw the attention of the Governing
Body to the inadequate effects obtained by the 1921 Recommendation and the necessity of providing really effective protection for women workers of this kind. For that purpose the Committee recommends the Governing Body to instruct the Office to study the specifically agricultural aspects of the problem so that when the Governing Body decides to place the question on the agenda of the Conference a Draft Convention may be drawn up providing for a system of protection adapted to the special conditions prevailing in agriculture.

The best means of successfully giving effect to the recommendations made by the American States would appear to be to establish a series of additional Conventions adapted in each case to actual conditions in the principal occupations not yet covered by any international decision.

A second resolution dealing with maternity, Resolution No. 5, is expressly addressed to the Governing Body. That resolution requests the Governing Body to study the possibility and desirability of submitting to the International Labour Conference a Draft Recommendation to supplement the Convention of 1919 in regard to the form in which free medical attendance during childbirth should be given.

The question raised by this resolution would appear to be one aspect of a much wider problem which it would undoubtedly be desirable to study with a view to the future adoption of a Recommendation, namely, the problem of the medical and social assistance to be provided for working women before and during childbirth or while they are nursing their children. The study should deal with the conditions under which benefit should be granted and the period for which it should be allowed, the distribution of the expenditure involved in such assistance and the methods by which it could be dispensed by insurance funds or other institutions: pre- and post-natal consultations, admission to a maternity clinic, or other methods.

It is suggested that the Governing Body should instruct the Office to study the question raised by the above-mentioned resolution in this wider form.

**Economic Position of Women Workers.**

The decision taken by the Governing Body at its Seventy-fourth Session (February 1936) concerning the status of women, which question was brought before it by a resolution of the Assembly of the League of Nations, would appear to meet the request put forward in this connection by the Conference of American States in Resolution No. 13.

II. Employment of children and young persons.

The resolutions adopted on the subject are as follows:

1. **Minimum Age for Admission to Employment.**

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

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

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

2. **Night Work for Young Persons.**

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

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

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

3. **Medical Examination of Young Persons.**

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

   1 See appendices to the minutes of the Seventy-third Session, pp. 474-477, and minutes of the Seventy-fourth Session, pp. 74-76, 181-185, 187-198.
The Conference expresses the wish that the American States which have not yet done so should ratify the Convention concerning the compulsory medical examination of children and young persons employed at sea (1921); and invites the Governing Body of the International Labour Office to examine the question of the compulsory medical examination of children and young persons as a condition for employment in industry, with a view to placing this question on the agenda of an early Session of the International Labour Conference.

4. Children's Bureaux in Labour Ministries.

"Whereas questions concerning the work and the living conditions of working-class children are matters of vital social concern in which the International Labour Organisation has long been actively interested; and whereas continuous study of these questions by a governmental agency especially organised to consider them will help materially towards their effective handling; the Conference expresses the hope that the American States will make provision as promptly as possible for the establishment of a Children's Bureau in the Labour Ministry of each one of them."


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

6. Vocational Training.

"The Conference expresses the hope that Governments will exempt from all forms of taxation private establishments giving free vocational training, the suitable character of which has been officially recognised."

7. Rural Education.

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

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

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

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

III. Age for Admission to Employment.

"The Labour Conference of the American States which are Members of the International Labour Organisation, held in Santiago de Chile in January 1936, considering that the question of raising to sixteen the age for admission to employment has been submitted for the agenda of the Conference by the Government of the United States of America, and considering that the 1935 Session of the International Labour Conference adopted a resolution requesting the Governing Body of the International Labour Office to consider urgently the desirability of placing on the agenda of the International Labour Conference the revision of the Conventions fixing the minimum age for admission of children to industrial employment (1919), to employment at sea (1920), to employment in agriculture (1921), and to non-industrial employment (1932), with a view to raising the age from fourteen as laid down in these Conventions to fifteen, requests the Governing Body to set in motion the procedure for the revision of the International Labour Conventions relating to the employment of children."

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Three of the resolutions relating to the employment of children and young persons express the wish that the American States which have not yet done so should ratify the various international labour Conventions relating to the employment of children and young persons, namely:
The Governing Body would no doubt wish to instruct the Office to transmit these resolutions to the Governments of all American countries. The same procedure might be followed for the resolutions relating to children's bureaux in Labour Ministries, vocational training, and rural education.

Further action by the Governing Body is, however, suggested by two resolutions. One of these "invites the Governing Body of the International Labour Office to examine the question of the compulsory medical examination of children and young persons as a condition for employment in industry, with a view to placing this question on the agenda of an early session of the International Labour Conference".

The provisions of some national laws for the employment in industry of young persons require a medical examination before entry, in order to ascertain physical fitness for the work to be performed. The question is not, however, free from difficulty and the Office proposes to give it further study.

The second resolution to which the attention of the Governing Body is especially called is the following: "The Conference invites the Governing Body of the International Labour Office to examine the question of the compulsory medical examination of children and young persons as a condition for employment in industry, with a view to placing this question on the agenda of an early session of the International Labour Conference".

On the question of the minimum age for admission to employment, the Conference adopted a resolution requesting the Governing Body to set in motion the procedure for the revision of the international labour Conventions relating to the minimum age for admission to employment. Effect has been given to the desire expressed in this resolution by the action of the Governing Body at its last session in deciding to open the procedure for the revision of these Conventions.

C. Resolutions adopted by the Conference after preliminary study by its Selection Committee.

I. RESOLUTIONS SUGGESTING ACTION OF VARIOUS KINDS

(1) Resolution concerning immigration, submitted by Mr. Unsain, Government Delegate, Argentine Republic.

(2) Resolution concerning immigration, submitted by Mr. Tunsain, Government Delegate, Argentine Republic.

The Conference decides:

1. To request the Governing Body of the International Labour Office to have special enquiries made in connection with migration from Europe to America;
2. That such enquiries should cover the problem in its various aspects—individual migration and collective recruiting, spontaneous and organised migration—particularly from the standpoint of the connection between immigration and colonisation whether private or official, and with special regard to the manner in which preparation is made for the reception of immigrants;
3. To request the Governing Body, as soon as it may consider desirable, to place the question on the agenda of the annual Conference with a view to the adoption of a Draft Convention or Recommendation which shall contain, inter alia, fundamental principles for the conclusion of bilateral or multilateral treaties between European and American countries concerning migration, colonisation and labour."

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This resolution does not find the Office unprepared. It may almost be said that the measures required to give effect to it have already been taken, or at any rate begun, even before it was adopted. All that is now necessary is to define these measures somewhat further.

The resolution includes three points. It is proposed (1) to carry out special enquiries in connection with migration from Europe to America; (2) that such enquiries should cover the problem in its various aspects—individual migration and collective recruiting, spontaneous and
organised migration—particularly from the standpoint of the connection between immigration and colonisation; (3) to consider placing these questions on the agenda of the Conference.

It would appear desirable first of all to consider the central point of this resolution; the object of the studies which are to be undertaken, or rather, continued. The Office has recently published, under the title "Migrant Workers", a report which has been considered by the Migration Committee of the Governing Body, and is to come before the next session of the Conference. The report deals mainly with migrant wage-earners. As regards the migration of workers who wish to settle as colonists, the Governing Body, on the proposal of the Migration Committee, has requested the Office to study the experience acquired in the various countries and to submit to the Committee a general report based on the monographs. This work is in progress, and the Governing Body has decided to convene the Migration Committee at the end of the present year, to discuss the monographs and report.

In its general studies, the Office has not failed to take into account the special questions relating to migration from Europe to America. It must, however, be admitted that, although these special questions have by no means been neglected in the report on migrant workers, the authors have perhaps paid more attention to migration within Europe. In particular, the conclusions of the report, which will be mentioned again later, are based principally on the experience acquired as regards the organisation of European migration. There can be no doubt that additional information throwing more light on the possibility of applying these methods of organisation to inter-continental migration, and in particular to the migration of wage-earners from Europe to certain countries of South America, would be of great interest and value.

As regards the migration of independent workers who desire to settle as colonists, the study of the special conditions prevailing in various countries of South America has from the outset been given special consideration by the Office. The series of monographs which is in course of publication in order to serve as a basis for the coming discussions of the Migration Committee includes a study of the possibility of colonisation in Argentina and a study of colonisation in Brazil, while a note is being prepared on the organisation of immigration into Chile. The general report to be submitted by the Migration Committee will undoubtedly be largely based on the measures adopted in the South American countries. It nevertheless appears probable, without prejudice to the advice which the Migration Committee may give the Governing Body, that new special studies will have to be undertaken in order to continue the preparation for the long and fundamental work which the International Labour Organisation will have to carry out in order to facilitate collaboration between countries on questions of colonisation. These reports will not, like the previous ones, be based on the printed information which the Office has been able to collect in Geneva, but will have to be drawn up on the spot in the places where it appears possible to undertake or develop colonisation, and in direct contact with the administrations under whose authority and control such a work must be carried out.

In conclusion, if, as is hoped, the Governing Body accepts the resolution of the Santiago Conference, the Office intends, in the present year, to send an important mission to South America to carry out the studies proposed by the resolution.

As regards the third point of the resolution, which proposes that the question should be placed on the agenda of the Conference, it is suggested that the Governing Body should await the report of the mission, as well as the views expressed by the Twentieth Session of the Conference concerning the report of the Office on migrant workers.

The whole question of emigration and immigration is difficult and delicate. Of its immense importance both as a relief to the congestion of overcrowded territories and as a means of developing the resources of unexploited and underpopulated areas there can be no dispute. The regional approach suggested by the Santiago Conference may be found to give better results than any attempt to deal with the problem on a universal basis. The first step is to ascertain precisely what are the needs of the countries which desire immigrants, what conditions are offered, what financial and other obstacles have to be overcome. Only in the light of much fuller information can the usefulness, opportuneness and scope of a discussion by the Conference be determined.

(2) Resolution concerning the living and working conditions of native populations, submitted by Mr. Eduardo Rebagliati, Government delegate, Peru.

"The Labour Conference of the American States which are Members of the International Labour Organisation urges the Governing Body of the International Labour Office:

1. To request all the countries of the American Continent which have a considerable native population to supply the Office with such information, documentary and other, as they may consider desirable and as may be available, concerning the economic and social problems affecting the life and labour of that section of the population;

2. To instruct the International Labour Office to undertake a special study of this problem and to consider the possibilities of international action leading to practical results."

* * *
This resolution of the Santiago Conference asks the Governing Body (1) to request countries of the American Continent which have considerable indigenous populations to supply the Office with information concerning the economic and social problems affecting the life and labour of these populations; (2) to instruct the Office to undertake a special study of this problem and to consider the possibilities of international action.

Before leaving Santiago the Director took some preliminary steps towards giving effect to this resolution. Taking advantage of the presence in South America of Mr. Poblete Troncoso, the Director instructed him to carry out an enquiry into the conditions of life and labour of the indigenous populations of Bolivia, Colombia, Ecuador and Peru. The Office prepared and despatched to Mr. Poblete Troncoso a draft plan for the enquiry, which he was requested to supplement and modify in accordance with local conditions. At the same time the Correspondent of the Office in Mexico was asked to carry out a documentary enquiry in Mexico on similar lines to that on which Mr. Poblete Troncoso was engaged.

In these circumstances the Office suggests that it would be preferable, before making any proposals to the Governing Body with regard to the further effect to be given to this resolution, to await the return of Mr. Poblete Troncoso and the results of his investigations and those of the Correspondent in Mexico.

(3) Resolution concerning the relations of the American countries with the International Labour Organisation.

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

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

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

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

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

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

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

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

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

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

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

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

(g) An increase in the number and circulation of such of the publications of the International Labour Office as are of special interest to the American countries, in the languages current on the American Continent, and especially the publication of popular editions at cheap prices.

(h) The preparation by the International Labour Office of a scientifically planned survey which will make generally known the efforts made by each of the countries of America to improve social conditions throughout the Continent."

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It may be desirable to give a brief explanation of the circumstances in which this resolution, which incorporates the suggestions put forward by various delegations and thus constitutes a very complete summary of the desires of the Conference, was adopted.

At one of the first sittings of the Santiago Conference Mr. Antuña, first delegate of the Government of Uruguay, reminded the Conference in an eloquent speech that the Pan-American
Conference which met at Montevideo in 1933 had put forward proposals intended to ensure the study on regional lines of problems relating to labour conditions in the countries of America. As a conclusion to his speech Mr. Antufia submitted a draft resolution drawing the Governing Body's attention to the methods contemplated by the Montevideo Conference for this purpose.

Mr. Antufia's action produced important results. Several delegates, including Mr. Sandoval, Government delegate of Cuba, Mr. Unsain, Government delegate of Argentina, and the workers' group submitted draft resolutions intended to promote the same object and containing definite proposals. After an interesting discussion the Selection Committee decided, in full agreement with the authors of the various draft resolutions, that it would be desirable to incorporate them in a single resolution, as this would enable the Conference to take a clear decision on this important problem. A joint text was therefore drawn up by the Selection Committee and submitted by the Committee to the Conference, which adopted it unanimously.

By adopting this resolution the Conference, which had seen how much its meeting had contributed to increase the effectiveness of the full and loyal collaboration of the States of America in the work of the Organisation, intended to ensure that the Conference should bear its full fruit and to secure the systematic continuation of the work which had been begun.

The Governing Body is asked to consider how it would be possible to make use of the methods to which the Conference drew its attention.

(a) The possibility of convening in the future, whenever circumstances may make such a step appear desirable, periodical conferences similar to the Conference of Santiago. The results of the First Regional Conference of American States have been so satisfactory from the point of view of the general development of the work of the International Labour Organisation that the Governing Body will undoubtedly be anxious that it should not be the only conference of this kind in the history of the Organisation. It is not suggested that the Governing Body should take any immediate decision. When the development of the problems which particularly concern the States of America justifies such action and when circumstances make it possible, the Governing Body will be able to consider the holding of another conference of the same kind.

In order, however, to meet the wishes expressed by the Santiago Conference as far as possible, in the spirit which inspired the holding of the Conference, the Governing Body might at once recognise the fact that the principle of holding regional conferences has proved to be an extremely valuable means of promoting the study of problems which particularly concern certain groups of States Members, and that it would be desirable to use this method in the future, in the case of the States of America, among others, when circumstances render such a step desirable.

(b) Increase in the number of nationals of American countries appointed as members of the technical committees of the Organisation. This is a problem with which the Governing Body has been concerned for a long time, and various measures have been taken or contemplated in connection with it. The Director intends, as need arises, to submit definite proposals to the Governing Body for the addition of nationals of American countries to existing committees.

(c) Increase in the number of American officials employed in the International Labour Office, such officials being recruited among the persons with the greatest ability and knowledge of American conditions. Various proposals corresponding to the desire expressed by the Santiago Conference appear in the budget estimates for 1937, which are before the Governing Body under another item on the agenda. In this case again the Director intends to endeavour progressively to increase the number of American officials, especially with a view to carrying out the wide programme of work the main lines of which have been suggested by the Santiago Conference.

(d) Increase in the number of Correspondents' Offices and Correspondents of the International Labour Office in the American countries. This problem is connected with that mentioned above. The Director intends to consider the means of gradually giving effect to this suggestion of the Conference and will submit appropriate proposals to the Governing Body.

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

The Governing Body can best meet this general desire expressed by the Conference by approving the suggestions submitted to it in the present note concerning the various studies and investigations suggested by the Santiago Conference. In carrying out the proposed researches and investigations the Office will, of course, secure the collaboration of the American States.

(f) Inclusion of periodical studies of American conditions and law in the publications of the International Labour Office and more especially in the International Survey of Legal Decisions on Labour Law. It is thought possible to do something at once in order to meet this suggestion without its being necessary to ask for special credits. It appears possible to give more space to problems concerning American countries than is at present done in the periodical publications, especially the International Labour Review. The International Survey of Legal Decisions on Labour Law, which the resolution specifically mentions, is a publication with a strictly defined geographical scope.
which would have to be widened in order to include the proposed studies. The Office intends to study the means of gradually introducing new sections in the Survey. If necessary the Director will submit to the Governing Body any proposals in connection with the budget which may be necessitated by such an extension of the International Survey of Legal Decisions on Labour Law.

(g) Increase in the number and circulation of such of the publications of the International Labour Office as are of special interest to the American countries, in the languages current on the American Continent, and especially the publication of popular editions at cheap prices.

This is clearly a question on which measures should be taken as soon as possible in order to meet the desire expressed by the Conference. It may be mentioned at once that most of the studies suggested by the Conference will, if the Governing Body authorises the Office to undertake them, supply material for special publications or important sections in the regular publications.

The Office at present regularly publishes a Monthly Review in Spanish consisting mainly of articles and notes taken from the various publications of the Office, as well as original notes drawn up by the Madrid Correspondent and dealing among other things with social and economic conditions in the countries of Latin America. The Office also publishes in Spanish a slightly summarised version of the Record of the Conference, the Director's Report and the I. L. O. Year-Book. The regular publications in Spanish at present include some 2,500 to 2,700 pages per year. In addition, arrangements have been made with a Spanish publisher for the publication at a very low cost of 14 volumes, mostly taken from the Studies and Reports.

In order to meet the genuine requirements which the Santiago Conference showed to exist, the Office intends to increase its programme of publications in Spanish, more particularly by publishing in that language the main parts of the preparatory documents for the Conference (grey reports, questionnaires, blue reports). The full publication of all these documents in Spanish would represent an enormous amount of work, which the Office could not undertake without a considerable strengthening of its resources both in money and staff, and which it would probably prove impossible to complete in time for the results to be used by the delegations to the Conference.

In order to meet the request concerning the publication of cheap editions, as well as the special resolution which recommends that the Governing Body should have prepared, published and widely distributed a cheap edition of "The Origins of the International Labour Organisation", it would be possible to contemplate the systematic preparation of pamphlets explaining the action or the results of the researches of the Office on questions which are of particular interest to the countries of America. At the same time, the Office could try to induce its Spanish publisher to undertake the publication of further studies. In addition, it might be possible for the Correspondents of the Office in Latin America to publish short information or Press notes on the model of the News Bulletin or the Pressemitteilungen and distribute them in their own countries.

In addition to publications in Spanish, the resolution also recommends publications in Portuguese. As is stated elsewhere, the Office is for the first time instructing its Correspondent's Office in Rio de Janeiro to publish a complete edition in Portuguese of the Draft Conventions and Recommendations adopted at the first nineteen sessions of the International Labour Conference. The same Correspondent's Office is preparing a popular pamphlet in Portuguese explaining the origins and objects of the Organisation. It will also publish the Portuguese translation of the resolutions of the Santiago Conference, preceded by the account of the work of the Conference which is to appear in the March and April numbers of the International Labour Review. It would also be possible to publish from time to time pamphlets similar to those which it is suggested should be published in Spanish, and also occasionally a translation into Portuguese of a report which is likely to be of particular interest to the Brazilian public. The proposed study on the conditions of labour of native populations in Latin America may be taken as an example.

It is fully realised that this programme cannot be carried out, even in part, unless sufficient funds are provided both to increase the Spanish-speaking staff and to meet the cost of printing. Definite proposals for this purpose are submitted under another item of the agenda and to the Finance Committee.

(h) Preparation by the International Labour Office of a scientifically planned survey which will make generally known the efforts made by each of the countries of America to improve social conditions throughout the Continent.

It is not thought that the Office can at present contemplate the publication of a general survey of this kind. Sectional studies concerning the development of specific aspects of conditions of labour which the Office will have to undertake as a result of the resolutions of the Santiago Conference will provide material for the subsequent preparation of a survey of a more general kind. The most urgent matter at present would therefore be, it is thought, to carry out these sectional studies. On the basis of the results to which they lead and the information which will be collected by the various services of the Office in the course of their normal work, the Office hopes in due course to submit suggestions to the Governing Body to meet the desires expressed by the Santiago Conference as fully as possible.
(4) Resolution concerning unemployment.

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

Having considered the Office report concerning the problem of unemployment in the countries of the American Continent and the measures adopted for combating unemployment,

Notes that these measures have failed in many cases to yield their full results owing to the absence of a permanent organisation of the labour market which is an important element, not merely for the immediate struggle against unemployment but in general for the proper development of production and the better organisation of the economic system in its human aspects in each country,

Requests the Governing Body of the International Labour Organisation, as suggested by Mr. Unsaim (Government Delegate, Argentina), Mr. Rebagliati (Government Delegate, Peru) and the Worker’s Group,

(a) to call the attention of the American countries which are Members of the Organisation to the necessity for developing a complete system of free public employment agencies, as provided for by the Unemployment Convention, 1919, with due provision, so far as is possible, for the association of the workers’ and employers’ organisations concerned in the management of such agencies, to the necessity for strict supervision of the activities of fee-charging employment agencies, not merely in order to prevent the exploitation of the workers to which employment agencies, finding on a commercial basis is liable to give rise, but also in order to secure the uniform co-ordination of supply and demand on the labour market which is frequently rendered difficult by the activities of such employment agencies, on the understanding that the object to be aimed at should be the complete abolition of private agencies in accordance with the conditions laid down by the 1932 Convention concerning fee-charging employment agencies.

(b) to recommend to those American countries which have not instituted a system of compulsory unemployment insurance and do not consider that the time has come to institute a more or less complete system of compulsory insurance that they should stimulate the development of voluntary unemployment insurance by granting adequate financial assistance to the workers’ mutual funds, the joint funds or other institutions for provision against unemployment, and at the same time organising a rational system of relief distinct from the ordinary arrangements for the relief of destitution and which, in accordance with the 1934 Convention, ensuring benefits or allowances to the involuntarily unemployed, may take the form of remuneration for employment works organised for the purpose, for the relief of unemployed persons falling within the categories covered by the 1934 Convention and not covered by voluntary unemployment insurance,

(c) to give special attention to a systematic public works policy intended to reduce unemployment, to raise the standard of living of the workers, and, with special reference to the American countries, to facilitate and multiply means of communication between these countries,

The Conference further recommends the Governing Body of the International Labour Office to instruct the Office to study the conditions and extent of unemployment in the countries of the American Continent, as well as the means adopted by national legislation to prevent unemployment and remedy its consequences, to organise for this purpose enquiries into all aspects of the problem, the enquiries being carried out by the various Governments, with a view to preparing with the data thus collected and the co-operation of experts from the American countries a technical report on the social aspects of the solution adopted for the problem of unemployment in the American States."

* * *

This resolution includes four points, dealing respectively with employment agencies, unemployment insurance or relief, public works, and the organisation of enquiries into all aspects of the unemployment problem in the States of America.

(1) Employment agencies.—The resolution asks that the attention of the American countries should be drawn to a certain number of measures already provided for in various Draft Conventions and Recommendations adopted by the Conference, namely, the Unemployment Convention of 1910 (Article 2 of which refers to the establishment of free public employment agencies), the Unemployment Recommendation of 1910 (Point I of which suggests that the establishment of fee-charging employment agencies should be prohibited and those which already exist supervised), and the Fee-charging Employment Agencies Convention, 1933, which provides for the abolition of such agencies under certain conditions.

With a view to giving effect to this part of the resolution, the Office requests the Governing Body to organise it to communicate the resolution to the States of America, in order to draw their attention to the matters with which it deals.

(2) Unemployment insurance or relief.—In this case again it would be sufficient, in order to give effect to the resolution, to draw the attention of the States in question to the Unemployment Provision Convention 1934, the provisions of which are of a nature to enable the measures recommended at Santiago to be applied.

(3) Public works.—The Santiago Conference requests the Governing Body to give special attention to a systematic public works policy. The Governing Body has already acceded to this request at its last session, by placing the question of the planning of public works in relation to
employment on the agenda of the 1937 Conference. In addition, in order to meet the views expressed by the Santiago resolution, the Office will not fail to supply the Conference with information on the importance of the work which would facilitate and intensify communications between the countries of America.

(4) Organisation of enquiries into all aspects of unemployment.—The resolution proposes, among other things, that the conditions and extent of unemployment in the States of America should be studied, as well as the means adopted by national legislation to prevent unemployment and remedy its consequences. The Office has already published, in the International Labour Review, several articles dealing with this question, including an article on unemployment in Argentina (June 1935). Research work of this kind will be continued: it will either be carried out by certain specially qualified officials of the Office, or by other American experts acting as external collaborators.

The resolution also suggests that the Governments concerned should themselves carry out enquiries, the data of which would be examined by the experts of the Organisation who would, with the co-operation of experts from the American countries, give technical advice on the solutions adopted for the problem of unemployment in the American countries.

The utility of such a consultation between experts from the American countries and those of other continents is evident. The best method might consist in forming a Correspondence Committee on Unemployment Insurance and Placing, which has been suggested from several quarters. The Office is not prepared to make a proposal on this question at the present time but proposes to revert to it on a future occasion.

(5) Resolution concerning the cost of living in American countries, submitted by the Government delegation of the United States of Mexico.

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

Considering the importance of enquiries concerning the cost of living of the working classes in town and country alike and of the subsequent calculation of periodical indexes of fluctuations in the cost of living, from the point of view of social policy in general;

Considering that systematic studies concerning the cost of living have not yet been carried out in all countries on the American Continent, and that the indexes at present calculated for certain items in the cost of living in some of those countries are based on theoretical estimates of the probable consumption of typical families and not on actual family budgets obtained as a result of adequate previous investigation;

Considering that the variations that are constantly taking place in the cost of living indexes of the said American countries deserve special attention and study on the part of the International Labour Office, which is at present the body best fitted to stimulate and direct such enquiries;

Decides to request the Governing Body of the International Labour Office:

(1) to take such action as may lie within its competence in order to have enquiries carried out simultaneously in all the American countries on the cost of living;

(2) that the above-mentioned Office should prepare uniform questionnaires for the various groups to be studied, and should decide what, in its opinion and subject to conformity with the desires of each Government, would be the right period to fix for the enquiries, and that it should also determine the scale of units of consumption to be used for each country;

(3) that the above-mentioned Office, after making a special study of the subject, should determine the basis that it may consider most appropriate for such enquiries, and should undertake to direct those enquiries, bearing in mind that separate studies should be devoted to town workers, the various categories of agricultural workers, and, where these exist in a particular country, the various ethnical groups whose organisation in respect of social economics is relatively undeveloped; on the understanding that the enquiries should cover not merely food and clothing, but more particularly conditions as to housing, health and culture, including education and recreation;

(4) that the above-mentioned Office should, in so far as it is competent to do so, promote the publication by the said countries and within a specified time limit of the results of their respective enquiries, which will be summarised by the International Labour Office in a comparative survey;

(5) that the Office should propose basic principles for the subsequent calculation of cost of living indexes based on the family budgets recorded as a result of the enquiries.

(6) to consider the possibility of having adopted a draft convention by which the States Members of the International Labour Organisation shall undertake to carry out simultaneously every five years or every ten years enquiries concerning the cost of living in accordance with plans to be drawn up for the purpose by the International Labour Office.”

* * *

This resolution invites the International Labour Organisation to organise family budget enquiries to be held simultaneously and on uniform lines in all the countries of the American continent.

A study on methods of compiling family budget enquiries was compiled by the Statistical Section (Studies and Reports Series N, No. 9) and the Third International Conference of Labour Statisticians.
in 1926 adopted a series of resolutions on the best methods of conducting such enquiries. Several countries have applied these resolutions in carrying out their family budget enquiries. The Office thus is qualified to give the advice and suggestions asked for in paragraphs 2, 3 and 4 of the resolution, since most of the points mentioned in these paragraphs were dealt with in the above-mentioned publication and resolutions, and since that date, it has analysed and discussed in the International Labour Review the family budget enquiries which have taken place in recent years. The Statistical Section has also recently been investigating "recent family budget enquiries in Latin America" and the results were published in the February 1936 issue of the International Labour Review (three countries, Mexico, Argentina and Brazil).

The principal problem, however, is in connection with paragraph 1, which asks that such enquiries should be carried out simultaneously. To arrange for family budget enquiries to be conducted at the same time in each of the countries of the American continent (about 20 in number) would be a difficult task. Some of these countries have no organised statistical service capable of making enquiries of this kind; on the other hand, one of them (United States of America) has just organised two such enquiries on a vast scale.

In view of the general absence of information on this subject for the American countries (only four countries have made any enquiries, of which only those of the United States of America can be considered as comprehensive), this resolution provides a favourable opportunity for encouraging such enquiries. If the Governing Body decides that the Office should provide the assistance asked for in this resolution, there would be no difficulty from the technical standpoint in getting into touch with the various Governments in order to see what are the possibilities of promoting enquiries on the cost of living.

(6) Resolution concerning popular nutrition, submitted by the Government delegation of Chile.

"Considering that, other biological factors apart, nutrition is a factor of capital importance in determining the physical productive power of the worker;

Considering that technical bodies such as the technical organisation of the League of Nations, the British Ministry of Health, the Consultative Committee on Nutrition of the Royal Society of Medicine of Great Britain, the Department of Health of the United States of America and the Tokio Institute of Nutrition and experts such as Tzika, von Norden, Starling, Bottazzi, Saiki, Aykroyd, Burnet etc., are in agreement that the daily nutrition requirements of a working adult amount to about 3,000 calories per day, that is to say foodstuffs productive of 3,000 calories distributed according to the following principles of nutrition:

100 grs. of proteins of which approximately one third should be of animal origin (meat and milk);
70 to 80 grs. of fat chiefly of animal origin in order to ensure that it contains Vitamin D (fat, butter, margarine etc.), and
500 grs. of hydro-carbon consisting chiefly of starch (cereals, bread, vegetables, fruit, green vegetables).

The ration should also include the following indispensable mineral substances:

Calcium .................................................. 0.70 grs.
Phosphorus .............................................. 2.10 grs.
Iron ........................................................ 0.015 grs.

and also Vitamins A, B, C and D.

Considering that these fundamental requirements, indispensable in the daily ration, are all met by the following ration compiled on biological principles:

125 grs. Meat
350 grs. Milk
100 grs. Cereals
100 grs. Vegetables
400 grs. Bread
200 grs. Potatoes
200 grs. Green Vegetables and Fruit
30 grs. to 40 grs. Fat;

Considering that the cost of such a ration implies the devotion thereto of an important part of the indispensable wages of the individual and that this part should not amount to more than about 50 per cent. of such wages if other necessary expenses such as housing and clothing are to be covered with the remainder without any encroachment on the part reserved for nutrition;

Considering it to be evident that the present world crisis has had a serious repercussion on the nutrition of the working-class families owing to the effects of unemployment and the failure of wages to increase proportionately to the increase in the cost of foodstuffs;

Considering that the conditions of production, transport and exchange of foodstuffs which are of primary necessity have a manifest influence upon their cost;

Considering that the problem of popular nutrition, viewed from the social angle, is aggravated by popular ignorance of the fundamental principles of rational nutrition which makes it difficult to secure concentration upon the most necessary food stuffs and the best use of the part of wages devoted to nutrition;
The Labour Conference of American States which are Members of the International Labour Organisation;
Requests the Governing Body of the International Labour Office:

(a) to transmit to the technical organs of the League of Nations its desire that they will continue their scientific work in this branch of social medicine; and

(b) to include in the agenda of an early session of the International Labour Conference the question of popular nutrition.

The Conference also notes the following as possible bases for a policy intended to bring about an improvement in nutrition:

(a) The periodical determination in each country of the average cost of a ration of 3,000 calories composed of a variety of products fulfilling the conditions described above;

(b) The determination within each country and in the light of its economic characteristics of the percentage of the indispensable minimum wage which this ration should represent, it being understood that this percentage be fixed at about 50 per cent. of the wage;

(c) The fixing by each State of maximum prices for the food stuffs which are the basis of popular nutrition, it being essential to include among these, on account of their absolute necessity, meat, milk, and bread;

(d) The establishment of popular restaurants to supply adequate foodstuffs at moderate prices, under the control of Health Authorities;

(e) The establishment in each country of organs or Technical Commissions to assist the Government with measures of nutrition policy; to co-ordinate investigations on the subject and direct the educational campaign which ought to be undertaken in connection with the matter, etc.

(f) The orientation of the economic policy of States in such manner as to take account of the primordial character of biological necessities in the sense of subordinating production, transport and distribution, both national and international, of foodstuffs of primary necessity to the nutrition requirements of the population;

(g) The adoption in so far as possible of international health legislation on nutrition questions.*

(7) Resolution concerning popular nutrition, drafted on the basis of texts submitted by Mr. Manuel B. Llosa, Government delegate, Peru, and Mr. Solis, workers' delegate, Chile.

