INTERNATIONAL LABOUR OFFICE

MINUTES

OF THE

SEVENTY-SIXTH SESSION

OF

The Governing Body

GENEVA — 2 AND 22 JUNE 1936
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Conseil d'Administration
du Bureau International du Travail

PROCÈS-VERBAUX DE LA SOIXANTE-SEIZIÈME SESSION

La soixante-seizième session du Conseil d'administration du Bureau international du Travail s'est tenue au Bureau international du Travail, à Genève, le mardi 2 juin et le lundi 22 juin 1936.

Au cours des deux premières séances, qui ont eu lieu le 2 juin, la composition du Conseil était la suivante :

M. RIDDELL, Président.
M. de BUEN.
M. DELAUNEY.
M. ERULKAR.
M. ESTRADA CAJIGAL.
M. FOLSON.
M. FORBES WATSON.
M. FORSLUND.
M. GILARDI.
M. JENSEN.
M. JOUHAUX.
M. KUPERS.
M. LI PING-HENG.
M. MANNIO.
M. MARKUS.
M. MERTENS.
M. de MICHELIS.
Sir Bhupendra Nath Mitra.
M. MUNIZ.
M. NÉMEČEK.
M. NORMAN.
M. OESTEDT.
M. RICE.
M. RIEVE.
M. RUIZ GUÑAZÚ.
M. SCHÖNBAUM.
M. SCHRUCH.
M. TAKEUCHI.
M. TZAUT.
M. WALINE.
M. YOSHISAKA.
M. ZAGRODKI.

Absents :

M. ASANO.
M. BANDEIRA de MELLO.
M. CABALLERO.
M. DENNISON.
M. HAYDAY.
M. LAMBERT-RIBOT.
M. JOSHI.
M. JURKIEWICZ.
M. LEGGETT.
The Governing Body of the International Labour Office

MINUTES OF THE SEVENTY-SIXTH SESSION.

The Seventy-sixth Session of the Governing Body of the International Labour Office was held at the International Labour Office, Geneva, on Tuesday, 2 June and Monday, 22 June 1936.

The composition of the Governing Body at the First and Second Sittings, which were held on 2 June, was as follows:

Mr. RIDDELL, Chairman.
Mr. de BUEN.
Mr. DELAUNEY.
Mr. ERULKAR.
Mr. ESTRADA CAJIGAL.
Mr. FOLSOM.
Mr. FORBES WATSON.
Mr. FORSLUND.
Mr. GILARDI.
Mr. JENSEN.
Mr. JOUHAUX.
Mr. KUPERS.
Mr. LI PING-HENG.
Mr. MANNIO.
Mr. MARKUS.
Mr. MERTENS.
Mr. de MICHIELIS.
Sir Bhupendra Nath MITRA
Mr. MUNIZ.
Mr. NÉMEČEK.
Mr. NORMAN.
Mr. OERSTED.
Mr. RICE.
Mr. RIEVE.
Mr. RUIZ GUÍNATZÚ.
Mr. SCHÖENBAUM.
Mr. SCHÜRCH.
Mr. TAKEUCHI.
Mr. TZAUT.
Mr. WALINE.
Mr. YOSHISAKA.
Mr. ZAGRODZKI.

Absent:

Mr. ASANO.
Mr. BANDEIRA de MELLO.
Mr. CABALLERO.
Mr. DENNISON.
Mr. HAYDAY.
Mr. LAMBERT-RIBOT.
Mr. JOSHI.
Mr. JURKIEWICZ.
Mr. LEGGETT.
Au cours des troisième et quatrième séances, qui ont eu lieu le 22 juin, la composition du Conseil était la suivante :

M. RIDDELL, Président.
M. de BUEN.
M. DELAUNEY.
M. DRAPER.
M. ESTRADA CAJIGAL.
M. FOLSOM.
M. FORBES WATSON.
M. FORSLUND.
M. JENSEN.
M. JURKIEWICZ.
M. KREKITICH.
M. KRIER.
M. KUPERS.
M. LEGGETT.
M. LI PING-HENG.
M. MANNIO.
M. MARKUS.
Sir Bhupendra Nath MrrRA.
M. MOLENAAR.
M. MUNIZ.
M. NEČAS.
M. OERSTED.
M. RICE.
M. RIEVE.
M. RUIZ GUIÑAZU.
M. SCHÜRCH.
M. TAKEUCHI.
M. TZAUT.
M. VANĚK.
M. WALINE.
M. YOSHISAKA.

Absents :

M. ASANO.
M. BANDEIRA de MELLO.
M. CABALLERO.
M. DENNISON.
M. ERULKAR.
M. HAYDAY.
M. LAMBERT-RIBOT.
M. JOSHI.
M. JOUHAUX.
M. MERTENS.
M. de MICHELIS.
M. MOORE.
M. OLIVETTI.
M. PICQUENARD.
M. YONEKUBO.
Mr. Moore.
Mr. Nečas.
Mr. Olivetti.
Mr. Picquenard.
Mr. Yonekubo.

The composition of the Governing Body at the Third and Fourth Sittings, which were held on 22 June, was as follows:

Mr. Riddell, Chairman.
Mr. de Buen.
Mr. Delauney.
Mr. Draper.
Mr. Estrada Cajigal.
Mr. Folsom.
Mr. Forbes Watson.
Mr. Forslund.
Mr. Jensen.
Mr. Jurkiewicz.
Mr. Krekich.
Mr. Krier.
Mr. Kupers.
Mr. Leggett.
Mr. Li Ping-Heng.
Mr. Mannio.
Mr. Markus.
Sir Bhupendra Nath Mitra.
Mr. Molenaar.
Mr. Muniz.
Mr. Nečas.
Mr. Oersted.
Mr. Rice.
Mr. Rieve.
Mr. Ruiz Guñazú.
Mr. Schürch.
Mr. Takeuchi.
Mr. Tzaut.
Mr. Vaněk.
Mr. Waline.
Mr. Yoshisaka.

Absent:

Mr. Asano.
Mr. Bandeira de Mello.
Mr. Caballero.
Mr. Dennison.
Mr. Erulkar.
Mr. Hayday.
Mr. Lambért-Ribot.
Mr. Joshi.
Mr. Jouhaux.
Mr. Mertens.
Mr. de Michelis.
Mr. Moore.
Mr. Olivetti.
Mr. Picquenard.
Mr. Yonekubo.
Assistaient en outre à une ou plusieurs séances de la session les membres adjoints suivants :

M. BACKLUND.
M. BRAMSNAES.
M. ÇAMUZZI.
M. CURČIN.
M. GÉRARD.
M. JUNOY RABAT.
M. KNOB.
M. MAHAIM.
M. PEYER.
M. SCHEVENELS.
M. SERRARENS.
M. SONIN.
M. STØRVOLD.
M. TURNER.
M. YEREMITCH.

Étaient également présents :

M. Harold BUTLER, Directeur du Bureau international du Travail.
M. PHELAN, Secrétaire du Conseil d'administration.
M. PÔNÉ, Chef de Cabinet du Directeur.
M. LAFRANCE, Secrétaire adjoint du Conseil d'administration.
M. CAU, accompagnant M. de MICHELI.
M. CHALMERS, accompagnant M. RICE.
M. DENNYS, accompagnant M. LEGGETT.
M. FUKUDA, accompagnant M. YOSHISAKA.
M. KIRKALDY, accompagnant M. FORBES WATSON.
M. KITAOKA, accompagnant M. YOSHISAKA.
M. KOTEK, accompagnant M. NEČAS.
M. LECOCQ, accompagnant M. OERSTED.
M. MARTIN-GRANIZO, accompagnant M. de BUEN.
M. MATHER, accompagnant Sir Bhupendra Nath MITRA.
Miss MILLER, suppléante de M. Ricé.
M. MUTO, accompagnant M. YOSHISAKA.
M. PAO HUA-KUO, suppléant de M. LI PING-HENG.
M. RENAUD, suppléant de M. RIDDELL.
M. SHIBUSAWA, accompagnant M. TAKEUCHI.
M. SUZUKI, accompagnant M. YOSHISAKA.
M. TELLO, accompagnant M. ESTRADA CAJIGAL.
M. THOMPSON, accompagnant M. RICE.
M. VOLKMAN, accompagnant M. FOLSOM.
M. WITHEROW, accompagnant M. FOLSOM.
The following deputy members were also present at one or more sittings:

Mr. BACKLUND.
Mr. BRAMSNAES.
Mr. CAMUZZI.
Mr. ČURČIN.
Mr. GÉRARD.
Mr. JUNOY RABAT.
Mr. KNOB.
Mr. MAHAIM.
Mr. PEYER.
Mr. SCHEVENELS.
Mr. SERRARENS.
Mr. SONIN.
Mr. STORVOLD.
Mr. TURNER.
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. Cau, accompanying Mr. de MICHELIS.
Mr. CHALMERS, accompanying Mr. RICE.
Mr. DENNYS, accompanying Mr. LEGGETT.
Mr. FUKUDA, accompanying Mr. YOSHISAKA.
Mr. KIRKALDY, accompanying Mr. FORBES WATSON.
Mr. KITAOKA, accompanying Mr. YOSHISAKA.
Mr. KOTEK, accompanying Mr. NEČAS.
Mr. LECOCQ, accompanying Mr. OERSTED.
Mr. MARTIN-GRANIZO, accompanying Mr. de BUEN.
Mr. MATHER, accompanying Sir Bhupendra Nath MITRA.
Miss MILLER, substitute for Mr. RICE.
Mr. MUTU, accompanying Mr. YOSHISAKA.
Mr. PAO HUA-KUO, substitute for Mr. LI PING-HENG.
Mr. RENAUD, substitute for Mr. RIDDELL.
Mr. SHIBUSAWA, accompanying Mr. TAKEUCHI.
Mr. SUZUKI, accompanying Mr. YOSHISAKA.
Mr. TELLO, accompanying Mr. ESTRADA CAJIGAL.
Mr. THOMPSON, accompanying Mr. RICE.
Mr. VOLKMANN, accompanying Mr. FOLSOM.
Mr. WITHEROW, accompanying Mr. FOLSOM.

**PREMIÈRE QUESTION A L’ORDRE DU JOUR.**

*Approbation des procès-verbaux de la 75ème session.*

Le Conseil d’administration approuve les procès-verbaux de sa 75ème session, sous réserve de l’insertion dans le texte définitif des corrections communiquées par divers membres.

**DEUXIÈME QUESTION A L’ORDRE DU JOUR.**

*Rapport de la Commission de la liberté syndicale.*

M. Yoshisaka, président et rapporteur de la Commission, rappelle que la Commission s’est réunie à deux reprises en février et en avril 1936 pour examiner la méthode à suivre pour faire porter effet à la résolution concernant le droit syndical des travailleurs, adoptée par la XIXème session de la Conférence sur la proposition de M. Yagi: La Commission s’est, avant tout, préoccupée de délimiter d’avance et de la manière la plus précise possible la portée du problème en discussion. Il lui est apparu que la réglementation envisagée en la matière devrait porter seulement, en premier lieu, sur la question de la protection du droit d’association professionnelle des salariés individuels. La Commission a été d’avis que la formule à adopter à cette fin pourrait comprendre tout d’abord l’engagement, de la part de l’État, de garantir la liberté individuelle du salarié dans l’exercice de son droit syndical, et d’autre part de toutes les pratiques de la part de l’employeur tendant à exercer une pression sur le salarié en raison de sa qualité de syndiqué.

La Commission invite le Conseil à approuver son rapport et recommande que la question de la protection du droit d’association professionnelle des salariés individuels figure à l’ordre du jour d’une des prochaines sessions de la Conférence.

M. Oersted, tout en reconnaissant l’intérêt du rapport soumis au Conseil, constate qu’il contient certaines contradictions. Tout d’abord, il envisage deux notions tout à fait différentes. Le Conseil a institué une Commission de la liberté syndicale et la Conférence a adopté en 1931 une résolution sur le même sujet. Par contre, la résolution de M. Yagi mentionne le droit syndical des travailleurs. Il ne comprend pas très bien cette distinction. En tout état de cause, le principe mentionné dans le préambule de la Constitution de l’Organisation vise la liberté syndicale, et non le droit syndical des travailleurs. En conséquence, il demande comment la Commission comprend ces deux termes, quelle différence il y a entre eux.