"The Labour Conference of the American States which are Members of the International Labour Organisation, recommends the Governing Body of the International Labour Office:

1. To instruct the Office

(a) to take steps, in collaboration with the countries concerned and by methods such as the distribution to them of standard forms or instructions, to achieve the greatest possible measure of uniformity in the methods of investigation into the conditions and costs of the nutrition of workers in the different countries, both in urban and rural areas.

(b) to consider the desirability of collecting information with a view to subsequent action concerning the provision of food for workers and the utilisation of holiday camps, school meals, popular restaurants, and similar establishments as a basis for the study of nutrition and a means of educating the workers in matters of hygiene.

2. To invite the Members of the Organisation

(a) to communicate to the Office the results of their investigations into conditions and costs of nutrition with a view to the formulation of a common policy on the subject,

(b) to put such a common policy into force, in so far as possible, by means of commercial treaties under which States with an abundance of certain foodstuffs would place them at the disposal of other States which lack them.

The Conference further recommends:

1. That the method of investigation employed should be that of enquiries covering a large number of families in various milieux and parts of the country at different seasons of the year, the data being noted daily over a certain period and including the resources of the family and a detailed account of the quantity, quality and cost of all food; similar data should be collected concerning the nutrition of children in creches, in other similar institutions and in schools, a comparison being made between scholars in varying economic situations: special attention should also be given to the study of disease due to malnutrition, such as rickets, etc.;

2. That the method adopted in these enquiries should follow as closely as possible that proposed by the Chilean Delegation, and that the collaboration of the technical organisations of the League of Nations be invited;

3. That the examination of the results of the enquiries and investigations should bring out whether the defects of nutrition are due to insufficient remuneration; if so, the State should agree to take all necessary steps to ensure that wages are such that the workers can provide healthy and adequate food for themselves and their families."
Of the two resolutions submitted with regard to nutrition, one, that submitted by the Government delegate of Chile, requests the Governing Body

(a) to transmit to the technical organs of the League of Nations its (the Labour Conference of American States) desire that they will continue their scientific work in this branch of social medicine (rational nutrition);

(b) to include in the agenda of an early session of the International Labour Conference the question of popular nutrition.

The Governing Body will no doubt agree to communicate the desire expressed in (a) to the Secretary-General of the League of Nations for transmission to the technical organs in question.

With regard to (b), the Governing Body will recall that the forthcoming session of the International Labour Conference will have before it a report on the question of the nutrition of workers which is being prepared by the Office. In an annex to this report the resolution here dealt with will be reproduced and thus brought to the notice of the Conference, which will no doubt bear in mind, when examining! the report prepared by the Office and deliberating with regard to future action, if any, the desire expressed by the Conference at Santiago.

The second resolution, concerning popular nutrition, submitted by Mr. Manuel B. Llosa, Government delegate, Peru, and Mr. Solis, workers' delegate, Chile, recommends the Governing Body:

1. To instruct the Office

(a) to take steps, in collaboration with the countries concerned and by methods such as the distribution to them of standard forms or instructions, to achieve the greatest possible measure of uniformity in the methods of investigation into the conditions and costs of the nutrition of workers in the different countries, both in urban and rural areas;

(b) to consider the desirability of collecting information with a view to subsequent action concerning the provision of food for workers and the utilisation of holiday camps, school meals, popular restaurants, and similar establishments as a basis for the study of nutrition and a means of educating the workers in matters of hygiene.

2. To invite the Members of the Organisation

(a) to communicate to the Office the results of their investigations into conditions and costs of nutrition with a view to the formulation of a common policy on the subject;

(b) to put such a common policy into force, in so far as possible, by means of commercial treaties under which States with an abundance of certain foodstuffs would place them at the disposal of other States which lack them.

These questions will be considered in the report on "Workers' Nutrition and Social Policy", to be submitted to the forthcoming Conference.

II. RESOLUTIONS PROPOSING QUESTIONS FOR THE AGENDA OF THE CONFERENCE.

(1) Resolution concerning the weekly rest, submitted by the Government, employers' and workers' delegates, Ecuador.

"The Labour Conference of the American States which are Members of the International Labour Organisation suggests to the Governing Body of the International Labour Organisation the desirability of including in the agenda of the International Labour Conference the question of the revision of Convention No. 14 and Recommendation No. 18, concerning the application of the weekly rest, so as to make the weekly rest comprise a minimum period of thirty-six consecutive hours, instead of twenty-four."

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This resolution suggests that the Governing Body should decide to open revision procedure in respect of the Weekly Rest (Industry) Convention and the Weekly Rest (Commerce) Recommendation. In both cases the object of revision would be to make the weekly rest comprise a minimum period of 36 consecutive hours instead of 24 as at present.

Before the Governing Body decides whether it is expedient to open revision procedure, it should take into consideration the stage at present reached in the legislation of the various countries as regards the fixing of the weekly rest. At the present time a large majority of the existing legislative measures prescribe a weekly rest of less than 36 hours. A weekly rest of 36 hours would appear to be required only by the legislation of Bulgaria and Estonia (for industry only in the case of both countries), Lithuania, Yugoslavia, and Uruguay. Only one State, Finland, fixes a minimum rest period of 36 hours, but this applies to commerce. It may of course be understood that all legislative measures which make Sunday rest compulsory without stating what period it comprises intend that the minimum rest period should be 24 hours.
It would thus appear doubtful, in view of the state of legislation, whether revision procedure could be undertaken with any real prospect of success.

It may perhaps also be thought that the tendency towards the reduction of hours of work with which the International Labour Organisation is so closely associated will, when it has advanced somewhat further, affect the length of the weekly rest, and it may be asked whether, when that time comes, it will not be possible to form a clearer view of the new tendencies of such legislation not only with regard to workers in general but also with regard to workers employed in shifts. It may be mentioned by way of example that a Bill in Luxemburg provides for a minimum weekly rest period of 48 hours.

As regards the Recommendation concerning commercial undertakings, it would appear desirable that when the most suitable figure for the weekly rest period has been agreed upon, the Governing Body should consider the possibility of replacing it by a special Draft Convention. There can be no doubt that legislation on the weekly rest in commerce has made sufficient progress since the adoption of the 1921 Recommendation to justify such a measure.

For these reasons the Office suggests that the Governing Body should:

1. not at present open revision procedure in respect of the Weekly Rest (Industry) Convention and the Weekly Rest (Commerce) Recommendation;

2. instruct the Office to submit a report on the question of the revision of the Convention and the Recommendation when the situation as regards law and practice appears more favourable to the success of such revision.

(2) Resolution concerning free legal aid services for wage-earners, submitted by Mr. Rebagliati, Government delegate, Peru.

"The Labour Conference of the American States which are Members of the International Labour Organisation requests the Governing Body to instruct the International Labour Office concerning the desirability of drawing up a Draft Recommendation respecting the establishment of public services for giving legal advice to, and assuming the legal defence free of charge of, the wage-earners, this being the most effective means of ensuring full recognition of their rights and the complete recovery of the compensation due to them, without the intervention of interested middlemen."

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Certain aspects of the questions covered in this resolution are dealt with in a report on labour courts which is in course of preparation by the Office. This report, relating to the special tribunals in existence for the judicial settlement of labour disputes, will give a brief analysis of the law in force in the various countries with regard to the different phases of the proceedings before the labour courts, including the regulations governing the representation of the parties before the courts, and the grant of free legal assistance, as is the case in Belgium, France and Italy, to a litigant who does not possess the means required to retain the services of an advocate to plead his case. Mention is also made of the legal consultation offices set up in Germany by the Labour Front for the purpose of giving legal advice to employers and employees in connection with their employment relations. The report does not, however, deal with the question of any legal aid which may be given free of charge to wage-earners in the countries where there are no special labour tribunals. The information in the possession of the Office on national legislation and practice does not indicate that wide attention has been given nationally to the particular aspects of the question mentioned in the resolution.

Whether the question of giving legal advice free of charge to wage-earners and granting them free legal assistance before the tribunals could be dealt with successfully in international regulations apart from the question of the establishment of special labour tribunals to handle their complaints, is a matter on which careful consideration is required. Perhaps, therefore, in the circumstances, the Governing Body will think it best not to take an immediate decision to add this question to the list of those suggested as suitable for inclusion on the agenda of a session of the Conference, but rather to instruct the Office to continue its study of the questions mentioned in the resolution, and to submit a report to the Governing Body at a later date.

(3) Resolution concerning minimum wages, submitted by Mr. Escribar, Government Delegate, Chile.

"Considering,

1. That the Preamble to the Constitution of the International Labour Organisation, and Article 41 of that Constitution, point out the necessity of improving conditions of labour with respect to the provision of an adequate living wage, and lay down the principle of the payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country;"
2. That the Convention concerning minimum wage fixing machinery and the Recommendation concerning the application of such machinery, which were adopted at Geneva in 1928, provide for the fixing of minimum wages based mainly on the rates paid for similar work in industries in which the workers are organised and in which they have concluded effective collective agreements, and that these texts also adopt the general standard of wages in the country or locality as a term of comparison;

3. That, even though the above-mentioned Convention undoubtedly aims at raising low wages, and the Recommendation mentions the necessity for securing an adequate standard of living for the workers, it would undoubtedly be desirable that the International Labour Organisation should once more examine the problem of fixing or regulating wages, with the main object of meeting the material and cultural requirements of the workers, taking into account the cost of living;

4. That the aspect of the problem which is connected with family wages has not yet been studied with a view to international regulations, and that it is most important to investigate it on account of its important social effects;

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

Requests the Governing Body of the International Labour Office to place on the agenda of an early session of the International Labour Conference the question of the minimum wage and that of family allowances, to be considered primarily from the point of view of their adequacy to meet the essential needs of the worker and his family, these being taken to include food, clothing, housing and general and vocational education, rest and cultural recreation.

The Office had been giving special attention to the question of the application of Conventions in the American countries (especially the Latin-American countries) even before the Santiago Conference was held. This was the direct consequence of the large number of Conventions ratified by American States and the interest thereby shown by these States in the work of the Organisation. The fact that the Santiago Conference has been held and that two important resolutions concerning the application of Conventions and Recommendations and of labour law in general were adopted by the Conference, should afford a very useful stimulus to the work of the Office in this connection and should open out the prospect of even more fruitful collaboration with the American countries in the future than was possible in the past.

The importance of this resolution, submitted by the Government delegation of Chile, is too obvious to need special stressing. Even the best laws in the world can be reduced to a dead letter if the necessary machinery (administrative, technical, research) for their enforcement does not
exist. Apart from the question of law enforcement as such, the Office in its day-to-day work has also realised the immense advantage of having properly organised Ministries or Departments dealing with labour questions in the different countries and the great handicap to the Office when carrying on correspondence with countries where such administrative machinery does not exist. The Office therefore welcomes the above resolution wholeheartedly and would be much gratified if the Governing Body were to see its way to take as soon as possible the necessary decisions with a view to deriving some practical benefit from the recommendations contained in it.

The problem then is how and in what practical form effect may be given to the above-mentioned resolution?

It may be recalled that the Conference, as early as 1923, realising the great importance of factory inspection as one of the principal guarantees for the effective enforcement of labour legislation, adopted a comprehensive Recommendation concerning the general principles for the organisation of systems of inspection to secure the enforcement of the laws and regulations for the protection of the workers.

While this Recommendation has had a very considerable influence in the evolution of factory inspection in a number of countries, especially in Europe, it must be stated that so far as the American continent is concerned the Office has received official information regarding the application of the principles of the Recommendation only from the Canadian Government.

The Governing Body will remember however that one of the principal recommendations of the Regional Conference on Factory Inspection held at The Hague last October was that in the light of the results of the Hague Conference and of similar Conferences in the future, the Governing Body should consider the desirability of placing on the agenda of a session of the International Labour Conference "the question of the duties, the powers and the organisation of factory inspection services with a view to its submission to the adoption of a Draft Convention on the subject."

The Office ventures to express the hope, especially in view of the satisfactory results of the Hague Conference, that at no distant future the Governing Body will see its way to consider the possibility of carrying into effect this recommendation of the Hague Conference, as in the opinion of the Office perhaps the most practical means of giving effect, at any rate partially, to the resolution of the Santiago Conference would be the adoption of a general Convention on factory inspection open to ratification by the States of the American continent along with other Members of the Organisation.

There remains the question of special ministries, labour councils, specialised tribunals, etc. On this question the Office ventures to think that the most appropriate action which might be taken would be for the Office to undertake the preparation of a report on the organisation of departments, services, etc. dealing with labour questions in the American countries with a view to its submission to an early session of the Conference. It is suggested that a resolution taking note of the information contained in the Office's report and calling upon the Governments of the various American States concerned to take action in the sense of the resolution adopted at Santiago would probably be the most appropriate way of dealing with this question in the immediate future. Pending the possible adoption of a Draft Convention on factory inspection, the resolution of the Conference might also make specific mention of the 1923 Recommendation on factory inspection.

In this connection, it would be of interest to the Governing Body to know that on the last day of the Santiago Conference a small meeting of officials from the labour departments of the different countries was held to discuss problems connected with the annual reports under Article 22 of the Constitution, etc. The meeting was an informal one and was attended by representatives of a number of Latin-American countries. A good deal of the discussion turned upon the matter of communication between the International Labour Office and the various national Governments. The representative of Chile formulated a "Conclusion" in two paragraphs which was signed by the representatives of Chile, Columbia, Mexico, Peru and Cuba and is in the following terms:

"a) All Governments ought to designate specific services responsible for correspondence with the Office; and

b) regular and easy contact between such services and the technical services responsible for the application of social legislation should be secured."

Here again, a principle of considerable importance for the day-to-day working of the International Labour Office has been laid down and endorsed by the representatives of a number of American countries. If something along these lines could be achieved it would make a contribution of real value in promoting greater collaboration between the Office and the American countries. The Office ventures to point out that the present system of direct correspondence with the Foreign Offices in certain of the American countries is not altogether satisfactory. Certain delays experienced at present could be obviated if the Governments of the American countries in question would designate specific services responsible for correspondence with the Office. The best way of giving effect to the principle laid down in the above "Conclusion" would probably be to incorporate it in the resolution of the Conference suggested above. In the meantime the Office ventures to request the representatives of the American countries on the Governing Body to use their influence to see that some practical effect is given to the suggestions contained in the above "Conclusion" in their respective countries.
III. Resolutions requesting the Governing Body to take action.

(1) Resolution concerning the creation of employers' and workers' federations, submitted by the workers' group.

"The Labour Conference of the American States which are Members of the International Labour Organisation held at Santiago de Chile,

Considering that the States which have become Members of the Geneva International Labour Organisation have thereby signified their full agreement with the Constitution of the International Labour Organisation;

Considering further that it is of great importance for the successful participation of the States Members in the work of the International Labour Organisation that there should exist in the various countries national federations of employers and of workers, to facilitate the task of the Governments in fulfilling the obligation to appoint non-government delegates and advisers to the annual International Labour Conference in accordance with Article 3 of the said Constitution, which lays down that the nomination of such delegates is to be carried out in agreement with the organisations which are most representative of employers or workpeople;

Considering, however, that in various countries of the American Continent no such central bodies of workers or employers exist;

Requests the Governing Body of the International Labour Office to appeal to the Governments of those countries where there are, as yet, no such bodies, not to hamper any efforts which may be made to create such bodies by the existence of which the participation of the workers' and employers' movements in the activities of the International Labour Organisation may be furthered and facilitated, seeing that Article 41 of the Constitution of the International Labour Organisation recognises the right of association for all lawful purposes by the employed as well as by the employers."

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The Office proposes that the Governing Body should instruct the Office to communicate this resolution to the Governments of all American countries.

(2) Resolution concerning calendar reform, submitted by Mr. Gaston Goyeneche, employers' delegate, Chile.

"Considering that the Eleventh Session of the International Labour Conference, held in Geneva in June 1928, passed a resolution in favour of calendar reform, drawing attention to the interest which this question has for the workers on account of its relation with the rationalisation of work and labour statistics and the regularisation of public holidays,

Considering that the Secretariat of the League of Nations has asked the International Labour Office to communicate to it periodically any information which it can obtain concerning the attitude to this question of the workers,

Considering that it is a well recognised fact that the present calendar is very unsatisfactory from economic, social and religious standpoints, and that recent studies, investigations and reports have shown that there is a marked trend of opinion in favour of its revision,

Considering that calendar reform on the basis of twelve months and equal quarters would be of great advantage to commercial life, to business men, and also for the well-being of the working classes and would be of inestimable advantage to all the nations, and

Considering that this point will be further studied by the League of Nations in 1936,

The Labour Conference of American States which are Members of the International Labour Organisation, meeting at Santiago in January 1936,

Resolves to recommend the approval of the perpetual calendar of twelve months and equal quarters, and requests the Governing Body of the International Labour Office to send copies of this resolution to the Secretary-General of the League of Nations and the Governments of all the American countries."

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This resolution, which recommends the approval of the perpetual calendar of twelve months and equal quarters, merely asks the Governing Body to have copies of the resolution sent to the Secretary-General of the League of Nations and the Governments of all the American countries. It is proposed, with the approval of the Governing Body, to communicate the resolution accordingly.

(3) Resolution concerning the study of industrial relations, submitted by the Government, employers' and workers' delegates, Ecuador.

"The Labour Conference of American States requests the Governing Body of the International Labour Office to recommend to educational institutions, and especially to the universities of the States which are Members of the International Labour Organisation, the study of relations between
capital and labour in the light of modern thought, since such relations are equally important to the ideals of the workers and the security of capitalism and can contribute to improved conditions and social peace."

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*The Office proposes that the Governing Body should instruct the Office to communicate this resolution to the Governments of all American countries.*

(4) Resolution concerning the publication of a cheap edition of the history of the origins of the International Labour Organisation, submitted by the Government delegation of Haiti.

"Considering that it is necessary, with a view to maintaining the spirit that suggested and led to the creation of the International Labour Organisation—the spirit of active protection of the workers in the national and international spheres—that the true origins of this Organisation should be as widely known as possible.

The Conference of American States which are Members of the International Labour Organisation recommends the Governing Body of the International Labour Office to have prepared, published and widely distributed a cheap edition of "The Origins of the International Labour Organisation", which covers the more remote as well as the more recent origins before and during the war and during the peace negotiations."

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*In the passage dealing with the effect to be given to the resolution concerning the relations of the International Labour Organisation with the countries of America, the publication entitled "The Origins of the International Labour Organisation", to which the present resolution refers, was mentioned among those which might be undertaken by the Office. It is thought that the publication of this volume would be of real value, especially if the price was low enough to allow of a wide sale.*

(5) Resolution concerning the co-ordination of the economic policy of States and protective labour legislation, submitted by the Government delegation of Haiti.

"The Labour Conference of American States which are Members of the International Labour Organisation invites the Governing Body to draw the attention of the competent international bodies to the question of the measures to be taken to prevent the economic policy of States from destroying the beneficial effects of protective labour legislation."

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*This resolution is based on the argument that protectionist measures tend to raise the cost of living of the people as a whole, thereby undoing the good effects of protective labour legislation. It is thus in close relationship with the question raised by the United States Government representative on the Governing Body of the International Labour Office (Seventy-fourth Session, February 1936), regarding the relationship between the volume of international trade, unemployment and wages. It is suggested that, for practical purposes of enquiry by the Office, these two questions might be treated together.*

(6) Resolution concerning private monopolies, submitted by the Government delegation of Haiti.

"The Labour Conference of American States which are Members of the International Labour Organisation resolves to ask the Governing Body of the International Labour Office to consider the possibility of suggesting to the competent international bodies the examination of the problem of private monopolies over sources of power, raw materials and industries of vital importance in relation to social interests and especially the interests of the working classes."

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*It is proposed to communicate this resolution to the Economic Section of the Secretariat, which has already given considerable attention to certain aspects of it, and to take it into account in any studies undertaken by the Office on the questions to which it relates.*
IV. RESOLUTIONS PROPOSING THAT THE INTERNATIONAL LABOUR OFFICE SHOULD BE INSTRUCTED TO STUDY CERTAIN QUESTIONS.

(1) Resolution concerning the ratification and application of the Conventions and Recommendations by the American States, submitted by Mr. Ramirez Otarola, employers' delegate, Peru.

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

Considering that it is urgently necessary to extend the benefits of protective legislation to all workers in the American countries, so far as may be possible,

Requests the Governing Body of the International Labour Office to instruct the Office to continue, amplify and publish its reports on the various Conventions and Recommendations adopted by the International Labour Conference, with special reference to their ratification and application by the States of America."

* * *

No special action is taken for American States as regards the ratification of Conventions and application of Recommendations; the Office's activities in this respect apply equally to all States Members of the Organisation.

1. Ratification of Conventions.

The Office prepares and keeps up to date information on the situation of each State Member in respect of each Convention which it has not yet ratified. These notes embody all the official information received and are communicated annually to the States concerned for their observations and corrections.

The information which the Office thus obtains is published in the following forms:

All information at the time of its receipt is published in Industrial and Labour Information (and in the Official Bulletin in the case of communications to the Secretary-General of the League of Nations concerning Recommendations). The same information is reproduced in Spanish in the Revista Internacional del Trabajo. It is thus given the widest possible circulation in English, French and Spanish. The action taken by States Members on Conventions and Recommendations during the year under review is also published annually in the I. L. O. Year Book.

The progress of ratifications is moreover shown in tabular form quarterly in the table published in Industrial and Labour Information and annually in the I. L. O. Year Book and also, for both Conventions and Recommendations, in the tables annually appended to the Director's Report to the Conference. The last-named tables are communicated before publication to the Governments of States Members for their observations and corrections.

The information compiled by the Office is also used in the Ten-yearly Reports on Conventions, which contain a summary showing the situation of each State Member which has not yet ratified the Convention that is the subject of the report. These Ten-yearly Reports, after approval by the Governing Body, are submitted to the International Labour Conference.

The Office is thus at all times in possession of the latest available information received upon the situation of each American or other State Member in respect of each Convention not yet ratified. All information is published at the time of its receipt and is repeated in various forms and at various periods, as described above.

It does not seem therefore that any further action is at present required to give effect to the resolution adopted by the Santiago Conference as regards the ratification of Conventions. In the event, however, of another Conference of American States Members being held, the possibility might be considered of publishing the notes on the situation of each American State Member in respect of Conventions not yet ratified.

2. Application of Conventions.

A summarised account of the legislation in all States Members (including the American States) giving effect to the ratified Conventions, is published in the Summary of Annual Reports made under Article 22 of the Constitution of the International Labour Organisation and laid before the Conference each year. An abridged report on the same lines showing the situation in the American States was prepared by the Office for use at the Santiago Conference. Information on the application of Conventions is thus available each year and no special measures would therefore seem necessary to give effect to the resolution on this point.
3. Application of Recommendations.

A report summarising the information available in the Office on the application of the Recommendations in all States Members was laid before the Conference in 1932. This information was brought up to date and communicated to the Governing Body in the autumn of 1935.

The Office feels that it might be desirable to submit this information to the Conference from time to time, say, once in five years.


In order to assist officials in Spanish-speaking countries in preparing the annual reports on the application of Conventions, the report forms were last year sent out in Spanish, in multigraph form, as an experiment. The results have proved most satisfactory, and the Office therefore proposes in future to print the forms in Spanish.

5. Factory inspection.

The Office has recently been giving special attention to the question of factory inspection and law enforcement in the American countries. As a first step in this connection, an article entitled “Enforcement of labour legislation in Latin-American countries” was published in the International Labour Review for November 1935. This article has also been published in Spanish. It is the intention of the Office to increase the number of articles of this kind giving information on conditions in the American States.

(2) Resolution suggesting the study of various questions by the International Labour Office, submitted by the workers’ group.

“The Labour Conference of the American States which are Members of the International Labour Organisation, held in Santiago de Chile, recommends that the Governing Body of the International Labour Office should consider and study the following questions which are of special importance for the American countries.

1. The question of ensuring that wages shall be paid in cash, and of supervising the truck stores (proveedurias) which a view to eliminating the existing abuses of the truck system in many American countries;

2. The question of creating Ministries of Labour in those American countries in which no such Ministries at present exist;

3. The question of the direct representation of the employers’ and workers’ organisations in the various industries on the higher bodies responsible for social administration, with a view more particularly to supervising the execution of ratified international Conventions;

4. The question of creating or extending central bureaux of social statistics, particularly with regard to wages, cost of living, unemployment, industrial accidents, occupational diseases and labour disputes;

5. The question of investigating the problem of workers’ housing in town and country, with a view to putting an end to the lamentable conditions at present existing in many American countries;

6. The question of stimulating the formation and development of agricultural co-operative societies;

7. The question of creating special bodies for the protection of indigenous workers in the American countries, with a view to improving their conditions of life and labour, with the permanent collaboration of representatives of the more important working-class bodies;

8. The question of investigating the problem of vocational education in the American countries;

9. The question of investigating, in collaboration with the International Bureau of Education at Geneva, the conditions under which members of the teaching profession engaged in primary and secondary education, in public and private schools, live and work.”

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Paragraph 1. The question of the truck system is dealt with in connection with the effect to be given to Resolution IV (5).

Paragraph 2. The Office proposes that the Governing Body should instruct the Office to communicate this paragraph to the Governments of all American countries.

Paragraph 3. The Office proposes that the Governing Body should instruct the Office to communicate this paragraph to the Governments of all American countries.

Paragraph 4. The Office is interested in extending the compilation of labour statistics and therefore in creating and extending labour statistical bureaux. Though no definite steps have been taken as regards the latter, yet the Office, through its International Conferences of Labour Statisticians and in other ways, encouraged the development of statistics on the subjects mentioned in this paragraph. A recent publication of the Office “The International Standardisation of Labour Statistics” gives an account of the work of the Office in this sphere since its foundation.
The Office should communicate this resolution to the American Governments which have not taken part in the various conferences of labour statisticians suggesting that effect should be given to the resolutions which they adopted.

**Paragraph 5.** The question of workers' housing was raised at the International Labour Conference at its Third Session (1921), the Co-operative Service of the International Labour Office has for the past fifteen years continued to study the various aspects of the co-operative movement, and has kept in touch with the organisations and experts connected with the various forms of co-operation. In particular, it has paid special attention to agricultural co-operation.

The information which has been collected, the relations which have been established, and the information which has been published or supplied in response to enquiries, constitute the means at the disposal of the Office in order to encourage the formation of agricultural co-operative societies.

As regards some of the countries of Latin America, the action of the Office is facilitated by the fact that in some of the ministries there are departments specially responsible for education and organisation on co-operative questions. The Co-operative Service of the Office is in touch with the Departamento de Asistencia ao Cooperativismo (Secretaria de Estado dos Negocios, da Agricultura, Industria e Commercio) of the State of Sao Paulo, the Departamento Cooperativo (Ministerio de Industrias y Trabajo) in Colombia, and the Direcccion general de cooperativas y comercio (Secretaria de la economia nacional) in Mexico. Some of these departments have asked the Office for information, and sometimes advice.

The suggestion made in the resolution could be carried out to some extent by making the relations already established closer and more effective so far as is possible.

**Paragraph 7.** This paragraph suggests that the Office should study the question of the creation of special bodies for the protection of indigenous workers in American countries, with a view to improving their conditions of life and labour, with the permanent collaboration of representatives of the more important working-class bodies.

The Office suggests that this question should be considered when further proposals are made for the enquiry called for by the resolution concerning the living and working conditions of Native populations.

**Paragraph 8.** The Office published a report on vocational guidance in 1935, and is at present engaged on a report concerning technical education and apprenticeship. In the report on vocational guidance account was taken of the development of this question in certain American countries, and in the report at present in preparation every effort will be made to give full information with regard to the position of the problem in the countries of America.

**Paragraph 9.** This paragraph suggests that the Office should investigate, in collaboration with the International Bureau of Education at Geneva, the conditions under which members of the teaching profession engaged in primary and secondary education, in public and private schools, live and work.

The Office has not up to the present undertaken any general study of the living and working conditions of teachers in primary and secondary schools. It has merely collected the information needed in order to reply to enquiries on limited questions. The information in its possession is thus fragmentary and would require to be brought up to date.

The study suggested by the Santiago Conference would be of great interest, especially as in many countries both elementary and secondary school teachers have been placed in a very difficult position owing to budget restrictions which have appreciably lowered their standard of living. Not only have salaries and allowances of various kinds been reduced, but the regulations as regards engagement, promotion, etc. have been revised. Many young persons who had trained for a University career are now out of employment.

The Office suggests that the Governing Body should authorise it to undertake the proposed study. It would be of value not only in order to give an idea of the present position of the teaching profession in the various countries, but to make it possible to see what consequences may result as regards educational problems in general.

The study could, as the Santiago Conference suggested, be carried out in collaboration with the International Bureau of Education.
Resolution concerning the study of agricultural work in America, submitted by the Government delegation of the United States of Mexico.

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

Considering the nature, in general, of agricultural work in America from the standpoint of fixing hours of work and legal holidays, of the payment of a minimum wage to the agricultural worker, of the regulation of agricultural work for women and minors, of the form in which agricultural labour contracts are to be drawn up, of the suspension, cancellation or termination of such contracts, of the formation of agricultural associations and trade unions and of combinations, strikes and lock-outs,

Recommends to the Governing Body that the International Labour Office should undertake an enquiry into the conditions of agricultural work in America covering, in conformity with the particular circumstances of each country, questions such as the economic and social structure of agriculture, the conditions under which agricultural work is carried out and the general principles upon which labour contracts in rural districts are based, the relations of such contracts with the minimum wage and with share-farming contracts and in general the examination of any other problem directly connected with the conditions of agricultural work in the American countries."

This resolution recommends that the Office should undertake an enquiry into the conditions of agricultural work in America, in conformity with the particular circumstances of each country, including the conditions under which agricultural work is carried out, the general principles of rural labour contracts, the relation of such contracts to share-farming contracts, etc.

This resolution stresses a very important and complicated problem, which covers highly industrialised agricultural undertakings, the conditions of millions of peasant and tenant farmers working with family and hired labour. It also involves the problem of the "poor white", and that of negro and native farming proper.

Owing to the modest resources at the disposal of the Office for the study of agricultural labour questions and the difficulty of collecting information on this subject in most countries, the work of the Office has hitherto been concentrated more particularly on European countries, for which information was relatively more easily obtainable. Recently, however, it has been possible to give more attention to extra-European agricultural problems, and in connection with the study of the agricultural policy of the United States, a systematic study of labour conditions in that country has been begun. The agricultural wage statistics which are now regularly published by the Office include Canada, Chile, Mexico and the United States of America.

After the Santiago Conference, a mission was organised to collect information on native labour conditions in South and Central America; this naturally bears to a great extent on native agriculture. The opportunity was also taken to allow another official of the Office to collect, on his way back, information on agricultural labour problems in Argentina and Brazil.

The Office intends to pursue these studies as rapidly as possible and to publish the partial results in its periodical publications; but of course a good deal of time will be needed before a proper survey of agricultural labour conditions in America can be completed.

Resolution concerning an enquiry into agricultural statistics in the American countries, submitted by the Government delegation of the United States of Mexico.

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

Considering the necessity for providing statistics on agricultural work and for perfecting and co-ordinating agricultural statistics in the greater part of the American countries,

Considering the competence and the interest of the International Labour Organisation as regards the economic and social conditions in America in respect of agriculture,

Recommends to the Governing Body:

1. That the International Labour Office should study the possibility of carrying out an enquiry among the Governments of all the American countries concerning the form, the motives, the periodicity and the scope of the various statistics concerning agricultural work already in existence and also concerning the possibility for each Government of instituting, collecting, extending and co-ordinating internationally such statistics in regard to agricultural work, including both crop-raising and cattle-breeding;

2. In general, that the International Labour Office should draw the attention of the Governments of the American countries to the desirability of making permanent provision for the supply of uniform agricultural statistics covering the rural population, the population economically active in agriculture, the various agricultural occupations pursued by the wage-earning classes (whether those classes be of a permanent or of a casual character, and with due regard for the average number of days worked by each wage-earner) and also by non-wage-earners;
3. That the International Labour Office should study the possibility of determining basic principles for the calculation of agricultural statistics with regard to rural occupations based on the amount of labour employed per unit of area, time per unit of area, per unit of weight and per operation, at least for the more important crops of each country."

The Office has already devoted considerable attention to agricultural statistics, especially in their social aspects, and a special study of statistics of wages in agriculture and of their methods of compilation was published in the International Labour Review of November and December 1934, covering 27 countries—it was possible, however, to cover only four American countries, viz., United States of America, Canada, Chile and Mexico. Other studies, e.g. statistics of trade unionism in agriculture, unemployment in agriculture, etc. have also been made.

As regards other agricultural statistics, particularly those referred to in paragraphs (1) and (3) (crop raising, cattle breeding, output per crop per unit of area, etc.) the International Institute of Agriculture is primarily the competent body. The Office is in close collaboration with the Institute both directly and through the Mixed Advisory Agricultural Committee, which includes representatives of the Governing Body and the Institute. Moreover, the Office is making a special study of the statistics of consumption and production of foodstuffs, in which the Institute of Agriculture is collaborating. The latter body was also responsible for organising the First World Agricultural Census 1930, which covered many of the statistical points raised in this resolution, and is now proposing to organise a second World Census in 1940.

As regards statistics of occupied agricultural population, it is difficult to do anything on this subject independently of the general question of the classification of industries and occupations, which has already been dealt with by the First International Conference of Labour Statisticians and which is also being dealt with by the statistical service of the League of Nations.

The points raised in the resolution will be brought to the notice of the Mixed Advisory Agricultural Committee in due course.

(5) Resolution concerning the truck system, submitted by Mr. Enrique Forn, Government delegate, Argentine Republic.

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

Considering that the defence of the workers' wages is one of the most important aspects of protective social policy and improves the conditions of life of the workers, and,

Considering that the International Labour Office, in virtue of a resolution of the Nineteenth Session of the Conference, is engaged in investigations into the truck system and connected practices and into national legislation on the subject, and

Considering that one of the practices that gives rise to serious abuses and reduces the purchasing power of the workers' wages is the establishment of stores run for profit by the employer in his workplaces or stores that are connected in some way with the economic interests of the employee and,

Considering that the employment of quite large groups of workers in places far from urban centres which is frequent in agriculture, forestry and the mining industry in certain countries of America, renders necessary the consideration of the problem of supplies so that stores must be permitted in workplaces subject to certain guarantees and to the supervision of the public authorities,

Resolves to request the Governing Body of the International Labour Office to instruct the Office to complete its investigation into the truck system and to prepare a draft text for a Draft Convention or Recommendation concerning the truck system, special account being taken of the peculiar needs of the American Continent."

The Governing Body, at its Seventy-third Session (October 1935) decided, in accordance with the resolution on the truck system adopted by the Nineteenth Session of the International Labour Conference, that the Office should continue to study the truck system and connected practices, on the basis indicated in the resolution.

The Office proposes that the Governing Body should give effect to the Santiago resolution on the same question by instructing the Office to continue and complete its study of the truck system, taking special account of the situation in the American Continent.
3. That the International Labour Office should study the possibility of determining basic principles for the calculation of agricultural statistics with regard to rural occupations based on the amount of labour employed per unit of area, time per unit of area, per unit of weight and per operation, at least for the more important crops of each country."

The Office has already devoted considerable attention to agricultural statistics, especially in their social aspects, and a special study of statistics of wages in agriculture and of their methods of compilation was published in the International Labour Review of November and December 1934, covering 27 countries—it was possible, however, to cover only four American countries, viz., United States of America, Canada, Chile and Mexico. Other studies, e.g. statistics of trade unionism in agriculture, unemployment in agriculture, etc. have also been made.

As regards other agricultural statistics, particularly those referred to in paragraphs (1) and (3) (crop raising, cattle breeding, output per crop per unit of area, etc.) the International Institute of Agriculture is primarily the competent body. The Office is in close collaboration with the Institute both directly and through the Mixed Advisory Agricultural Committee, which includes representatives of the Governing Body and the Institute. Moreover, the Office is making a special study of the statistics of consumption and production of foodstuffs, in which the Institute of Agriculture is collaborating. The latter body was also responsible for organising the First World Agricultural Census 1930, which covered many of the statistical points raised in this resolution, and is now proposing to organise a second World Census in 1940.

As regards statistics of occupied agricultural population, it is difficult to do anything on this subject independently of the general question of the classification of industries and occupations, which has already been dealt with by the First International Conference of Labour Statisticians and which is also being dealt with by the statistical service of the League of Nations.

The points raised in the resolution will be brought to the notice of the Mixed Advisory Agricultural Committee in due course.

5. Resolution concerning the truck system, submitted by Mr. Enrique Forn, Government delegate, Argentine Republic.

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Considering that the International Labour Office, in virtue of a resolution of the Nineteenth Session of the Conference, is engaged in investigations into the truck system and connected practices and into national legislation on the subject, and

Considering that one of the practices that gives rise to serious abuses and reduces the purchasing power of the workers' wages is the establishment of stores run for profit by the employer in his workplaces or stores that are connected in some way with the economic interests of the employee and,

Considering that the employment of quite large groups of workers in places far from urban centres which is frequent in agriculture, forestry and the mining industry in certain countries of America, renders necessary the consideration of the problem of supplies so that stores must be permitted in workplaces subject to certain guarantees and to the supervision of the public authorities,

Resolves to request the Governing Body of the International Labour Office to instruct the Office to complete its investigation into the truck system and to prepare a draft text for a Draft Convention or Recommendation concerning the truck system, special account being taken of the peculiar needs of the American Continent."

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The Office proposes that the Governing Body should give effect to the Santiago resolution on the same question by instructing the Office to continue and complete its study of the truck system, taking special account of the situation in the American Continent.
ANNEX A.

LIST OF DELEGATES AT THE LABOUR CONFERENCE OF THE AMERICAN STATES WHICH ARE MEMBERS OF THE INTERNATIONAL LABOUR ORGANISATION.


Chairman of the Governing Body:
Mr. W. A. Riddell, Representative of the Canadian Government.

Government group:
Mr. F. W. Leggett, Representative of the British Government.
Mr. Ruiz Manent, Representative of the Spanish Government.

Employers’ group:
Mr. Ørsted (Denmark), Vice-Chairman of the Governing Body.
Mr. Curéin (Yugoslavia).

Workers’ group:
Mr. Hayday (Great Britain).
Mr. Kupers (Netherlands).

Attached to Mr. Ruiz Manent:
Mr. Jesus Pavon.
Mr. Martin-Granizo.

Argentina.

Government delegates:
Mr. Alejandro Unsain, Professor in the Universities of Buenos Aires and La Plata, former Member of the Governing Body of the International Labour Office.
Mr. Enrique Forn, Legal Adviser to the National Department of Labour, Barrister, Assistant Professor of Labour Legislation at the National University of Buenos Aires.

Adviser:
Mr. Manuel A. Viale Paz, Counsellor to the Argentine Embassy in Chile.

Bolivia.

Government delegates:
Mr. Paulo Guillen, Director of the General Department of Labour.
Mr. Daniel Ortiz.

Employers’ delegate:
Mr. Federico Gutiérrez Granier, Director of the Workers’ Insurance Fund.

Workers’ delegate:
Mr. Felipe Ortiz, Member of the Mutual Aid Societies.

Brazil.

Government delegates:
Mr. Alfonso Bandeira de Mello, Director of the National Department of Labour, Member of the Governing Body of the International Labour Office.
Mr. Carlos Celso de Ouro Preto, Chargé d’affaires of Brazil at Santiago.

Government advisers:
Mr. Paulo Demoro, Consul of Brazil at Valparaiso.
Mr. Plinio dos Reis Catanhede Almeida, Chief Actuary of the Ministry of Labour, Engineer, Professor at the Polytechnic College.
Mr. Carlos Cavaco, Inspector of the National Department of Labour, Barrister.
Mr. Oscar Saraiva, Member of the National Labour Council of Brazil.
Mr. Guillermo Vidal Leite Ribeiro, Head of the Section for Labour Disputes in Industrial and Commercial Undertakings in the Department of Labour of the State of Sao Paulo.
Mr. Waldyr Niemeyer.
Miss Allanita Diniz-Gonzalves, Adviser to the National Department of Labour.

Employers' delegate:
Mr. Vicente Galliez, Deputy.

Workers' delegate:
Mr. A. Crisostomo de Oliveira, President of the Union of Telegraph and Wireless Employees.

Canada.

Government delegates:
Mr. Walter Riddell, Chairman of the Governing Body of the International Labour Office.
Mr. J. Vechsler, Commercial Counsellor at Lima.

Colombia.

Government delegates:
Mr. Enrique Vargas Narino, Minister of Colombia at Santiago.
Mr. J. Ramon Ianao Tovar, Director of the National Office of Labour, Barrister.

Employers' delegate:
Mr. Cipriano Restrepo Jaramillo, Civil Engineer.

Workers' delegate:
Mr. Rafael Burgos, Member of the State Railwaymen's Union.

Cuba.

Government delegates:
Mr. A. Hernandez Cata, Minister of Cuba at Santiago.
Mr. Jose Enrique Sandoval y Saavedra, Doctor of Law, Adviser to the Ministry of Labour, Cuban Delegate to the Nineteenth Session of the International Labour Conference.

Employers' delegate:
Mr. Isaac Cowley, Member of the Cuban Planters' Association.

Workers' delegate:
Mr. S. Jose Cosio, Member of the Cigar Sorters' Union of Havana.

Secretary to the Delegation:
Mr. Gustavo Sotolongo, Doctor of Law.

Chile.

Government delegates:
Mr. Alejandro Serani Burgos, Minister of Labour.
Mr. Exequiel Gonzalez Cortes, Senator.

Substitute delegates:
Mr. Mariano Bustos Lagos, General Inspector of Labour.
Mr. Hector Escobar, Legal Adviser to the Labour Inspection Department.

Advisers:
Mr. Santiago Labarca, Director of the Compulsory Sickness Insurance Fund.
Mr. Francisco Walker Linares.
Mr. Carlos Vergara Bravo, Barrister, Professor in the University of Chile and the Catholic University.
Mr. Guillermo del Pedregal, President of the Superior Labour Council.
Mr. Jorge Guzman Dinator, President of the Unemployment Board, Barrister, Professor in the University of Chile, Member of the Superior Labour Council, Secretary to the Prefect of Santiago.

Mr. Alfredo Banados, Inspector in the General Labour Inspection Department.

Mr. Francisco Pérez Lavin, Director of the Industrial Accident Section of the National Provident Fund.

Mr. Arturo Escudero, Provincial Labour Inspector.

**Employers’ delegate:**

Mr. Gaston Goyeneche Magnere, Vice-President of the Confederation of Industry and Commerce.

**Advisers:**

Mr. Carlos Hoerning Döll, Vice-President of the Association for the Promotion of Industry, Treasurer of the Confederation of Industry and Commerce.

Mr. Enrique Mackenzie Walker, Employers’ Vice-President of the Superior Labour Council.

Mr. José María Lorca Pellross, Deputy Director of the Confederation of Industry and Commerce.

Mr. José Roca Gays, Deputy Director of the Chilean Chamber of Commerce, Member of the Employers’ Association for Commerce and Industry and of the Confederation of Industry and Commerce.

Mr. Jorge Rodríguez Merino.

**Workers’ delegate:**

Mr. Luis Solís Solís, General Secretary of the National Federation of Chilean Trade Unions.

**Advisers:**

Mr. Isidoro Godoy Bravo, General Secretary of the Bakers’ Federation.

Mr. Juan Díaz Martínez, Deputy General Secretary of the National Federation of Chilean Trade Unions.

Mr. Luis Arriagada Arriagada.

Mr. Raúl Recabarren Vidal.

Mr. Pedro Cárcamo Gutiérrez, of the Linotypists’ Union.

Mr. Alberto Cavero C.

Mr. Alberto Hurtado Cubillos, Director and Secretary of the Salaried Employees’ Union, Vice-President of the Superior Labour Council.

Miss María Ramírez.

**Government delegates:**

Mr. Enrique Arroyo, Doctor of Law, Under-Secretary in the Ministry of Foreign Affairs.

Mr. Fidel Alberto López Arteta, Doctor of Law, Director of the Pensions Fund.

**Employers’ delegate:**

Mr. Juan Borja, Barrister.

**Workers’ delegate:**

Mr. Rosendo Naula, Senator, Member of the Salaried Employees’ Association of Guayaquil.

**Government delegates:**

Mr. Hoffman Philip, Ambassador of the United States in Chile.

Miss Frieda Miller, Director, Division of Women in Industry and Minimum Wages, Department of Labor, State of New York.

**Employers’ delegate:**

Mr. Joseph C. Molanphy, Branch Manager of the United States Steel Products Company, Santiago.

**Workers’ delegate:**

Mr. William Hutcheson, General President of the United Brotherhood of Carpenters and Joiners.

**Secretary to the Delegation:**

Mr. John B. Faust, Consul of the United States at Santiago.
Guatemala.

Government delegate:
Mr. José Ramírez, Consul of Guatemala at Santiago.

Haiti.

Government delegates:
Mr. Enrique Vergara Robles, Director and Vice-President of the Civil Servants' Provident Fund.
Mr. Jorge Gustavo Silva, Barrister, Professor at the University of Chile.

Secretary to the Delegation:
Mr. Agustín Ortuzar, Barrister and Former Minister of Labour of Chile.

Mexico.

Government delegate:
Mr. Adolfo Cienfuegos y Camus, Ambassador of Mexico to Chile.

Substitute delegate:
Mr. Carlos Peon del Valle, Secretary to the Mexican Embassy in Chile.

Nicaragua.

Government delegate:
Mr. Alfredo Urzúa y Urzúa, Barrister.

Panama.

Government delegate:
Mr. Alejandro Tapia, Former Minister of Public Works, Home Affairs and Justice.

Secretary to the Delegation:
Mr. Vicente Alfaro.

Paraguay.

Government delegates:
Mr. Rogelio Ibarra, Minister of Paraguay in Chile.
Mr. Horacio A. Fernández, Deputy.

Employers' delegate:
Mr. Alfredo Jaegli, Member of the Chamber of Commerce.

Workers' delegate:
Mr. Mario Masi, Ship's Engineer.

Peru.

Government delegates:
Mr. Edgardo Rebagliati, Director-General of Labour, Barrister.
Mr. Manuel Llosa, Director-General of Public Works.

Employers' delegate:
Mr. Jorge Ramírez Otárola, Barrister.

Workers' delegate:
Mr. Guillermo Polo Medrano, Member of the Federation of United Associations.

Dominican Republic.

Government delegate:
Mr. Victor Alvarez Aranguiz, Chargé d'affaires of the Dominican Republic in Chile.
Uruguay.

Government delegates:
Mr. José Guillermó Antuña, Senator.
Mr. Ángel María Cusano, Deputy.

Advisers:
Mr. José L. Bado, Director of the Institute of Traumatology and Retraining; State Insurance Institute.
Mr. José Pedro Antuna, Actuary in the Pensions Institute.
Mr. Miguel Salom.

Employers' delegate:
Mr. Roberto H. Barreira, Honorary Adviser to the Independent Amortisation Fund, Adviser to the Chamber of Industries.

Workers' delegate:
Mr. Arturo Freire.

Secretary to the Delegation:
Mr. Leonel Martínez Thedy.

Venezuela.

Government delegates:
Mr. Fernando Díaz Paul, Chargé d'affaires of Venezuela in Chile, Doctor of Political Science.
Mr. Fidel Roa.

Workers' delegate:
Mr. Luis Yepes, Member of the Workers' Federation of Venezuela.

Costa Rica.

Observer appointed by the Government:
Mr. Alejandro Oreamuno, Consul-General of Costa Rica at Santiago.

ANNEX B.

COMPOSITION OF THE COMMITTEES SET UP BY THE LABOUR CONFERENCE OF THE AMERICAN STATES WHICH ARE MEMBERS OF THE ORGANISATION.

Selection Committee.

The President of the Conference.

Government delegates:
Mr. Adolfo Cienfuegos y Camus (Mexico);
Mr. Enrique Sandoval (Cuba);
Mr. Exequiel González Cortés (Chile);
Dr. Alejandro Unsain (Argentina);
Mr. Enrique Vergara Robles (Haiti);
Mr. Alfredo Urzúa (Nicaragua);
Mr. Victor Alvarez (Dominican Republic);
Mr. Alejandro Tapia (Panama).

Employers' delegates:
Mr. Gutiérrez Granier (Bolivia);
Mr. Ramírez Otarola (Peru);
Mr. Joseph Molanphy (United States of America);
Mr. Alfredo Jaegli (Paraguay);
Mr. Juan Borja (Ecuador);
Mr. Cipriano Restrepo Jaramillo (Colombia);
Mr. Roberto H. Barreira (Uruguay);
Mr. Gaston Goyeneche Magnere (Chile).

Substitute:
Mr. Isaac Cowley (Cuba).

Workers' delegates:

Mr. Luis Solis Solis (Chile);
Mr. Crisostomo de Oliveira (Brazil);
Mr. Rafael Burgos (Colombia);
Mr. Guillermo Polo Medrano (Peru);
Mr. Luis Yepes (Venezuela);
Mr. Arturo Freire (Uruguay);
Mr. Mario Masi (Paraguay);
Mr. Jose Cosio (Cuba).

Representatives of the Governing Body of the International Labour Office:

Mr. W. A. Riddell, Chairman of the Governing Body;
Mr. H. C. Oersted, Employers' Vice-Chairman of the Governing Body;
Mr. Arthur Hayday, Member of the workers' group of the Governing Body.

Committee on Social Insurance.

Government delegates:

Mr. Guillen (Bolivia);
Mr. Bandeira de Mello (Brazil);
Mr. Gonzalez Cortes (Chile);
Mr. Lanao Tovar (Colombia);
Mr. Sandoval (Cuba);
Mr. Lopes Arteta (Ecuador);
Mr. Peon del Valle (Mexico);
Mr. Fernandez (Paraguay);
Mr. Rebagliati (Peru);
Mr. Cusano (Uruguay).

Substitutes:

Mr. Saraiva (Brazil);
Mr. dos Reis Catanhede Almeida (Brazil);
Mr. Perez Lavin (Chile);
Mr. Labarca (Chile);
Mr. del Pedregal (Chile);
Mr. Jose Pedro Antuna (Uruguay);
Mr. Bado (Uruguay).

Employers' delegates:

Mr. Borja (Ecuador);
Mr. Goyeneche Magnere (Chile);
Mr. Gutierrez Granier (Bolivia);
Mr. Molanphy (United States);
Mr. Restrepo Jaramillo (Colombia).

Substitute:
Mr. Mackenzie Walker (Chile).

Workers' delegates:

Mr. Cosio (Cuba);
Mr. Freire (Uruguay);
Mr. Hurtado Cubillos (Chile);
Mr. Polo Medrano (Peru);
Mr. Yepes (Venezuela).

Chairman of the Committee:

Mr. Enrique Sandoval.
Vice-Chairmen:
Mr. Joseph C. Molanphy;
Mr. Alberto Hurtado C.

Reporters:
Mr. Rebagliati (for sickness insurance);
Mr. Saraiva (for workmen’s compensation for accidents);
Mr. del Pedregal (for invalidity, old-age and widows’ and orphans’ insurance).

Committee on the Work of Women, Children and Young Persons.

Government delegates:
Mr. Enrique Forn (Argentina);
Mr. Daniel Ortiz (Bolivia);
Mr. Carlos Celso de Ouro Preto (Brazil).

Substitutes:
Miss Allanita Diniz-Gonzalves;
Mr. Guillermo Vidal Leide Ribeiro.

Mr. Vechnser (Canada);
Mr. A. Hernandez Cata (Cuba);
Mr. Enrique Vergara Robles (Haiti);
Mr. Adolfo Cienfuegos y Camus (Mexico);
Mr. Manuel Llosa (Peru);
Miss Frieda Miller (United States);
Mr. Angel Maria Cusano (Uruguay).

Substitute:
Mr. Miguel Salom.

Employers’ delegates:
Mr. Gaston Goyeneche Magnere (Chile).

Substitute:
Mr. Jorge Rodriguez Merino.

Mr. Isaac Cowley (Cuba);
Mr. Alfredo Jaegli (Paraguay);
Mr. Jorge Ramirez Otarola (Peru);
Mr. Roberto H. Barreira (Uruguay).

Workers’ delegates:
Mr. Felipe Ortiz (Bolivia);
Mr. Juan Diaz Martinez (Chile).

Substitute:
Miss Maria Ramirez.

Mr. Rafael Burgos (Colombia);
Mr. Rosendo Naula (Ecuador);
Mr. Mario Masi (Paraguay).

Chairman of the Committee:
Miss Frieda Miller.

Vice-Chairmen:
Mr. Ramirez Otarola;
Mr. Rafael Burgos.

Reporter:
Miss Diniz-Gonzalves.
Comparison of the conclusions of the Santiago Conference with international labour legislation.

Since the report on the work of the Labour Conference of the American States which are Members of the Organisation was despatched, Mr. Oersted has sent a letter in which he states that the report of the Office on the work of the Santiago Conference is very complete, but suggests that it would be desirable to draw up a note explaining any divergencies which may exist between the conclusions adopted by the Santiago Conference and the provisions of the international labour Conventions.

In the following note the Office has endeavoured to meet the desire expressed by Mr. Oersted by drawing up a parallel between the resolutions on social insurance and the conditions of work of women, children and young people adopted by the Santiago Conference on the one hand, and the corresponding provisions of the international labour Conventions on the other hand.

I. Resolution concerning the fundamental principles of social insurance.

As is stated in the preamble, the Santiago Conference adopted this resolution "having regard to the body of international regulations adopted in the field of social insurance by the International Labour Organisation". The resolution is in fact based to a very large extent on the Draft Conventions and Recommendations adopted at Geneva, and the plan of action which it lays down, while representing the needs and aspirations of the American continent, conforms perfectly to the general lines of the international regulations relating to social insurance laid down by the Organisation.

The proposals embodied in this very detailed resolution represent a sort of synthesis of the decisions adopted at Geneva as regards workmen's compensation for accidents, sickness insurance and invalidity, old-age and widows' and orphans' insurance.

Regarded from the point of view of their origin, these proposals may be classified in three groups.

1. The main constructive proposals of the resolution, which determine its structure and general lines, are modelled on the provisions of the various Conventions dealing with social insurance. The Conventions in question dealing with the different risks covered are Conventions Nos. 12, 17, 19 and 42 as regards workmen's compensation for industrial accidents and occupational diseases, Conventions Nos. 24 and 25 as regards sickness insurance and Conventions Nos. 35-40 as regards invalidity, old-age and widows' and orphans' insurance.

2. The structure thus formed by references to the Conventions themselves is completed by the proposals of the second group, which are derived from the Recommendations which the International Labour Conference adopted in order to deduce from the joint experience of the Members the principles which appeared the most suitable to contribute to the just, effective and rational organisation of insurance. The Recommendations in question are Nos. 22 and 23 for workmen's compensation for accidents, Recommendation No. 29 for sickness insurance and Recommendation No. 43 for invalidity, old-age and widows' and orphans' insurance.

3. The third group includes a certain number of proposals inserted in the resolution by the Committee on Social Insurance set up at the Santiago Conference. These proposals deal with particular aspects which are of special interest from the point of view of the American States. The proposals do not conflict either with the Conventions or the Recommendations. They conform to the decisions of the International Labour Conference and are intended to define more closely the means by which the decisions taken at Geneva can most readily be put into application on the American continent. Far from creating any contradiction, they supply additional indications on definite points with a view to a more rapid and complete application of the Conventions and Recommendations.

In order to show that there is no divergence between the resolution and the decisions taken at Geneva, it is not thought necessary to compare the two series of documents in question in detail. This was done by the members of the staff of the Office when the resolution was being drafted. As the resolution is subdivided into a number of definite chapters and paragraphs it is possible to summarise the results of the comparison in the following table, where a reference to the relevant provisions of the Conventions and Recommendations or any other necessary observations are placed opposite the headings of the various paragraphs.

CHAPTER I: Necessity and Purpose of Social Insurance.

(Resolution of the Santiago Conference) (Reference to Convention (C) and Recommendations (R) or other observations)

This chapter consists exclusively of a declaration of principle concerning the necessity of social insurance and its three-fold functions: prevention, cure and compensation.

Cf. the general resolution on social insurance adopted by the International Labour Conference at its Seventh Session (1925); Cf. also R. Nos. 29 and 43, Preamble.
CHAPTER II: Workmen’s Compensation for Accidents.

(Resolution of the Santiago Conference)

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

II. Scope

III. Benefits in kind.

IV. Cash benefits in case of temporary incapacity.

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

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

VII. Benefits in case of fatal accident.

VIII. Guarantee of payment.

IX. Settlement of disputes and judicial authorities.

X. Equality of treatment for national and foreign workers.

XI. Occupational diseases.

CHAPTER III: Compulsory Sickness Insurance.

(Resolution of the Santiago Conference)

I. The compulsory principle.

II. Scope.

(Reference to Convention (C) and Recommendations (R) or other observations)

C. No. 17, passim.
C. No. 19, Article 3.
C. No. 12, Article 1;
C. No. 17, Article 2.
C. No. 17, Articles 9 and 10;
R. No. 22, paragraph IV.
Mention of hospital treatment and rehabilitation in specialised institutions introduced by the Committee on Social Insurance.
C. No. 17, Article 5.
This article authorises a waiting period of not more than four days, whereas the resolution does not mention a waiting period. This does not represent any divergency, as Article 5 simply lays down the minimum standard of protection, which may at any time be exceeded by any State Member.
R. No. 22, paragraph I.
C. No. 17, Article 5.
C. No. 17, Article 5.
R. No. 22, paragraphs I and II.
R. No. 22, paragraph III.
C. No. 17, Article 11.
The resolution states that compulsory insurance is the most effective way of affording this guarantee and that in the absence of compulsory insurance a guarantee fund is necessary.
R. No. 23, paragraphs I and II.
Proposal concerning the intervention of medical specialists in the assessment of incapacity caused by injuries introduced by the Committee on Social Insurance.
C. No. 19, Article 1.
C. No. 42, Articles 1 and 2.
Proposal concerning medical examination in the case of employments which are dangerous to health introduced by the Committee on Social Insurance.
III. Medical and pharmaceutical benefits.  R. No. 29, paragraphs 7 to 10.

IV. Sickness cash benefit.  C. Nos. 24 and 25, Article 3.

V. Sickness prevention.  R. No. 29, paragraph 12.

VI. Insurance institutions.  C. Nos. 24 and 25, Article 6.

VII. Financial resources.  R. No. 29, paragraphs 13 and 14.


IX. Special measures for sparsely populated regions.  R. No. 29, paragraph 16.

X. Position of foreign workers.  C. Nos. 24 and 25, Articles 2-4 (which do not authorise any distinction on the ground of the nationality of the insured person).

CHAPTER IV: Invalidity, Old-Age, and Widows’ and Orphans’ Insurance.

I. Compulsory principle.  C. Nos. 35-36, Article 1; R. No. 43, paragraph 1.

II. Scope.  C. Nos. 35-36, Article 2; R. No. 43, paragraphs 1 and 4.

III. General conditions for award of pensions.  C. Nos. 35-38, Articles 5 and 6; C. Nos. 39 and 40, Articles 4 and 5; R. No. 43, paragraphs 5-8, 10.

IV. Method of calculating pensions.  C. Nos. 35-38, Article 7; C. Nos. 39 and 40, Article 9.

V. Old-age pension.  C. Nos. 35 and 36, Article 5; R. No. 43, paragraphs 11 to 13.

VI. Invalidity pension.  C. Nos. 37 and 38, Article 4; R. No. 43, paragraphs 16 to 19.

VII. Survivors’ pensions.  C. Nos. 39 and 40, Articles 6-8; R. No. 43, paragraphs 20-24.

VIII. Provisions for suspension or reduction of pensions.  C. Nos. 35 and 36, Article 8; C. Nos. 37 and 38, Article 9; C. Nos. 39 and 40, Article 11; R. No. 43, paragraphs 28 and 29.

IX. Lump sum payment at death.  Paragraph inserted by the Committee on Social Insurance for the benefit of Members whom the prevailing economic conditions may prevent from at once establishing a full system of survivors’ pensions. Such Members are advised, pending the introduction of such a system, to pay lump sums on death making it possible to meet the essential needs of the survivors for a prescribed period. This proposal represents an intermediate stage which may be usefully followed where it is temporarily impossible to afford more complete protection by means of a pension system. The proposal does not in any way affect the undertakings arising out of the ratification of the Conventions concerning survivors’ insurance.

X. Financial resources.  C. Nos. 35 and 36, Article 9; C. Nos. 37 and 38, Article 10; C. Nos. 39 and 40, Article 12; R. No. 43, paragraphs 30-32.
XI. Insurance institutions.
C. Nos. 35 and 36, Article 10;
C. Nos. 37 and 38, Article 11;
C. Nos. 39 and 40, Article 13.

XII. Settlement of disputes.
C. Nos. 35 and 36, Article 11;
C. Nos. 37 and 38, Article 12;
C. Nos. 39 and 40, Article 14.

XIII. Position of foreigners.
C. Nos. 35 and 36, Article 12;
C. Nos. 37 and 38, Article 13;
C. Nos. 39 and 40, Article 15.

The above summary appears to the Office to make it perfectly clear that the resolution concerning the fundamental principles of social insurance does not contradict the decisions adopted by the International Labour Conference. Any American Members of the Organisation which have ratified or may in the future ratify one or more, or indeed all the Conventions concerning social insurance, will find no difficulty in developing their insurance system on the lines of the principles laid down by the Santiago Conference, and will indeed find it advantageous to do so. In the case of those American Members which are only just beginning to adopt a social insurance scheme, the principles will afford useful indications as regards the action to be undertaken in complete conformity with the social insurance policy recommended by the Organisation.

There is not in practice any conflict between the Conventions and the resolution. From the legal point of view, moreover, the resolution could in no case affect the undertakings arising out of ratified Conventions. The Santiago Conference fully realised that fact and referred to it in the preamble to the resolution, which was adopted in order to contribute to the development and spread of social insurance among the American States which are Members of the Organisation, but without prejudice to the obligations resulting from Conventions ratified by such States.

It is accordingly hoped that the Governing Body will see no objection to giving effect to the desire expressed by the Santiago Conference and will instruct the Office to communicate the resolution on the fundamental principles of social insurance to the Governments of the American States Members of the Organisation.

II

Resolutions concerning the employment of children and young persons and concerning the employment of women.

In seeking to indicate possible differences between the resolutions of the Santiago Conference and the Conventions of the International Labour Office, an attempt is being made to compare what are, strictly speaking, incommensurable quantities. The Conventions of the International Labour Conference and the resolutions of the Santiago Conference are constitutionally on different planes.

Subject to this caveat the following comparison has been prepared of the resolutions of the Santiago Conference concerning the employment of children and young persons and concerning the employment of women and the Conventions of the International Labour Conference relating to the same subjects.

Employment of children and young persons.

In this section of the report, the resolutions adopted by the Santiago Conference on the employment of children and young persons will be carefully examined, with a view to indicating possible divergences between them and the provisions of international labour Conventions.

1. Minimum Age for Admission to Employment.

The Santiago Conference expressed the wish that the American States which had not yet done so should ratify the Conventions relating to the minimum age for admission to employment, namely: Minimum Age (Industry), Minimum Age (Sea), Minimum Age (Agriculture), and Minimum Age (Non-Industrial Employment). There is no discrepancy between the resolution of the Santiago Conference on this point and the international labour Conventions.

In a further resolution, however, the Santiago Conference went on to request the Governing Body to set in motion the procedure for the revision of these four Conventions. The Conference did not, however, give any indication of the provisions which it would like to see introduced in the revised Conventions.

The Conference expressed the wish that the American States which had not yet done so should ratify the Convention concerning the night work of young persons in industry. There is no discrepancy between the resolution of the Santiago Conference on this point and the international labour Convention.

3. Medical Examination of Young Persons.

The Conference expressed the wish that the American States which had not yet done so should ratify the Convention concerning the compulsory medical examination of children and young persons employed at sea. There is no discrepancy between the resolution of the Santiago Conference on this point and the international labour Convention.

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

4. Rural Education.

The Santiago Conference adopted a resolution on rural education containing the following paragraph:

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

There is no contradiction between this proposal and the provisions of the Minimum Age (Agriculture) Convention, which, in Article 1, makes it possible for children to do agricultural work outside the hours fixed for school attendance, with the proviso that if they are so employed, the employment shall not be such as to prejudice their attendance at school, and in Article 2, provides that for purposes of practical vocational guidance the period and hours of school attendance may be so arranged as to permit the employment of children in light agricultural work.