Comme il ressort clairement du rapport préliminaire, la Commission a considéré d’emblée que la question qui lui était soumise par la résolution de M. Yagi visait moins la garantie du droit syndical vis-à-vis des pouvoirs publics que la garantie du droit syndical vis-à-vis du partenaire au contrat de travail. Il ne comprend pas pourquoi cette distinction a été faite, puisque la Commission dans son rapport définitif a soumis la recommandation suivante : « Traduite en formule, la garantie du droit d’association des salariés individuels, telle que l’envisage la résolution adoptée par la Conférence, comporterait essentiellement : l’engagement de la part de l’État de garantir la liberté individuelle du salarié dans l’exercice de son droit syndical. »
MINUTES OF THE FIRST SITTING.
(Tuesday, 2 June 1936—10 a.m.)

The Governing Body was composed as follows: Mr. Riddell, Chairman, Mr. de Buin, Mr. Delauney, Mr. Erulkar, Mr. Estrada Cajigal, Mr. Folsom, Mr. Forbes Watson, Mr. Forslund, Mr. Gilardi, Mr. Jensen, Mr. Jouhaux, Mr. Kupers, Mr. Li Ping-Heng, Mr. Mannio, Mr. Markus, Mr. Mertens, Mr. de Michelis, Sir Bhupendra Nath Mitra, Mr. Muniz, Mr. Němeček, Mr. Norman, Mr. Oersted, Mr. Rice, Mr. Rieve, Mr. Ruiz Guíñazu, Mr. Schoenbaum, Mr. Schürch, Mr. Takeuchi, Mr. Tzaut, Mr. Wainé, Mr. Yoshisaka, Mr. Zagrodzki.

FIRST ITEM ON THE AGENDA.
Approval of the Minutes of the Seventy-fifth Session.

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

SECOND ITEM ON THE AGENDA.

Mr. Yoshisaka, Chairman and Reporter of the Committee, said that the Committee had met twice in February and April 1936 to consider the method of giving effect to the resolution concerning the workers' right of association adopted by the Nineteenth Session of the Conference on the proposal of Mr. Yagi. The Committee had paid special attention to defining the nature of the problem as clearly as possible from the outset. It had thought that any regulations on the subject should in the first place relate only to the question of safeguarding the right of association of individual workers. The Committee had been of the opinion that the formula for this purpose should consist, first, of an engagement by the State to guarantee the individual freedom of the worker in the exercise of his right of association, and secondly, an engagement which would ensure the prohibition of all practices on the part of the employer for bringing pressure to bear upon the worker on account of his membership of an association.

The Committee asked the Governing Body to accept its report, and recommended that the question of the safeguarding of the right of association of individual workers should be included in the agenda of an early session of the Conference.

Mr. Oersted said that the report now before the Governing Body was an interesting one, but that it nevertheless contained certain contradictions. In the first place, it dealt with two quite different things. The Governing Body had set up a Committee on Freedom of Association, and the Conference had in 1931 adopted a resolution on the same subject. Mr. Yagi's resolution, on the other hand, referred to the workers' right of association. He did not quite understand that distinction. In any case the principle which was mentioned in the Preamble to the Constitution of the Organisation was freedom of association and not the workers' right of association. He accordingly asked how the Committee understood each of these two terms, and what difference there was between them.

It was clear from the preliminary report that the Committee had assumed that the question laid before it by Mr. Yagi's resolution was not so much that of safeguarding the workers' right of association with regard to the public authorities as that of safeguarding it with regard to the other partner to the contract of employment. He did not understand why that distinction had been made, since the Committee had recommended in its final report that "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."
Il est donc évident que la Commission a bien en vue la garantie du droit syndical vis-à-vis des pouvoirs publics. Il ne serait guère possible d’envisager une convention sur cette question qui ne prévoit pas un engagement qui serait donné par l’État lui-même. Toutes les conventions de l’Organisation prévoient d’ailleurs des engagements définis de la part des États qui les ratifient.

Dans son opinion, la meilleure chose à faire serait de renvoyer la question à la Commission de la liberté syndicale et de lui demander de donner une définition des différents termes employés, afin de permettre au Conseil de connaître exactement les intentions de la Commission.

La Commission a également indiqué que sa proposition était très modeste, puisqu’elle porte uniquement sur la protection du droit d’association des salariés individuels. Toutefois, il est difficile de voir comment une convention sur la question pourrait éviter de prévoir un contrôle comportant des sanctions. Le rapport préliminaire soumis à la Commission par le Bureau mentionnait d’ailleurs toute une série de questions que la Conférence serait appelée à traiter successivement ou simultanément. L’une d’elles est libellée comme suit : « Application, sanction des dispositions protectrices du droit syndical prévoyant entre autres : a) des mesures de contrôle ; b) des instances de réglementation ; c) des sanctions d’ordre civil et pénal ; d) des modifications du système des preuves en faveur du demandeur. » Il serait extrêmement difficile d’adopter une convention déclarant simplement que la liberté syndicale existe et doit être garantie par l’État. Il faut nécessairement prévoir une méthode de contrôle de l’application de la convention, et des sanctions en cas de non-application.

Il serait le dernier à s’opposer à l’adoption d’une convention sur la liberté syndicale. Dans son propre pays, comme dans tous les pays nordiques, nul ne conteste le droit d’association des ouvriers ou des patrons. Toutefois, il y a lieu de craindre que le Conseil n’aille trop loin en adoptant le rapport de la Commission. Certes, la liberté syndicale devrait être instituée dans les pays où elle n’existe pas encore, mais il est indispensable de la définir, et de préciser notamment si cette liberté doit être absolue et doit comprendre aussi bien la liberté de ne pas se syndiquer que celle de se syndiquer.

Le rapport préliminaire du Bureau parle de l’interdiction de constituer des syndicats d’entreprises. M. Oersted sait bien pourquoi la question est mentionnée puisqu’elle a soulevé de graves difficultés aux États-Unis. Toutefois, du point de vue des travailleurs eux-mêmes, il pourrait être assez dangereux de prévoir l’interdiction de toutes les sortes de syndicats d’entreprises. Il pourrait y avoir intérêt, en effet, dans une très grande entreprise, à établir un syndicat d’entreprise affilié à la centrale ouvrière du pays.

A son avis, la Commission a envisagé le problème beaucoup trop du point de vue des relations ouvrières. Le premier but à viser est d’obtenir la reconnaissance formelle de la liberté syndicale par l’État dans les pays où cette reconnaissance n’est pas encore accordée. L’aspect de la question qui a trait aux relations entre patrons et ouvriers est moins directement rattaché au problème de la liberté syndicale qu’à celui des conventions collectives.

Il tient à répéter une fois de plus qu’il est en faveur de l’inscription de la question de la liberté syndicale à l’ordre du jour de la Conférence. Toutefois, avant qu’une décision en ce sens soit prise, le groupe patronal demande que l’on précise nettement ce que l’on entend par les termes « liberté syndicale, droit d’association, syndicats, etc. » et que l’on indique également ce que doit être le contenu de la convention envisagée.

Le rapport préliminaire du Bureau lui paraît aller beaucoup trop loin en proposant, par exemple, qu’en cas de renvoi d’un salarié, ce soit au patron qu’il incombe de prouver que l’ouvrier n’a pas été renvoyé en conséquence de son adhésion à un syndicat. En effet, il est beaucoup plus difficile au patron de prouver que le salarié n’a pas été renvoyé pour ce motif qu’au travailleur de prouver que son renvoi est dû à cette cause. Dans son pays, le renvoi d’un salarié parce qu’il appartient ou adhère à un syndicat constitue un fait à peu près inconnu. Si une telle mesure devait jamais être prise, elle n’aurait pas l’approbation des autres employeurs. Sans doute, il a pu se produire parfois des difficultés dans le cas où un chef d’atelier s’est affilié à une organisation purement ouvrière, mais c’est là un problème différent.

En conclusion, il propose de renvoyer à nouveau le rapport à la Commission de la
It was thus clear that what the Committee had in mind was the safeguarding of the right of association with regard to the public authorities. It would hardly be possible to contemplate a Convention on this subject which did not lay down an undertaking to be given by the State itself. All the Conventions of the Organisation laid down definite obligations to be undertaken by the States which ratified them.

In his view the best course would be for the Governing Body to refer the question back to the Committee on Freedom of Association and ask it for definition of the various terms used, so that the Governing Body might know exactly what was contemplated.

The Committee had said that its proposal was a very modest one, since it referred merely to the safeguarding of the right of association of individual workers. It was, however, difficult to see how a Convention on this subject could avoid making provision for some kind of supervision and penalties. The preliminary report submitted to the Committee by the Office mentioned a number of questions with which the Conference was to be asked to deal successively or simultaneously. One of these was "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." It would scarcely be possible to adopt a Convention which simply stated that freedom of association existed and was to be guaranteed by the State. Some method of supervision of the enforcement of the Convention, and penalties in case of contravention, were obviously required.

He would be the last person to oppose the adoption of a Convention on freedom of association. In his own country, as in all the Northern countries, no one disputed the right of association either of workers or of employers. There seemed, however, to be some danger that the Governing Body might go too far if it adopted the Committee's report. Freedom of association should certainly be established in those countries where it did not yet exist. It was, however, necessary to define freedom of association, and to state whether such freedom was to be absolute and to include liberty to refrain from membership of an association as well as to join an association.

The preliminary report of the Office referred to the prohibition of works unions. He quite understood why that question was mentioned, since it was a matter which had given rise to much difficulty in the United States. From the point of view of the workers themselves, however, it might be somewhat dangerous to prohibit all kinds of works unions. It might be desirable for a very large undertaking to have its own works union affiliated to the general trade union federation of the country.

In his view the Committee had approached the matter too much from the side of industrial relations. The first thing to be aimed at was to secure a definite recognition of freedom of association by the State where this had not yet been given. The side of the question which was connected with relations between employers and workers was not so closely bound up with freedom of association as with collective agreements.

He would once more emphasise that he was in favour of placing the question of freedom of association on the agenda of the Conference. Before any such decision was taken, however, the employers' group asked that it should be clearly explained what was meant by the terms "freedom of association", "right of association", "association", etc. and also what were to be the contents of the future Convention.

The preliminary report of the Office appeared to him to go too far in proposing that in the case of the dismissal of a worker the onus of proof that he had not been dismissed on account of his joining a trade union should rest on the employer. It was much more difficult for the employer to prove that the worker had not been dismissed for this reason, than for the worker to prove that he had been so dismissed. It was almost unknown in his own country for a worker to be dismissed because he belonged to or joined a trade union. If such action were ever taken it would not be countenanced by the other employers. Difficulties might sometimes have arisen in cases where a foreman had joined a workers' trade union. That, however, was a different question.

He accordingly proposed that the report should be referred back to the Committee
liberté syndicale afin de lui permettre de définir les différents termes dont elle s’est servie et d’éclairer le Conseil sur ce que doit être le contenu de la convention envisagée.

M. Jouhaux tient à insister auprès du Conseil pour qu’il retienne la question examinée par la Commission en vue de son inscription à l’ordre du jour de la Conférence. Sans être complètement satisfait du libellé proposé pour cette question, il ne peut s’empêcher de considérer que la Conférence internationale du Travail, après dix-sept années d’existence, doit enfin affirmer son opinion à l’égard d’un principe qui figure dans la Constitution de l’Organisation internationale du Travail.

Il semble y avoir dans l’esprit de M. Oersted une certaine confusion entre la question que le Conseil est appelé à traiter immédiatement, à savoir l’exercice du droit d’association des travailleurs, et celles qui pourront lui être soumises à l’avenir. La proposition faite par la Commission de la liberté syndicale veut dire qu’il ne suffit pas de formuler le principe de la liberté d’association, mais qu’il est encore nécessaire d’assurer le libre exercice de ce droit.

Il est vrai que la liberté d’association existe dans presque tous les pays où elle a été instituée, soit par la loi, soit par la coutume et la tradition. Toutefois, il y a une certaine différence entre l’énoncé d’une liberté et l’application libre d’un droit. Dans la plupart des cas, les obstacles à l’application de la liberté d’association ne viennent pas de l’État, mais des employeurs, qui souvent, considèrent que si les ouvriers ont le droit de se syndiquer, eux-mêmes ont le droit de les congédier s’ils se syndiquent. Ainsi, lorsque l’organisation syndicale n’est pas suffisamment puissante pour imposer sa volonté, l’ouvrier peut avoir en théorie le droit de se syndiquer, mais au fond cette liberté est illusoire, puisqu’en s’affiliant à une organisation ouvrière il risque de perdre son gagne-pain.