The same resolution of the Santiago Conference on rural education includes the following paragraph:

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

There is no contradiction between this paragraph and the provision of the Vocational Education (Agriculture) Recommendation of the International Labour Conference which provides:

"That each Member of the International Labour Organisation endeavour to develop vocational agricultural education and in particular to make such education available to agricultural wage-earners on the same conditions as to other persons engaged in agriculture."

5. The other resolutions of the Santiago Conference on the employment of children and young persons relate to questions not dealt with by the International Labour Conference.

Conditions of Employment of Women.

In this section of the report, the resolutions adopted on the conditions of employment of women will be carefully examined, with a view to indicating possible divergences between them and the provisions of international labour Conventions.

1. Wages.

The Santiago Conference expressed the hope that the American States would ratify the 1928 Convention concerning minimum wage-fixing machinery, and would give effect to the Recommendation on the subject adopted at the same time, with special reference to the application of the machinery to industries in which women predominate. There is no discrepancy between the resolution of the Santiago Conference on this point and the international labour Convention.

The Santiago Conference went on to draw attention to certain principles in regard to wages. These principles, however, do not relate to minimum wage-fixing machinery, and are therefore in a different field from that of the Convention and Recommendation of the International Labour Conference. It will be remembered, however, that the Minimum Wage-Fixing Machinery Recommendation included in Part 5 of the Recommendation an article calling the attention of Governments to the "principle affirmed by Article 41 of the Constitution that men and women should receive equal remuneration for work of equal value". The Santiago Conference, in its resolution, gives a different formulation to this principle, namely, "equal wages should be paid to men and women for the same work".
2. Hours of work.

The Santiago Conference drew attention to certain principles in regard to hours of work, one of which is to the effect that the maximum working day of women over 18 years of age should be without exception 8 in the day and 48 in the week. This is qualified, however, by a further provision to the effect that there should be no exceptions to 8-hour day legislation as regards women employed in telephone, telegraph and postal services, except within the limits of the 48-hour week. This formula is not in contradiction with the provisions of the Hours of Work (Industry) Convention, nor with those of the Hours of Work (Commerce and Offices) Convention, but it contemplates in certain respects a higher standard of protection than that generally provided for in those Conventions, inasmuch as it provides that the 48-hour week should be applied without any exception, and the 8-hour day should be applied without exception, except in the case of women employed in telephone, telegraph and postal services where exceptions may be permitted to the 8-hour day provided they are within the limits of the 48-hour week.

3. Night work.

The Santiago Conference expressed the hope that the American States which have not yet done so should ratify the revised Convention of 1934 concerning the employment of women during the night. There is no discrepancy between the resolution of the Santiago Conference on this point and the international labour Convention.

4. Maternity Protection.

The Santiago Conference expressed the wish that the Convention concerning the employment of women before and after childbirth should be ratified. There is no discrepancy between the resolution of the Santiago Conference on this point and the international labour Convention.

The Conference went on to propose that the Childbirth Convention should be supplemented in two respects.

In the first place it proposed that the rights and benefits conferred by the Childbirth Convention should be extended to all women working for any employer, including domestic servants and women employed in agricultural undertakings. The intention of the Santiago Conference was that ultimately a series of additional Childbirth Conventions should be adopted by the International Labour Conference, adapted in each case to actual conditions in the principal occupations not covered by the present Childbirth Convention.

In the second place, the Santiago Conference invited the Governing Body to study the possibility and desirability of submitting to the International Labour Conference a draft Recommendation to supplement the Childbirth Convention in regard to the form in which free medical attendance during childbirth should be given.

The conditions in which effect could be given to the resolution of the Santiago Conference on these two points are examined in the report submitted to the Governing Body on the work of the Santiago Conference.

With regard to the question of the payment of maternity benefit, the Santiago Conference enunciated two alternative formulae, both of which are to be regarded as temporary and transitional measures in countries which have not yet established maternity protection by social insurance.

The first formula, based on the stipulation that the payment of benefit should be an obligation on the employer of the woman concerned, is to the effect that the payments to be made during the period of compulsory rest should not be less than fifty per cent. of the actual wages earned by the woman concerned.

It should be noted that it was made clear by the Committee on Women and Children of the Santiago Conference that this proposal is to be regarded as independent of the Convention, and not as an interpretation of it. The following extract from the report of the Committee will make this clear:

"The representative of the Secretary-General observed that, while the Committee was of course perfectly free to adopt any resolution it desired, it was necessary to point out that the proposal of the Employers' representative of Peru should not be regarded as being in conformity with the provisions of Article 3, paragraph (c) of the Childbirth Convention.

The Chairman stated that the proposal was to be regarded as a temporary and transitional measure, in countries which had not yet established maternity protection by social insurance.

After full discussion, the Committee agreed that the proposal of the Employers' delegate of Peru should not be considered as an interpretation of the terms of Article 3, paragraph (c), of the Childbirth Convention."

It will, in fact, be recalled that the Childbirth Convention, in Article 3, paragraph (c), stipulates that the benefits to be paid six weeks before and six weeks after confinement are to be provided (not directly by the employer but) either out of public funds or by means of a system of insurance. It follows, therefore, that a State ratifying this Convention would place itself in

1 See above, pp. 95-96.
contradiction with it if it maintained or introduced in its national legislation the application of the principle indicated in the resolution.

The second formula, based on the stipulation that the cost is to be met by mutual aid funds, is to the effect that expectant mothers should receive their full wages, whatever the nature of their work or employment, for at least six weeks before and six weeks after childbirth. Infants should be entitled to medical attendance, also provided by the mutual aid funds, for at least the first year of life, and in addition during the same period, a mother's allowance amounting to at least 50 per cent. of wages, should be paid. This formula, like the former one, is to be regarded as independent of the Childbirth Convention. In both cases the formulae are intended to meet a temporary situation in countries in which social insurance is as yet undeveloped.

In regard to the other proposals relating to maternity protection adopted by the Santiago Conference, there is no contradiction between them and the terms of the Childbirth Convention, but they all go beyond that Convention by including specific provisions not therein contained.

5. Labour Inspection.

The Santiago Conference expressed the hope that the American States would give effect to paragraph 12 of the Labour Inspection Recommendation of 1923, which states that the inspectorate "should include women as well as men inspectors" and that the women inspectors should, if they possess the same qualifications, "have the same powers and duties and exercise the same authority as men inspectors" and "have equal opportunity of promotion to the higher ranks". The Conference further urged that the inspection of the work of women should be carried out by properly qualified women. There is no contradiction between this resolution and the Labour Inspection Recommendation of the International Labour Conference.

6. Dangerous and Unhealthy Employment.

The resolution adopted by the Santiago Conference on this subject is completely independent of the decisions of the International Labour Conference. The Recommendation of the International Labour Conference concerning the protection of women and children against lead poisoning is intended to secure the exclusion of women from employment, or the establishment of special health precautions for the employment of women, in certain processes, in view of the dangers involved by them to the function of maternity. The same purpose is contemplated by Article 3 of the Convention concerning the use of white lead in painting. Finally, the International Labour Conference adopted the Convention concerning the employment of women in underground work in mines of all kinds.

The resolution of the Santiago Conference contains no reference to these decisions of the International Labour Conference. It is much wider in scope than they, as it covers both the prohibition of the employment of women in unhealthy processes (some of which are dealt with in the decisions of the International Labour Conference referred to above) and also in dangerous industries and those contrary to public morals. There is no contradiction between the resolution of the Santiago Conference on this point and the decisions of the International Labour Conference.

7. Right of Representation.

The Santiago Conference expressed the hope that the American States would bear in mind the provisions of Article 3, paragraph 2 of the Constitution of the International Labour Organisation. There is therefore no contradiction between this resolution and any decision of the International Labour Conference.

8. The other resolutions of the Santiago Conference on conditions of employment of women relate to questions not dealt with by the International Labour Conference.
APPENDIX V.

FIFTH ITEM ON THE AGENDA.

REPORT OF THE COMMITTEE ON AGRICULTURAL WORK.

This question constituted the seventeenth item on the agenda of the Seventy-fourth Session and was adjourned from that session until the present session. It has not been considered necessary to circulate another copy of the note submitted to the last session of the Governing Body.  

1 See appendices to the minutes of the Seventy-fourth Session, pages 165-168.
SIXTH ITEM ON THE AGENDA.

REPORT OF THE COMMITTEE ON WORKERS' SPARE TIME.

This question constituted the eighteenth item on the agenda of the Seventy-fourth Session and was adjourned from that session until the present session. It has not been considered necessary to circulate another copy of the note submitted to the last session of the Governing Body.\textsuperscript{1}

\textsuperscript{1} See appendices to the minutes of the Seventy-fourth Session, page 169.
SEVENTH ITEM ON THE AGENDA.

PRELIMINARY DISCUSSION OF THE QUESTIONS WHICH MIGHT BE PLACED ON THE AGENDA OF THE 1938 SESSION OF THE CONFERENCE.

The Governing Body decided some time ago that it would hold the preliminary discussion on the questions which might be placed on the agenda of the Conference at its April Session, and take the final decision in October. In practice, however, it has been found that although this system presents considerable advantages, especially from the point of view of the more distant countries, there are serious difficulties in fixing the agenda of the Conference so long in advance. In particular, it is difficult to hold a useful preliminary discussion in April when it is known that before the final decision is taken in October, the Conference will have met, and will probably have adopted resolutions proposing questions for the agenda of future sessions, even if it has not definitely placed certain questions on the agenda of the next following session. On the present occasion in particular, moreover, the Governing Body would probably wish to know how the 1936 Session will deal with the questions relating to the reduction of hours of work which are on its agenda, before settling the agenda of a subsequent session.

It is accordingly suggested that the Governing Body should adjourn the preliminary discussion of the agenda of the 1938 Session of the Conference until its October Session. In the meantime, however, it may be desirable to remind the members of the Governing Body of the questions which, so far as can be foreseen, will in any case be on the agenda of the 1938 Session.

In the first place, the question of the planning of public works in relation to employment will presumably come up for second discussion. In the second place, some of the questions relating to the reduction of hours of work in particular industries which the 1937 Session is to consider may be carried over to the 1938 Session. In the third place, it was suggested at the Seventy-fourth Session of the Governing Body that the question of statistics of wages and hours of labour should be submitted to the Conference of Labour Statisticians in 1937 and come before the International Labour Conference in 1938.

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In accordance with the usual practice, members of the Governing Body will find as an appendix to the present note (Annex A) the list of questions which have been proposed for the agenda of the Conference by resolutions of the Conference, members of the Governing Body, Governments or industrial organisations.

ANNEX A.

LIST OF QUESTIONS WHICH HAVE AT VARIOUS TIMES BEEN PROPOSED FOR THE AGENDA OF THE CONFERENCE.

I. Hours of Work.

The following industries have been proposed for consideration with a view to the reduction of hours of work:

(a) Continuous industries: proposed by Mr. Jouhaux at the Sixty-eighth Session.
(b) Manufacture of arms and munitions of war and shipbuilding, whether on State or private account; this was proposed by Mr. Jouhaux at the Sixty-eighth Session.
(c) Transport; this was proposed by Mr. Jouhaux at the Sixty-eighth Session.
(d) Public utility services (water, gas, electricity, etc.): this was proposed by Mr. Jouhaux at the Sixty-eighth Session.

(e) Glassworks: this was proposed by Mr. Jouhaux at the Sixty-eighth Session. The glass bottle industry was dealt with at the 1935 Session of the Conference.

The Committee on the Reduction of Hours of Work at the Nineteenth Session of the Conference referred to the Office a resolution suggesting that the Committee on Glass Works should be invited to examine the possibility of extending as soon as possible by means of an international Convention the reduction of hours of work to those branches of the glass industry or categories of persons employed in that industry which have not so far been dealt with.

(f) Mines; this was proposed by Mr. Jouhaux at the Sixty-eighth Session. The coal mining industry has already been selected for consideration in 1936.

(g) Wood trades; this was proposed by a letter from the International Federation of Building and Wood Workers dated 11 January 1935.

(h) Engineering, metal and blast furnace industries; this was proposed by a letter from the International Metal Workers' Federation, dated 13 September 1934. The iron and steel industry has already been selected for consideration at the 1936 Session of the Conference.

(i) Watch and clock industry; this was proposed by Mr. Schürch at the Sixty-ninth Session of the Governing Body.

2. Hours of work of persons employed in a confidential or supervisory capacity.

At the Fourteenth Session of the Conference, Mr. Koscinski, Polish workers' adviser, pointed out the necessity for undertaking the appropriate studies with a view to placing on the agenda of a future session of the Conference the question of hours of work of persons employed in a confidential or supervisory capacity, who are not covered by any Convention.

3. Other proposals relating to hours of work.

Proposals relating to hours of work in agriculture, shop closing hours, hours of work in hospitals, asylums, etc., and men working in inland steamer services are mentioned under other headings.

II. Industrial Relations.


The Eleventh Session of the International Labour Conference adopted a resolution submitted by Mr. Acevedo, Argentine Government delegate, requesting the Governing Body to continue to collect all the facts or expressions of opinion which will enable it to follow the evolution of ideas of freedom of association, and finally to consider in what form it might be possible, with the chance of success, to place the question upon the agenda of an early session of the Conference.

The Fourteenth Session of the Conference adopted a resolution moved by Mr. Bunji Suzuki, Japanese workers' delegate, proposing that this question should be placed on the agenda of an early session of the Conference.

The Fifteenth Session of the Conference adopted a resolution moved by Mr. Kawamura, Japanese workers' delegate, proposing that this question should be placed on the agenda of the Conference in as short a time as possible.

The Committee on Freedom of Association set up by the Governing Body, at its meeting of October 1932, proposed that the question should be placed on the agenda of an early session of the Conference, if possible that of 1935.

The Nineteenth Session of the Conference adopted a resolution requesting the Governing Body to consider the desirability of placing on the agenda of one of its early sessions the question of the workers' right of association in order to prevent the dismissal of or imposition of unfair treatment on workers on account of their joining or receiving help from trade unions.

2. The settlement of collective labour disputes.

The Tenth Session of the International Labour Conference adopted a resolution moved by Mr. de Michelis requesting the Governing Body to consider the possibility of placing this question on the agenda of an early session of the Conference.

Lord Burnham, President of the Ninth Session of the Conference, suggested, without making any formal proposal, that the Conference should at some time deal with the question of compulsory arbitration in industry.

3. Works Councils.

This subject was proposed by the German Government representative at the Twenty-fifth Session of the Governing Body.
4. General principles of contracts of employment.

The Tenth Session of the Conference adopted a resolution submitted by Mr. de Michelis asking the Governing Body to consider the possibility of placing this question on the agenda of an early session of the Conference.

The question was also proposed by Mr. Saavedra Aguero at the meeting of oversea delegates held during the Seventeenth Session of the Conference.

5. Labour Courts.

This question was proposed by Mr. Saavedra Aguero at the meeting of oversea delegates held during the Seventeenth Session of the Conference.

6. Factory inspection.

The Regional Conference of representatives of labour inspection services (The Hague, October 1935) proposed the question of the duties, the powers and the organisation of factory inspection services, with a view to the adoption of a Draft Convention on the subject.

7. Free legal aid services for wage-earners.

The Santiago Conference (1936) adopted a resolution concerning the desirability of drawing up a Draft Recommendation respecting the establishment of public services for giving legal advice to, and assuming the legal defence free of charge of the wage-earners.

III. Industrial Health and Safety.

1. Anthrax.

Various subjects relating to anthrax were proposed for future consideration in the Report of the Anthrax Committee of the 1923 Conference.

2. Special hygiene measures to be adopted in the haircutting processes for the manufacture of felt hats (prevention of mercury poisoning).

This subject was proposed by the French Government and considered by the Governing Body at its Seventeenth Session.

3. Prohibition of the employment of women and children on certain work in the glass industry.

This was also proposed by the French Government and considered by the Governing Body at its Seventeenth Session.

4. Protection of workers engaged in the manufacture and use of celluloid.

This was proposed by the German Government.

5. Health and safety in the cinema industry.

This question was suggested by the French Government, together with that of the employment of children in the cinema industry, in a letter dated February 1926.

6. Safety questions connected with the electrification of railways.

A letter dated 20 October 1926 from the International Transport Workers' Federation forwarded a resolution adopted by the Paris Congress suggesting that the question of the electrification of railways and the problems relating thereto, so far as they relate to the safety of traffic and the interests of railwaymen, should be placed on the agenda of the Conference.

7. Protection against accidents of workers employed in electrical industries.

The Fifteenth Session of the Conference adopted a resolution suggesting that this question should be placed on the agenda of the Conference.

8. Limitation of loads to be handled by workers.

This question was considered at the Eleventh Session of the Conference by the General Committee on Accident Prevention, which considered that the information on the subject at present available was insufficient, and recommended that the subject should be referred to the Governing Body for further examination.
9. **Additions to the schedule appended to the 1925 Convention.**

A resolution adopted by the Eighteenth Session of the Conference (1934) proposed that the following additions to the schedule appended to the 1925 Convention concerning workmen’s compensation for occupational diseases should be placed on the agenda of the 1935 Conference:

- **Ankylostomiasis**
- **Poisoning by carbon disulphide or its sequelae.**
- **Work in mines, tunnels or galleries and in brick kilns.**
- **Any process of manufacture involving the use of carbon disulphide or its preparations or compounds.**

Such other occupational diseases as may be considered advisable.

The Correspondence Committee on Industrial Hygiene, at its Ninth Session (October 1935) proposed that skin diseases of occupational origin produced by the action of the following substances should be added to the schedule:

- **Cements.**
- **Mineral oils.**
- **Turpentine and its substitutes.**
- **Varnishes and lacquers.**
- **Alkalis with caustic or irritant acid.**
- **Poisonous woods.**
- **Persulphate or perborate of ammonium.**

The Committee further proposed the addition of the following diseases:

- **Asbestosis with or without pulmonary tuberculosis provided that asbestosis is an essential factor in causing the resultant incapacity or death.**
- **Poisoning by carbon disulphide or its sequelae.**
- **Industries or processes recognised under national law or regulations as involving exposure to the risk of asbestosis.**
- **Ulcration due to chrome or its sequelae.**
- **Any process involving the manufacture, handling or use of chromic acid or bichromates of ammonium, potassium or sodium or their preparations.**
- **Ulcration due to arsenical compounds or its sequelae.**
- **Any process involving the manufacture, handling or use of arsenical compounds, or their preparations.**
- **Poisoning by manganese or its sequelae.**
- **Any process involving the handling or use of manganese, its compounds or substances containing it.**

10. **Caisson work.**

The Correspondence Committee on Industrial Hygiene, at its Ninth Session (October 1935), suggested the drawing up of a Draft Convention comprising the essential principles which should serve as a basis for protective legislation for caisson work.

11. **Prohibition of the use of enamels with a lead salt basis in the industry of enamelling on metal.**

This question was proposed by Mr. Loucheur, French Minister of Labour, in a letter dated 29 May 1929.

IV. **Migration.**

1. **Equality of treatment for national and foreign workers.**

The general question of equality of treatment for national and foreign workers was proposed by the Office and considered at the Seventeenth Session of the Governing Body. It was decided only to deal with equality of treatment as regards compensation for accidents. At the Thirty-third Session the French Government representative proposed the subject of equality of treatment as regards wages and working conditions.
The question was again proposed in a resolution moved by Mr. Chi Yung Hsiao and Mr. Scié Ton-Fa, Chinese Government delegates, and adopted at the Seventeenth Session of the Conference. The Migration Committee of the Governing Body, at its session of January 1934, expressed the opinion that it was desirable to adopt further Conventions concerning the equality of treatment of foreign and national workers on the various aspects of labour protection.

2. Recruiting and placing of migrant workers.

The Migration Committee of the Governing Body, at its session of January 1934, proposed the question of recruiting and placing of migrant workers. The Governing Body decided at its Sixty-ninth Session that a report on this question, dealing also with the living and working conditions of migrant workers, should be submitted to the Conference at its 1936 Session.

3. Protection of foreign workers.

A letter received from the Vienna Chamber of Labour in July 1926 suggested that the Conference should adopt a Draft Convention instituting a model agreement for foreign workers and establishing minimum rights as regards social insurance, protection, equality of treatment, etc.

4. Agreements between States for control of emigration and immigration.

This question was raised by a resolution adopted at the 1922 Session of the Conference and considered by the Governing Body at its Seventeenth Session.

5. Migration treaties.

The Santiago Conference (1936) proposed that the question of migration should be placed on the agenda of the Conference with a view to the adoption of a Draft Convention or Recommendation containing fundamental principles for the conclusion of bilateral or multilateral treaties between European and American countries concerning migration, colonisation and labour.

6. Protection of emigrant women and children.

This question was also raised by a resolution adopted by the 1922 Session of the Conference and considered by the Governing Body at its Seventeenth Session.


This question was proposed for the agenda of a very early session of the Conference, if possible 1931, in a resolution moved by Mr. Ma Cheu Chun, Chinese workers' delegate, and adopted by the Twelfth Session of the Conference.

V. Women, Children and Young Persons.

1. Factory work of married women.

This question was suggested by a letter from the International Federation of Christian Trade Unions communicating a resolution adopted by the Congress of the International Federation of Christian Trade Unions of Textile Workers in 1926.

2. Free medical attendance during childbirth.

The Santiago Conference (1936) asked the Governing Body to study the possibility and desirability of submitting to the International Labour Conference a draft Recommendation to supplement the Convention of 1919 in regard to the form in which free medical attendance during childbirth should be given.

3. Employment of children in the cinema industry.

This question was suggested by the French Government, together with that of health and safety in the cinema industry, in a letter dated February 1926.


The Santiago Conference (1936) asked the Governing Body to examine the question of the compulsory medical examination of children and young persons as a condition for employment in industry, with a view to placing the question on the agenda of an early session of the Conference.
5. Holiday camps for working children.

The Santiago Conference (1936) invited the Governing Body, at such time as it thought fit, to place on the agenda of a session of the Conference the question of studying the means to be adopted and the conditions to be fulfilled for the establishment of holiday camps for working children.

VI. Agriculture.

1. Wages of agricultural workers (minimum wages).

This subject was proposed by the National Labour Office of Uruguay in January 1923 and considered by the Governing Body at its Eighteenth Session.

2. Hours of work in agriculture.

This question was raised in a resolution adopted by the 1921 Conference. The Tripartite Preparatory Conference on the reduction of hours of work referred to the Office a draft resolution on hours of work in agriculture, adopted by the workers' group of the Conference.

3. Collective bargaining in agriculture.

The Eleventh Session of the International Labour Conference adopted a resolution submitted by Mr. Müller, German workers' delegate, requesting the Office to undertake an enquiry into existing systems of collective bargaining in agriculture, to form the basis of a discussion at an early session of the Conference. The report on this enquiry was submitted to the Conference at its Seventeenth Session. The Committee set up by the Conference to discuss the question proposed that the Governing Body should be invited to examine the possibility of placing this item on the agenda of a future session of the Conference.

4. Holidays with pay in agriculture.

The Nineteenth Session of the Conference adopted a resolution requesting the Governing Body to place the question of holidays with pay in agriculture on the agenda of the next session of the Conference.

5. Protection before and after childbirth for women wage-earners in agriculture.

The Committee on Agricultural Work, at its meeting in February 1936, asked that the Office should study the specifically agricultural aspects of the problem of the protection before and after childbirth of women employed in agriculture, and when its studies are completed, lay before the Governing Body the question of placing the problem on the agenda of the Conference with a view to the adoption of a Draft Convention.

VII. Maritime Questions and Inland Navigation.

1. Articles of agreement in the deep sea fishing industry.

The Ninth Session of the Conference adopted a resolution requesting the Governing Body to place the question of articles of agreement for the deep sea fishing industry, as well as for other forms of navigation excluded from the Draft Convention on articles of agreement, on the agenda of an early session of the International Labour Conference.


At the 1921 Session of the Conference Mr. Ken Okasaki, adviser to the Japanese workers' delegation, proposed that this question should be placed on the agenda of an early session of the Conference. The proposal was referred to the Joint Maritime Commission, which decided at its Fourth Session in September 1924 that as the 1925 Session of the Conference was to consider the question of social insurance for all other employed persons, the consideration of the question as affecting seamen should be reserved until the reports of the deliberations of the 1925 Conference were available.

3. Eight hours' duty for men working in inland steamer services in India as well as in other countries.

This question was proposed by the Bengal Mariners' Union (Calcutta) in a letter dated 27 August 1929.
4. Seamen in Asiatic countries.

The Thirteenth Session of the Conference adopted a resolution moved by Mr. Liang, Chinese workers’ delegate and by Mr. Daud, Indian workers’ delegate, asking the Governing Body to consider whether the question of the conditions of life and labour of seamen in Asiatic countries could be placed on the agenda of an early session of the Conference.

5. Limitation of hours of work in inland navigation.

The Thirteenth Session of the Conference adopted a resolution moved by Mr. Daud, Indian workers’ delegate, requesting the Governing Body to place this question on the agenda of an early session of the Conference.

VIII. Other Special Classes of Workers.

Professional Workers.

1. Rights of performers in broadcasting.

The Advisory Committee on Professional Workers, at its meeting in November 1933, proposed the question of the rights of performers in connection with broadcasting and other systems of reproducing sounds and images.

The Fourth International Theatrical Congress in 1930 adopted a resolution asking the International Labour Office to study a draft international convention for the defence of the personal and material rights of performers in connection with the reproduction of performances by mechanical or electrical means, by wireless, or otherwise. Similar requests have been made by other organisations representing artistic performers.

Salaried Employees.

1. Legal protection of salaried employees in commerce and industry (termination of contract of service).

This question was suggested in a letter from the International Federation of Commercial, Clerical and Technical Employees dated 15 October 1926.

2. Remuneration of hotel and restaurant employees.

This question is mentioned in a letter from the International Union of Hotel, Restaurant, and Bar Workers, dated 9 July 1929, which was forwarded to the Office by Mr. Arthur Fontaine.

A similar letter was sent to the Office by the Austrian Central Union of Hotel, Restaurant and Bar Workers.

3. Sunday rest for salaried employees.

The Advisory Committee on Salaried Employees, at its session of March 1933, adopted a resolution proposing this question.

4. Shop closing hours.

This question was proposed by the Advisory Committee on Salaried Employees at its meeting in March 1933.

5. Hours of work in hospitals, asylums, etc.

The Fédération des Services de Santé, Paris, in a letter dated 16 May 1933, asked that the question of hours of work for employees in hospitals, asylums, etc. should be placed on the agenda.


The Advisory Committee on Salaried Employees, at its meeting in April 1935, suggested that the question of the exchange of young workers might form the subject of an international Draft Convention which would lay down guiding principles for bilateral agreements by which States would regulate the international exchange of young workers.

Coal Mines.

1. Unemployment among Miners.

This question was proposed for a forthcoming session of the Conference, preferably the 1930 Session, in a resolution submitted by the Committee on Unemployment, and adopted by the Twelfth Session of the Conference.
2. Other questions relating to coal mines.

The Preparatory Technical Conference on Coal Mines proposed that the questions of annual holidays with pay for workers, the minimum age for admission to underground work in coal mines, invalidity, old age and survivors' insurance, and the maintenance of the right to a pension for workers proceeding from one country to another should be placed on the agenda of the Conference, with particular reference to the situation and needs of mine workers. These questions have already been dealt with in relation to industry in general.

Native Labour.

Native labour contracts of employment.

In a resolution submitted by the Conference Committee on Forced Labour of the Twelfth Session of the Conference, and adopted by the Conference, the Office was asked to study all other cases of compulsion to labour, in addition to forced labour, with a view to the question of their complete abolition being placed on the agenda of a forthcoming session. The workers' group at the Fourteenth Session of the Conference stated that it intended to propose, in connection with this resolution, that the question of long term contract labour should be studied with a view to its being placed on the agenda.

The question of Native labour contracts was again raised at the Sixteenth Session of the Conference, which adopted a resolution asking the Governing Body to consider the desirability of placing on the agenda of a very early session of the Conference the questions of the methods and conditions of recruiting labour and of the terms of labour contracts, the breaking of which involves penal sanctions. The regulation of recruiting was considered, in first discussion, by the Nineteenth Session of the Conference, and the question is on the agenda of the Twentieth Session for the second discussion.

At its Nineteenth Session, the Conference adopted a resolution requesting the Governing Body to examine the desirability of placing on the agenda of the 1937 Session of the Conference the question of the regulation of written contracts of employment. The question was retained by the Governing Body at its Seventy-third Session (October 1935) for possible inscription on the agenda of the 1937 Conference under the title "Regulation of certain special types of contracts of employment". It was, however, eliminated when the agenda was definitively fixed in February 1936.

Working conditions of dockers.

This question was proposed by the German Government at the Seventeenth Session of the Governing Body.

Conditions of work in air transport.

The Thirteenth Session of the Conference adopted a resolution moved by Mr. de Michelis, Italian Government delegate, proposing that the question of the safety and living, training and working conditions of workers in air transport should be studied with a view to its inclusion in the agenda of a session of the Conference.

Conditions of work of professional chauffeurs.

A letter from the International Federation of Christian Trade Unions of Transport Workers, dated 17 June 1926, communicated a resolution adopted by the Executive requesting the Office to consider certain proposals for the protection of professional chauffeurs with a view to their being placed on the agenda of the Conference in the near future.

IX. Other Questions.

1. Apprenticeship and Vocational and Technical Education.

The 1925 Session of the Conference adopted a resolution moved by Mr. Mertens, requesting the Governing Body to instruct the Office to undertake the necessary preliminary work with a view to the possible discussion of the question of apprenticeship and vocational and technical education at one of the next following sessions of the International Labour Conference.

A resolution adopted by the 1935 Session of the Conference on the proposal of the Committee on unemployment among young persons proposed that the Governing Body should consider the desirability of placing the question of vocational guidance, apprenticeship and technical education of young workers on the agenda of an early session of the Conference.
2. Housing and living-in conditions of workers.

The Eleventh Session of the International Labour Conference adopted a resolution submitted by Mr. Chaman Lall, Indian workers' delegate, proposing the question of industrial housing and general living-in conditions of the workers, for the agenda of an early session of the Conference.

A resolution adopted by the Conference at its Sixteenth Session on the proposal of Mr. Nishio, Japanese workers' delegate, asked the Governing Body to consider the desirability of placing the question of workers' housing on the agenda of an early session of the Conference.


The Fourth International Conference of Labour Statisticians in May 1931 proposed that a question relating to the communication of the necessary information for international comparisons of wages and cost of living should be placed on the agenda of a future session of the Conference.

4. Statistics of wages and hours of labour.

The Committee of Statistical Experts, at its meeting in December 1935, proposed this question for the agenda of the 1938 Session of the Conference.

5. Cost of living enquiries.

The Santiago Conference (1936) suggested the adoption of a Draft Convention by which States Members would undertake to carry out simultaneously every five or ten years enquiries concerning the cost of living.

6. Exchange of cinema films of an educational character between States.

This question was suggested by Mr. de Michelis, Italian Government delegate, in a letter dated 11 August 1926.

7. Minimum standard of protection for the workers.

Mr. de Michelis, in a letter dated 19 April 1934, suggested the establishment of a general Convention by which States would undertake to provide, by means of common legislative or contractual measures, a minimum standard of protection for those workers who, for whatever reasons, are not covered by international Conventions.

8. Popular nutrition.

The Santiago Conference (1936) proposed this question.


The Santiago Conference (1936) proposed the question of the revision of Convention No. 14 and Recommendation No. 18 concerning the application of the weekly rest, so as to make the weekly rest comprise a minimum period of 36 consecutive hours instead of 24.

10. Minimum wages and family allowances.

The Santiago Conference (1936) proposed the question of the minimum wage and family allowances, to be considered primarily from the point of view of their adequacy to meet the essential needs of the worker and his family, these being taken to include food, clothing, housing and general and vocational education, rest and cultural recreation.


The Santiago Conference (1936) suggested that a preliminary enquiry should be undertaken with a view to placing on the agenda of the Conference a proposal that Members of the Organisation should take effective action to establish in each country the administrative, technical and research bodies specially necessary for the proper application of the Conventions approved and of labour law in general, such as special Ministries, superior labour councils attached thereto with representation of the State, employers and workers, autonomous inspection services with adequate powers and special tribunals.

12. Truck system.

The Santiago Conference (1936) suggested that the Office should be instructed to prepare a draft text for a Draft Convention or Recommendation concerning the truck system, special account being taken of the peculiar needs of the American Continent.
APPENDIX VIII.

EIGHTH ITEM ON THE AGENDA.

STUDY BY THE OFFICE AND REPORT TO THE GOVERNING BODY ON THE STEPS TO BE TAKEN FOR THE PROTECTIVE INTERNATIONAL REGULATION OF THE CONDITIONS OF EMPLOYMENT, WORK, SAFETY AND SOCIAL WELFARE OF WAGE-EARNERS EMPLOYED IN ROAD MOTOR TRANSPORT (Mr. de Michelis' proposal).

This question constituted the twenty-second item on the agenda of the Seventy-fourth Session and was adjourned from that session until the present session. It has not been considered necessary to circulate another copy of the note submitted to the last session of the Governing Body.¹

¹ See appendices to the minutes of the Seventy-third Session, pages 468-473, and Seventy-fourth Session, page 180.
APPENDIX IX.

NINTH ITEM ON THE AGENDA.

REPORT OF THE OFFICE ON QUESTIONS RELATIVE TO THE PREPARATION OF THE WORK OF THE CONFERENCE IN REGARD TO THE REDUCTION OF HOURS OF WORK IN PRINTING AND KINDRED TRADES AND IN THE CHEMICAL INDUSTRY.

The Governing Body decided, at its Seventy-fourth Session, that the Office should submit to it at its Seventy-fifth Session a report on questions relating to the preparation of the work of the Conference in regard to the reduction of hours of work in printing and kindred trades, and in the chemical industry.

The first question to be discussed relates to methods by which technical advice could be obtained in connection with the preparatory work for the Conference on the reduction of hours of work in these two industries.

Technical advice on the reduction of hours of work in the chemical and printing industries could be obtained either through a preparatory technical tripartite meeting or by a consultation of experts chosen by the Director in agreement with Governments and with employers' and workers' organisations. Both methods have in the past been adopted by the Governing Body.

The method of the preparatory technical tripartite meeting has been used, among others, in the case of the 1930 Preparatory Technical Conference on Conditions of Labour in the Coal-Mining Industry, the 1933 Preparatory Tripartite Conference on the Reduction of Hours of Work and the 1935 Preparatory Technical Tripartite Meeting of the principal maritime countries. All these meetings undoubtedly produced useful results.

The other method, the consultation of experts chosen by the Director in agreement with Governments and with employers' and workers' organisations, was adopted, in accordance with a decision of the Governing Body at its Seventy-third Session, in the case of the reduction of hours of work in the textile industry. This consultation took place in February 1936, and also proved very useful.

Which, if either, of these two methods should be adopted in the case of the reduction of hours of work in the chemical industry and the reduction of hours of work in the printing and kindred trades?

In the case of the chemical industry, the preparatory work for the Conference will be rendered particularly difficult, as the Office pointed out in the law and practice report submitted to the Governing Body at its last session, owing to uncertainty as to the definition and scope of the chemical industry.

From the strictly technical point of view, the chemical industry includes all industries and branches of industries engaged essentially in a process of chemical transformation. Regarded from this point of view, it covers a very wide field and includes very numerous branches. It comprises a large number of industries which vary widely in character, though they are generally interconnected.

Some of these branches have become completely independent industries; this applies to the metal industry, the manufacture of lime, cement, plaster, tiles, bricks, pottery, glass, paper, etc. Other branches are regarded in some countries as still belonging to the chemical industry, while in others they are independent industries, and in others again they are attached to other manufacturing industries; this applies in particular to the manufacture of artificial silk thread. Certain chemical industries are also closely bound up with industries for the extraction of minerals, such as potash, phosphates and oil industries, while others are connected with manufacturing industries, such as the rubber, metal alloys and electro-chemical industries. Further, there are some industries which are not, strictly speaking, chemical industries but are closely bound up with them, such as the manufacture of mineral dyes, ink, pencils, matches, linoleum, celluloid and plastic substances, etc. These may be called quasi-chemical industries.

It is therefore extremely difficult to arrive at a satisfactory definition of the scope of the chemical industry. A definition of the scope of the industry can only be reached by giving a list of industries or processes, and such a list cannot have more than an empirical and conventional value. For this reason the scope of the chemical industry varies in different countries. It is thus clear that any definition of the scope of the chemical industry for international purposes.
must show what industries are covered. In establishing such a definition, account must be taken of the existence of those industries which, though from the technical point of view based on a chemical process or making use of chemical products, are nevertheless attached to other manufacturing industries or are regarded as independent industries in certain countries.

Further, a study of the scope of application of national legislation concerning hours of work gives little or no help in arriving at a definition of the scope of the chemical industry. Most of the laws in question relate to industry in general and do not concern themselves with the definition of the chemical industry. Some of them contain special provisions relating, not to the chemical industry as a whole, but to specified chemical industries, and in this case they confine themselves to giving a list of the industries to which they refer. In the United States, the various branches of the chemical industry were dealt with separately in some thirty different codes. Of those countries which possess regulations relating specially to the chemical industry, France is the only one to apply it to the chemical industry as a whole.

In the law and practice reports submitted to the Governing Body, the Office discussed in some detail, it will be remembered, the methods to be adopted for reaching a definition, for the purposes of international regulation, of the chemical industry: and it concluded that it would be necessary to draw up a list of industries to be taken, for the purposes of international regulation, to constitute the chemical industry.

But a further question is involved, to which attention was also drawn in the law and practice report. Should the proposed international regulations cover the chemical industry as a whole or only that part of it generally known as the heavy chemical industry? And if they are to be limited to the heavy chemical industry, how is the scope of the heavy chemical industry to be defined?

In addition to the difficulties involved in the delimitation of the scope of the industry, a number of problems in the regulation of hours of work in the chemical industry give rise to special difficulty. Some of these problems, such as those relating to continuous work, work which exceeds the length of a normal shift, and unhealthy and dangerous work, are of relatively greater importance in the chemical industry than in most other industries.

In view of all these difficulties, the Office would venture to suggest to the Governing Body the desirability of convening a preparatory technical tripartite meeting on the reduction of hours of work in the chemical industry.

The discussions in such a meeting, at which there would be an opportunity for technical representatives of Governments, employers and workers to state their views, would enable the question to be brought before the Conference in 1937 with the best chance of reaching a successful issue.

If the Governing Body decides to convene such a preparatory meeting, it might be held in Geneva in December 1936 or in January 1937.

In accordance with the precedent already established, it would be possible to limit by the application of a statistical index the number of States Members invited to the meeting.

It is suggested that the number of wage-earners employed in the industry might be taken as the basis of this statistical determination, and that all States Members in which the chemical industry employs over 40,000 wage-earners might be invited. If the Governing Body agrees to this proposal, the following eight countries would be invited: Belgium, France, Great Britain, Italy, Japan, Poland, U. S. A., U. S. S. R.

Each Government invited might be asked to send three representatives, i.e., one for the Government, one for the employers and one for the workers, and might be informed that these representatives could be accompanied by advisers, who would have the right to speak but not to vote. The Governing Body might also decide, if it so desired, to be represented at the meeting.

The case of the printing and kindred trades is rather different from that of the chemical industry. In this case, no serious difficulties are likely to emerge in the delimitation of the scope of the industry, which is generally agreed to cover the three branches of printing, engraving and binding. Within these three branches of the industry certain differences in respect of regulation exist from country to country (for example, separate collective agreements are often concluded to apply to the special conditions in newspaper printing), but these differences are within the particular branches of the industry, and there would be little difficulty in defining, for the purposes of international regulation, the scope of the industry as a whole.

Further, while it is true that the conditions of work in this industry have required in certain countries the making of special regulations for hours of work of workers employed on night shifts, and on arduous or unhealthy work, and while special provisions have had to be made for the exceptional pressure of work which is so characteristic a feature of this industry, yet on the whole questions involved in the detailed regulation of hours of work in the various branches of the industry do not present technical problems on which it would be indispensable to secure preparatory technical discussion.

Although it would no doubt be useful to be able to obtain the technically qualified opinion of representatives of Governments, employers and workers in this industry, the question must
be considered whether Governments would be prepared, within a short space of time, to attend two preparatory technical tripartite meetings.

In these circumstances, and in view of the fact that the need for such a meeting is undoubtedly less in the case of the printing and kindred trades than in the case of the chemical industry, the Governing Body may no doubt consider it best not to convene such a meeting for the printing and kindred trades. In the case of this industry, therefore, the Office would continue the preparation of the Conference in the usual way, and would of course endeavour to obtain by correspondence or otherwise all the technical assistance which may prove to be necessary.

2. The Governing Body will also be called upon to take a decision on the question whether to instruct the Office to prepare grey reports on these two items, in accordance with the usual double-discussion procedure, or grey-blue reports, in accordance with the precedent established in the case of the other industries selected for application of the reduction of hours of work.
APPENDIX X.

TENTH ITEM ON THE AGENDA.

REPORT OF THE FINANCE COMMITTEE.

The Report of the Finance Committee, which was considered by the Governing Body in private, is printed separately as an appendix to the minutes of the Fourth Sitting.
APPENDIX XI.

ELEVENTH ITEM ON THE AGENDA.

THE DIRECTOR’S REPORT.

The period which has elapsed since the last session of the Governing Body is shorter than usual. The Office has been engaged during that period mainly in the preparatory work for the two sessions of the Conference which are to be held in 1936, and in carrying out the decisions taken by the Governing Body at its Seventy-fourth Session.

Obituaries.

Members of the Governing Body will be sorry to hear of the death, on 17 February 1936, of Mr. Corneille de Tolnay, Under-Secretary of State and formerly Chairman of the Royal Railways of Hungary. Mr. de Tolnay attended the International Labour Conference from 1922 to 1929 as employers’ delegate of his country. His wide culture and technical knowledge made him a valued member of the Committee on Automatic Coupling.

The Director also regrets to inform the Governing Body of the death, on 26 March 1936, of Mr. Biondi, Professor at the University of Sienna. Professor Biondi was one of the pioneers of industrial medicine in Italy. He attained a great reputation by his work on industrial pathology, especially lead and mercury poisoning, as well as on all medico-legal problems relating to industrial accidents and occupational diseases. His work on the Correspondence Committee on Industrial Hygiene, and the help which he gave in the drafting of various publications of the Office, were much appreciated.

The staff of the Office has also suffered a loss by the death of Mr. Domerego, supervisor of household services. Mr. Domerego, who had been a member of the staff since 1922, will be deeply regretted by all his colleagues.

International Labour Legislation.

The following is the official information concerning the ratification of Conventions which has reached the Office since the Seventy-fourth Session of the Governing Body.

Ratifications registered.

<table>
<thead>
<tr>
<th>Country</th>
<th>Convention</th>
<th>Date of Adoption of Convention</th>
<th>Date of Registration by the Secretariat of the League</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>No. 5, Minimum Age (Industry)</td>
<td>1919</td>
<td>26.2.36</td>
</tr>
<tr>
<td></td>
<td>No. 33, Minimum Age (Non-Industrial Employment)</td>
<td>1932</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. 42, Occupational Diseases (Revised)</td>
<td>1934</td>
<td></td>
</tr>
<tr>
<td>Cuba</td>
<td>No. 26, Minimum Wage-Fixing Machinery</td>
<td>1928</td>
<td>24.2.36</td>
</tr>
<tr>
<td></td>
<td>No. 30, Hours of Work, Commerce and Offices</td>
<td>1930</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. 33, Minimum Age (Non-Industrial Employment)</td>
<td>1932</td>
<td></td>
</tr>
</tbody>
</table>

The number of ratifications registered is now 689.

Ratifications authorised.

In Brazil both Chambers of Parliament have approved a Government proposal for the ratification of Conventions No. 7, Minimum Age (Sea), 1920; No. 16, Medical Examination of Young Persons (Sea), 1921; No. 41, Night Work (Women) (Revised), 1934.

The Executive Council in the Union of South Africa decided on 6 February 1936 to ratify Convention No. 45, Underground Work (Women), 1935.

Ratifications recommended.

The French Government submitted to the Chamber of Deputies on 27 February 1936 a Bill for the ratification of Convention No. 43, Sheet-Glass Works, 1934. In the explanatory note to this Bill the Government reminded the Chamber that Bills had already been submitted to it on 26 December 1935 for the ratification of Conventions No. 41, Night Work (Women) (Revised), 1934; No. 45, Underground Work (Women), 1935, and No. 49, Reduction of Hours of Work (Glass-Bottle Works), 1935, and also a Bill to introduce in the Labour Code special provisions dealing
with automatic sheet-glass works and glass-bottle works. The Government also submitted to
Parliament, for information, the other Conventions adopted by the Conference at its Eighteenth
and Nineteenth Sessions (1934-1935) 1.

A Bill for the ratification of Convention No. 29, Forced Labour, 1930, was submitted to the
French Senate on 10 March 1936.

In Great Britain, in a Command Paper presented by the Minister of Labour to Parliament
in January 1936 the Government stated that it proposed to communicate to the Secretary-General
of the League of Nations the formal ratification of Conventions No. 42, Occupational Diseases
(Revised), and No. 44, Unemployment Provision, 1934.

In reply to a question in the House of Commons on 26 March 1936, the British Minister of
Labour stated that the Government proposed to ratify Conventions Nos. 35 to 40, Old-Age,
Invalidity and Survivors' Insurance (Industry, etc. and Agriculture).

The Hungarian Chamber of Deputies adopted on 12 February 1936 a Bill for the ratification
of Convention No. 41, Night Work (Women) (Revised), 1934. In the explanatory note to this
Bill the Government stated that ratification of this Convention would involve amendment of
Act No. V of 1928 on the subject and that a Bill for that purpose would be submitted to Parliament
in due course.

The Norwegian Government submitted to the Storting on 6 March 1936 a proposal for the
ratification of Conventions No. 8, Unemployment Indemnity (Shipwreck), 1920, No. 47, Forty-
Hour Week, 1935, and No. 49, Reduction of Hours of Work (Glass-Bottle Works), 1935.

On 14 March 1936 Bills were submitted to the Polish Diet for the ratification of Conventions
No. 17, Workmen's Compensation (Accidents), 1925, No. 18, Workmen's Compensation (Occupa-
tional Diseases), 1925, and No. 33, Minimum Age (Non-Industrial Employment), 1932.

Other Measures.

In Belgium the Chamber of Representatives adopted on 5 March 1936 a Bill to bring national
legislation (the Act respecting the employment of women and children) into conformity with
Convention No. 41, Night Work (Women) (Revised), 1934.

At its 1935-36 session Bills were submitted to the Danish Parliament to amend, in accordance
with Convention No. 8, Unemployment Indemnity (Shipwreck), 1920, the Seamen's Act of 1 May
1923 and to bring Danish legislation into accordance with Convention No. 9, Placing of Seamen,
1920.

The French Government submitted to the Chamber of Deputies on 27 February 1936 a Bill
to extend compulsory school attendance and to raise the minimum age for admission to employment
in industry and commerce.

In Hungary the Minister of Industry proposed to the Chamber of Deputies on 28 January
1936 that no action should be taken for the present upon Convention No. 43, Sheet-Glass Works,
1934. There was only one automatic sheet-glass works in Hungary which fulfilled the restricted
needs of the country; it worked for only five or six months in the year upon a three-shift system
with a fifty-six hour week. The introduction of the fourth shift which the ratification of the
Convention would involve would lead to certain difficulties (lack of trained labour and shortage
of houses in the neighbourhood of the factory).

Conference.

Preparation of the Twentieth Session.

The Office has been actively engaged in preparing the reports on the various items on the
agenda of the Conference, but the despatch of those reports to Governments has been retarded
by the fact that many of the replies to the questionnaires were not received until long after the
date for which they were requested. Some important replies were only received in March. The
blue report on item 2 (Holidays with Pay) was despatched to Governments at the beginning of
April. The grey-blue report on Item 7 (Reduction of hours of work in the textile industry) will
follow shortly after, as also will the blue reports on Items 1 (Regulation of certain special systems
of recruiting workers), 3, 4, 5 and 6 (Reduction of hours of work on public works, in building
and civil engineering, in iron and steel works, and in coal mines respectively). The grey report
on Item 8 (Safety provisions for workers in building construction) has been circulated to members
of the Governing Body for approval by correspondence in accordance with the decision of the
Governing Body at its last session. With the possible exception of the grey report on Item 8,
all the reports will, it is anticipated, be ready for despatch, if not already despatched, to Govern-
ments by the time the Governing Body meets.

In order to minimise the inconvenience to Governments caused by the late publication of
the blue reports, it was decided to send to them separately and in advance of the reports copies
of the texts of the proposed Draft Conventions which the Office is submitting to the Conference,
in cases where the difference in time was appreciable. A circular letter was addressed to Governments in the first week of April informing them of this arrangement and also notifying them, in accordance with the decisions of the last session of the Governing Body, (a) that a

preliminary report on the nutrition of workers would be submitted to the Conference and (b) that certain proposals for the amendment of the Standing Orders would be made to the Conference by the Governing Body.

**Preparation of the Maritime Session.**

As the Governing Body is aware, the agenda of the next maritime session of the Conference includes the two following groups of questions:

A. 1. Hours of work on board ship and manning;
   2. Holidays with pay for seamen.

These questions, it will be recalled, were the subject of a preliminary examination by the Preparatory Maritime Meeting held in Geneva in November-December last.

B. 1. Protection of seamen in case of sickness, including the treatment of seamen injured on board ship;
   2. Promotion of seamen's welfare in ports;
   3. Minimum requirement of professional capacity in the case of captains and watch-keeping officers on board merchant ships.

These questions were the subject of a first discussion at the Thirteenth (Maritime) Session of the Conference held in October 1929.

In addition, it is possible that the Governing Body at its June Session may decide to place on the agenda of this next maritime Conference the question of the revision of the Minimum Age (Sea) Convention, 1920.

In preparation for the above agenda, two series of measures have already been taken.

In the case of the questions mentioned under (a) the Governing Body at its last session approved the procedure recommended by the Preparatory Maritime Meeting itself for preparing them for the next maritime Conference, viz, that the report of the Preparatory Maritime Meeting should be sent to Governments, that Governments should be asked for their observations on it and more particularly on the "points" specially mentioned in the report, and that on the basis of the report and the observations of Governments the Office should prepare final reports which may contain drafts for Conventions or Recommendations for submission to the Maritime Conference.

The report of the Preparatory Maritime Meeting has accordingly been officially communicated to Governments and Governments have been asked to let the Office have their observations by the first week in May, so as to enable the Office to issue its final reports in sufficient time to allow of due consideration being given to them in the different countries before the delegations leave for the Conference. It is hoped that with this assistance from Governments the final reports can be issued in July.

As these reports will be intended to enable the maritime Conference, if it so desires, to take a final decision on the questions concerned, they will be strictly in the nature of grey-blue reports, but they will not contain the survey of the law and practice which is usually given in grey reports, as this information was given at considerable length in the white reports submitted to the Preparatory Maritime Meeting.

In the case of the questions under (b) no further preparatory work by the Office would seem to be required. As a result of the first discussion held on these questions at the 1929 Conference, questionnaires were circulated to Governments at the end of that year, and on the basis of the Governments' replies thereto a blue report on each question containing drafts for a Convention or Recommendation was issued in 1931 and was circulated to Governments at that time. No doubt certain developments have taken place since 1931 which may affect the final international settlement of these questions, but these would not seem to invalidate as bases of discussion the drafts which were contained in the 1931 blue reports and which are already known to Governments, shipowners and seamen. The Office accordingly proposes to submit these reports without any further preparation to the October Conference.

In the case of the question of the revision of the Minimum Age (Sea) Convention, if the Governing Body decides to place this question on the agenda of the maritime Conference, a blue report in accordance with the usual procedure will be prepared on it as rapidly as possible for circulation to Governments.

It may be added that it would seem desirable to take the opportunity of the next maritime Conference to re-elect the membership of the Joint Maritime Commission. The last election took place in 1926, and since then changes have occurred in the membership of the Organisation which would seem to require that advantage should be taken of this opportunity of reconstituting the Commission.

The letter convening the Maritime Conference and informing Governments of its agenda and other business will be despatched immediately the Governing Body has decided the date of the opening of the Conference.
Date of the Maritime Session.

It is suggested that the maritime session of the Conference which it has been decided to hold in the autumn of 1936 should open on 5 October. This appears to be the most convenient date for the parties concerned.

A difficulty, however, arises in connection with the proposed revision of the Minimum Age (Sea) Convention. The Governing Body decided at its Seventy-fourth Session to open revision procedure in respect of all the four Minimum Age Conventions, and this decision was notified to Governments on 22 February 1936. Under Article 74 of the Standing Orders of the Governing Body, the question of revision cannot actually be placed on the agenda of the Conference until four months later, i.e. 22 June 1936; and under Article 15 of the Constitution, the agenda of the Conference must be sent to Governments four months before the session opens. Thus the revision of the Minimum Age (Sea) Convention cannot be discussed at a session which opens earlier than 22 October 1936.

It is, however, extremely desirable, especially having regard to the views expressed by the Joint Maritime Commission at its meeting in November 1935, that the revision of the Minimum Age (Sea) Convention should be considered as nearly as possible at the same time as that of the other Minimum Age Conventions. If, however, the matter is not dealt with at the maritime session to be held in 1936, it is difficult to foresee when an opportunity for settling it will occur, since several years may elapse before another maritime session is contemplated.

There is one way of overcoming this difficulty which would not appear to give rise to any legal objection. The maritime session of the Conference, the agenda of which has already been fixed, could open on 5 October 1936, and a further maritime session, which would be the Twenty-second Session of the Conference, could be convened for 22 October to deal with the revision of the Minimum Age (Sea) Convention. This second maritime Conference would probably last for quite a short time. If the first maritime Conference (the Twenty-first Session) had not completed its work by 22 October the two sessions could overlap.

If the Governing Body feels able to accept this suggestion, the statutory time limits will be respected, and at the same time all the outstanding maritime questions can be settled in 1936.

Committees.

Committees which have met since the last session.

Several Committees have met since the Seventy-fourth Session of the Governing Body or are meeting in connection with the Seventy-fifth Session. The Committee of Experts on the application of Conventions met on 30 March. The Committee on the periodic reports is to meet on 18 April, the Committee on Freedom of Association on 24 April, and the Officers of the Advisory Committee on Professional Workers on April 25. The reports of all these Committees form items on the agenda of the present session.

It has also been arranged, in agreement with the Officers of the Governing Body, that the Committee on Social Charges is to meet on 23 April to consider the 19 national monographs which are to constitute the second volume of the second edition of the International Survey of Social Services.

It will be remembered that a number of other Committee meetings have already been authorised. The Advisory Committee on Management and the Committee on Agricultural Work will meet on 27 April, and the Sub-Committee on Automatic Coupling on 28 April. In addition a meeting of the Migration Committee has been authorised for the end of 1936.

The reports and records of these meetings will come before the Governing Body at subsequent sessions.

Composition of Committees.

Replacement of Mr. Johanson.—A number of vacancies in Committees and other bodies have been created by the death of Mr. Johanson. He was a member of the following Committees etc.:

Finance Committee;
Standing Orders Committee;
Committee on Social Charges;
Preparatory Sub-Committee on Handicraftsmen;
Unemployment Committee (substitute);
Committee on conditions of work in the iron and steel industry;
Correspondence Committee on Industrial Hygiene;
Representative of the workers' group of the Governing Body on the Consultative Economic Committee of the League of Nations (substitute);
Committee on periodical reports (proposed by the workers' group).

The workers' group is requested to submit nominations to fill these vacancies.
Correspondence Committee on Social Insurance.—The Governing Body decided at its Seventy-fourth Session (February 1936) that it would be represented on this Committee. The three groups are accordingly requested to nominate one representative each to sit on the Committee.

Committee of Experts on Native Labour.—It was agreed at the Seventy-fourth Session of the Governing Body (February 1936) that the Director should report to the Finance Committee at the present session on the expense which would be involved in the representation of the Governing Body on this Committee. After considering the report of the Finance Committee, the Governing Body will be able to decide whether or not it will be represented on this Committee.

Representation of the Governing Body on proposed new Committees.—In the note on the third item on the agenda (Report and proposals of the Office concerning the setting up of the Tripartite Agricultural Committee and effect to be given to the resolution on agricultural work adopted by the Conference at its Nineteenth Session) it is suggested that a Permanent Agricultural Committee should be set up which would include two representatives of each group of the Governing Body. If the Governing Body adopts this proposal, it will be necessary for it to appoint its representatives on the new Committee.

In the report of the Committee on Workers' Spare Time, which forms the sixth item on the agenda, it is suggested that an Advisory Committee of Correspondents on workers' spare time should be set up. A Committee of six members of the Governing Body would also be constituted, and would act as the Officers of the Advisory Committee. If this proposal is adopted, it will be necessary for the Governing Body to appoint its Committee of six members.

Technical Committee on Glass Works.—It is desirable that the vacancies which still exist on this Committee should be filled as soon as possible, as the Governing Body has authorised a meeting in the course of 1936.

Two vacancies exist in the Government group, in the seats formerly occupied by the British and the German experts. It may be recalled that the Government experts now belonging to the Committee are the following:

- Mr. Desvaux (France);
- Mr. Malusardi (Italy);
- Mr. Pokorny (Czecho-Slovakia);
- Mr. Wodon (Belgium).

A vacancy also exists in the employers' group, which has announced its intention of nominating a Belgian expert.

Joint Maritime Commission.—The Governing Body is informed that Mr. Brett (British) shipowners' representative on the Joint Maritime Commission, has resigned for reasons of health, and that the shipowners' group has appointed Mr. Snedden to take his place.

Correspondence Committee on Social Insurance.—In view of the development of social insurance institutions in Argentina, it appears desirable to appoint a certain number of Argentine experts to the Correspondence Committee on Social Insurance. After consulting the Argentine Government, the Director suggests that the following persons should be appointed as members of this Committee:

- Professor Alejandro Unsain, Professor of labour legislation at the Universities of Buenos Aires and La Plata, former President of the National Department of Labour.
- Dr. Daniel Rivera, Chief of service in the National Civil Pensions Fund.
- Professor Argentino V. Acerboni, Professor in the Faculty of Economic Science in the University of Buenos Aires.
- Professor José Gonzalez Galé, Professor of mathematics in the Faculty of Economic Science in the University of Buenos Aires.

In accordance with a proposal made by the Government of Uruguay, it is also suggested that the Governing Body should appoint the following persons as members of the Correspondence Committee on Social Insurance:

- Dr. Eduardo Fonticelli, Assistant Director of the National Institute of Labour.
- Dr. Emilio San Juan, President of the National Pensions Institute of Uruguay.
- Mr. Hugo Hormaeche, Actuary of the State Insurance Bank.

Committee of Experts on the application of Conventions.—The term of office of Mr. Gini (Italian) as a member of this Committee expired on 15 February 1936. The Italian Government representative on the Governing Body has suggested that Professor Perassi, Professor of International Law at the Institute of Economic and Commercial Sciences, Rome, should be appointed in his place. The Director would wish to take this opportunity of expressing his appreciation of the extremely useful work which Mr. Gini has done on this Committee since it was first set up, and his satisfaction at the proposal for the appointment of Professor Perassi, whose knowledge of questions relating to the application of international labour legislation will make him a most valuable member of the Committee.
Sub-Committee on Silicosis of the Correspondence Committee on Industrial Hygiene.—At the Seventy-fourth Session of the Governing Body (February 1936), at the suggestion of Mr. Bramsnaes, the Danish Government’s proposal concerning international co-operation in the study of silicosis was adopted, on the understanding that it would be carried out on the lines laid down by the Correspondence Committee on Industrial Hygiene.

The Office proposes to set up a small Sub-Committee of members of the Correspondence Committee who are experts on silicosis. Its function would be to stimulate the work of the Committees dealing with the question in the various countries, and in particular to collect and circulate all available information on the subject.

The Office considers that, in the early stages at any rate, it would be sufficient to appoint a few experts who are well acquainted with the problem of silicosis. It suggests that the Sub-Committee should consist of the following persons:

Dr. Badham Australia
Dr. Irvine South Africa
Dr. Orenstein
Dr. Russell United States of America
Dr. Gardner
Dr. Middleton Great Britain
Dr. Kettle
Dr. Gudjonsson Denmark

This list includes three persons who are not at present members of the Correspondence Committee on Industrial Hygiene:

Dr. Charles Badham, Medical Officer of Industrial Hygiene, New South Wales Department of Public Health, Sydney.
Professor E. H. Kettle, Professor of Pathology, St. Bartholomew’s Hospital Medical School, University of London.
Dr. E. L. Middleton, H. M. Medical Inspector of Factories, Home Office, Factory Department, London.

The Director accordingly suggests that the Governing Body should appoint these three experts as members of the Correspondence Committee on Industrial Hygiene.

Renewal of appointment of members of Committees whose term of office has expired.—At its Seventy-fourth Session the Governing Body decided to adjourn its decision concerning the renewal of the appointment of various members of Committees until the present session. In addition, there are various other members of Committees whose term of office has expired since that list was submitted, or will expire shortly. A full list of the members whose re-appointment for a further period of three years is suggested is given below.

<table>
<thead>
<tr>
<th>Correspondence Committee on Accident Prevention.</th>
<th>Date of appointment.</th>
<th>Date of expiry of term of office.</th>
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</thead>
<tbody>
<tr>
<td>Mr. Delauney (French)</td>
<td>7.2.30</td>
<td>7.2.36</td>
</tr>
<tr>
<td>Mr. Caen (French)</td>
<td>29.4.30</td>
<td>29.4.36</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Committee of Experts on the Application of Conventions.</th>
<th>Date of expiry of term of office.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sir Selwyn Freemantle (India)</td>
<td>15.2.36</td>
</tr>
<tr>
<td>Mr. Jules Gautier (French)</td>
<td>15.2.36</td>
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<tr>
<td>Professor Quadrat (Czechoslovak)</td>
<td>15.2.36</td>
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<tr>
<td>Professor Rappard (Swiss)</td>
<td>15.2.36</td>
</tr>
<tr>
<td>Mr. Tschoffen (Belgian)</td>
<td>15.2.36</td>
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<tr>
<th>Correspondence Committee on Social Insurance.</th>
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</thead>
<tbody>
<tr>
<td>Mr. Bisqueret (Belgian)</td>
<td>28.10.32</td>
</tr>
<tr>
<td>Mr. De Voghel (Belgian)</td>
<td>28.10.35</td>
</tr>
<tr>
<td>Mr. Lamond (Australian)</td>
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<th>Advisory Committee on Salaried Employees.</th>
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<tbody>
<tr>
<td>Mr. Aufhäuser (German)</td>
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<td>Mr. Christophe (Belgian)</td>
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<td>Mr. Hallsworth (British)</td>
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<td>Mr. Horand (Swiss)</td>
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<td>Mr. Klein (Czechoslovak)</td>
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<tr>
<td>Mr. Landi (Italian)</td>
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<tr>
<td>Mr. Tessier (French)</td>
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<tr>
<td>Mr. Bunji Suzuki (Japanese)</td>
<td>29.4.36</td>
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<tr>
<td>Mr. Raabe (Polish)</td>
<td>29.4.36</td>
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<tr>
<th>Correspondence Committee on Women’s Work.</th>
<th>Date of expiry of term of office.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miss Elizabeth Christman (United States of America)</td>
<td>4.2.36</td>
</tr>
<tr>
<td>Miss Martha Mundt (German)</td>
<td>4.2.36</td>
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Correspondence Committee on Industrial Hygiene.

<table>
<thead>
<tr>
<th>Name</th>
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<tr>
<td>Dr. Brezina (Austrian)</td>
<td>29.1.24</td>
<td>29.1.36</td>
</tr>
<tr>
<td>Dr. Heim de Balsac (French)</td>
<td>29.1.24</td>
<td>29.1.36</td>
</tr>
<tr>
<td>Dr. Kabrehi (Czechoslovak)</td>
<td>29.1.24</td>
<td>29.1.36</td>
</tr>
<tr>
<td>Dr. Lorange (Norwegian)</td>
<td>29.1.24</td>
<td>29.1.36</td>
</tr>
<tr>
<td>Dr. Keith Moore (Australian)</td>
<td>8.2.30</td>
<td>8.2.36</td>
</tr>
<tr>
<td>Mr. Grant Cunningham (Canadian)</td>
<td>28.4.30</td>
<td>28.4.36</td>
</tr>
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</table>

Committee of Experts on Native Labour.