Il importe par ailleurs de rappeler que la proposition soumise à l’examen du Conseil n’émanc pas des représentants des organisations européennes. Les travailleurs européens sont organisés depuis longtemps et ils savent comment faire respecter cette liberté d’association. Ce sont les pays nouvellement industrialisés qui ne bénéficient pas pleinement de la liberté d’association et réclament en conséquence une convention qui consacre ce droit.

En ce qui touche les observations de M. Oersted concernant l’avantage que présentent des syndicats d’entreprises, il tient à rappeler que la catégorie de syndicats d’entreprises qui soulève de l’opposition de la part des ouvriers est celle qui existe par exemple aux Etats-Unis. Il s’agit là d’organisations constituées par les patrons en opposition aux organisations ouvrières, et auxquelles les ouvriers sont obligés de s’affilier pour être embauchés dans l’usine. Il est évident qu’une organisation de cette nature ne peut présenter aucun intérêt pour les ouvriers. En tout cas, les syndicats d’entreprises, même s’ils ne sont pas constitués par les patrons, représentent un stade périmé du développement syndical. Cette catégorie de syndicats a été remplacée par le syndicat d’industrie. Ce syndicat peut comporter des sections pour des usines particulières, mais il ne peut y avoir de syndicats d’usines autonomes, en partie parce qu’un tel système ne correspond pas à l’évolution industrielle actuelle, en partie aussi parce que les ouvriers sont désireux d’éviter des conflits entre syndicats qui représentent parfois des intérêts divergents.

La constitution de l’Organisation ne mentionne pas seulement la liberté syndicale mais la reconnaissance du principe de la liberté syndicale. Cela implique pour le travailleur le droit d’appartenir à une association. Si ce droit doit être respecté, le patron ne doit pas avoir la faculté de renvoyer un ouvrier parce qu’il adhère à un syndicat. Bien que la Constitution de l’Organisation soit en vigueur depuis 17 ans, il y a encore des cas où les ouvriers sont renvoyés pour ce motif, sans parler de l’exercice du droit de grève. Il est donc temps que la Conférence internationale du Travail reconnaisse que le principe inscrit dans la Constitution ne doit pas rester lettre morte, que les États Membres ont l’obligation de protéger la liberté syndicale et que les patrons ont l’obligation de la respecter. C’est là toute la question qui se pose, et il n’est pas nécessaire de la renvoyer à la Commission de la liberté syndicale. La Commission a formulé des conclusions de caractère limité, et on peut le regretter, mais très
on Freedom of Association so that it might define the terms which it had used and explain what were to be the contents of the contemplated Convention.

Mr. Jouhaux urged the Governing Body to agree that the question with which the Committee had dealt should be considered with a view to the agenda of the Conference. Although he was not completely satisfied with the formula proposed for that question, he could not help feeling that the International Labour Conference, which had now been in existence for seventeen years, should declare its opinion regarding a principle which was embodied in the Constitution of the Organisation.

There seemed to him to be a certain confusion in Mr. Oersted's mind between the question with which the Governing Body was asked to deal at present, namely, the exercise of the workers' right of association, and those which it would have to consider in the future.

The implication of the proposal made by the Committee on Freedom of Association was that it was not sufficient simply to lay down the principle of freedom of association, but that it was also necessary to safeguard the free exercise of that right. It was quite true that freedom of association existed in almost all countries and was established either by law or by custom and tradition. There was, however, a certain difference between the recognition of freedom and the free application of a right. In most cases the obstacles to the application of freedom of association did not come from the State but from the employers. Many employers considered that if the workers had the right to form associations, they themselves had the right to discharge them if they did so. Thus, where the trade union movement was not sufficiently strong to impose its will, the worker might in theory possess the right to join an association, but that freedom might be illusory because if he did so he would lose his livelihood.

It should be remembered that the proposal which the Governing Body was now considering did not emanate from the representatives of the European organisations. European workers had been organised for a long time past and knew how to ensure that their freedom of association was respected. It was the newer industrial countries which were not in full enjoyment of freedom of association and which therefore asked for a Convention embodying the principle.

As regards Mr. Oersted's observation concerning the desirability of works unions, he would point out that the kind of works union to which objection was taken by the workers was that which existed, for example, in the United States. These were organisations which were created by the employers in opposition to the workers' organisations, and to which the workers had to belong in order to obtain employment in the factory. Obviously an organisation of that kind could not be of any benefit to the workers. In any case, the works union, even if it was not created by the employers, represented an obsolete stage of trade union development. It had been superseded by the industrial trade union. There might be a branch of such a union for a particular undertaking, but there could not be separate unions for particular undertakings, partly because such a system did not correspond to modern industrial development, and partly because the workers were anxious to avoid disputes between different trade unions which sometimes represented divergent interests.

The Constitution of the Organisation referred not merely to freedom of association, but to recognition of the principle of freedom of association. This implied the right of a worker to belong to an association. If that right were to be respected, the employer must not have power to discharge a worker because he became a member of a union. Although the Constitution had been in existence for seventeen years, there were still cases where workers were discharged for this reason, quite apart from the exercise of the right to strike. It was therefore time that the International Labour Conference should recognise that the principle laid down in the Constitution could not remain a dead letter, that the States Members were under an obligation to protect freedom of association and that the employers were under an obligation to respect it. This was the whole question at issue, and there was no need to refer it back to the Committee on Freedom of Association. The Committee had formulated
M. Vaněk rappelle qu'en raison de la brièveté du délai dont a disposé la Commission, son rapport ne donne peut-être pas un aspect complet de la discussion qui s'y est déroulée. Aussi croit-il devoir faire quelques observations afin de répondre aux questions posées par M. Oersted et de préciser sa propre position.

La raison pour laquelle le problème de la liberté syndicale n'a pas été traité dans son ensemble, c'est que le Conseil lui-même avait fourni des directives selon lesquelles la question devait être envisagée. Sur la proposition du Bureau lui-même, il n'avait pas paru opportun d'examiner le statut juridique des organisations professionnelles.

En conséquence, la Commission a examiné la question de la liberté syndicale du point de vue du travailleur individuel. Certains membres de la Commission ont été tentés d'envisager ce problème exclusivement du point de vue des relations des ouvriers avec leurs patrons ou avec les organisations patronales. Pour sa part, il a attiré l'attention sur le problème de la liberté syndicale dans son ensemble, envisagé du point de vue de l'individu, et qui comprend les relations de l'individu avec son syndicat.

Le rapport de la Commission donne une énumération de certains points spéciaux. Dans son opinion, il vaudrait mieux prendre pour base la question générale de l'engagement de la part de l'Etat de garantir la liberté individuelle du salarié dans l'exercice du droit syndical. C'est pourquoi il propose que le dernier paragraphe du rapport soit modifié et que la question dont l'inscription à l'ordre du jour de la Conférence pourrait être envisagée soit formulée comme suit : « Liberté d'association professionnelle de l'ouvrier individuel dans son désir de chercher à défendre ses droits, en s'associant avec d'autres ouvriers. » Cette formule engloberait l'ensemble de la question et ne se limiterait pas exclusivement aux relations entre le patron et l'ouvrier.

M. de Buen déclare qu'il convient de se rappeler que le préambule de la Constitution de l'Organisation formule le principe de la liberté syndicale. Le Conseil d'administration n'a pas le pouvoir de restreindre la portée de cette déclaration. Or, le rapport, sous sa forme actuelle, paraît tendre indirectement à une telle limitation. Il parle de deux aspects de la liberté syndicale : la garantie du droit syndical vis-à-vis des pouvoirs publics et la garantie du droit syndical vis-à-vis du partenaire au contrat de travail. Il oublie un troisième aspect important : la garantie du droit syndical vis-à-vis des associations ouvrières. Le rapport a trait à un aspect secondaire de la liberté syndicale, à savoir, la garantie de la liberté syndicale vis-à-vis des employeurs. Il ne mentionne pas le principal aspect de la question, à savoir, son aspect politique, qui peut amener la transformation de l'organisation de l'Etat. Il importerait de traiter tous les aspects de la liberté syndicale.

En conséquence, il propose que la Conférence soit invitée à examiner la question de la protection du droit d'association des salariés individuels. Cette formule ferait ressortir clairement que la liberté syndicale ne doit pas être considérée comme consistant uniquement dans la protection du travailleur contre l'employeur.

M. Rieve déclare qu'un des principaux motifs pour lesquels les travailleurs des États-Unis ont insisté vivement pendant de nombreuses années pour que leur pays adhère à l'Organisation internationale du Travail, c'est que la Constitution de l'Organisation garantit aux travailleurs le droit d'appartenir à un syndicat de leur choix. Dans aucun autre pays, sans doute, les ouvriers n'ont souffert autant qu'aux États-Unis pour pouvoir exercer leur droit d'appartenir à un syndicat. Si les travailleurs des États-Unis ne dépendent pas du Gouvernement pour la protection de leurs droits, ils estiment que le Gouvernement peut faire beaucoup pour les aider à les exercer. Le Gouvernement des États-Unis a, au cours des dernières années, fait un effort sérieux pour essayer de régler le problème par voie législative. Ce qui importe, c'est d'inscrire la question du droit syndical du travailleur à l'ordre du jour de la Conférence. La formule exacte à adopter pour la question est un point de caractère secondaire.

Il est inutile qu'il cite des exemples de cas dans lesquels une discrimination a été
conclusions of a limited character; that might perhaps be regretted, but the conclusions were quite clear, and he considered that the Governing Body could accept them unreservedly.

Mr. Vanček said that owing to the short time which the Committee had had at its disposal, the report did not perhaps completely reflect the discussion which had taken place. He would therefore make a few observations in order to reply to Mr. Oersted's question and to make his own position clear.

The reason why the question of freedom of association had not been dealt with as a whole was that the Governing Body itself had laid down the lines on which the question should be considered. At the suggestion of the Office itself, it had been thought better not to discuss the legal status of employers' and workers' organisations.

The Committee had accordingly considered the question of freedom of association from the point of view of the individual worker. Some members of the Committee had tended to regard the problem solely from the point of view of the relations of the workers with their employers or with employers' organisations. He himself had drawn attention to the problem of freedom of association as a whole, regarded from the point of view of the individual worker and including the relations of the individual worker with his trade union.

The report of the Committee gave a list of special points. In his view it would be better simply to take as a basis the general question of an engagement by the State to guarantee the individual freedom of the worker in the exercise of his right of association. He therefore proposed that the last paragraph of the report should be modified and the question proposed for the agenda of the Conference formulated as follows: "Freedom of association of the individual worker who desires to defend his rights by associating with other workers." This would embody the whole question and not merely that of relations between employers and workers.

Mr. de Buen said that it must be borne in mind that the Preamble to the Constitution of the Organisation definitely formulated the principle of freedom of association. The Governing Body had no power to restrict the scope of that declaration. The report in its present form might indirectly tend to such a limitation. It referred to the two aspects of freedom of association: the safeguarding of the right of association with regard to the public authorities, and the safeguarding of the right of association with regard to the other party to the contract of employment. It neglected to mention a third important aspect, the safeguarding of the right of association with regard to the workers' associations. The report was concerned with a secondary aspect of freedom of association, namely, the safeguarding of that freedom with regard to the employers. It did not refer to the principal aspect of the question, namely, the political aspect, which might lead to the transformation of the organisation of the State. All aspects of freedom of association should be dealt with.

He would therefore propose that the Conference should be asked to deal with the protection of the right of association of individual workers. This would make it clear that freedom of association was not regarded as consisting solely in the protection of the worker against the employer.

Mr. Rieve said that one of the main reasons why the workers of the United States had for many years past urged that their country should join the International Labour Organisation was that the Constitution of the Organisation guaranteed to the workers the right to belong to a labour organisation of their own choosing. Perhaps there was no other country in which workers had suffered as much as in the United States for exercising their right of belonging to a labour union. While the workers of the United States did not depend on the Government for the protection of their rights, they felt that it could do much to assist them in exercising those rights. The United States Government had in the last few years made a serious attempt to deal with the problem through legislation. The important point was that the question of the workers' right of association should be placed on the agenda of the Conference. The exact wording of the item was a secondary matter.

He need not mention instances of discrimination by employers against workers
exercée par les patrons à l’égard des ouvriers pour cause d’adhésion à un syndicat. Des milliers de cas de ce genre se sont produits dans son pays. Il est très difficile, soit à un syndicat, soit à un ouvrier, de prouver que le renvoi était le résultat de l’affiliation à un syndicat et qu’il n’est pas dû à l’incapacité de l’intéressé. Le dernier motif est celui qui est généralement invoqué par le patron. C’est pourquoi il estime que c’est au patron qui doit incomber la charge de montrer que son ouvrier a été renvoyé pour incapacité et qu’il n’a pas été fait de discrimination à son détriment parce qu’il appartient à une organisation syndicale. Dans ces conditions, il espère que le Conseil d’administration ne consacrera pas trop de temps à la discussion de la formule à adopter pour la question, mais qu’il examinera le problème quant au fond, afin de donner aux travailleurs un droit consacré par la Constitution même de l’Organisation.