<table>
<thead>
<tr>
<th>Name</th>
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<th>Date of expiry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mrs. Marzorati (Belgian)</td>
<td>8.2.30</td>
<td>8.2.36</td>
</tr>
<tr>
<td>Sir Selwyn Fremantle (India)</td>
<td>31.3.27</td>
<td>31.3.36</td>
</tr>
</tbody>
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Relations and Various Activities.

The Director's visit to America.

The Third Supplementary Report of the Director to the Seventy-fourth Session of the Governing Body contained a brief account of the Director's visit to various American countries. Reference was made to this report during the discussion of the Director's Report at the Seventy-fourth Session, but it was agreed that the discussion of the report should be adjourned until the Seventy-fifth Session. The discussion of the present Report will afford any members of the Governing Body who so desire an opportunity of making any observations on the report on the Director's visit to America which was submitted at the last session.

Proposal to convene a Regional Conference of representatives of factory inspection services in Eastern European countries.

The Governing Body at its Seventy-fourth Session (February 1936) adopted the report of the Regional Conference on Factory Inspection which was held at The Hague in the autumn of 1935. The Governing Body will remember that this Conference was confined to the representatives of factory inspection services in Western European countries and that one of the recommendations of that Conference was that the Governing Body will convene annual meetings of representatives of inspection services of the States Members and particularly of the European countries. In submitting the Report of the Hague Conference to the Governing Body, the Office stated that it was examining the possibility of convening another similar meeting and would submit proposals to the Governing Body at a later date.

It is accordingly suggested that the Governing Body should at the present session authorise the Office to convene a second Regional Conference of representatives of factory inspection services, as soon as circumstances permit. The Office ventures to suggest that for the following reasons this Regional Conference might be confined in principle to those countries of Europe which were not invited to the Hague Conference. The holding of such Regional Conferences being still in the stage of an experiment, it would perhaps be advisable to hold a second Regional Conference in Europe before considering the possibility of holding a similar conference for overseas countries. Further, experience has shown that regional conferences of this kind are likely to yield the best results when they are confined to a comparatively small number of countries, and when industrial conditions in those countries are more or less comparable. Both these conditions would be satisfied if the next conference is confined to the countries of Eastern Europe. A further consideration is that the Office, having collected for use at the Hague Conference a great deal of valuable information on the organisation and functions of factory inspection in Western Europe, could immediately proceed to complete that information for the whole of Europe by collecting similar information for the countries of Eastern Europe.

If the Governing Body approves this proposal in principle, the Office will pursue the matter further and should be in a position to submit definite proposals to the Governing Body at a later session. Besides drawing up a list of the States to be invited to the Conference, the main questions which will have to be settled in this connection will be: 1) the date of the conference; 2) the place at which the conference might be held; 3) the agenda of the conference.

Subject to approval by the Governing Body, it is the intention of the Office to get in touch unofficially with the representatives of the Eastern European States at the next general Conference and in the light of the views expressed by those representatives, to submit a concrete scheme for approval by the Governing Body. It will be remembered that the Hague Conference was preceded by an informal meeting of representatives of Western European countries which was held during the 1935 Session of the general Conference.

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1 See appendices to the minutes of the Seventy-fourth Session, pp. 130-132.
2 See appendices to the minutes of the Seventy-fourth Session p. 117.
FIRST SUPPLEMENTARY REPORT OF THE DIRECTOR.

Introductory Note.

At its Seventy-third Session in October 1935, the Governing Body approved the suggestion of the Office for special Reports on economic developments, as requested in the Resolution on National Economic Measures and International Trade adopted by the Eighteenth Session of the International Labour Conference. It was agreed that arrangements might be made to submit to the April Session of the Governing Body an advance survey of some of the material to be used in the preparation of the Year-Book, that for the October Session some of the more important statistical tables and charts appearing in the Year-Book would be brought up to date, and that from time to time special papers might be prepared on particular developments of interest to members of the Governing Body.

In accordance with this decision, the following survey of some of the economic developments of 1935 is herewith submitted to the Seventy-fifth Session of the Governing Body to be held in April 1936. A consideration of the interrelations between international trade, employment, wages and standards of living, in accordance with the decision taken at the Seventy-fourth Session of the Governing Body in February 1936, will form the topic of one of the reports which will follow this.

Social-Economic Survey of 1935.

The year 1935 was on the whole one of continued general economic improvement. The increase in world industrial production during the year was about 11 per cent. The forces of recovery which have been in evidence in a number of countries for the past three years gained for the most part in strength, while at the same time the group of countries enjoying an economic upswing received some important new adherents during the course of the year. The economic picture was, however, a far from uniform one over the whole world. A considerable section of the world economy continued in a state of stagnation, or even suffered a further deepening of the depression. (Cf. production indices of various countries shown in Chart I.)

Divergent Economic Trends.

From the point of view of economic recovery in 1935, the countries of the world may be divided into three groups. In the first group belong the countries with devalued currencies, such as the United States, Japan, the sterling bloc, a number of European countries and most South American countries. These countries which had depreciated their currencies not only received thereby a stimulus for their export industries, but were also able to pursue an expansionist monetary policy, which led to a favourable revision of cost-price relationships in domestic industry and to a consequent increase in profits and production. All the countries in this group have enjoyed some improvement in their general economic situation, and their influence on world economic development as a whole has been strengthened by the improved situation of the United States, and by the addition of two new members, Belgium and Danzig.

The second group includes the main countries of the gold bloc, such as France, Switzerland, Holland and Poland, which maintained their currencies at gold parity and followed a deflationist policy. On the whole, there was a further deterioration in these countries during 1935, although a slight recovery was experienced in Poland.

The third intermediate group includes such countries as Germany and Italy which have, as in the case of the first group, obtained a considerable degree of internal economic recovery by credit expansion (of a special sort) and by public investment, but which have not officially devalued their currencies. Some of these countries, however, notably Germany, have given some stimulus to their foreign trade by means of export premiums which have had the effect of a partial devaluation of the currency.

Capital and consumption goods.

The recovery in most countries was characterised by a particular increase in the production of investment goods (see Chart II). The forms and origins of this stimulation of capital goods production were of two main classes. In Germany, Italy and Japan the recovery in capital goods industries can be traced largely to direct State expenditure, much of it on armaments, and it is particularly in the industries directly or indirectly related to armaments that the main production increases took place. In the sterling bloc and in the United States, on the other hand, the revival of investment seems to have taken place rather through individual enterprise, responding to cheap money and improved confidence, and shows itself at the same time in an increase in new capital issues. Total issues of "new" capital in London in 1935 amounted to £236.1 millions.
against £169.1 millions in 1934 and £309.1 in 1928. Among the British industries showing marked advances were building, iron and steel and motor cars (showing percentage production increases of 14 per cent., 7.7 per cent., 17.5 per cent. respectively during the last year). In the United States there was also a considerable increase in capital issues of which a large part were for purposes of refunding. Capital goods production as a whole increased by 36 per cent., production of iron and steel by 32 per cent., and of motor cars by 39 per cent. between 1934 and 1935. Much of the capital goods production must have been financed out of reserves, and probably consisted to a large extent of replacement.

**General price movements and monetary policy.**

The movements in national price indices naturally reflect the tendencies of national monetary policies, and thus show considerable divergencies in the different groups of countries (see Chart III). Those with devalued currencies pursued in the main a policy of monetary expansion and consequently showed a steady upward movement of prices. In the sterling bloc money remained cheap and the note circulation and volume of bank deposits continued to expand; both the cost of living and wholesale prices rose throughout the year. A similar movement but of much larger amplitude occurred in the United States. In Japan, too, a continued increase in the note circulation as well as in the wholesale and retail price indices was to be seen. In the main exchange control countries, Germany and Italy, prices also rose, though in very different degrees. In Germany, in spite of a very striking internal monetary expansion (by means of public work and armament credit instruments) wholesale prices were strictly controlled and a rise of only about 3 per cent. was registered during the last year.

In Italy, the note circulation had risen from 12,787 million lire at the beginning of the year to 15,273 millions in September, which was the last month for which statistics were available. The wholesale price index also increased by about 12 per cent. during the same period.

In the gold bloc countries we find a movement in the contrary direction. All these countries continued to apply deflationary measures, although both the fears of devaluation aroused by the various currency crises and the rising tendency of world raw material prices led to a certain upward movement during the second half of the year. The fact that on the whole the wholesale price index in countries with devalued currencies tended to rise, while that in countries with non-devalued currencies tended to fall implied a gradual movement in the direction of restoring currency equilibrium.

**Closing the scissors.**

While internal price levels showed sharply divergent tendencies during the past year, the prices of those commodities which are dealt with on international markets showed a strikingly uniform tendency. One of the most significant economic movements during the past year was the improvement in the situation of the raw material producers. The progress of the world depression had been marked by an increasing opening of the "price scissors"—a far greater fall in the prices of raw materials than in those of manufactured goods. During the year 1935, these scissors showed a tendency to close. This movement may be traced to a number of different influences; with regard to agricultural raw materials, the American production restriction and the particularly bad harvest of 1934 were probably mainly responsible for the reduction of stocks and the consequent improvement in prices; in the case of industrial raw materials, restriction measures also played a considerable part, but this influence was reinforced by an increase in demand, largely due to the acceleration of armament production. Tin stocks, for instance, fell so low that the tin pool increased production quotas to 90 per cent. of the basic 1929 level. About the only important raw material of which the stock and price situation did not improve during the past year was coffee, whose market was spoilt by the bumper harvest in Brazil. The fact that for agricultural commodities the general improvement of the past year was partly due to low harvests in 1934 and partly to the restrictive agricultural policy of the United States, which has now been declared unconstitutional, and which will have to be more or less modified, may cast some doubts on the probability of the advantageous situation lasting for any length of time. At present, agricultural prices on the whole appear to be remaining firm, with the exception of some branches, particularly animal products, where certain temporary tendencies towards disproportionate production are evident.

In the case of industrial raw materials, the circumstances seem more likely to continue favourable, in that increased demand may be anticipated both for general industrial purposes and, more particularly, to meet the needs of the large-scale armament programmes which are being planned everywhere; at the same time the rising tendency of the market renders more feasible the effective control of production by means of restriction schemes.

The closing of the scissors has of course benefited the terms of trade and general economic situation of raw material producing regions, such as the British overseas Dominions and most South American countries, but has at the same time exerted a depressing influence on such
countries as Germany, who is forced to export more manufactured goods in exchange for her necessary imports of raw materials and owing to her rigid trading policy obtains little relief from the improved demand for imports from oversea raw material producers.

**International trade.**

The present increase in world production has been accompanied by a marked lagging behind of any improvement in international trade (see Chart IV). The attempts to temper the economic hardships of the depression, together with political hankerings after autarchy, have led to structural changes in the economy of many countries which form an obstacle to material recovery in international trade. As a result it has proved possible for a considerable increase in internal activity to take place without giving rise to any corresponding increase in foreign trade. The past year showed no marked change in this respect. Although relatively insignificant, a certain improvement could however be discerned. This is shown by the index of the quantum of world trade for the last three years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Quantum 1</th>
<th>Year</th>
<th>Quantum 2</th>
<th>Year</th>
<th>Quantum 3</th>
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<tr>
<td>1933</td>
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<td>75.7</td>
<td>1935</td>
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<td>80.6</td>
<td>4</td>
<td>81.6</td>
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The movement of international trade varied considerably as between different regions and countries (see Chart V). In Europe the movement was less favourable than that in the world as a whole, and even showed signs of actual regression until the middle of 1935. Here again there were divergent tendencies. The increased foreign trade of such countries as Great Britain, the Scandinavian countries and Czechoslovakia was offset by the reduced trade of the gold bloc and exchange control countries. An improvement in European trade as a whole appeared only in the third quarter of the year and was then largely due to Italy's increased demand for war materials. The main stimulus to world trade was contributed by the improved economic situation of the raw material producing countries. The increased demand for and prices of their products enabled them both to increase their imports and to liquidate part of their foreign indebtedness. Further important elements in the recovery of world trade were provided by the continued expansion of Japanese trade and the improvement in the United States, which showed a considerable increase in imports and even in certain months an actual import surplus. This was due not only to general economic recovery but also to a more liberal tendency in commercial policy which found its expression in the new bilateral trade treaties.

In the past year, in addition to the existing barriers to international trade, a further restrictionist influence was exercised by the Italo-Abyssinian war and by the application of economic sanctions. It is not yet possible to estimate the full effects of the measures taken.

**Credit conditions and security markets.**

The predominant tendency of credit conditions during the year 1935 was certainly an improving one. The improvement was particularly evident in the creditor countries with devalued currencies but also took place in some degree in most debtor countries; it covered altogether a sufficiently large section of the world economy to outweigh the contrary critical situation in the few remaining members of the gold bloc group. In Great Britain there was indeed a cessation of the fall in bond yields which has been in process for the last few years, and the fall even gave way to a slight tendency for bond yields to rise; but this movement can certainly be fully explained by the increased demand for capital arising out of the general business revival, the increase in dividends and the consequent transference from bonds to equities which lowered the price and raised the yield of the former. In general the liquidity of the capital market and banking system has remained remarkably high in Great Britain in the face of the considerable increase in new capital issues and borrowing from the bank which the continued business upswing has entailed.

More striking perhaps than the favourable credit situation in Great Britain was that which developed in the United States during the past year. A highly liquid money market situation with unprecedented excess bank reserves and low short-term interest rates had been present for some time, but it was only in the last year or so that at last some of the large supply of available capital disposal found its way to the capital market. It is significant that unlike the stock exchange boom of 1928-9, the recent rise in security prices has been accompanied by no exceptional increase in stock exchange borrowing, although undoubtedly some of the rise in share prices was

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1 League of Nations gold value of world trade divided by the index of gold prices of commodities entering into world trade.
due to speculative influences. It is true that there has been a considerable flow of foreign capital, but the strength of the United States gold reserves is certainly sufficient to avoid any danger of strain in the case of a possible future withdrawal of this foreign capital.

The favourable development was, however, not confined to important creditor countries; there was a noticeable improvement also in the credit conditions of overseas raw material producing countries, and even to some extent in some of the European debtor countries.

Against these signs of improvement must be weighed a definite deterioration of credit conditions in the countries of the gold bloc; bond prices fell, owing to the lack of confidence on the part of investors and to the heavy Government borrowing for purposes of balancing the budget. Shares continued at a low level and there was no activity in the new issue market. The loans and investments of the banks all continued to fall, and a disturbing influence was exercised by the frequent changes in bank rates necessitated by the currency crises to which these countries were subject.

The general outcome of interest movements during the past year was however a slight tendency towards a reduction of the wide discrepancies in interest rates in different countries, which had arisen from the fact that considerations of profitability had been outweighed by those of security during the last few years. In the past year there was (with the important exception of the United States) a rising tendency in interest rates in many creditor countries, due to recovery influences in some and crisis conditions in others; while at the same time a gradual improvement in economic conditions, largely traceable to the improvement of the raw material situation, led to some fall in interest rates in debtor countries.

The foreign exchanges.

One of the main features of exchange rate developments during the year 1935 was the remarkable stability of rates in the sterling area and of the United States dollar; apart from some weakening at the time of the pepper crisis and during the early stages of the Italo-Abyssian dispute, the gold value of the sterling bloc currencies has remained almost unchanged. This was no doubt due in considerable part to action by the British and United States Exchange Equalisation Funds.

As contrasted with sterling and the dollar, 1935 was a year of great disturbances in the main gold bloc currencies, all of which were involved in serious crises. In Belgium, exchange control was introduced and on 1 April the Government devalued the currency by 28 per cent.

In the countries of Central and Eastern Europe there was little material change during the year apart from some tendency towards relaxation of exchange restrictions, and Eastern European countries suffered from the fact that neither of their chief customers (Germany and Italy) could supply them with any foreign exchange. Exports to these countries had to be paid for by imports from them, and no foreign exchange was thereby acquired for foreign debt service or for surplus imports from the creditor countries. Any improvement in the exchange situation of these countries is thus largely dependent on an improvement in Germany and Italy.

The financial situation in Italy was entirely dominated by the exigencies of financing the war in Abyssinia. At the time when figures were last published (in October) the gold reserve had been reduced to 4 milliard lire from nearly 6 milliards at the beginning of the war. No further figures have been published since that date.

In Germany, in spite of further internal expansion, the balance of payments was slightly improved during the year in part as a result of the "new plan" of importing only that amount for which foreign exchange had already been obtained by means of exports.

In the United States the main financial feature of the year was the continued flow of gold (resulting from repatriation of American capital and political disturbances in Europe) towards that country, whose stocks in consequence increased during the year from about 8 to 10 milliard dollars.

The monetary development of the countries in South America was uneven during the past year. In those South American countries which benefited from the rise in the prices of raw materials, some relaxation of exchange restrictions became possible. This was particularly the case in Argentina where the past year was also notable for the establishment of a Central Bank. In Chile the Government inflation was stopped and private inflation severely checked in the spring, but continued later on. The devaluation which had been effected in January 1935 led to a favourable exchange situation which enabled a resumption of various debt repayments. Brazil, on the other hand, being largely dependent on the proceeds of the coffee crop, had to resort to some printing in order to balance her budget, and this resulted in a deterioration of the exchange situation.

One of the most important monetary events of 1935 was the monetary reform in China which was announced on 3 November to become effective on the following day; the main provision
being the demonetisation of silver and the establishment of a managed currency. The Central Bank of China was reorganised as an independent central reserve bank with the sole purpose of maintaining the stability of the currency; the rate to be stabilised was provisionally declared to be that ruling at the time when the new provisions were introduced (1 Shanghai dollar = 1/24d). The Central Bank is to hold all reserves of the banking system, to act as a depository of public funds, and after two years to have the sole right of note issue. The control of currency issue and of the maintenance of proper reserves is to be vested in a Currency Reserve Board.

A change was introduced in the foreign exchange conditions of the Soviet Union in the past year by a decree of 14 November, which abolished the system of Torgsin shops whose functions had been the sale of goods against foreign exchange. In future all purchases in Russia are to be effected with Russian roubles which may be obtained from the State Bank at the rate of 3 French francs = 1 rouble. This measure was supplemented by a decree of 29 February 1936, which extended the new rate of 3 francs = 1 rouble to import and export as well as purely financial exchange transactions, and at the same time authorised a revaluation of gold reserves in accordance with this rate. The significance of this measure is not so great as might be supposed from analogous developments in capitalist countries, owing to the monopoly of foreign trade and the planned organisation of production which exist in the Soviet Union.

Consumption.

The countries which are in process of economic recovery showed an increase in national income during 1935 and a consequent increase in consumption. It is difficult to give a complete picture of national consumption, but some idea of the change may be obtained from the statistics of increase in the volume of retail sales, which is the best available indicator of the movement of actual consumption.

<table>
<thead>
<tr>
<th>Retail Sales and Cost of Living Index</th>
<th>(percentage change from previous year)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>England ¹</td>
</tr>
<tr>
<td>1934</td>
<td>+3.9</td>
</tr>
<tr>
<td>1935</td>
<td>+6.1</td>
</tr>
</tbody>
</table>

Whereas the increase in retail sales continued progressively in Great Britain during the last two years, there was both in Germany and in the United States a marked slowing down of the improvement in 1935, after the sharp increase of the previous year. In the case of Germany this can be explained in terms of the conscious curtailing of consumption in favour of capital production, chiefly armaments (the well-known "guns before butter" policy); in the United States the situation may be explained in some measure by the fact that a large part of the increased purchasing during 1935 went for durable goods, e.g. automobiles, which are but little reflected in the retail sales index. An expanding demand for articles of durable consumption has marked the economic recovery of other countries as well.

In Belgium signs of increasing consumption are discernible. The same is true of Poland; but in the remainder of the gold bloc it appears from such statistics as are available that consumption has remained at a very low level. In the Soviet Union an important change in the field of consumption was the abolition of rationing and the resort to a uniform price system for all sections of the population.

For the United States, Great Britain and Germany, the indices of retail sales are expressed in value terms, and must therefore be compared with some index prices. For this purpose the changes in the cost of living index have been appended. These show that in each case the increase in the value of retail sales is due in part to higher prices and not solely to an increase in volume.

The condition of labour.

Corresponding to the improved general economic situation there was also a certain improvement with regard to unemployment during the past year. The international index number of unemployment which is regularly published in the International Labour Review fell

¹ Bank of England.
² Federal Reserve Bulletin.
³ Institut für Konjunkturforschung, Berlin.
⁴ Bulletin de l'Institut des Sciences économiques (consumption index).
⁵ Polish Institute for Economic Research; consumption going through the market.
from 200 \((1929 = 100)\) in October 1934 to 169 in October 1935. Among European industrial countries, there were significant falls in unemployment in Belgium, Czechoslovakia, Germany, Italy and Sweden, and among oversea countries Australia shows the greatest fall. The improvement in Great Britain and the United States was less considerable. The gold bloc countries showed a further deterioration in their unemployment situation as well as in other economic indices.

Judging by the principal countries of the world for which statistical data are available\(^1\), it may be said that in the course of 1935, wage rates—or what comes to almost the same thing, earnings per hour—showed a general tendency towards stability following upon the gradual decline of the preceding years. In several countries, however, a slight decline continued (Italy, Japan and Poland); while in others, a certain upward swing was manifest (United States and the United Kingdom).

Since fluctuations in the cost of living were in general also of small amplitude, both upward or downward, the real value of hourly earnings did not vary appreciably, the more so because the two movements were often almost simultaneous. It may be noted, however, that the increase recorded in real hourly income in the United States was due to the fact that nominal wages experienced a greater increase than the cost of living, while in France the increase in real hourly income resulted from a decrease in the cost of living with money earnings almost constant.

The average hours of employment per worker showed few important changes during 1935, except in the United States, where the increase was quite substantial; and in Italy, where the reduction was marked (due apparently to a more generalised application of the 40-hour week). In France also, there would seem to have been some tendency towards a shortening of the working week.

Allowing simultaneously for changes in hourly rates, in hours worked per week, and in the cost of living, one may generalise to the extent of saying that real earnings per worker employed were not materially changed during the course of 1935 except in the United States, where a marked increase took place. On the other hand, since the number of workers employed rose in most countries, the total earnings of the working class considered in its entirety generally increased in a manner which was often quite appreciable. In France the situation seems to have been less favourable, but precise data are lacking which would enable any exact conclusions to be drawn.

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\(^1\) Germany, United States, France, United Kingdom, Italy, Japan and Poland.
I.

INDICES OF INDUSTRIAL PRODUCTION

1929 = 100

UNITED STATES

UNITED KINGDOM

SWEDEN

GERMANY

ITALY

JAPAN

FRANCE

POLAND

NETHERLANDS

II.

INDICES OF INDUSTRIAL PRODUCTION

1929 = 100

Investment goods ■ ■ ■ □ Goods for current consumption.

UNITED STATES

SWEDEN

GERMANY

JAPAN

POLAND

NETHERLANDS

III.

PRICES

1929 = 100

Indices of wholesale prices | Indices of the cost of living.

UNITED STATES  |  UNITED KINGDOM  |  SWEDEN

GERMANY  |  ITALY  |  JAPAN

FRANCE  |  POLAND  |  NETHERLANDS

IV.

INTERNATIONAL TRADE

1929 = 100

V.

INTERNATIONAL TRADE

Imports 1929 = 100

Imports □ □ Exports.

(Value in national currency)

UNITED STATES

UNITED KINGDOM

SWEDEN

GERMANY

ITALY

JAPAN

FRANCE

POLAND

NETHERLANDS

SECOND SUPPLEMENTARY REPORT OF THE DIRECTOR.

Composition of the Governing Body.

The Spanish Government, by a telegram dated 11 April 1936, informed the International Labour Office that it has appointed Mr. Demofilo de Buen, President of the Chamber for Social Questions of the Supreme Court and of the Council of Labour, as its representative on the Governing Body.

Obituary.

Members of the Governing Body will learn with deep regret of the death on 7 April 1936 of Mr. Albrecht L. J. Gohr, a member of the Committee of Experts on Native Labour.

Mr. Gohr had had a very distinguished career in the magistrature of the Independent State of the Congo, and was later Honorary Secretary-General of the Belgian Ministry for the Colonies; he was also a Professor at the University of Brussels, member of the Royal Colonial Institute, and member of the International Colonial Institute.

Mr. Gohr devoted himself unstintingly to the cause of the abolition of slavery and the improvement of the conditions of Native labour. He was Chairman of the first Temporary Slavery Commission of the League of Nations (1924-1925), and in 1934 he became Chairman of the new Advisory Committee of Experts on Slavery. In that capacity he was actively preparing, at the time of his death, for the extraordinary session of the Committee which met in Geneva in April 1936.

From its establishment in 1926, Mr. Gohr was a member of the Committee of Experts on Native Labour, and presided over its first, second, fourth and fifth sessions. The results of the work of the Committee in connection with the regulation of forced labour, the recruiting of Native labour and Native labour contracts were in no small measure due to Mr. Gohr’s authority, expert knowledge and devotion to the aims of the Committee.

International Labour Legislation.

Since the Director’s Report was distributed to members of the Governing Body, the following information relating to the ratification of Conventions has been received:

Ratifications registered.

<table>
<thead>
<tr>
<th>Country</th>
<th>Convention</th>
<th>Date of adoption of Convention</th>
<th>Date of registration by Secretariat of League of Nations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuba</td>
<td>No. 45: Underground Work (Women)</td>
<td>1935</td>
<td>14.4.36</td>
</tr>
<tr>
<td></td>
<td>No. 46: Hours of Work (Coal Mines) (Revised)</td>
<td>1935</td>
<td>14.4.36</td>
</tr>
</tbody>
</table>

The number of ratifications registered is now 691.

Ratification authorised.

In Sweden the Riksdag approved on 29 February 1936 a proposal made by the Minister of Social Affairs for the ratification of the Underground Work (Women) Convention, 1935 (No. 45).

Ratifications recommended.

In Belgium a Bill was submitted to the Chamber of Representatives on 7 April 1936 for the ratification of the Forced Labour Convention, 1930 (No. 29). In accordance with Article 26 of the Convention the Government proposed that the application of its provisions should be subject to certain modifications.

In Great Britain, the Government stated in a Command Paper presented to Parliament by the Minister of Labour in March 1936 that it proposed to proceed with the ratification of the Old-Age, Invalidity and Survivors’ Insurance (Industry, etc. and Agriculture) Conventions, 1933 (Nos. 33-40) and of the Underground Work (Women) Convention, 1935 (No. 45).

At its sitting on 28 March 1936 the Polish Diet adopted Bills for the ratification of the Workmen’s Compensation (Accidents) Convention, 1925 (No. 17), the Workmen’s Compensation (Occupational Diseases) Convention, 1925 (No. 18), and the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33).

Other measures.

In Belgium an Act to bring national legislation (Act respecting the employment of women and children) into conformity with the Night Work (Women) Convention (Revised), 1934 (No. 41) was promulgated on 7 April 1936.
The Chamber of Representatives also adopted on 26 March 1926 a Bill to introduce the four-shift system into automatic sheet-glass works. The adoption of this Bill will enable Belgium to ratify the Sheet-Glass Works Convention, 1934 (No. 43).

In Great Britain the Government stated in a Command Paper presented to Parliament by the Minister of Labour in March 1936 that it did not propose to ratify the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48). Owing to the distinctive features of the scheme of pensions insurance in the United Kingdom as contrasted with the schemes in force in other countries, the arrangements set forth in the Convention were not necessary for the protection of immigrant workers into Great Britain, who became entitled equally with British subjects to the full pension after a short waiting period of insurable employment. The provisions of the Convention could not moreover be applied to the scheme of insurance in Great Britain without fundamental alterations of that scheme and of its method of administration.

In Hungary, the Minister of the Interior, in a report submitted on 13 December 1935 to the Chamber of Deputies, proposed that the Unemployment Provision Convention, 1934 (No. 44), should not be embodied in Hungarian legislation. The Minister of the Interior expressed the opinion that in principle unemployment should be dealt with by productive methods, in particular by increasing the possibilities of employment and of investment and by a more rational organisation of the labour market. In recent years the Hungarian Government had endeavoured to obtain work for persons physically fitted for it by the development of public utility works. It did not think it possible in present economic conditions to introduce unemployment insurance either in industry or in agriculture. It considered that social insurance was completed for the present in Hungary with sickness, accident, old-age, invalidity and survivors' insurance.

In Poland the Ministry of Social Welfare addressed on 19 February 1936 to the Ministry of Foreign Affairs, for submission to the Council of Ministers, Bills for the ratification of the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37), the Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39) and the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48).

The Swedish Government has submitted to the Riksdag a Bill respecting hours of work in automatic sheet-glass works, the adoption of which will enable it to ratify the Sheet-Glass Works Convention, 1934 (No. 43). The Minister of Social Affairs proposed, however, that ratification of this Convention by Sweden should be conditional upon that of the chief States Members of the Organisation which produce sheet-glass, namely, Belgium, Czechoslovakia and France, and that the legislation giving effect to it should not come into force until a date to be fixed by the Government.

At its sitting on 29 February 1936 the Riksdag agreed with the proposal of the Minister of Social Affairs to postpone ratification of the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46), the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48), and the Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49). The Riksdag also rejected a Government proposal for the ratification of the Forty-Hour Week Convention, 1935 (No. 47).

Composition of Committees.

Correspondence Committee on Industrial Hygiene.

The Office is glad to be able to propose, after consultation with the Argentine Government, the appointment of Mr. Ismaël Urbandt, Chief of the Industrial Hygiene Section of the National Health Department at Buenos Aires. The appointment of Mr. Urbandt, with his wide experience of the legal and scientific aspects of industrial hygiene, will be of very great value to the Committee.

Relations and Various Activities.

Mission of an official in Africa.

Between November 1935 and February 1936 a visit was paid by a member of the Special Problems Section (Mr. Benson) to the British West African Dependencies of the Gold Coast, Nigeria and the Cameroons under British Mandate. The visit was arranged with the co-operation of the British Government, while the Colonial Office and the local administrations gave Mr. Benson every assistance, including free transport in the territories visited. On one occasion Mr. Benson had to cross French Mandated Territory, the French authorities kindly facilitating his passage.

While in West Africa, Mr. Benson visited coal, diamond, gold, manganese and tin mines, banana, cocoa, palm-oil and rubber plantations, various industrial undertakings, and certain Government and missionary institutions.
APPENDIX XII.

TWELFTH ITEM ON THE AGENDA.

REPORT OF THE COMMITTEE ON PERIODICAL REPORTS.

Examination of the ten-yearly reports upon the Workmen's Compensation (Accidents) Convention (No. 17), the Workmen's Compensation (Occupational Diseases) Convention (No. 18), and the Inspection of Emigrants Convention (No. 21) and of the five-yearly report upon the Forced Labour Convention (No. 29).

The Committee held its first sitting on Saturday, 18 April 1936.

The following members were present:

**Government Group:**
- Mr. de Michelis.
- Mr. Norman, substitute for Mr. Leggett.
- Mr. Yoshisaka, substitute for Mr. Mannio.

**Employers' Group:**
- Mr. Erulkar.
- Mr. Kirkaldy, substitute for Mr. Forbes Watson.
- Mr. Oersted.

**Workers' Group:**
- Mr. Kupers.

**Absent:**
- Mr. Hayday and Mr. Jouhaux.
- Mr. de Michelis was elected Chairman.

1. Competence of the Committee.

In accordance with the decisions of the Seventieth and Seventy-third Sessions of the Governing Body, the competence of the Committee was defined as follows in a note prepared by the Office:

(1) Examination of the periodical reports on the working of Conventions with a view:
   
   (a) To deciding in accordance with Article 7a, paragraph 1, of the Standing Orders of the Governing Body, if it is desirable on any general grounds to place the question of their revision in whole or in part on the agenda of the Conference;
   
   (b) To examining the exceptions provided in these Conventions, with a view to recommending whether they should be removed or limited by way of revision.

(2) Consideration of the report prepared by the Office as a result of a proposal made by Mr. de Michelis, on the exceptions provided for in existing Conventions.

(3) Consideration of the report prepared by the Office on the application of Recommendations.

The Governing Body had also referred to the Committee a proposal made by Mr. Joshi at the Seventy-third Session (October 1935) concerning the means of negotiating with countries which have not ratified certain Conventions.

A question concerning the exact extent of the Committee's competence, which was raised by a member during the discussion of the procedure to be followed, is mentioned below, under (2).
The Committee first examined the procedure to be followed as regards the reports and as regards the proposals which were before it.