*M. Serrarens* estime que les propositions de la Commission de la liberté syndicale sont extrêmement modestes. Certains de ses membres auraient désiré obtenir une convention traitant la question de la liberté syndicale dans tous ses aspects. Mais ils se sont souvenus des difficultés rencontrées en 1927. Aussi la Commission a-t-elle proposé seulement que la Conférence n’aborde qu’un aspect du problème.

Il est, sans aucun doute, exact, comme l’a dit M. Oersted, que la liberté d’association n’est pas contestée au Danemark et dans de nombreux pays d’Europe. Toutefois, il est certain que les pays représentés au Conseil d’administration ne pourraient pas tous affirmer que leurs travailleurs bénéficient dans tous les cas du droit syndical. Il fait allusion, non seulement au problème politique, mais aussi au problème qui a été posé par la Commission. Dans certains pays, tant en Europe que dans d’autres continents, les patrons préfèrent employer des ouvriers non syndiqués. Dans une période de chômage intense en particulier, il est facile à un employeur de n’embaucher que des ouvriers non syndiqués, et de renvoyer l’ouvrier sous le prétexte qu’il n’a plus de travail à lui donner, alors que le motif réel de son renvoi est son affiliation à une organisation syndicale.

En ce qui touche la question des syndicats d’entreprises, nul ne suppose que la Commission a considéré de telles organisations comme constituant des associations dans le sens du principe de la liberté syndicale formulée par la Constitution. Tous peuvent se rallier à la définition donnée en 1927, selon laquelle le droit d’association est le droit pour l’ouvrier de s’affilier à l’organisation de son choix, c’est-à-dire à une organisation créée par les ouvriers eux-mêmes. C’est là l’idée fondamentale de la liberté d’association, et c’est ainsi que toute convention sur ce point devrait s’efforcer de la définir.

Pour sa part, il n’est pas seulement un représentant des travailleurs en général, mais encore des syndicats chrétiens en particulier. Les syndicats chrétiens sont aussi jaloux que les syndicats d’autres tendances du maintien du droit de l’ouvrier d’appartenir à l’association de son choix. Dans ces conditions, tout en regrettant qu’il ne soit pas possible de mettre à l’ordre du jour d’une prochaine session de la Conférence le problème dans son ensemble, il insiste pour que le Conseil accepte la modeste proposition qui en a été faite par la Commission.

Il n’y a pas de contradiction entre les termes « liberté syndicale » et « droit syndical ». Le terme « droit d’association » figure à l’article 41 de la Constitution de l’Organisation. La proposition de la Commission tendant à adopter la formule « protection du droit d’association professionnelle des salariés individuels » est donc parfaitement juste.

*M. Yoshisaka* déclare qu’en sa qualité de président de la Commission de la liberté syndicale il est tout à fait disposé à inviter la Commission à reprendre la discussion de la question, si le Conseil l’y invite. Le problème de la liberté syndicale, si simple qu’il puisse sembler, est très vaste et très complexe et comporte un certain nombre de questions différentes, mais étroitement connexes. M. Oersted a eu tout à fait raison d’inviter le Conseil à se demander où conduit exactement l’inscription de la question à l’ordre du jour de la Conférence. La Commission avait eu la même préoccupation lorsqu’elle a entrepris l’examen de la question; elle a fait tous les efforts possibles pour éviter une répétition de l’échec survenu en 1927. Aussi s’est-elle appliquée à définir la question avec autant de clarté et de précision que possible.
on the ground of their affiliation to a trade union. Thousands of cases of that kind had occurred in his country. It was very difficult for a labour organisation or an individual worker to prove whether the discharge of a worker was due to his belonging to a union or whether it was the result of inefficiency. The latter reason was generally given by employers. He therefore thought that it ought to be the responsibility of the employer to show that the worker had been discharged for inefficiency and had not been subjected to discrimination on account of his trade union activities. He therefore hoped that the Governing Body would not spend too much time in discussing the wording of the question, but would deal with it fundamentally in order to give the workers that right which the Constitution of the Organisation guaranteed to them.

Mr. Serraren said that the proposals of the Committee on Freedom of Association were extremely moderate. Some of its members would have desired a Convention dealing with the question of freedom of association in all its aspects. They had, however, remembered the difficulties which had been experienced in 1927. The Committee therefore proposed that the Conference should deal with only one aspect of the problem.

It was no doubt true, as Mr. Oersted had said, that freedom of association was not in dispute in Denmark or many other European countries. He was, however, sure that not all the countries represented on the Governing Body could say that their workers enjoyed the right of association in all circumstances. He referred not merely to the political problem, but also to the problem with which the Committee had dealt. In certain countries, both in Europe and elsewhere, employers preferred to employ workers who did not belong to trade unions. In periods of severe unemployment in particular, it was easy for an employer to engage non-union workers only, and to discharge a worker on the pretext that there was no work for him, although the real reason was that he belonged to a trade union.

With regard to the question of works unions, no one would suppose that the Committee had regarded such organisations as associations in the sense of the principle of freedom of association laid down by the Constitution. Everyone would accept the definition which had been given in 1927, according to which the right of association was the worker's right to belong to an organisation of his own choice, i.e. an organisation created by the workers themselves. That was the fundamental idea of freedom of association, and any Convention on the subject should endeavour to define it in that way.

He was himself a representative not only of the workers in general, but of the Christian trade unions in particular. The Christian trade unions were as anxious as any others to maintain the worker's right to belong to whatever association he thought fit. Accordingly, although he regretted that the problem could not be placed on the agenda of an early session of the Conference in all its aspects, he urged the Governing Body to accept the moderate proposal put forward by the Committee.

There was no contradiction between the terms "freedom of association" and "right of association". The term "right of association" appeared in Article 41 of the Constitution of the Organisation. The Committee's proposal to adopt the formula "Safeguarding the right of association of individual workers" was therefore perfectly correct.

Mr. Yoshisaka said that, speaking as Chairman of the Committee on Freedom of Association, he was quite willing that the Committee should discuss the question further if the Governing Body requested it to do so. The question of freedom of association, however simple it might appear, was very wide and very complicated in its application, and contained a number of different but closely connected questions. Mr. Oersted had been quite right in asking the Governing Body to consider carefully where it was going if it placed the question on the agenda of the Conference. The Committee had had the same preoccupation in mind when it began to examine the question, and had made every possible effort to avoid a repetition of the failure which had occurred in 1927. It had therefore endeavoured to define the question as clearly and precisely as possible.
En ce qui concerne, à cet égard, le choix entre les termes « liberté syndicale » et « droit syndical », il crain que la question n’aboutisse à une discussion de caractère purement académique. Dans son opinion, toutefois, le terme « droit syndical » signifie liberté syndicale reconnue et protégée par la loi. La liberté syndicale est le contenu du droit syndical. En conséquence, dans son opinion, le remplacement du terme « droit syndical » par celui de « liberté syndicale » ne modifierait aucunement la portée de la question.

M. Forbes Watson déclare qu’il est partisan de la liberté d’association. La meilleure preuve de ce fait est qu’un tiers de l’ensemble des travailleurs de son pays sont syndiqués. Toutefois, il a éprouvé quelques difficultés à comprendre exactement le sens de la proposition soumise au Conseil. En ce qui concerne son pays ou bien elle n’a aucune portée pratique ou bien elle a une signification très grande. M. Jouhaux a exprimé l’opinion qu’en ce qui concerne les pays tels que la Grande-Bretagne, sa portée est pour ainsi dire nulle. Cependant, le représentant ouvrier des États-Unis a attiré l’attention sur le point réellement important de cette proposition. C’est qu’à l’avenir, la charge de la preuve concernant le motif du renvoi d’un ouvrier pourra être transférée de l’ouvrier au patron. Il en résulterait que toutes les fois qu’un ouvrier serait renvoyé pour quelque motif que ce soit, le patron devra donner un certificat écrit établissant que la cause du renvoi n’était pas son affiliation à un syndicat. En d’autres termes, le patron serait mis dans l’obligation de prouver un fait de caractère négatif, ce qui est impossible. Il s’oppose à cette proposition, mais il est en faveur de la liberté syndicale, et il voudrait la voir instituer dans tous les pays du monde tout comme elle existe en Grande-Bretagne. Toutefois, les propositions soumises au Conseil d’administration ne représentent pas du tout la liberté syndicale mais seulement une forme d’obligation. Elles dissimulent tout le problème fondamental que comporte la notion de liberté, de syndicat et d’association. Il est indispensable qu’avant de discuter la question tous ces termes soient bien définis. C’est pourquoi il appuie la proposition de M. Oersted tendant à renvoyer la question à la Commission de la liberté syndicale.

M. Rice déclare que le Gouvernement des États-Unis souhaite que le Conseil retienne la question du droit syndical des travailleurs en vue de la soumettre à la Conférence. Toutefois, il lui semble que la question du transfert, de l’ouvrier au patron, de la charge de la preuve qui a été mentionnée par M. Forbes Watson, ne se pose pas à l’heure actuelle. Lorsque des questions sont inscrites à l’ordre du jour de la Conférence, il est impossible de savoir d’avance exactement comment elles seront réglées. Tout ce que le Conseil est invité à faire, c’est de décider si la question devra être retenue en vue de son inscription à l’ordre du jour de la Conférence. La question des dispositions susceptibles de figurer dans une convention ne se posera donc que plus tard.

M. Forbes Watson déclare que les membres du Conseil doivent bien se rendre compte que le problème mentionné par lui se posera inévitablement lorsque la question de la liberté syndicale sera discutée par la Conférence. Il est essentiel, en effet, que la convention contienne des dispositions permettant d’en assurer l’application ; pour ce qui est de la preuve, le rapport du Bureau envisage explicitement le renouvellement de la procédure suivie jusqu’à présent.

M. Norman demande sous quelle forme le Président a l’intention d’inviter le Conseil à se prononcer sur la question qui lui est soumise.

Le Président répond qu’il mettra d’abord aux voix la proposition de M. Oersted tendant à renvoyer la question à la Commission de la liberté syndicale. Si cette proposition est repoussée, il demandera au Conseil d’approuver ou de rejeter le rapport de la Commission.

M. Norman déclare que la position de son pays à l’égard de la question de la liberté syndicale est tout à fait claire. Son Gouvernement considère que la question est susceptible d’être soumise pour examen à la Conférence. La Grande-Bretagne a
As regards the distinction between the terms "freedom of association" and "right of association", he feared that that question might lead to a purely academic discussion. His own view was, however, that the term "right of association" meant freedom of association recognised and protected by law. Freedom of association was the content of the right of association. It would therefore, in his view, make no difference to the scope of the question if the term "freedom of association" were substituted for the term "right of association".

Mr. Forbes Watson said that he stood for freedom of association. The best evidence of that fact was that more than one-third of all the workers in his country belonged to trade unions. He had, however, found some difficulty in understanding exactly what was meant by the proposal before the Governing Body. As far as his own country was concerned, it either meant nothing at all or else a great deal. Mr. Jouhaux had expressed the view that as far as countries like Great Britain were concerned it meant nothing at all. The United States workers' representative had, however, drawn attention to the real point of the proposal. It was that in future the onus of proof regarding the reason for the dismissal of a worker could be transferred from the worker to the employer. This would mean that whenever a worker was dismissed for any reason whatever, the employer would have to give a written certificate to show that it was not because of his association with a trade union. In other words, the employer would be in the position of having to prove a negative, which was impossible. He was opposed to that proposal, but he was in favour of freedom of association, and would wish it to be established in all countries of the world as it existed in Great Britain. The proposals before the Governing Body did not however represent freedom of association at all, but a form of compulsion. They disguised the whole vital issue of what was meant by "liberty", by "trade unions" and by "associations". It was essential that before the question was discussed all those terms should be defined. He therefore supported Mr. Oersted's proposal to refer the question back to the Committee on Freedom of Association.