It noted that the draft periodical reports which it had to examine had already, in accordance with the procedure followed up to the present, been communicated for observations to all the States Members of the Organisation, in the conditions for which Article 7(a), paragraph 1, of the Standing Orders of the Governing Body provide. It expressed the desire that in future the draft reports should be submitted to it before being communicated to the Governments. The Committee would thus be able to make a first examination of these draft reports and to communicate the results of this examination to the Governing Body. The draft reports, amended if necessary by the Governing Body, would then be communicated to the Governments for observations. They would be resubmitted to the Committee together with any observations made by the Governments, and on the basis of a second report by the Committee the Governing Body would definitely approve the text of the reports and would decide on the desirability of revision in the conditions laid down by the provision of the Standing Orders quoted above.

The Office had proposed that the Committee should examine each report from the following points of view:

1. Is it desirable on general grounds to recommend the total or partial revision of the Convention?
2. Is it desirable to remove by revision any difficulties which Governments may have mentioned as preventing them from ratifying?
3. Should the scope of application be widened and the existing exceptions be removed or limited by way of revision?

One member of the Committee, while not opposed to the procedure proposed by the Office, doubted whether points 1 and 2 were included in the terms of reference given by the Governing Body to the Committee. The approval of this report by the Governing Body would constitute an affirmative answer to this question.

The Committee considered that it would be desirable to examine the question of the revision of the Conventions from these three points of view. It was, however, in favour of considering the desirability of removing by revision not only the difficulties which Governments may have mentioned as preventing them from ratifying but also, where necessary, the difficulties of application mentioned by Governments which had already ratified.

The Committee considered that the best method of dealing with the Office's report upon the exceptions provided for in Conventions was for it to examine the exceptions allowed by each Convention when that Convention becomes the subject of a periodical report. The Committee would thus deal by degrees with the whole of the Office's report.

3. Examination of the periodical reports

The Committee then examined on the basis of the information supplied by the Office the four following draft periodical reports submitted to it:

1. Draft report of the Governing Body upon the working of the Convention (No. 17) concerning workmen’s compensation for accidents.
2. Draft report of the Governing Body upon the working of the Convention (No. 18) concerning workmen’s compensation for occupational diseases.
3. Draft report of the Governing Body upon the working of the Convention (No. 21) concerning the simplification of the inspection of emigrants on board ship.
4. Draft report of the Governing Body upon the working of the Convention (No. 29) concerning forced or compulsory labour.

The conclusions which it reached on each of these reports were as follows:

**Draft Report upon Convention No. 17 (Workmen's Compensation for Accidents).**

From the point of view of the experience of the application of the Convention gained in countries which have ratified it, the Committee considered that its revision was not necessary. It was of opinion, however, that in order to appreciate the desirability of a revision with full knowledge of the facts, a study should be made of the development of national legislation since the adoption of the Convention, which goes back to 1925.

It therefore proposes that the Governing Body should instruct the Office to prepare a report upon this subject and that it should re-examine the question of the possible revision of the Convention when this report is submitted to it.

**Draft Report upon Convention No. 18 (Workmen's Compensation, Occupational Diseases).**

Since this Convention was revised in 1934 and since the question of exceptions does not arise in connection with it the Committee recommends the Governing Body not to contemplate revision for the time being.

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1 The reports have not been reproduced here as they are printed separately for submission to the International Labour Conference.
2 See Annexes A to D.
Draft Report upon Convention No. 21 (Inspection of Emigrants).

The text of this Convention has not given rise to any difficulties of application or of ratification and the Convention contains no exceptions. The Committee therefore recommends the Governing Body not to contemplate its revision.

Draft Report upon Convention No. 29 (Forced Labour).

Upon this Convention the Committee does not recommend the opening of the procedure of revision of the Convention in whole or in part.

The Governing Body will remember that under a special provision in Article 1 of this Convention it has to consider "the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the agenda of the Conference ".

The Committee has not thought it desirable to propose to the Governing Body that a technical examination should be made of the possibility of suppression of forced labour in all its forms without further transitional period. A cursory examination of the information contained in the five-yearly report shows that the question has not sufficiently developed to justify such a study at the present time. Moreover, the Convention has been in force for only four years and has not yet been ratified by three of the principal colonial countries, namely, Belgium, France and Portugal. In two of these countries, however, Belgium and France, the procedure of ratification has been opened by the introduction of Bills authorising ratification. It seems therefore that the best method would be to await the results of the experience of a second five years' working before making any detailed examination into the possibility of revision in accordance with the third paragraph of Article 1.

An examination of the exceptions allowed by the various articles of the Convention and of the difficulties of ratification and application does not in the Committee's opinion justify a proposal for total or partial revision.

The Committee was informed that a certain number of observations had been received by the Office in accordance with Article 7(a), paragraph i of the Standing Orders of the Governing Body on the subject of the four draft reports in question. No Government proposes the revision of any one of these Conventions. Some Governments, however, have communicated corrections to the passages of the reports concerning their respective countries. The Committee proposes that in accordance with the practice followed in previous years the Office should be authorised when preparing the final text of these reports to take into account these corrections communicated by Governments, which refer to the situation during the period covered by the reports.

4. Ratification and application of Conventions.

The attention of the Committee was drawn to the fact that in some cases ratified Conventions were not applied in an entirely satisfactory fashion. The Committee expresses the hope that the ratification of international labour Conventions will become as universal as possible. It desires, however, at the same time to emphasise the importance of States Members giving consideration, before ratifying Conventions, to the legislative or other action which may be necessary to give effect to their provisions. In this connection it suggests that the Office should continue to study the means of securing that ratified Conventions should in general be effectively applied within the periods laid down by the Conventions themselves. As regards the proposal by Mr. Joshi which was referred to it, the Committee confined itself for the present to noting that the Office was continuing its negotiations with the Governments of countries which had not yet ratified the four Conventions in question.

5. Report upon the Application of Recommendations.

The Committee took note of the report upon the application of Recommendations prepared by the Office and submitted to the Seventy-third Session of the Governing Body. This report completes the report prepared for the Sixteenth (1932) Session of the Conference. When brought up to date it could, if necessary, be communicated to the 1937 Session of the Conference and in future such reports could be periodically prepared, for example every five years, and submitted to the Conference.

ANNEX A.

NOTE ON THE DRAFT REPORT ON THE APPLICATION OF CONVENTION NO. 17 CONCERNING WORKMEN'S COMPENSATION (ACCIDENTS).

In order to assist the Committee in its work, the present note discusses any difficulties which may have arisen in the application of Convention No. 17 in the States Members which have ratified it. This provides one of the elements for judging whether it is necessary or desirable to revise the Convention. As a general rule the note refers only to difficulties to which the States Members themselves have drawn attention in their annual reports or the letters accompanying those reports. It also mentions the points in regard to which the Committee of Experts or the
Conference Committee on the application of Conventions have considered that supplementary information was desirable, as well as the information on these points communicated by the Governments concerned.

Before proceeding to consider the Convention article by article, the present note gives a list of the Members which have ratified it and from which annual reports have been due.

<table>
<thead>
<tr>
<th>Member</th>
<th>Date of registration of ratification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>3 October 1927</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>5 September 1929</td>
</tr>
<tr>
<td>Chile</td>
<td>2 October 1931</td>
</tr>
<tr>
<td>Colombia</td>
<td>20 June 1933</td>
</tr>
<tr>
<td>Cuba</td>
<td>6 August 1928</td>
</tr>
<tr>
<td>Spain</td>
<td>22 February 1929</td>
</tr>
<tr>
<td>Hungary</td>
<td>19 April 1928</td>
</tr>
<tr>
<td>Latvia</td>
<td>25 May 1928</td>
</tr>
<tr>
<td>Luxemburg</td>
<td>16 April 1928</td>
</tr>
<tr>
<td>Mexico</td>
<td>12 May 1934</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>12 April 1934</td>
</tr>
<tr>
<td>Netherlands</td>
<td>13 September 1927</td>
</tr>
<tr>
<td>Portugal</td>
<td>27 March 1929</td>
</tr>
<tr>
<td>Sweden</td>
<td>8 September 1926</td>
</tr>
<tr>
<td>Uruguay</td>
<td>6 June 1933</td>
</tr>
<tr>
<td>Yugoslavia</td>
<td>1 April 1927</td>
</tr>
</tbody>
</table>

**Purpose of the Convention.**

*Article 1.*—“Each Member of the International Labour Organisation which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention.”

This article merely defines the purpose of the Convention, and no questions for discussion arise in connection with it. The Convention is based on the principle of occupational risk, which has throughout the world gradually replaced the principle of responsibility based on personal fault under the common law as the legal basis of the right to compensation. This principle is the essential feature of all systems of workmen’s compensation or industrial accident insurance.

**Scope of Application.**

*Article 2.*—“The laws and regulations as to workmen’s compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatsoever nature, whether public or private.

It shall nevertheless be open to any Member to make such exceptions in its national legislation as it deems necessary in respect of:

(a) Persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer’s trade or business;

(b) Out-workers;

(c) Members of the employer’s family who work exclusively on his behalf and who live in his house;

(d) non-manual workers whose remuneration exceeds a limit to be determined by national laws or regulations.”

**Definition of Scope of Application.**

The first paragraph mentions the persons covered by the Convention, namely, workmen, employees and apprentices employed by any enterprise, undertaking, or establishment of whatsoever nature, whether public or private. The definition is a very wide one, but nevertheless does not include all wage-earners.

**Undertakings covered.**

The undertakings covered are defined by a general formula: any enterprise, undertaking or establishment of whatsoever nature, whether public or private. This definition does not allow of any exceptions: whether the purpose of the undertaking is to manufacture or transform goods or commodities or to trade in them or transport them, whether it employs a large or small number of workers and whether the risk of accident is great or not, the right to compensation exists.

In those States which have ratified the Convention, the exceptions which were formerly allowed in view of the nature or purpose of undertakings or the frequency of the risk have been abolished in application of the Convention, whether all at once or in successive stages.

The adaptation of legislation to the Convention is however not yet complete in Luxemburg, where wage-earners in commercial undertakings are outside the scope of compulsory accident insurance except in those parts of the undertaking which possess an industrial character.
No traces remain of any restrictions relating to undertakings employing a small number of workers; all such restrictions have to-day been given up by the Members which have ratified the Convention.

This statement, however, does not apply to the position existing in two countries whose ratification of the Convention is recent. The reports supplied by the Government of Colombia (ratification registered on 20 June 1933) refer to the draft Labour Code which is now before the Chambers. According to the information in the possession of the Office, this draft Code, while extending the existing list of undertakings subject to insurance, establishes distinctions according to the amount of capital invested in the undertaking. Only those undertakings whose capital exceeds 20,000 gold pesos are responsible for the whole of the benefits provided by the system of compensation. In Nicaragua (ratification registered on 12 April 1934) the compensation scheme is limited to undertakings which employ over 15 workers and possess a capital of not less than 25,000 cordobas. A limitation of this kind is not authorised by the Convention.

Workers covered.

Here again the definition adopted by the Conference is very wide, since subject to the exceptions which are discussed later, it covers workmen, employees and apprentices in the enterprises, undertakings, or establishments to which it applies. This definition does not allow of any exceptions based on the nature or duration of employment or the exposure to risk which it involves. Neither does it authorise the establishment of a limit of earnings applicable to all the workers.

In this connection there is only one divergency to be mentioned. The legislation in force in Colombia fixes a limit of earnings of 3 gold pesos for persons coming under the compensation scheme. That restriction would be abolished if the draft Code at present before the Chambers is adopted.

Exceptions authorised.

These exceptions cannot give rise to difficulties since they do not create an obligation for States Members, but give them the right to exempt certain classes of workers from the compensation scheme. They should, however, be considered from another point of view, namely, in order to see whether it is necessary to maintain them, having regard to the state of legislation in the countries which have ratified them.

The exceptions in question refer to:

(a) Persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business.

This exception only affects a limited number of workers. A corresponding exception is, however, provided for in the legislation of several States Members which have ratified (e.g. Cuba, Latvia, Netherlands, Sweden).

(b) Out-workers.

If they do not work on behalf of an employer, out-workers cannot claim the benefit of the principle of occupational risk. Those who work solely for an employer are not under his direct supervision, and it may be difficult to establish the relation of cause and effect between the employment and the accident. The state of legislation is also in favour of the maintenance of this exception.

(c) Members of the employer's family who work exclusively on his behalf and who live in his house.

This exception is found in various forms in the legislation of a number of countries (e.g. Cuba, Hungary, Mexico, and Sweden); it has its origin in family law and it would appear desirable to retain it.

(d) Non-manual workers whose remuneration exceeds a limit to be determined by national laws or regulations.

This exception may deprive non-manual workers whose earnings are fairly high of the right to workmen's compensation. This exception to the principle of occupational risk nevertheless appears in the legislation of a considerable number of countries (e.g. Belgium, Luxemburg, Nicaragua, Spain).

It would not appear possible to revise Article 2. The general formula defining the scope of application realises one of the principal objects of any international regulation based on the principle of occupational risk, and the exceptions which are authorised appear to be at the same time necessary and sufficiently wide.

Article 3.—"This Convention shall not apply to:

(1) Seamen and fishermen for whom provision shall be made by a later Convention;

(2) Persons covered by some special scheme, the terms of which are not less favourable than those of this Convention."

The adoption of the special Convention for seamen and fishermen is still reserved for a maritime session of the Conference. The clause relating to persons covered by some special scheme neither reduces nor increases the obligations of the Members, as any such scheme must be not less favourable than that provided by the Convention.
Article 4.—“This Convention shall not apply to agriculture, in respect of which the Convention concerning workmen’s compensation in agriculture adopted by the International Labour Conference at its Third Session remains in force.”

Convention No. 12, to which this article refers, provides that the compensation scheme must be extended to all agricultural wage-earners. The twenty Members which have ratified the Convention in question have recognised that the principle of occupational risk also extends to agriculture, and have renounced any arbitrary discrimination prejudicial to agricultural workers. Of these 20 Members, however, only 12 have also ratified Convention No. 17 and are therefore bound to grant agricultural workers as well as workers in other occupations compensation at least equal to that provided by the Convention.

Several of the Members which have ratified Convention No. 17 (Hungary, Mexico, Portugal and Yugoslavia) are still very far from having included all agricultural workers in a compensation scheme conforming to the essential requirements of the said Convention. These brief indications will give an idea of the obstacles which would arise if it were proposed to delete Article 4.

Benefits.

Article 5.—“The compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments; provided that it may be wholly or partially paid in a lump sum, if the competent authority is satisfied that it will be properly utilised.”

The article lays down the principle that compensation shall be paid in the form of periodical payments where permanent incapacity or death results from the injury. The pension may, however, be wholly or partially paid in a lump sum provided the competent authority is satisfied that it will be properly utilised and provided that the lump sum is not less than the capital sum required to produce the pension or part of the pension replaced by the lump sum.

These important provisions are fully observed by the great majority of the Members which have ratified, and divergencies exist only in the case of a few Members whose ratification is still recent.

Chile.—Legislation is in conformity with the Convention as regards accidents causing death or permanent total incapacity, but in case of permanent partial incapacity compensation is not paid in the form of a pension but in the form of a lump sum (maximum: 2 years’ wages) which is not the capital sum required to produce the pension which would be due.

Colombia.—Under existing legislation, surviving dependants receive only a lump sum payment equal to one year’s wages. This divergency would be removed if the draft Code now before the Chambers is adopted.

Mexico.—Compensation is given in the form of a lump sum (612 days’ earnings in case of death, 918 days’ earnings in case of permanent total incapacity) but the lump sum may be converted into a pension. The Convention on the other hand requires that the payment should as a general rule be made in the form of a pension.

Nicaragua.—In case of death or permanent total incapacity, compensation is paid in the form of a lump sum: one half of the wages earned by the injured person in the service of the same employer for not more than 1,000 days (maximum: 1,500 cordobas).

It is not unreasonable to hope that the few laws which have not already done so will soon adopt the principle of the payment of compensation in case of death or permanent incapacity in the form of a pension. The Conference would probably be unwilling to give up this principle, which is essential for the security of persons injured in accidents.

Article 6.—“In case of incapacity, compensation shall be paid not later than as from the fifth day after the accident, whether it be payable by the employer, the accident insurance institution, or the sickness insurance institution concerned.”

This article defines the time at which the periodical payment to be made in case of incapacity becomes due. Of 16 Members which have ratified, 6 provide for a waiting period in their legislation, though they do not exceed the maximum period allowed by the Convention.

There is only one divergency to report. Under Uruguayan legislation compensation is paid as from the day following the accident in case of incapacity lasting for thirty days and as from the eighth day following the accident in case of incapacity lasting for a shorter time.

Article 7.—“In cases where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be provided.”

This article lays down that the injured person is entitled to additional compensation in case of incapacity of such a nature that he requires the constant help of another person. It does not, however, fix the amount of such additional compensation.

A large majority of the Members which have ratified the Convention have taken care to provide for the additional compensation required by this article. A clause of this kind, however, is still absent in the legislation of some countries (Colombia, Mexico, Nicaragua, Portugal, Uruguay).
Further, the additional compensation is not granted as a strict right in all the legislations which establish it. The information supplied by the Governments concerned would, however, seem to show that the practice of the Courts fulfils the social objects at which the Conference aimed.

It would appear desirable to maintain the article unchanged, as the difficulties which exist can be overcome and the few cases which the article covers are of particular interest.

Article 8.—"The national laws or regulations shall prescribe such measures of supervision and methods of review as are deemed necessary."

There are no difficulties to report.

Benefits in Kind.

Article 9.—"Injured workmen shall be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid shall be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions."

Medical and pharmaceutical aid are normal elements of compensation, and are an obligation on the employer or insurance carrier and a right for the injured person.

The right to medical, surgical, and pharmaceutical aid is allowed to persons injured in accidents by the legislation of all the Members which have ratified, and there are no serious divergencies to report in this connection. The right is generally not limited in time, and the injured person can claim such aid as long as the effects of the accident make it necessary.

Article 10.—"Injured workmen shall be entitled to the supply and normal renewal, by the employer or insurer, of such artificial limbs and surgical appliances as are recognised to be necessary: provided that national laws or regulations may allow in exceptional circumstances the supply and renewal of such artificial limbs and appliances to be replaced by the award to the injured workman of a sum representing the probable cost of the supply and renewal of such appliances, this sum to be decided at the time when the amount of compensation is settled or revised.

National laws or regulations shall provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose."

The importance of the supply of artificial limbs and surgical appliances is undeniable, and a large majority of the Members which have ratified (12 out of 16) lay down in their legislation that the necessary limbs and appliances must be supplied or additional compensation representing their probable cost must be paid. With one exception, the laws of these Members also lay down that the injured person is entitled to the normal renewal of the necessary appliances or additional compensation representing the probable cost of such renewal.

There are only a few countries whose ratification was registered in 1933 or 1934, namely, Colombia, Mexico, Nicaragua and Uruguay, where explicit and detailed provisions concerning the supply of artificial limbs and surgical appliances do not yet exist. Provisions of this kind are, however, under consideration in three of these States.

Guarantees.

Article 11.—"The national laws or regulations shall make such provision as, having regard to national circumstances, is deemed most suitable for ensuring in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or in case of death, to their dependants."

Benefits due on account of industrial accidents are necessary for the maintenance of the beneficiary, and it is in the public interest that they should be paid on account of the reasons which gave rise to them. National legislation must therefore establish an effective system of guarantees for the injured person.

The Convention does not go so far as to prescribe a specific system of guarantees, but lays down that steps shall be taken to ensure that in all circumstances compensation is paid to injured persons and to guarantee them against the insolvency of the employer or insurer.

Most of the Members which have ratified (13 out of 16) have made insurance against industrial accidents compulsory. Such insurance may be contracted:

(a) Solely with social insurance institutions possessing a monopoly of insurance (7 Members);
(b) With employers' mutual associations and insurance companies authorised and supervised by the public authorities (3 Members);
or
(c) At the employer's choice, either with social insurance institutions or with employers' mutual associations and insurance companies authorised and supervised by the public authorities (3 Members).

In one State which is a party to the Convention and has not set up a compulsory insurance scheme, employers who are not insured must set aside the capital sum representing the pensions for which they are responsible and must also contribute to a guarantee fund which makes payments in case of the insolvency of the employer.
In two countries which have ratified recently (Colombia and Mexico) insurance is still optional, and no guarantees are provided against the insolvency of the employer. In both countries, however, measures intended to fulfil the objects of Article II are already under consideration.

The above study of the Convention would appear to lead to the conclusion that from the point of view of the States Members which have ratified the Convention, its revision is not necessary. In these States, the process of adapting national legislation and bringing it into harmony with the Convention is for the most part completed, and all the provisions of the Convention, including those relating to its scope of application as well as those relating to benefits and guarantees, are definitely part of the law of the country. The only divergencies of any importance which exist are to be found in certain Members on the American continent where industry is rapidly developing and which are taking steps to perfect their social legislation, including the legislation on workmen’s compensation for accidents. It is thus not unduly optimistic to hope that the Convention will, in the near future, be fully and completely applied in all the countries which have ratified it.

The fact that serious difficulties of application have not arisen in these countries is, however, only one of the criteria showing whether or not the Convention should be revised. With one or two exceptions all the Members of the Organisation possess one or more schemes of workmen’s compensation or insurance against industrial accidents. The number of ratifications registered up to the present is, however, only sixteen. Thus the majority of Members have up to the present refrained from contracting any undertaking on the basis of this Convention, which was adopted by the Conference in 1925. Before any decision is taken on the question of revision it would appear necessary to investigate the reasons for that attitude. It is possible that the Convention in its existing form may, in the view of those States which have not ratified it, contain difficulties which could be removed by revision without any reduction in the degree of social protection afforded to injured workmen.

The Office has not as yet been able to undertake this necessary study of the development of legislation on workmen’s compensation for accidents. The number of laws on the subject is very large, over 140 if account is taken of those of each State in most countries which have a federal constitution. The subject is, moreover, known to be a highly complex one. If the work is to be carried out satisfactorily the Office must ask for sufficient time in view of the large amount of work which its Social Insurance Section at present has to carry out.

Pending the completion of that work, the Committee might propose to the Governing Body to adjourn its decision concerning the possible revision of the Convention.

ANNEX B.

NOTE BY THE OFFICE ON THE TEN-YEARLY REPORT ON THE WORKMEN’S COMPENSATION (OCCUPATIONAL DISEASES) CONVENTION, 1925 (No. 18).

In examining the draft report on this Convention, the Office will bear in mind that a revision was carried out fairly recently by the adoption of the Workmen’s Compensation (Occupational Diseases) Convention (Revised), 1934. The effect of this revision was to add to the list of diseases and toxic substances and to the list of corresponding trades, industries or processes in the Schedule to Article 2.

No Government has mentioned any difficulty in the text of the Convention as an obstacle to ratification. Mr. de Michelis’ proposal cannot be made to apply to this Convention, the scope of application of which is governed by the Schedule to Article 2.

In these circumstances the Office suggests that the Committee should not recommend the Governing Body to open the procedure of revision of this Convention.

ANNEX C.

NOTE BY THE OFFICE ON THE TEN-YEARLY REPORT ON THE INSPECTION OF EMIGRANTS CONVENTION, 1926 (No. 21).

The draft report gives detailed information upon the application of the Convention up to the present and on the observations which Governments have made upon it.

The Convention has been ratified by 19 States, both European and overseas, among which are several countries of emigration, immigration or maritime importance. No difficulties of application have been mentioned by any of these countries.
It should be noted that three of these States have communicated a conditional ratification: France, conditionally upon ratification by Italy, Poland and Spain; Great Britain, conditionally upon ratification by France, Germany, Italy, Netherlands, Norway and Spain; and Sweden, conditionally upon ratification by Denmark, Finland and Norway. Of the countries named in these conditions, only the Netherlands and Finland have ratified the Convention unconditionally.

Scarcely any observations upon the Convention have been made by countries which have not ratified it; a few have decided against ratification without giving reasons or have confined themselves to stating that they did not feel any necessity for ratifying the Convention. No request for information upon the meaning of the terms of the Convention has been made to the International Labour Office.

The Convention contains no exceptions applying to certain States or persons, since it merely lays down in Article 1 that for the purposes of its application the terms "emigrant vessel" and "emigrant" shall be defined for each country by the competent authority in that country.

In these circumstances the Office suggests that there are no grounds for the Committee to recommend that the procedure of revision should be opened.

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ANNEX D.

NOTE BY THE OFFICE ON THE FIVE-YEARLY REPORT ON THE FORCED LABOUR CONVENTION, 1930 (No. 29).

In examining, in connection with the five-yearly draft report on this Convention, "the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part" (Article 31), the Committee has to consider "the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the Agenda of the Conference" (Article 1, third paragraph). The placing of this question on the Agenda would involve a proposal to revise the Convention as a whole. The examination of the desirability of the partial revision of the Convention must also include, as in other cases, the question of the cancelling or restricting of the exceptions permitted by the Convention (proposal of Mr. de Michelis).

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The questions the Committee has to consider may therefore be stated as follows:

I. Desirability of total revision:
   (a) In order to provide for the suppression of forced or compulsory labour in all its forms;
   (b) For any other purposes.

II. Desirability of partial revision:
   (a) In order to deal with difficulties that may have arisen in connection with the ratification or application of the Convention;
   (b) In order to cancel or restrict all or any of the exceptions permitted by the Convention.

I (a). It would hardly be possible for the Committee to proceed to a technical examination of the possibility of the suppression of forced or compulsory labour in all its forms. If such an examination were considered desirable, the Governing Body would no doubt wish to consult the Committee of Experts on Native Labour, and the question whether the experts should be so consulted would probably have to be decided in the light of such a general review of the problem as the one which the Committee is now able to make.

The factors which, the Office suggests, should be taken into account in a general review of the question are the extent to which the Convention has been ratified, the extent to which its application has led to the realisation of the purposes expressed in Article 1 — i.e. the suppression of the use of forced or compulsory labour in all its forms within the shortest possible period — and generally the extent to which the movement towards the abolition of forced labour has progressed.

The five-yearly report shows that the Convention has been ratified by sixteen States — to which one subsequent ratification, that of Finland, has to be added. When the report was drafted, the annual reports of three States — Italy, Mexico and Nicaragua — had not yet become due. Of the other States which have ratified, the summaries of the situation revealed by the annual reports show that only Australia, Great Britain, Liberia, the Netherlands and Spain are directly affected by the provisions of the Convention. As regards these States, the Convention had been in force for Liberia and Great Britain since 1932, for Australia and Spain since 1933, and for the Netherlands since 1934.

There are two points to which attention may be drawn in connection with this analysis of the extent to which the Convention has been ratified. Important as the above-mentioned ratifications are in relation to the possible effective field of application of the Convention, they
fall far short of the ratifications necessary to cover the whole field; in particular, it will be noted that Belgium, France and Portugal have not yet ratified the Convention. Moreover, from the length of time the Convention has been in force for the States directly affected which have ratified it, it will be seen that the period within which it has been possible to gain experience of the working of the Convention has been very short.

As regards the extent to which progress has been made towards the suppression of forced or compulsory labour both in the territories of States which have ratified the Convention and in those of States which have not ratified, the information given in the five-yearly report appears to warrant the following conclusions:

1. There are a large number of colonial territories in which there is no forced or compulsory labour as defined in the Convention.

2. In a number of other territories, the purposes for which forced or compulsory labour is still permitted have been or are being limited to a very small number, and in practice the amount of such labour seems to be very little.

3. In territories in which forced or compulsory labour exists, there has apparently been little actual recourse to forced labour for the execution of works of general public utility during the last few years. The most common forms of forced labour are labour for local public purposes (the construction and maintenance of roads, sanitation, etc.) and porterage; the extent to which forced labour is used for such purposes appears to be diminishing in many cases.

4. Considerable progress has been made in the direction of regulating the use of forced or compulsory labour in accordance with the terms of the Convention.

5. In very few cases has it been found possible to proceed to the complete suppression by legislation of forced or compulsory labour, as defined in the Convention, in all its forms.

While, therefore, there has been undoubted progress towards the suppression of forced or compulsory labour by the stricter regulation of the conditions under which it may be used, by the legal and practical limitation of the purposes for which it may be employed, and—although this fact may be to some extent due to the slower tempo of colonial development in recent years—by the lessened recourse to forced labour, there has not been, in the territories of the States concerned, much legislative recognition of the possibility of proceeding to the complete suppression of forced or compulsory labour in all its forms without a further transitional period.

These circumstances, and the fact that the experience of the working of the Convention is not yet extensive both because it has not long been in force for several States and because it has not yet been ratified by several colonial powers, seem to the Office to point to the desirability of not proposing the total revision of the Convention for the purpose of converting it into an instrument for the complete suppression of forced or compulsory labour in all its forms without a further transitional period.

I (b). There would not appear to be any reason to contemplate the total revision of the Convention for any other purposes.

II (a). The information given in the five-yearly report shows that difficulties arising out of the provisions of the Convention have in several cases proved to be obstacles to ratification. Thus the Government of the Union of South Africa has been prevented from ratifying the Convention by the proviso to Article 2 (c), in regard to which, as the five-yearly report also states, the only questions of interpretation of the provisions of this Convention have arisen. Article 2 (c) excepts from the definition of "forced or compulsory labour" any work or service imposed as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations." The practice prohibited by this proviso exists in South Africa and the Government considers that it would be difficult to abandon it at present. However, the Government has also stated that the matter was being specially examined and action would be taken if it should prove possible at some future date.

In the case of India, the Government of which has taken steps to secure the application of the provisions of the Convention, in so far as they are applicable or were not already applied, the ratification of the Convention has been prevented by the absence of a provision under which an exception could be made in respect of labour exacted under the Criminal Tribes Act, the Good Conduct Prisoners' Probational Release Act and other similar legislation in force in India. This difficulty is also connected with Article 2 (c), as it is understood to be mainly concerned with the practice of placing persons belonging to criminal tribes and prisoners released on probation, for the purpose of the application of the above-mentioned legislation, in the employment of private individuals, companies or associations.

Difficulties connected with various provisions of the Convention are mentioned in the information given in the five-yearly report in regard to France, but it hardly seems necessary to examine these difficulties as the French Government has recently introduced in the Senate a Bill for the ratification of the Convention. It may also be mentioned here that the Belgian
Government has informed the Office that a Bill for the ratification of the Convention will shortly be introduced in the Chamber of Representatives.

The question of the desirability of partial revision of the Convention for the purpose of dealing with difficulties that have prevented the ratification of the Convention may therefore be limited to the consideration of the revision of Article 2 (c). However, before coming to a decision on this point, the Committee may wish to consider whether there are any other provisions that should be examined with a view to partial revision.

In regard to difficulties of application by the States which have ratified the Convention, the five-yearly report shows that, although a number of difficulties have been experienced, neither the Governments nor the Committee of Experts on the application of Conventions have suggested that these difficulties raise the question of the revision of any provisions of the Convention.

It (b). There remains, therefore, to be considered the question whether all or any of the exceptions provided for in the Convention should be cancelled or restricted. According to the Governing Body document G.B.73/15/1139, pages 28 and 29, the exceptions provided for in the Convention are "general" and "geographical", the former comprising the exceptions to the definition of "forced or compulsory labour" contained in Article 2, second paragraph, and the latter the possible exceptions referred to in Article 26 and allowed under Article 35 (421) of the Constitution of the International Labour Organisation.

The exceptions to the definition of "forced or compulsory labour" concern (1) labour exacted under compulsory military service laws for work of a purely military character, (2) labour exacted as part of the normal civic obligations of citizens of a fully self-governing country, (3) labour exacted from convicted prisoners, provided that it is carried out under public supervision and control and that the prisoners are not hired to, or placed at the disposal of, private employers, (4) labour exacted for public purposes within village community limits, under conditions which bring such labour within the normal civic obligations of the members of the community and subject to the consultation of the members of the community or their direct representatives.

It may be observed in regard to these exceptions, that it would not appear to be strictly relevant to consider their revision in connection with the proposal of Mr. de Michelis, the purpose of which is to extend the scope of Conventions to include classes of workers who are wholly or partly excluded from the protection of international labour legislation. These exceptions are not in reality exceptions to the prohibition or the regulation of forced or compulsory labour. They are exceptions to the definition of forced or compulsory labour, and were inserted in the Convention to ensure that its provisions should not be regarded as applicable to situations to which these provisions were not intended to apply. They do not exclude from the field of application of the Convention any categories of persons whose labour, in the opinion of the Conference, could reasonably be brought within the prohibitive or regulative provisions of the Convention, except in the circumstances in which the clauses of the second paragraph of Article 2 themselves provide, explicitly or implicitly, that such labour should come within the scope of the Convention.

It would not, therefore, appear to be desirable to contemplate the revision of the second paragraph of Article 2 in order to fulfil the purpose underlying the proposal of Mr. de Michelis. Moreover, the information given in the five-yearly report does not point to the necessity of proposing an eliminatory or restrictive revision of these exceptions for any other purpose.

As regards the "geographical" exceptions, no question of revision would seem to arise, since these exceptions are those provided for in Article 35 (421) of the Constitution.

Apart from the exceptions discussed above, there are other provisions of the Convention which have an exceptional character, although it would perhaps be more accurate to describe them as adaptations of the main provisions of the Convention to particular circumstances rather than as exceptions. It does not, however, seem necessary to examine these provisions in detail, as there is no indication in the information contained in the five-yearly report that the desirability of revision has been felt or could be undertaken with success.

The only definite point on which it would seem necessary for the Committee to decide whether the procedure of partial revision should be recommended is therefore clause (c) of the second paragraph of Article 2. In regard to the proviso to this clause the South African Government, as noted above, has stated that the position was being examined and that action in the direction of the deletion of the proviso to Article 2 would be taken if it should prove possible to do so at some future date. In view of this statement, and the fact that the deletion of the proviso was rejected by the technical Committee of the 1930 Conference, the Committee may consider that it would not be desirable to propose the revision of the clause in order to remove the present obstacle to ratification of the Convention by South Africa.

The position is different in regard to the difficulty which has prevented ratification by the Government of India. The resolutions passed by the Indian Legislature stated that the Convention could not be ratified until Article 2 had been modified so as to exclude labour exacted under the legislation relating to criminal tribes and to prisoners released on probation. Amendments to this effect were also rejected at the 1930 Conference both in Committee and in plenary session,
but it is possible that the decision might have been different had the nature of the problem been better understood. Nevertheless, the Office feels that the Committee may hesitate to recommend partial revision on a question which only concerns one country and which, while it prevents ratification by that country, is fortunately of little importance in regard to the practical application of the Convention which has been otherwise completely accepted by the Legislature and Government of India.

* * *

In view of the above considerations, the Office suggests that the Committee should not, at the close of this first five-year period of the working of the Forced Labour Convention, 1930, recommend the opening of the procedure of revision of the Convention in whole or in part, but should propose that the results of the experience of a second five-years' working should be awaited.
APPENDIX XIII.

THIRTEENTH ITEM ON THE AGENDA.

REPORT OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS
(ARTICLE 22 OF THE CONSTITUTION).

The Report has been printed as an appendix to the summary of Annual Reports under Article 22 (408) of the Constitution, and will be submitted to the International Labour Conference at its Twentieth Session.
FOURTEENTH ITEM ON THE AGENDA.

APPROVAL OF VARIOUS FORMS FOR THE ANNUAL REPORTS ON THE APPLICATION OF CONVENTIONS.

Under Article 22 of the Constitution of the International Labour Organisation the annual reports which the Governments are required to make to the Office on the application of Conventions ratified by their respective countries " shall be made in such form and shall contain such particulars as the Governing Body may request ". In pursuance of this provision of the Constitution, the Governing Body at its present session is called upon to deal with a number of questions connected with the annual report forms to be despatched to the Governments in July next in preparation for the Conference in 1937.

1. Proposed new question regarding the re-examination of "local conditions" in the Colonies.

The Governing Body will remember that the report of the Committee of the Governing Body concerning the "representation" submitted by the Madras and Southern Mahratta Railway Employees' Union regarding the application of certain Conventions in the French possessions in India, which the Governing Body adopted, contained the following statement:

"The Governing Body may, however, perhaps feel that States Members might be requested, in connection with the annual reports on the application of Conventions, to supply information on any changes in the 'local conditions' mentioned in Article 35 of the Constitution (421)."

The Office proposes that in pursuance of the Governing Body's approval of the principle contained in the above statement a new question should be inserted in the report forms asking Governments to state whether they have re-examined local conditions with a view to the application or extension of the application of Conventions in the colonies.

The following draft for this new question is accordingly submitted to the Governing Body for approval:

Where the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of applying or extending the application of the Convention in territories in which its provisions had been considered inapplicable or only applicable subject to modifications.

The Office proposes that the new question should be inserted in its appropriate place in the report forms for all the Conventions in respect of which annual reports are due (Conventions Nos. 1 to 33) with the exception, however, of Convention No. 29 (Forced or Compulsory Labour).

In view of the special structure of the Forced Labour Convention a slight modification of the above question is necessary for this Convention. The Office proposes that the proposed new question should be modified as follows and inserted under Article 26 of the Convention:

If advantage has been taken of the provisions of Article 35 of the Constitution of the International Labour Organisation (Article 421 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace), and the Convention has been in force for your country for two or more years, please state whether during the period covered by the present report your Government has re-examined, in the light of any changes that may have taken place in the local conditions, the possibility of making the subsequent declaration referred to in the second paragraph of the above Article of the Convention.

The Office also suggests that advantage should be taken of this opportunity to re-arrange the existing questions in the report form for the Forced Labour Convention in order to bring it into greater harmony with the arrangement of the questions in the report forms for the other

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1 See appendices to the minutes of the private sittings of the Seventy-fourth Session, p. 16.
Conventions. This re-arrangement will naturally involve the re-numbering of the questions as they stand in the existing report form but will not, in any way, affect the substance of the questions themselves.


The Governing Body at its Seventy-fourth Session (February 1936) decided to insert a new question in the annual report form under Article 3 of this Convention. It may be recalled that this new question is in the following terms:

"In particular, please indicate whether the term 'women' for the purposes of the application of this Article is interpreted in your country as covering all women employed in industrial undertakings without distinction as to the nature of their duties."

As this question has already been adopted by the Governing Body no fresh decision is called for. The Office will duly insert it in the annual report form for this Convention.


This Convention, having received the requisite number of ratifications, will, in accordance with its Article 4, come into force on 17 June 1936. The annual reports called for from the Governments under Article 22 of the Constitution of the Organisation being now for the period 1 October of one year to 30 September of the following year or for a part of that period, the Governments concerned will be called upon to submit their first report on the application of the Convention for the period 17 June to 30 September 1936, and in accordance with the usual procedure forms will have to be despatched to these Governments in July next. The Governing Body is accordingly asked to approve the attached draft report form for this Convention. It may be explained that the only respect in which the original Convention (No. 18) of 1925 was revised by the Conference in 1934 was by the insertion of a new list of diseases giving rise to compensation. The draft now submitted to the Governing Body is based upon the form of report already approved by the Governing Body for Convention No. 18, with, however, the new list of diseases inserted.

The Governing Body will also notice that the text of the new proposed question regarding the re-examination of "local conditions" in the colonies has been included in the draft.

Supplementary Note.

Proposed new question for insertion in the annual report form for Convention No. 2 (Unemployment).

It will be noticed that in the Report of the Committee of Experts on the application of Conventions which is before the Governing Body at its present session, the Committee of Experts makes the following general observation under the Unemployment Convention:

"The Committee of Experts this year devoted special attention to Article 3 of the Convention under which the Members of the International Labour Organisation which ratify this Convention and which have established systems of insurance against unemployment 'shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter.'

"The present report form includes a question asking Governments to supply information on arrangements of this kind already concluded, but the Committee felt that as it seems to it very important that as many arrangements should be concluded between Members which have ratified the Convention as possible, it would be desirable to put an additional question asking for information on any negotiations undertaken with a view to making such arrangements, and the progress made in these negotiations.

"The Committee accordingly proposes for the consideration of the Governing Body that the new question might be worded as follows: Please supply information on any negotiations undertaken with other Members which have ratified the Convention with a view to making arrangements upon agreed terms as provided in this Article, and on the progress of these negotiations."

1 It has not been considered necessary to reproduce the draft report form here.
2 The Report is printed as an appendix to the "Summary of Annual Reports under Article 22 of the Constitution of the International Labour Organisation" submitted to the International Labour Conference at its Twentieth (1936) Session.
Some explanation would seem to be necessary for asking the Governing Body to take an isolated decision on this proposal of the Committee of Experts.

It will be remembered that the general practice in the past has been for the Office to prepare a Note on any recommendations or suggestions contained not only in the Report of the Committee of Experts but also in the Report of the Committee on the application of Conventions set up by the Conference, and to submit this Note for consideration by the Governing Body at its usual October Session. That practice will of course be followed again this year, but the Office ventures to suggest that in view of the fact that the Governing Body at its present session is called upon to take a number of decisions on the report forms, and in view of the fact that, the Office's stock of report forms being exhausted, it is now proposed to have a new set of forms printed this year, advantage might be taken of the opportunity thereby afforded to insert the new proposed question (if adopted by the Governing Body) in the report form for the Unemployment Convention.

This procedure should in the first place result in a certain amount of economy in printing. If a decision on the proposed question is postponed till June or October, it will mean that the new question, if adopted by the Governing Body, will have to be inserted in the report form next year, which will involve the re-printing of the report form again next year. If, on the other hand, the Governing Body can see its way to adopt the question at its present session, the proposed new question could be inserted in the report form without any extra expenditure.

In the second place, in view of the importance that the Committee of Experts attaches to the conclusion of the arrangements provided for in Article 3 of the Convention, the Office ventures to suggest that there is a great deal to be gained by inserting the proposed new question in the report form this year instead of waiting for next year. It may be explained that even now a certain number of Governments do actually give in their annual reports information on negotiations which have been opened but not concluded with a view to making the arrangements contemplated by Article 3 of the Convention. The proposed new question thus does not raise any fresh point of principle but would provide an opportunity to the other Governments to communicate to the Office information not only on the arrangements already made as at present but also on any negotiations in progress. The Office also ventures to think that the proposed new question might possibly also serve a useful purpose by acting as a stimulus to the Governments to push forward to a conclusion any negotiations which may have been opened. It therefore seems to the Office that there is everything to be said for putting the question to the Governments if possible this year.

In these circumstances the Office feels justified in recommending to the Governing Body the adoption of the proposed new question at the present session.
APPENDIX XV.

FIFTEENTH ITEM ON THE AGENDA.

REPORT OF THE OFFICERS OF THE ADVISORY COMMITTEE ON PROFESSIONAL WORKERS.

A meeting of the Officers of the Advisory Committee on Professional Workers was held on Saturday, 25 April 1936, in order to consider the future programme of the work of the Advisory Committee on Professional Workers.

The Chairman of the Committee submitted a verbal report on this question to the Governing Body at its Seventy-fifth Session.
SIXTEENTH ITEM ON THE AGENDA.

REPORT OF THE STANDING ORDERS COMMITTEE SUBMITTED BY MR. MANNIO.

The Standing Orders Committee met on Tuesday, 21 April 1936. The following items were on the agenda:

1. Procedure for the election of the Chairman of the Governing Body.
2. Questions relating to the withdrawal of Members from the Organisation.

In the absence of Mr. Mahaim, who was prevented from attending the meeting, the Committee elected Mr. Mannio as its Chairman.

(1) Procedure for the election of the Chairman of the Governing Body.

The Committee had before it a note containing the various proposals which had been submitted to it at its last meeting in February 1936 and which were contained in the Committee’s report to the Governing Body at the Seventy-fourth Session. In addition to the three proposed amendments to the existing Standing Orders it had been suggested at the last meeting that it might be desirable to return to the original system by which the Governing Body elected its Chairman without any restriction.

In the first instance the Committee unanimously decided that all members of the Governing Body should be eligible to the office of Chairman without any distinction being made between members of the different groups.

The Committee came to the conclusion that before dealing with any of the specific amendments which had been submitted, it would be desirable to vote upon the principle of immediate re-eligibility and by 7 votes to 6 that principle was adopted.

Certain members of the Committee then pointed out that this decision amounted to a return to the original system under which the Chairman of the Governing Body had been elected and which, until October 1931, had been governed by the following provisions in the Standing Orders :

Article I.

Officers.

1. The Officers shall consist of a Chairman and two Vice-Chairmen chosen from among the three groups of the Governing Body.
2. The Chairman and the Vice-Chairmen should be of different nationalities.
3. The Chairman and the Vice-Chairmen shall hold office for one year and shall be eligible for re-election during the period of office of that Governing Body.

It was also pointed out that the adoption of the principle of immediate re-eligibility was in no sense in contradiction with the proposal for a Nominating Committee, and that if the principle of immediate re-eligibility were approved by the Governing Body the Standing Orders Committee could examine whether it would make proposals for such a Nominating Committee.

The Governing Body is therefore asked to decide :

(a) Whether it approves the principle that all members of the Governing Body, without distinction of group, are eligible for the office of Chairman,

(b) Whether it approves the principle of the immediate re-eligibility of the Chairman.

(2) Questions relating to the withdrawal of Members from the Organisation.

The Committee decided to adjourn this question.
The Standing Orders Committee will meet at 3 p.m. on Tuesday, 21 April. The following items are on the agenda:

1. Procedure for the election of the Chairman of the Governing Body.
2. Questions relating to the withdrawal of Members from the Organisation.

1. Procedure for the election of the Chairman of the Governing Body.

After a general discussion had taken place at the meeting of the Standing Orders Committee on 17 February 1936, the Committee decided to adjourn the whole question of the procedure for the election of the Chairman of the Governing Body until its next session. A note containing the various proposals which have been put forward will be circulated in due course.

2. Questions relating to the withdrawal of Members of the Organisation.

The discussion of this question which was referred to the Standing Orders Committee by the Governing Body at its Special Meeting (23 October 1935) was adjourned until the next session of the Committee. On the suggestion of Mr. de Michelis it was decided that a further note should be prepared by the Office dealing more fully with the obligations of States Members of the Organisation which are not Members of the League. This note is being prepared by the Office and will be circulated in due course.
SEVENTEENTH ITEM ON THE AGENDA.

REPORT OF THE COMMITTEE ON FREEDOM OF ASSOCIATION.

The Governing Body will remember that at its Seventy-third Session it had referred to the Committee on Freedom of Association for preliminary study a resolution adopted by the Conference at its Nineteenth Session on the proposal of Mr. Yagi, Japanese workers' delegate, suggesting that the question of the workers' right of association should be placed on the agenda of an early session of the Conference.

The text of this resolution is as follows:

"Whereas workers' trade union right is incorporated in the Preamble of Part XIII of the Peace Treaty, and whereas a resolution concerning freedom of association was adopted by the Fifteenth Session (1931) of the International Labour Conference:

"The Conference requests the Governing Body to consider the desirability of placing on the agenda of one of its early Sessions the question of the workers' right of association in order to prevent the dismissal of, or imposition of unfair treatment on, workers on account of their joining or receiving help from trade unions."

The Committee met on 15 February and 24 April under the chairmanship of Mr. Yoshisaka, representative of the Government group; on the basis of a memorandum prepared by the Office and appended to this report (Annex A), it considered the methods of giving effect to the resolution.

Remembering the difficulties that earlier efforts to regulate this matter had met with, the Committee paid special attention to defining from the outset as clearly as possible the nature of the problem under discussion. To begin with, it found that the resolution adopted by the Conference related not so much to the problem of safeguarding the right of association with regard to the public authorities, this being a problem connected primarily with the internal public law of the different States, as to that of safeguarding the right of association with regard to the other party to the contract of employment.

After a thorough examination of all the aspects of the problem, the Committee became convinced that a solution could be found on the ground of industrial relations. But even if confined to the field of such relations, the question raises a number of complex points. Consequently, after making this first more or less negative delimitation of the problem, the Committee thought it useful to define it also, if possible, on more positive lines.

To this end, and without prejudice to the form or substance of any future regulations, the Committee hold:

(1) That to begin with the regulations should relate only to one of the problems reviewed in the Office memorandum, namely, that of safeguarding the right of association of individual workers;

(2) That if possible a formula should be found for the scope of this safeguard, thus at the same time sketching the main lines of a future Draft Convention.

The formula for safeguarding the right of association of individual workers as contemplated by the resolution adopted by the Conference would consist essentially of:

an engagement by the State to guarantee the individual freedom of the worker in the exercise of his right of association;

an engagement which would comprise, among others, the prohibition of all practices on the part of the employer for bringing pressure to bear on the worker on account of his membership of an association, e.g. refusal to engage or dismissal of workers because of trade union membership, imposition of an obligation on the worker by way of contract or otherwise not to belong or to cease to belong to a trade union, discrimination between organised and unorganised workers, and in general all measures of material or moral pressure.

This can only be a first, and indeed modest, step in the direction of regulating the problem of the right of association. But this first proposal might be followed by others, dealing, for instance, with the right of association of trade unions, etc.
There are reasons both of fact and of law in favour of drafting regulations founded on these principles.

From the point of view of fact it is quite superfluous to discuss in detail here the part that trade unions are called on to play—and actually do play in most countries—in the wide field of industrial relations, and more especially in that of the regulation of conditions of employment and wages. It will be sufficient to refer in this connection to the importance of collective regulations, which are essentially trade union regulations, as a source of labour rights. It is evident that trade union action for setting up or maintaining such collective regulations would be paralysed if the other party to the contract of employment were free to retaliate upon organised workers.

From the point of view of law, the Office memorandum shows that the right of association of the workers is already protected in one form or another in a very large number of countries. It is therefore unlikely that if regulations are drafted in this matter which do not raise questions of principle, they would meet with serious difficulties.

Finally, a Draft Convention affording safeguards of this kind would not only be valuable as an important measure of social protection, but would also be in accordance with the spirit of the provisions on the right of association contained in the Constitution of the Organisation.

On these various grounds the Governing Body will no doubt consider the desirability of including the question of safeguarding the right of association of individual workers in the agenda of an early session of the Conference. The Committee is unanimously in favour of such action.

ANNEX A.

PRELIMINARY REPORT ON THE RESOLUTION CONCERNING THE WORKERS' RIGHT OF ASSOCIATION, ADOPTED BY THE CONFERENCE AT ITS NINETEENTH SESSION.

Report on the protection of the workers' right of association.

I. Position of the problem.

It is clear from the terms of the resolution adopted by the Conference, "question of the workers' right of association in order to prevent the dismissal of, or imposition of unfair treatment on, workers on account of their joining or receiving help from trade unions," that the question under consideration is not so much the guaranteeing of the right of association with regard to the public authorities as its guaranteeing with regard to the other partner to the contract of employment. The question will accordingly be studied exclusively from this point of view.

Infringements of the right of association may take various forms:

(1) They may result from a formal undertaking imposed on the worker by the contract of employment. This practice consists, of course, in making engagement or the retention of the post conditional on the worker's not belonging or ceasing to belong to a trade union.

(2) They may result from acts performed after engagement and intended to bring pressure to bear on workers who are members of trade unions, e.g., dismissal of workers who are members of trade unions, discrimination against workers who are members of trade unions, material or moral pressure.

(3) These two kinds of measure are obviously aimed rather at the individual worker than at the trade union as such; they tend, even if by indirect means, to keep the undertaking free from any kind of trade union influence and more particularly to prevent the conclusion of collective agreements or to endanger the stability or continuance of any such agreements which have actually been concluded.

Such measures of individual pressure are therefore generally accompanied by measures directed against trade unions, e.g., intervention of the employer in the formation, organisation or working of trade unions, creation and support of works unions supervised by the employer and intended to prevent the trade unions from taking part in the collective regulation of conditions of labour, refusal to recognise trade unions, etc.

These are, in brief, the principal measures intended to restrict the right of association, and directed either against individual workers or against trade unions. The action taken by means of legislation to deal with the matter is outlined below.
II. Legislation.

Like the definition of what in practice constitutes an infringement of the right of association, the legal definition may take various forms. The matter may be dealt with either by the mere application of ordinary legal principles concerning the abuse of the right of dismissal, or by specific provisions included in the laws dealing with the individual contract of employment, collective agreements, conciliation and arbitration, and works councils, or by laws dealing expressly with the right of association.

As the Office has published a detailed analysis of the question in its reports on freedom of association\(^1\), it will be sufficient here to summarise a few of the most characteristic laws which contain a precise legal definition, in the first place, of the notion of the infringement of the right of association of individual workers, and, in the second place, the notion of the infringement of the right of association of trade unions.

**Protection of the right of association of individual workers.**

In all countries where the right of industrial association is recognised by law, infringement of the worker's right of association, whether in the form of dismissal or of differential treatment, is an abuse of that right, and consequently gives the worker to whom it has been applied a right to compensation.

In practice, however, the protection afforded by ordinary legal principles has often been found insufficient. Most countries have therefore formally prohibited the practices referred to above.

Two laws may be quoted by way of example as regards the contract prohibiting membership of a trade union.

Under section 3 of the United States Federal Act of 23 March 1932 concerning industrial disputes, "any undertaking or promise... whether written or oral... whereby:

(a) Either party to such contract or agreement undertakes or promises not to join, become, or remain a member of any labor organisation; or of any employers' organisation;

(b) Either party to such contract or agreement undertakes or promises that he will withdraw from an employment relation in such a case,

is declared " contrary to the public policy of the United States " and " shall not be enforceable in any court of the United States and shall not afford any basis for the granting of legal or equitable relief by any such court."

Section 4 of the Belgian Act of 24 May 1921 guaranteeing freedom of association states that "any person who, with intent to attack freedom of association, makes the conclusion, the execution or (even with due regard to customary notice) the continuance of a contract of work or service conditional upon the affiliation or non-affiliation of one or more persons to an association " shall be punished by imprisonment from one week to one month and a fine of 50 to 500 francs, or by one of these penalties.

In the examples mentioned above, legislation specifically prohibits and in some cases provides penalties for the comparatively rare case of infringement of the right of association by means of the contract of employment. There are other laws which extend the notion of infringement of the right of association to measures—these are much more frequent in actual practice—which aim at restricting the worker's freedom of association after he has been engaged.

The Australian Federal Conciliation and Arbitration Act may be mentioned as an example of particularly comprehensive regulations of this kind.

Section 9 of the Act states that "an employer shall not dismiss an employee, or injure him in his employment, or alter his position to his prejudice, by reason of the circumstance that the employee (a) is an officer or member of an organisation... or (b) is entitled to the benefit of an industrial agreement or an award; or (c) has appeared as a witness, or has given any evidence, in a proceeding under this Act; or (d) being a member of an organisation which is seeking better industrial conditions, is dissatisfied with his conditions. Penalty : fifty pounds." Here the mere threat of discrimination against a worker for one of the reasons mentioned in the section is treated as an infringement of freedom of association.

**Protection of the right of association of trade unions.**

The problem of the right of association of trade unions does not of course arise in those countries where the trade union movement is strongly developed, unified and centralised, and where, in consequence, the collective regulation of conditions of employment is in practice, owing to the force of circumstances, in the hands of the trade unions. Besides, in many countries the central employers' and workers' associations have concluded real " treaties of mutual recognition ", which have subsequently been confirmed and sanctioned by law.

Reference may be made in this connection to the national agreements concluded between the employers' and workers' organisations of the Scandinavian countries: the "Concordat of 5 September 1899" in Denmark, the "Compromise of December 1906" in Sweden, and the

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\(^1\) Cf. "Studies and Reports", Series A (Industrial Relations), Nos. 28, 29, 30, 31 and 32.
"National Agreement of 9 March 1935" in Norway, under which the parties agree to place the organisation of collective relations, including conclusion of collective agreements, settlement of disputes, conciliation and arbitration, etc., under the supervision of the central employers' and workers' organisations. It should further be noted that in each of the countries in question the agreements have been recognised by legislation or judicial practice, so that they possess the validity of law. This is a fortiori the case in countries where the recognised industrial associations enjoy a legal monopoly of organisation and consequently of the settlement of collective labour conditions.

In many countries, however, where these conditions of law or practice do not exist, there are special legislative measures protecting the right of association of trade unions.

It is interesting to note that provisions of this kind have been included in an international treaty, the German-Polish Convention of 15 May 1922 concerning Upper Silesia, which is still in force. Section 161 of the Convention states that:

(1) Admission to a trade union may not be conditional on the workers belonging to a particular undertaking.

(2) Employers may not be members of a trade union.

(3) Trade unions are not allowed to accept subsidies or other assistance from an employer.

(4) The defence of the occupational interests of the members of a trade union must not be subjected to any outside pressure.

The same problem has arisen in the United States, and has been dealt with there in a particularly characteristic way. Taking as a basis the idea that the principles of fair competition must be observed not merely in economic relations but also—and indeed even more—in industrial relations, the Act of 5 July 1935 concerning national labor relations assimilates the following acts to "unfair labor practice", and accordingly prohibits them:

(1) To interfere with, restrain or coerce employees, in the exercise of their right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in, or cause employees to engage in, concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it.

(3) By discrimination in regard to hire or tenure of employment, or any term or condition of employment, to encourage or discourage membership in any labor organization.

Nevertheless an employer may make an agreement with the workers' organization which is the most representative as defined in the Act, that the engagement of workers may be made conditional on their being members of the contracting workers' organization.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under the Act.

(5) To refuse to bargain collectively with the representatives of the employees.

These are some examples of definitions of the notion of infringement of the right of association in relation not to the individual wage-earner but to the trade union itself.

Some examples are given below of the means used by legislation to ensure the supervision and enforcement of the measured referred to and the imposition of penalties.

Supervision of, and penalties for, infringements of the right of association.

In Australia the industrial arbitration courts, and in the United States the National Labor Relations Board specially set up for the purpose, are entrusted with the enforcement of the measures for the protection of trade unions and with the duty of imposing penalties for offences.

The most effective form of supervision is of course that which is carried out in the place of work itself by means of staff committees set up in accordance with law or collective agreement. It may be mentioned by way of example that under section 3 of the Czechoslovak Act of 12 August 1921 concerning works committees (there were similar provisions in section 84, paragraph 1, of the German Act of 4 February 1920 and section 4, paragraph 9, of the Austrian Act of 15 May 1919 dealing with the same subject), it is one of the duties of the works committees to submit a protest to the arbitration board whenever a worker or salaried employee was obviously dismissed on account of his membership or non-membership of a political or industrial, national or religious organisation, or on account of any political or industrial, national or religious activities not connected with his activities in the works. The arbitration board may decide that the employer must either take back the worker or salaried employee into employment on the previous conditions and at the same time pay him compensation for loss of earnings during the interval, or procure him other employment in the same occupation and in the same district with approximately equal remuneration, or give him from one to four times his weekly wage as a leaving grant, the exact amount of which is fixed by the arbitration board.

All Acts dealing with the subject naturally impose civil penalties for the infringement of the right of association. A contract which requires a worker to refrain from membership of a trade union is null and void; compensation must be paid for damage caused, and so on. Some Acts, however, go further and reinforce the civil guarantee by the penalties of fine or imprisonment.
Apart from questions of supervision and penalties, there is another problem dealt with in the relevant legislation—namely, on which of the parties the onus of proof is to rest in case of infringement of the right of association.

In accordance with the usual legal position as regards the onus of proof, it is for the plaintiff—who in this case is the worker—to prove that the dismissal or discrimination used against him is solely due to reasons connected with membership of a trade union or with his contract. Obviously, however, it is only in quite exceptional cases that the worker can furnish such a proof, and there is therefore danger that the protection of the right of association may be inoperative in practice. For this reason some legislations have not hesitated to reverse the position as regards the onus of proof. For example, section 9, paragraph 4, of the Australian Federal Conciliation and Arbitration Act—and there is a similar provision in the laws of the separate States and of New Zealand—lays down that in any proceeding for an offence against freedom of association, if all the facts and circumstances constituting the offence other than the reason for the defendant’s action are proved, it shall lie upon the defendant to prove that he was not actuated by the reason alleged in the charge.

Conclusion and method of regulation.

It will be seen from this brief summary of the law and practice that any proposed international regulations on the protection of the workers’ right of association might deal successively or simultaneously with the following questions:

1. Protection of the right of association of individual workers, including: (a) prohibition of contracts of employment making employment conditional on non-membership of a trade union; (b) prohibition of any other form of discrimination against workers who are members of trade unions.

2. Protection of the right of association of trade unions, including: (a) prohibition of material or moral pressure by employers on trade unions; (b) prohibition of works unions; (c) obligation to recognise trade unions for the purpose of the conclusion of collective agreements.

3. Enforcement of, and penalties for breach of protective measures, including: (a) measures of supervision; (b) competent authorities; (c) civil or penal sanctions; (d) change of the usual position as regards the onus of proof in favour of the plaintiff.

In view of the complex nature of the problem, the best method of dealing with it would perhaps be to proceed by successive stages, the first of which would be the guaranteeing of the right of association of individual workers. It would appear that a future draft for a Convention on this subject would be unlikely to encounter serious difficulties owing to the fact that contracts requiring a worker not to be a member of a trade union, as well as all other forms of discrimination, are already prohibited either by ordinary law or by specific legal provisions.
EIGHTEENTH ITEM ON THE AGENDA.

DATE AND PLACE OF THE NEXT SESSION.

It is usual for the Governing Body to meet immediately before the opening of the session of the International Labour Conference. As the Conference is to open on Thursday, 4 June 1936, it is suggested that the Seventy-sixth Session of the Governing Body should open on Tuesday, 2 June, Wednesday 3 June being left free for meetings of the groups of the Conference.

It will be necessary for a further sitting of the Seventy-sixth Session to be held during the course of the session of the Conference in order to consider the question of the possible revision of the four Minimum Age Conventions. Under Article 7(a) of the Standing Orders, if the Governing Body decides it to be desirable to consider placing on the agenda of the Conference the revision in whole or in part of any Convention, the Office shall notify this decision to the Governments and ask them for their observations, drawing attention to the points which the Governing Body has considered specially worthy of attention. On the expiry of four months from the date of the despatch of this notification to the Governments, the Governing Body, taking into account the replies of the Governments, defines exactly the question or questions which it places on the agenda of the Conference.

As the notification concerning the possible revision of the Minimum Age Conventions was despatched to Governments on 21 February 1936, the meeting of the Governing Body at which their replies are to be considered cannot take place before 21 June. The exact date can be fixed later in agreement with the Officers of the Governing Body.
APPENDIX XIX.

NINETEENTH ITEM ON THE AGENDA.

REPORT OF THE COMMITTEE ON SOCIAL CHARGES.

The Committee on Social Charges held its Sixth Session on 23 April 1936. Mr. Yoshisaka was in the Chair.

The following attended the session:

**Government members:**
- Mr. Yoshisaka;
- Mr. Kotek (substitute for Mr. Nečas).

**Employers' members:**
- Mr. Kirkaldy (substitute for Mr. Forbes Watson);
- Mr. Vanek.

**Workers' members:**
- Mr. Mertens (substitute for Mr. Largo Caballero);
- Mr. Forslund.

The following question was on the agenda:

Examination of the nineteen national monographs which are to form Volume II of the second edition of the International Survey of Social Services.

The Office had sent to the members of the Committee the proofs of the monographs relating to the following nineteen countries:

- Argentina
- Austria
- Brazil
- Czechoslovakia
- Denmark
- Estonia
- Greece
- Hungary
- Latvia
- Luxemburg
- Mexico
- New Zealand
- Poland
- Portugal
- Rumania
- Spain
- Switzerland
- Uruguay
- Yugoslavia

The decisions taken by the Committee may be summarised as follows:

1. **Examination of the national monographs.**

   As no member of the Committee had any observations to make on the monographs, the Committee decided to recommend that they should be published as soon as possible, including the few monographs in regard to which the Office was unable to obtain complete information.

   The Committee requests the Governing Body to authorise the Office to publish Volume II of the International Survey of Social Services in 1933.

2. **Future work in regard to social services.**

   A brief exchange of views took place in regard to the desirability and possibility of continuing in the future the work on social services. After hearing the Director's observations on the subject, the Committee decided to adjourn its decision on this point and requested the Office to submit to it at its next session, which might be held in January 1937, a report containing all the information necessary to enable it to reach a conclusion in the matter.

   This report should give particulars as to the manner in which the first two editions of the Survey had been received, the use to which they had been put, any changes in the original plan which might have been suggested, etc.

   Furthermore, the Director would give his views in the report as to the possibility or impossibility of the Social Insurance Section being able to continue the studies on social services in view of the other work which it was bound to undertake.

   Finally, the Committee requests the Governing Body to authorise the Director to call a meeting of the Committee on Social Charges in connection with the session of the Governing Body to be held in January 1937, with a view to considering the report on the desirability and possibility of continuing in the future the studies on social services.
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