Mr. Rice said that the United States Government wished the question of the workers' right of association to be recommended for consideration by the Conference. In his view, however, the question of the shifting of the onus of proof from the worker to the employer, which Mr. Forbes Watson had mentioned, did not arise at this stage. When questions were placed on the agenda of the Conference, it could not be known in advance exactly how they would be dealt with. All that the Governing Body was asked to decide was whether the question should be considered with a view to its being placed on the agenda of the Conference. The question of the provisions which could be included in a Convention would not arise until later.

Mr. Forbes Watson said that the Governing Body should realise that the question to which he had referred would inevitably arise when the question of freedom of association was discussed by the Conference, since it was essential that the Convention should contain provisions enabling it to be enforced. As regards the onus of proof, the report of the Office expressly referred to the reversal of the present position.

Mr. Norman asked in what form the Chairman proposed to ask the Governing Body to vote on the question before it.

The Chairman replied that he would first take a vote on Mr. Oersted's proposal to refer the question back to the Committee on Freedom of Association. If that proposal were rejected, he would ask the Governing Body to approve or reject the Committee's report.

Mr. Norman said that the position of his country with regard to the question of freedom of association was quite clear. His Government regarded the question as appropriate for consideration by the Conference. Great Britain had a long history
une longue tradition en matière de droit d'association tant ouvrier que patronal. Le système des discussions, des négociations et des accords collectifs entre les deux parties intéressées a donné les meilleurs résultats et constitue un élément stable de la structure sociale de l'industrie de son pays. Toutefois, au cours de la discussion, un certain nombre de points ont été soulevés à l'égard du sens des termes employés dans le rapport de la Commission de la liberté syndicale. Il lui est en conséquence assez difficile de se prononcer pour ou contre le rapport. 

Il semble donc que la proposition de M. Oersted tendant à demander à la Commission de définir certains des termes employés par elle soit tout à fait justifiée. Dans toute discussion, il importe avant tout de se mettre d'accord sur la définition des termes. Toutefois, il propose d'aller un peu plus loin que ne le suggère M. Oersted, et de décider qu'un compte rendu complet de la discussion au sein du Conseil sera soumis à la Commission, qui sera invitée à analyser les points soulevés au cours du débat et à soumettre au Conseil ses observations à leur égard. 

M. Oersted retire sa proposition en faveur de celle de M. Norman. 

M. Jouhaux s'oppose à la proposition de M. Norman qui lui paraît avoir pour but d'ajourner l'examen de la question. Nul ne doute de l'existence de la liberté syndicale en Grande-Bretagne, bien qu'il soit possible que, même dans ce pays, les ouvriers soient parfois renvoyés pour des faits d'ordre syndical. Toutefois, là n'est pas la question. La question est de savoir si le principe de la liberté syndicale inscrit dans la Constitution de l'Organisation doit être respecté dans tous les pays. Il s'étonne de voir que les pays dans lesquels ce principe est respecté ne sont pas prêts à faire le nécessaire pour qu'il soit également respecté dans les autres pays. C'est une question de solidarité qui se pose. Aussi espère-t-il que les pays où la liberté syndicale est respectée ne s'efforceront pas d'ajourner la question, mais prendront des mesures pour que cette même liberté soit instituée dans les autres États. 

M. Norman répond qu'il n'a pas du tout l'intention de faire obstacle au progrès en matière de liberté syndicale. Mais le Conseil a un ordre du jour très chargé et il lui est difficile d'examiner la question comme elle mérite de l'être s'il est obligé de la discuter sous ses aspects complexes au cours d'une session aussi brève. 

M. Oersted fait remarquer que la proposition de M. Norman n'entraîne pas de retard. Il n'est pas question à l'heure actuelle d'inscrire la liberté syndicale à l'ordre du jour d'une session déterminée de la Conférence. Il s'agit simplement de la faire figurer parmi les questions qui pourraient être inscrites à l'ordre du jour d'une prochaine Conférence. On dispose donc d'un délai tout à fait suffisant pour que la Commission étudie à nouveau le problème. 

M. de Michelis considère que la proposition faite dans le rapport de la Commission est extrêmement modeste. On vient maintenant de proposer que l'ensemble de la question soit renvoyé à la Commission avec les procès-verbaux de la discussion qui vient de se dérouler au Conseil. Pour sa part, il ne comprend pas très bien ce que la Commission va être appelée à faire. Elle pourra seulement renouveler la recommandation qu'elle a faite au Conseil, et tendant à ce que la question du droit syndical des travailleurs figure parmi celles qu'il pourrait y avoir lieu d'inscrire à l'ordre du jour d'une prochaine session de la Conférence. On dispose donc d'un délai tout à fait suffisant pour que la Commission étudie à nouveau le problème. 

Dans son opinion, le Conseil n'est pas appelé, pour le moment, à se prononcer en faveur de l'inscription à l'ordre du jour de la Conférence de la question de la liberté syndicale limitée aux deux aspects exposés dans le rapport. Il est simplement appelé à adopter le rapport dans ses lignes générales. C'est à une prochaine session que le Conseil devrait examiner le rapport que le Bureau lui soumettra en exposant toutes les considérations dont il y a lieu de tenir compte pour l'inscription de la question à l'ordre du jour de la Conférence. C'est à ce stade seulement que le Conseil examinera le fond même de la question et qu'il verra s'il veut ou non l'inscrire à l'ordre du jour, et s'il veut, comme il le souhaite pour sa part, élargir la question en l'étendant à la liberté syndicale sous tous ses aspects.
of trade unionism, and also of association of the employers. The system of collective
discussion, collective bargaining and collective agreements as between the two parties
had been found very useful and formed a stable part of the social structure in the
industry of the country. In the course of the discussion, however, a number of points
had been raised with regard to the meaning of the terms used in the report of the
Committee on Freedom of Association, and he therefore found it somewhat difficult
to vote either for or against the report.

There would appear to be good reason for Mr. Oersted’s proposal to ask the
Committee to define some of the terms which it had used. In any discussion the
first thing was to agree upon the definition of terms. He would however propose to
go somewhat further than Mr. Oersted had suggested, and to decide that a full account
of the present discussion should be placed before the Committee, which should be
asked to analyse the various points raised in the course of the discussion and submit
its observations to the Governing Body.

Mr. Oersted withdrew his own proposal in favour of Mr. Norman’s.

Mr. Jouhaux said that he opposed Mr. Norman’s proposal, the object of which
appeared to be to postpone the consideration of the question. No one questioned
that freedom of association existed in Great Britain, although it was possible that
even in that country workers might sometimes be dismissed on account of trade union
questions. That, however, was not the question. The question was whether the
principle of freedom of association, which was embodied in the Constitution of the
Organisation, was to be observed in all countries. He was surprised that those
countries in which it was respected should not be prepared to ensure that it should
be respected in other countries also. The question was one of solidarity. He therefore
hoped that those countries where freedom of association was established would not
try to postpone the question but would take steps to ensure that similar freedom was
established in other countries.

Mr. Norman said that he had no intention whatever of standing in the way of
progress in the matter of freedom of association. The Governing Body, however, had
a heavy agenda, and it was difficult for it to do full justice to the subject if it had to
discuss it in all its complexities during a short session.

Mr. Oersted said that Mr. Norman’s proposal would not involve any delay. There
was not at present any question of placing freedom of association on the agenda of
any particular session of the Conference. It was merely suggested that it should be
included among the questions which might be placed on the agenda of an early session.
There was therefore plenty of time for the Committee to reconsider the question.

Mr. de Michelis said that the proposal made in the Committee’s report was an
extremely moderate one. It was now proposed that the whole question should be
referred back to it, together with the minutes of the discussion which had just taken
place in the Governing Body. He did not, however, quite understand what the Com-
mittee was expected to do. It could merely repeat its recommendation to the
Governing Body to include the question of the workers’ right of association among
those which might be placed on the agenda of an early session of the Conference.

In his view the Governing Body was not at present called upon to vote in favour
of placing on the agenda of the Conference the question of freedom of association,
limited to the two aspects mentioned in the report. It was simply asked to adopt
the general lines of the report. It would then, at a later session, examine the report
which the Office would submit setting forth all the considerations to be borne in mind
in placing the question on the agenda of the Conference. It was at that stage only
that the Governing Body would discuss the substance of the question and consider
whether or not it should be placed on the agenda, and whether it should, as he himself
hoped, widen its scope so as to include freedom of association in all its aspects.
Le Président met aux voix la proposition suivante soumise par M. Norman :

« Le Conseil d’administration décide de renvoyer le rapport à la Commission ainsi qu’un compte rendu de ses débats sur ce sujet et invite la Commission à analyser les divers points soulevés au cours de cette discussion en vue de présenter ses observations sur chacun de ces points. »

Par 17 voix contre 8, le Conseil d’administration repousse cette proposition.

Par 19 voix contre 7, le Conseil d’administration adopte le rapport de la Commission de la liberté syndicale.

TROISIÈME QUESTION A L’ORDRE DU JOUR.

Rapport de la Commission du règlement.

M. Mahaim, Président et Rapporteur de la Commission du règlement, déclare que la Commission avait, comme seul objet à son ordre du jour, la révision de l’article 1er du règlement du Conseil relatif à l’élection du Président. Cette question a été discutée à maintes reprises et le Conseil, à sa dernière session, a adopté, à une très grande majorité, une résolution posant le principe de l’égalité absolue de tous les membres du Conseil quant à l’accès à la présidence. Par contre, le Conseil n’est parvenu à aucune décision sur la question de la rééligibilité du Président et, en conséquence, a renvoyé la question tout entière à la Commission du règlement.

La Commission a été saisie d’une note du Bureau exposant les conséquences de la décision que le Conseil avait prise à sa dernière session. Le Bureau avait soumis des projets d’amendements au règlement en vue de donner suite à cette décision. En outre, il suggérait, pour le cas où l’on examinerait la question de la rééligibilité du Président, de prévoir que le Président serait rééligible un an après être sorti de charge.

La Commission après avoir examiné les amendements proposés ainsi que les divers amendements complémentaires suggérés par ses membres, a décidé de proposer que le Conseil apporte les amendements qui suivent à son règlement :

Remplacer les paragraphes 1 à 4 de l’article premier par les dispositions suivantes :

Article premier.

Bureau.


2. Les membres du bureau sont élus à la première séance de la session d’automne du Conseil d’administration. Leur mandat courra jusqu’à celle de leurs successeurs. Le Président ne devient rééligible que trois ans après être sorti de charge.

Les paragraphes 5 et 6 prennent les numéros 3 et 4.

Article 2.

Dans le paragraphe 3, supprimer les mots « n’appartenant pas au groupe gouvernemental ».

La Commission a également décidé de proposer que le Président du Conseil d’administration ne puisse être rééligible qu’après une période de trois ans.

Une discussion s’est également engagée sur l’époque à laquelle devrait entrer en vigueur le nouveau règlement. La Commission a décidé de recommander de ne le faire entrer en vigueur qu’après le renouvellement du Conseil d’administration auquel la Conférence procédera à sa session de 1937. Au cas où le Conseil approuverait cette
The Chairman said that he would take a vote on the following proposal submitted by Mr. Norman:

"That the Governing Body decides to refer the report back to the Committee, together with a report of its discussion thereon, and requests the Committee to analyse the various points raised in the course of that discussion with a view to presenting its observations upon each such point."

The Governing Body rejected the proposal by 17 votes to 8.

The Governing Body adopted the report of the Committee on Freedom of Association by 19 votes to 7.

Third Item on the Agenda.


Mr. Mahaim, Chairman and Reporter of the Standing Orders Committee, said that the only question which the Committee had had to discuss was the revision of Article 1 of the Standing Orders of the Governing Body relating to the election of the Chairman. That question had been discussed repeatedly, and the Governing Body had at its last session adopted, by a very large majority, a resolution laying down the principle of the absolute equality of all members of the Governing Body as regards eligibility to the Chair. On the other hand, no decision was reached as regards the question of the re-eligibility of the Chairman, and the whole question had therefore been referred back to the Standing Orders Committee.

The Committee had had before it a note of the Office embodying the consequences of the decision which the Governing Body had taken at its last session. The Office had submitted draft amendments to the Standing Orders embodying these consequences. It had further suggested that if the question of the re-eligibility of the Chairman was discussed, the Chairman should be made re-eligible one year after he had ceased to hold office.

The Committee had, after discussing the proposed amendments and considering various additional amendments suggested by members, decided to propose that the Governing Body should make the following amendments to its Standing Orders:

1. Substitute the following paragraphs for the existing paragraphs 1 to 4 inclusive:

   Article 1.

   Officers.

   1. The Officers shall consist of a Chairman and two Vice-Chairmen chosen one from each of the three groups. Only regular members of the Governing Body may be elected Officers.

   2. The Officers shall be elected at the first sitting of the autumn session of the Governing Body and shall hold office from their election until the election of their successors. The Chairman shall not become re-eligible until three years after he ceases to hold office.

   The existing paragraphs 5 and 6 become paragraphs 3 and 4.

   Article 2.

   In paragraph 3 delete the word: "non-Government".

The Committee had decided to propose that the Chairman of the Governing Body should not be re-eligible until after three years.

The Committee had then discussed the date on which the new Standing Orders should come into force, and had decided to recommend that they should not come into force until after the elections of the Governing Body to be held during the 1937 Session of the Conference. In the event of the Governing Body approving this recommend-
recommandation, la Commission a décidé de lui proposer de procéder à l'élection de son Président lors de la session d'automne de 1936 conformément au règlement existant.

M. Jouhaux estime que les recommandations soumises par la Commission du règlement soulèvent une fois de plus l'ensemble de la question, puisque ces décisions ne correspondent pas à celles qui avaient été prises par le Conseil à sa dernière session. Après que le Conseil s'est prononcé en faveur du principe de l'éligibilité à la présidence de tous les membres du Conseil, il a invité la Commission du règlement à formuler les règles selon lesquelles serait faite cette année, l'élection du Président et à remplacer par un nouveau règlement celui qui était devenu inapplicable. Toutefois, la Commission n'a pas pris position de façon nette quant à la rééligibilité ou la non-rééligibilité du Président. Le fait que le Président peut devenir rééligible après trois ans ne constitue pas une reconnaissance du principe de la rééligibilité et ne permettrait pas au Conseil de réélire un Président particulièrement capable. La proposition de la Commission du règlement n'établit pas par ailleurs le principe de la non-rééligibilité.

Après avoir pris ces décisions incomplètes, la Commission a adopté une conclusion encore plus arbitraire en suggérant que le règlement qu'elle venait d'adopter ne soit appliqué qu'en 1937 et, qu'au cours de l'année actuelle, le Président soit élu conformément au règlement reconnu inapplicable par le Conseil lui-même. C'est au Conseil qu'il appartient de décider s'il peut accepter d'appliquer pendant une année encore les règles qu'il a considérées comme inapplicables. Il y a lieu de rappeler à ce propos que divers membres du Conseil d'administration, et notamment M. Oersted, ont déclaré, au cours de la dernière session, que le système en vertu duquel seuls les représentants gouvernementaux peuvent avoir accès à la présidence était contraire à la fois à l'esprit et à la lettre de la Constitution.

Le Conseil lui-même a rompu la convention tacite qui existait entre les trois groupes du Conseil, et qui donnait au groupe gouvernemental le monopole de la présidence. Il en résulte que le présent règlement relatif à l'élection du président est nul et non avenu. Il est assurément impossible au Conseil de se contredire en déclarant que ce règlement pourra continuer à être appliqué jusqu'en 1937. En effet, la base même sur laquelle avait été établi le règlement a cessé d'exister.

M. Rice tient à rappeler au Conseil les faits tels qu'ils se sont déroulés à la 75ème session. Lorsque la Commission du règlement s'est réunie en avril 1936, M. Mannio, qui a présidé cette réunion de la Commission, avait proposé que le texte des amendements au règlement soumis à la Commission fût pris comme base de discussion. M. Mertens, au nom du groupe ouvrier, avait déclaré qu'il serait préférable, au lieu de discuter ces amendements, de se prononcer d'abord sur certains principes dont le premier était l'éligibilité de tous les membres du Conseil à la présidence. Les amendements qu'il serait nécessaire d'apporter au règlement pourraient être examinés ultérieurement.

Dans ces conditions, la Commission du règlement a adopté d'abord le principe que tous les membres du Conseil étaient éligibles à la présidence, et en second lieu le principe de la rééligibilité immédiate du président. M. Mannio, en soumettant le rapport de la Commission au Conseil, lui a demandé de se prononcer sur ces deux principes. Le Conseil, par 31 voix sans opposition, a approuvé le principe de l'éligibilité à la présidence de tous les membres du Conseil sans distinction de groupe. M. Mannio a alors fait observer que la Commission du règlement n'avait pas soumis de proposition à l'égard de la date d'entrée en vigueur de cette nouvelle disposition, et qu'en conséquence, c'était au Conseil d'administration qu'il appartenait, après s'être prononcé sur le deuxième principe, de décider à quel moment le nouveau système serait mis en application. Le Directeur a alors déclaré que le Conseil n'était saisi pour le moment que des deux principes. Si l'un d'entre eux ou les deux étaient adoptés par le Conseil, la question serait renvoyée à la Commission du règlement, afin de lui permettre de soumettre des propositions détaillées relativement à l'application de ces principes; la question de la date à laquelle M. Mannio avait fait allusion ne viendrait pas en considération avant ce moment.
Mr. Jouhaux said that the recommendations submitted by the Standing Orders Committee once more raised the whole question, since the decisions did not correspond to those taken by the Governing Body at its last session. After the Governing Body had voted in favour of the principle that all members of the Governing Body were eligible for the office of Chairman, it had asked the Standing Orders Committee to formulate the rules by which the Chairman should be elected in the present year, and to propose new Standing Orders to be substituted for those which had become inapplicable. The Committee however had not definitely declared itself in favour either of the re-eligibility or of the non-re-eligibility of the Chairman. The fact that a Chairman was to be re-eligible after three years did not represent an application of the principle of re-eligibility and would not enable the Governing Body to reappoint a particularly able Chairman. On the other hand, the proposal of the Standing Orders Committee did not correspond to the principle of non-re-eligibility.

After taking these incomplete decisions, the Committee had come to the still more arbitrary conclusion that the Standing Orders which it had just drawn up should not be applied until 1937, and that in the present year the Chairman should be elected under Standing Orders which the Governing Body itself had recognised to be inapplicable. It was for the Governing Body to decide whether it could agree to apply for a further year a principle which it had admitted to be inapplicable. It should be remembered in that connection that various members of the Governing Body, including Mr. Oersted, had stated at the last session that the system under which Government representatives alone could become Chairman was contrary both to the spirit and the letter of the Constitution.

The Governing Body itself had put an end to the tacit agreement which had existed between the three groups of the Governing Body under which the Government group had a monopoly of the chairmanship. The result was that the present Standing Orders on the election of the Chairman were null and void. Surely the Governing Body could not now contradict itself and state that those Standing Orders should still be applied until 1937. The very basis upon which those Standing Orders had been established had ceased to exist.

Mr. Rice said that he would remind the Governing Body exactly what had happened at the Seventy-fifth Session. When the Standing Orders Committee had met in April 1936, Mr. Mannio, who acted as Chairman at that meeting, had proposed that the text of the amendments to the Standing Orders which had been submitted should be taken as a basis of discussion. Mr. Mertens, speaking for the workers group, had suggested that it would be better not to discuss the amendments submitted but to decide first of all on certain principles, the first of which was the eligibility of all members of the Governing Body to the Chair. The necessary amendments to the Standing Orders would then be discussed later.

The Standing Orders Committee had adopted, first, the principle that all members of the Governing Body were eligible for election to the Chair, and, secondly, the principle that the Chairman was immediately re-eligible. Mr. Mannio, in submitting the Committee's report to the Governing Body, had asked it to decide on these two principles. The Governing Body had, 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. Mr. Mannio had then pointed out that the Standing Orders Committee had made no proposal as regards the date on which the new provision should be put into force, and that the Governing Body would therefore, after voting on the second principle, have to decide on the date on which the new system would be put into operation. The Director had then said that all the Governing Body had before it at the moment was the two principles. If either or both 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 the date, which Mr. Mannio had mentioned, would not come up for consideration until then.
Le Conseil a alors procédé à un vote sur la question de la rééligibilité. Le nombre des voix pour et contre a été égal. Le Président a alors déclaré que s'il n'y avait aucun doute sur le fait que le Conseil avait adopté à l'unanimité le premier principe, le second, en revanche, n'était pas adopté. Dans son opinion, l'ensemble de la question devait être renvoyé à la Commission du règlement, afin de lui permettre de soumettre au Conseil des propositions précises en vue d'adapter le règlement au principe qui venait d'être adopté. C'est dans ces conditions qu'après un long débat la décision suivante a été prise par le Conseil :

« Le Conseil d'administration décide le renvoi pur et simple de la question à la Commission du règlement. »

Ce résumé des débats au sein du Conseil permet de juger si les conclusions de la Commission du règlement sont ou non compatibles avec ses décisions antérieures ou avec le vote du Conseil.

Sir Bhupendra Nath Mitra déclare que les débats de la dernière session, tels qu'ils ont été résumés par M. Rice, montrent que les conclusions auxquelles la Commission du règlement est arrivée la veille ne sont en rien contraires aux intentions du Conseil. En outre, la question de savoir si la Commission du règlement outrepasse le mandat qui lui a été donné par le Conseil a été discutée par la Commission du règlement à sa réunion de la veille ; le président de la Commission a décidé que la Commission ne dépassait pas les termes de son mandat.

En conséquence, il propose que le Conseil discute une à une les recommandations de la Commission du règlement et se prononce à leur sujet. Les résultats du vote permettront de voir si les propositions soumises au Conseil par la Commission du règlement correspondent ou non au désir de la majorité des membres du Conseil.

M. Mertens est prêt à accepter la proposition de Sir Bhupendra Nath Mitra tendant à discuter une à une les propositions de la Commission du règlement. Mais il se réserve en tout cas la faculté de discuter au moment opportun la question de savoir si la Commission avait réellement le droit de proposer au Conseil de n'appliquer qu'à partir de 1937. En effet, le Conseil a décidé formellement, par 31 voix sans opposition, que tous ses membres sans distinction de groupe pouvaient être candidats à la présidence du Conseil. Or, la proposition actuellement soumise est contraire à cette décision et empêcherait les deux groupes non gouvernementaux de soumettre une candidature lors de l'élection du Président à la session d'automne 1936. Or, aux termes de la Constitution, le groupe ouvrier a le droit de soumettre une candidature, et en conséquence, la décision proposée est contraire à la Constitution de l'Organisation.

M. Mahaim propose que le Conseil se prononce tout d'abord sur les propositions concrètes soumises par la Commission du règlement. Lorsqu'il aura pris une décision sur les amendements au règlement, il pourra examiner à quelle date le nouveau règlement devra entrer en vigueur.

M. Oersted ne retire rien des déclarations qu'il a faites à la 75ème session. Il reconnaît pleinement, avec M. Mertens, que si le groupe patronal ou le groupe ouvrier présentaient des candidats pour la présidence à la session d'automne, le Conseil naurait pas le droit de refuser de considérer ces candidatures, puisqu'il ne s'agit pas là d'une question de règlement du Conseil mais de la Constitution elle-même.

Ce point étant bien établi, il propose d'adopter un accord tacite selon lequel ni le groupe patronal ni le groupe ouvrier ne présenteraient de candidature à la présidence lors de la session d'automne. Ainsi pourrait-on considérer que le nouveau règlement, sous cette réserve tacite, entrerait en vigueur à cette session ; pour sa part, il est prêt à accepter d'ailleurs que l'ancien règlement soit appliqué en cette occasion.
A vote had then been taken on the question of re-eligibility. The voting on both sides was equal. The Chairman had then said that there was no doubt that the Governing Body had unanimously adopted the first principle. The second, however, was not adopted. In his opinion the whole question should be referred back to the Standing 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 just adopted. Thereupon, after considerable debate, the following motion was adopted:

"The Governing Body decides simply to refer the question back to the Standing Orders Committee."

The summary of what had taken place would indicate whether or not the action of the Standing Orders Committee was inconsistent with its previous action or with the vote of the Governing Body.

Sir Bhupendra Nath Mitra said that the proceedings of the previous meeting, as summarised by Mr. Rice, showed that the action which the Standing Orders Committee had taken on the previous day was not in any way contrary to the intention of the Governing Body. Further, the question whether the Standing Orders Committee was going beyond the instructions given to it by the Governing Body had been discussed in the Standing Orders Committee at its meeting on the previous day, and the Chairman of the Committee had given a ruling that the Committee was not going beyond its instructions.

He accordingly suggested that the Governing Body should discuss and vote on the recommendations of the Standing Orders Committee one by one. The voting itself would show whether the proposals placed before the Governing Body by the Standing Orders Committee corresponded or did not correspond to the wishes of the majority of the Governing Body.

Mr. Mertens said that he could accept Sir Bhupendra Nath Mitra’s proposal to discuss the Standing Orders Committee’s proposals one by one. In that case, however, he must reserve the right to discuss in due course whether or not the Committee really had the right to propose that the new Standing Orders should not be applied until 1937. The Governing Body had taken a definite decision, by 31 votes to nil, that all members, without distinction of group, should stand for election to the chairmanship of the Governing Body. The proposal now put forward was contrary to that decision and would prevent either of the two non-Government groups from putting forward a candidate when the Chairman was re-elected at the autumn session in 1936. Under the Constitution, however, the workers’ group was entitled to put forward a candidate, and the proposed decision was therefore contrary to the Constitution.

Mr. Mahaim suggested that the Governing Body should first of all decide on the concrete proposals put forward by the Standing Orders Committee. When it had decided on the amendments to the Standing Orders, it could discuss at what time the new Standing Orders were to come into force.

Mr. Oersted said that he did not in any way go back on the statements which he had made at the Seventy-fifth Session. He fully agreed with Mr. Mertens that if the employers’ group or the workers’ group put forward candidates for the chairmanship at the autumn session, the Governing Body would have no right to refuse to take them into account, since this was not a question of the Standing Orders but of the Constitution itself.

Having made this point clear, he would propose a tacit agreement that neither the employers’ nor the workers’ group should put forward a candidate for election at the autumn session. If this were accepted, it might be considered that, subject to this tacit reservation, the new Standing Orders would come into force at that session. Personally, he was prepared to agree that the old Standing Orders should be applied on that occasion.
Le Président met aux voix le paragraphe 1 de l’amendement proposé à l’article 1er du règlement du Conseil.

Ce paragraphe est conçu comme suit :

« 1. Le bureau du Conseil d’administration se compose d’un président et de vice-présidents choisis dans chacun des trois groupes. Seuls les membres titulaires du Conseil peuvent faire partie du bureau. »

Par 29 voix sans opposition, le Conseil d’administration adopte cet amendement.

Le Président ouvre la discussion sur le paragraphe 2 de l’amendement à l’article 1er.

M. de Michelis propose que ce texte soit divisé en deux parties sur lesquelles le Conseil sera appelé à se prononcer successivement. La disposition aux termes de laquelle le Président ne devient rééligible que 3 ans après être sorti de charge constituerait ainsi le paragraphe 3.

Sir Bhupendra Nath Mitra appuie cette proposition.

M. Mertens appuie également la proposition, la troisième phrase du paragraphe se rapportant à une question entièrement différente des deux premières.

Le Président met alors aux voix la première partie du paragraphe 2 conçue comme suit :

« 2. Les membres du bureau sont élus à la première séance de la session d’automne du Conseil d’administration. Leur mandat courra depuis leur élection jusqu’à celle de leurs successeurs. »

Par 30 voix sans opposition, le Conseil d’administration adopte ce paragraphe.

Le Président ouvre la discussion sur le nouveau paragraphe 3.

M. de Michelis déclare que les membres du Conseil qui sont en faveur de la rééligibilité immédiate du Président ou bien de sa rééligibilité après un an ou deux devront voter contre ce paragraphe tandis que ceux qui sont en faveur de la rééligibilité après trois ans se prononceront pour. Il doit être entendu que si cette proposition est repoussée, le Conseil se prononcera sur la question de la rééligibilité immédiate.

Le Président déclare que si la proposition actuellement soumise au Conseil est repoussée, il ne subsistera dans le règlement aucune clause limitant la rééligibilité.

M. Rice tient à soumettre au Conseil une proposition qu’il avait présentée à la Commission du règlement, à savoir de substituer au paragraphe actuellement en discussion la formule suivante :

« Ne peut être élu président un ressortissant d’un État dont un ressortissant a exercé la présidence au cours des trois derniers mandats. »

C’est là une limitation d’une portée plus étendue que celle qui est proposée par la Commission du règlement. Il croit devoir soumettre cette proposition au Conseil bien qu’elle ait été repoussée par la Commission du règlement en raison du fait que le groupe gouvernemental n’a pas, au sein de la Commission du règlement, une représentation proportionnelle à son importance au Conseil d’administration et que tous les votes en faveur de sa proposition à la Commission du règlement ont été émis par des membres du groupe gouvernemental.

Dans un certain sens, ces propositions impliquent un sacrifice pour les États-Unis, qui sont un des quelques États qui ont des ressortissants dans le groupe patronal et le groupe ouvrier aussi bien que dans le groupe gouvernemental du Conseil. Aucun ressortissant des États-Unis par exemple qui aurait été élu à la Présidence ne pourrait être remplacé au cours des trois années suivantes par un autre ressortissant des États-Unis quel que soit le groupe dont il fasse partie. Une autre considération dont il y a lieu de tenir compte c’est que le Gouvernement des États-Unis éprouve quelques
The Chairman said that he would take a vote on paragraph 1 of the proposed amendment to Article I of the Standing Orders of the Governing Body. This paragraph was as follows:

"1. The Officers shall consist of a Chairman and two Vice-Chairmen chosen one from each of the three groups. Only regular members of the Governing Body may be elected Officers."

The Governing Body adopted that amendment by 29 votes to nil.

The Chairman opened the discussion on paragraph 2 of the amendment to Article I.

Mr. de Michelis proposed that this paragraph should be made into two separate paragraphs which should be voted upon separately. The paragraph stating that the Chairman would not be re-eligible until after three years would thus become paragraph 3.

Sir Bhupendra Nath Mitra supported that proposal.

Mr. Mertens also supported the proposal, since the two sentences in the paragraph referred to entirely different subjects.

The Chairman took a vote on the first sentence of paragraph 2, which was as follows:

"2. The Officers shall be elected at the first sitting of the autumn session of the Governing Body and shall hold office from their election until the election of their successors."

The Governing Body adopted this paragraph by 30 votes to nil.

The Chairman opened the discussion on the new paragraph 3.

Mr. de Michelis said that those members of the Governing Body who were in favour of the re-eligibility of the Chairman either immediately or after one or two years would have to vote against this paragraph, while those who were in favour of re-eligibility after three years would vote in favour. It should be agreed that if the proposal were rejected, a vote would be taken on the question of immediate re-eligibility.

The Chairman said that if the proposal now before the Governing Body were rejected, the Standing Orders would contain no provision limiting re-eligibility.

Mr. Rice said that he would submit to the Governing Body a proposal which he had made in the Standing Orders Committee, namely that the paragraph under discussion should be replaced by the following:

"No national of a State any national of which has held the office of Chairman during the three preceding terms may be elected Chairman."

This was a broader prohibition than the one proposed by the Standing Orders Committee. He submitted it to the Governing Body, in spite of the fact that it had been defeated in the Standing Orders Committee, owing to the fact that the Government group was not represented in the Standing Orders Committee in proportion to its strength in the Governing Body, and that all the votes in favour of the proposal in the Standing Orders Committee had been given by the Government group.

His proposal was in a sense a self-denying ordinance, since the United States was one of the few countries whose nationals were at present to be found in the workers' and employers' groups as well as in the Government group of the Governing Body. The proposal would imply that no citizen of the United States, for example, who might be elected to the office of Chairman should be succeeded during the next three years by any other citizen of the United States, regardless of the group from which he came. Another consideration was that the Government of the United States
difficultés à assurer la continuité de sa représentation au groupe gouvernemental du Conseil. La clause dont il propose l’adoption tend à empêcher un représentant gouvernemental des États-Unis d’être remplacé, au cours de la période d’interdiction, par un autre représentant gouvernemental nommé par les États-Unis pour lui succéder au sein du Conseil. Bien que son pays se trouve ainsi particulièrement défavorisé par cette proposition, il estime peu opportun que deux ressortissants du même pays, même au cas où ce seraient des personnes différentes, occupent la présidence au cours d’une période de quatre ans.

**M. Jouhaux** fait observer que la proposition de M. Rice est en opposition absolue avec la constitution du groupe patronal et du groupe ouvrier du Conseil d’administration. Les membres ouvriers représentent, en effet, non pas leur pays, mais l’ensemble des délégations ouvrières à la Conférence internationale du Travail. Il leur est donc tout à fait impossible d’accepter une telle proposition. Le groupe gouvernemental peut estimer que chacun de ses membres représente son propre pays, bien que ce point soit discutable, puisque tous les pays ne sont pas représentés au Conseil d’administration et que ceux qui n’ont pas de siège au sein du Conseil doivent être considérés comme étant représentés par les membres gouvernementaux du Conseil. Mais il est certain que les mandats des membres patronaux et ouvriers ont un caractère international ; la notion des nationalités ne saurait se substituer dans ce cas au principe de la représentation internationale.

**M. Mannio** déclare que l’amendement de M. Rice lui paraît avoir deux aspects. Tout d’abord, il signifie que, si un pays change son représentant gouvernemental au Conseil d’administration, il sera impossible d’élire successivement deux présidents de la même nationalité. En outre, l’amendement introduirait un système de roulement très atténué. Il a toujours été pour sa part, en faveur du système de roulement. Mais actuellement, le Conseil semble vouloir passer d’un extrême à l’autre. Il a appliqué jusqu’ici un système de roulement extrêmement rigide et il désire maintenant abandonner entièrement tout système de ce genre. L’amendement de M. Rice donnerait la garantie qu’au cours d’une période de trois ans trois pays au moins seraient représentés à la présidence. Ce fait constituerait déjà un avantage et c’est pour ce motif qu’il appuie l’amendement de M. Rice.

**Sir Bhupendra Nath Mitra** constate que M. Jouhaux a soutenu que la proposition de M. Rice était incompatible d’une façon fondamentale avec la Constitution parce que l’Organisation internationale du Travail a un caractère international tandis que M. Rice voudrait introduire le principe de roulement par nationalité à la présidence du Conseil. A ce propos, il tient à attirer l’attention sur le fait qu’au Conseil de la Société des Nations, le système de roulement par nationalité est appliqué à la présidence.

**M. Oersted** fait observer que la Société des Nations n’est pas une organisation tripartite.

**M. Mertens** souligne que la constitution de la Société des Nations est absolument différente de celle de l’Organisation internationale du Travail, et que son Conseil n’est pas composé de la même manière que le Conseil d’administration. La Constitution de l’Organisation reconnaît formellement l’existence des trois groupes.

*Par 20 voix contre 6, le Conseil d’administration repousse la proposition de M. Rice.*

*Le Président* met aux voix la proposition de la Commission du règlement conçue comme suit :

« 3. Le président ne devient rééligible que 3 ans après être sorti de charge. »

*Par 15 voix contre 12, le Conseil d’administration adopte cet amendement.*

La séance est levée à 13 h. 10.

W. A. RIDDELL.
found some difficulty in having continuous representation in the Government group of the Governing Body. The clause which he proposed would prevent a Government representative of the United States being succeeded within the prohibited period by a Government member who might be nominated by the United States as his successor on the Governing Body. Although his country was particularly affected by the proposal, he felt that it was unwise that two nationals of the same country, even though they might be different persons, should hold the office of Chairman within a period of four years.

Mr. Jouhaux said that Mr. Rice's proposal was definitely contrary to the constitution of the employers' and workers' groups on the Governing Body. The workers' members did not represent their countries, but all the workers' delegations at the International Labour Conference. It was therefore quite impossible for them to accept such a proposal. The Government group might consider that each of its members represented his own country, although that point was open to discussion, since not all countries were represented on the Governing Body, and those which had no seats should be regarded as being represented by the Government members of the Governing Body. The mandates of the members of the employers' and workers' groups were, however, undoubtedly international, and the notion of nationality could not be substituted in this case for the principle of international representation.

Mr. Mannio said that Mr. Rice's amendment had two aspects. In the first place it meant that if a country changed its Government representative on the Governing Body, it would be impossible to elect two Chairmen of the same nationality in succession. In the second place, the amendment would introduce a very modified system of rotation. He had always been in favour of the system of rotation. The Governing Body now however appeared to wish to pass from one extreme to another. It had previously applied an extremely rigid system of rotation, and it now wished to give up rotation altogether. Mr. Rice's amendment would at any rate guarantee that during any period of three years three countries at least would be represented in the Chair. This would represent an advantage, and he therefore supported Mr. Rice's amendment.

Sir Bhupendra Nath Mitra said that Mr. Jouhaux maintained that there was a fundamental inconsistency between Mr. Rice's proposal and the Constitution because the International Labour Organisation was international, whereas Mr. Rice wished to introduce the principle of rotation by nationality in the chairmanship of the Governing Body. In that connection he would point out that in the Council of the League of Nations the chairmanship went by rotation among nationals of different countries.

Mr. Oersted pointed out that the League of Nations was not a tripartite organisation.

Mr. Mertens said that the Constitution of the League of Nations was quite different from that of the International Labour Organisation, and that its Council was not constituted in the same way as the Governing Body. The Constitution of the Organisation recognised the existence of the three groups.

The Governing Body rejected Mr. Rice's proposal by 20 votes to 6.

The Chairman took a vote on the Standing Orders Committee's proposal, which was as follows:

"3. The Chairman shall not become re-eligible until three years after he ceases to hold office."

The Governing Body adopted this amendment by 15 votes to 12.

The sitting closed at 1.10 p.m.

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

(Mardi 2 juin 1936 — 15 heures 20.)


TROISIÈME QUESTION A L’ORDRE DU JOUR.

Rapport de la Commission du règlement (suite).

Le Président rappelle qu’étant donné qu’à l’avenir le bureau du Conseil ne comprendra plus que deux vice-présidents au lieu de trois, la Commission du règlement propose de supprimer dans le paragraphe 3 de l’article 2 du règlement du Conseil les mots « n’appartenant pas au groupe gouvernemental ».

Le Conseil adopte cet amendement.

Le Président indique que le Conseil est appelé à se prononcer sur la date à laquelle devront entrer en vigueur les nouvelles règles qui viennent d’être adoptées. La Commission du règlement recommande au Conseil de ne faire entrer en vigueur le nouveau règlement qu’après le renouvellement du Conseil auquel la Conférence procédera à sa session de 1937.

M. Mertens déclare que le groupe ouvrier est opposé à la suggestion formulée par la majorité de la Commission du règlement; il estime que du moment que le Conseil a décidé d’apporter certaines modifications à son règlement, ces modifications doivent être appliquées aussitôt, d’autant plus qu’elles ne font que traduire dans la pratique une règle constitutionnelle.

Il propose donc au Conseil d’adopter une résolution ainsi conçue :

« Le Conseil décide qu’il y a lieu d’appliquer le premier article du règlement tel qu’il vient d’être révisé, dès la session d’automne de 1936. »

M. Oersted fait observer que les amendements adoptés par le Conseil portent également sur l’article 2 du règlement du Conseil.

M. Mertens accepte d’étendre son projet de résolution à l’amendement adopté à l’article 2.

Par 14 voix contre 11, le Conseil rejette la proposition de M. Mertens.

Par 15 voix contre 11, le Conseil décide de faire entrer en vigueur le nouveau règlement après le renouvellement du Conseil d’administration en 1937.

M. Mertens demande si la décision que vient de prendre le Conseil est conforme à la Constitution. Si elle ne l’est pas — et l’on ne peut oublier que la Constitution garantit à tout membre du Conseil la possibilité d’être porté à la présidence — on ne pourra empêcher aucun membre du Conseil de poser sa candidature lors des élections...
MINUTES OF THE SECOND SITTING.
(Tuesday, 2 June 1936—3.20 p.m.).

The Governing Body was composed as follows: Mr. Riddell (Chairman), Mr. de Buen, Mr. Delauney, Mr. Erulkar, Mr. Folsom, Mr. Forbes Watson, Mr. Forslund, Mr. Gildari, Mr. Jensen, Mr. Jouhaux, Mr. Kupers, Mr. Li Ping-Heng, Mr. Mannio, Mr. Markus, Mr. Mertens, Mr. de Michalis, Sir Bhupendra Nath Mittra, Mr. Muniz, Mr. Němecěk, Mr. Norman, Mr. Oersted, Mr. Rice, Mr. Rieve, Mr. Ruiz Guíñazú, Mr. Schoenbaum, Mr. Schürch, Mr. Takeuchi, Mr. Tello, Mr. Tzaut, Mr. Waline, Mr. Yoshisaka, Mr. Zagrodzki.

THIRD ITEM ON THE AGENDA.

Report of the Standing Orders Committee (continued).

The Chairman pointed out that as there would in the future only be two Vice-Chairmen of the Governing Body instead of three, the Standing Orders Committee proposed to delete, in paragraph 3 of Article 2 of the Standing Orders of the Governing Body, the word "non-Government".

The Governing Body adopted that amendment.

The Chairman pointed out that the Governing Body was called upon to decide as to the date on which the new Standing Orders which had just been adopted should come into force. The Standing Orders Committee had recommended that the new Standing Orders should only become operative after the elections of the Governing Body which would take place at the 1937 Session of the Conference.

Mr. Mertens said that the workers' group was opposed to the suggestion made by the majority of the Standing Orders Committee. The workers' group considered that once the Governing Body had decided to amend its Standing Orders, those amendments should be immediately applied, more especially since they simply gave effect to a rule laid down in the Constitution.

He accordingly proposed that the Governing Body should adopt the following resolution:

"The Governing Body decides that the amended form of Article 1 of the Standing Orders which has just been adopted should be applied as from the autumn session in 1936."

Mr. Oersted pointed out that the Governing Body had also adopted an amendment to Article 2 of the Standing Orders of the Governing Body.

Mr. Mertens agreed that his resolution should also cover the amendment which had been adopted in Article 2.

The Governing Body rejected Mr. Mertens' proposal by 14 votes to 11. The Governing Body decided by 15 votes to 11 that the new Standing Orders should come into force after the elections of the Governing Body in 1937.

Mr. Mertens asked whether the decision which the Governing Body had just taken was in conformity with the Constitution. If that was not the case—and it must be remembered that under the Constitution all members of the Governing Body were eligible to the office of Chairman—no member of the Governing Body could be
qui auront lieu à la session d’automne. La décision que vient de prendre le Conseil s’opposant précisément à la présentation de candidatures n’émanant pas du groupe gouvernemental, il lui semble qu’elle est contraire à la Constitution elle-même.

**Le Président** constate qu’il reste au Conseil à décider suivant quelles règles aura lieu l’élection présidentielle à la session d’automne 1936. La Commission du règlement propose que cette élection ait lieu conformément au règlement en vigueur depuis 1931.

**M. Mertens** propose au Conseil d’adopter une résolution ainsi conçue :

« Le Conseil décide qu’il y a lieu, lors de la session d’automne 1936 de respecter la Constitution pour l’élection du Président du Conseil d’administration. »

**Sir Bhubendra Nath Mitra** fait observer, à propos de la résolution que vient de présenter M. Mertens, que, jusqu’à présent, on a toujours considéré qu’une décision adoptée par la majorité des membres du Conseil d’administration représentait la volonté de la majorité de leurs mandants et qu’elle a la même valeur que les dispositions de la Constitution.

**M. Jouhaux** répond à Sir Bhupendra Nath Mitra que le groupe ouvrier ne conteste pas qu’une décision prise à la majorité des membres du Conseil corresponde à la volonté de cette majorité. Il croit toutefois que la question véritable est ailleurs. Si le Conseil décide de procéder à l’élection présidentielle en automne 1936 suivant les règles en vigueur depuis 1931, il appliquera un règlement qui, en fait, est abrogé. Il voudrait savoir si cette décision aura pour effet d’annuler la décision que le Conseil a antérieurement prise à la quasi-unanimité et qui consacrait le droit de tous les membres du Conseil d’administration, à quelque groupe qu’ils appartiennent, de poser leur candidature à la présidence. Pour sa part, il estime que la majorité ne peut pas avoir l’intention de revenir sur les conséquences d’un vote émis à la quasi-unanimité.

**M. de Buen** propose que le Conseil déclare que, pour l’élection présidentielle devant avoir lieu à la session d’automne 1936, il procédera conformément au règlement existant en ce qui concerne la procédure tout en reconnaissant le droit du groupe ouvrier et du groupe patronal de présenter leur candidature.

**M. Mertens** considère que la proposition de M. de Buen est irrecevable. En effet, le règlement mis en vigueur en 1931 exclut, pour les groupes patronal et ouvrier, la faculté de présenter une candidature.

Si l’un des membres du groupe gouvernemental a l’intention de présenter sa candidature, il serait préférable de le faire connaître immédiatement sans chercher par des moyens inconstitutionnels à limiter les droits du groupe patronal et du groupe ouvrier.

**M. de Buen** croit, contrairement à l’opinion émise par M. Mertens, qu’il est parfaitement possible de maintenir la procédure prévue dans l’ancien règlement, tout en reconnaissant le droit des groupes patronal et ouvrier à présenter des candidatures. Sa proposition n’est donc pas irrecevable.

**Sir Bhubendra Nath Mitra** s’étonne d’avoir entendu plusieurs orateurs déclarer qu’il serait contraire à la Constitution de maintenir en vigueur pour l’élection de l’automne 1936, le règlement adopté en 1931. Il rappelle en effet qu’aux termes de l’article 7, paragraphe 7, de la Constitution, « le Conseil d’administration éiera un président dans son sein et établira son règlement... ». Conformément à cette disposition, le Conseil a décidé, il y a longtemps, que son bureau se composeraient d’un président
prevented from standing for election at the autumn session. Since, under the decision which the Governing Body had just taken, only candidates from the Government group were eligible for election, it appeared to him that that decision was contrary to the Constitution itself.

The Chairman said that it was for the Governing Body to decide under what rules the election of the Chairman should take place at the autumn session in 1936. The Standing Orders Committee had proposed that that election should be held in accordance with the Standing Orders which had been in operation since 1931.

Mr. Mertens proposed the following resolution:

"The Governing Body decides that at the autumn session in 1936 the Constitution should be respected as regards the election of the Chairman of the Governing Body."

Sir Bhupendra Nath Mitra pointed out, in connection with the resolution which Mr. Mertens had just submitted, that it had always been held in the past that a decision adopted by the majority of the members of the Governing Body represented the will of the majority of their constituents and consequently had the same value as the provisions of the Constitution.

Mr. Jouhaux, in reply to Sir Bhupendra Nath Mitra, said that the workers' group did not deny that a decision taken by the majority of the Governing Body corresponded to the will of that majority. That was however not the real question. If the Governing Body decided to hold the election of the Chairman in the autumn of 1936 under the Standing Orders which had been in force since 1931, it would be applying Standing Orders which in fact had been rescinded. He asked whether that decision would have the effect of cancelling the decision which the Governing Body had previously taken by an almost unanimous vote, and which confirmed the right of all members of the Governing Body, without distinction of group, to stand as candidates for election to the office of Chairman. He could not believe that it was the intention of the majority of the Governing Body to reverse the vote which had been taken almost unanimously.

Mr. de Buen proposed that the Governing Body should decide that as regards the election of the Chairman at the autumn session in 1936, the existing Standing Orders should be followed as regards procedure, but that the right of the workers' group and the employers' group to propose candidates for election should be recognised.

Mr. Mertens thought that Mr. de Buen's proposal was out of order. The Standing Orders which came into force in 1931 made it impossible for the employers' or workers' groups to propose candidates for election.

If a member of the Government group intended to stand for election, it would be preferable to announce this fact immediately, without endeavouring to limit the rights of the employers' and workers' groups by unconstitutional methods.

Mr. de Buen said that he did not share Mr. Mertens' opinion; in his view it was possible to maintain the procedure laid down in the old Standing Orders and, at the same time, recognise the right of the employers' and workers' groups to put forward candidates for election. His proposal was therefore not out of order.

Sir Bhupendra Nath Mitra said that he had been surprised to hear several speakers suggest that it would be contrary to the Constitution to apply the Standing Orders adopted in 1931 at the election which would be held in the autumn of 1936. Paragraph 7 of Article 7 of the Constitution laid down that "the Governing Body shall, from time to time, elect one of its number to act as its Chairman, shall regulate its own procedure . . . ". In accordance with that provision the Governing Body
choisi dans le groupe gouvernemental, etc. Cette décision est parfaitement conforme à la disposition de la Constitution qu'il vient de rappeler.

Le Conseil manifeste maintenant sa volonté de choisir son président parmi les trois groupes. Il a, lors de sa dernière session, pris une décision de principe à cet égard. Toutefois, le Conseil n'a pas décidé à quel moment cette nouvelle règle devra entrer en vigueur; ce point a été au préalable soumis à la Commission du règlement. Or, celle-ci a recommandé que le nouveau règlement n'entre en vigueur qu'en 1937 et le Conseil d'administration vient d'accepter cette recommandation. Par conséquent, la situation est parfaitement nette. Que le groupe patronal et le groupe ouvrier aient la faculté de présenter des candidats pour la présidence en 1936 n'est qu'une question de détail. Mais si le règlement existant est maintenu en vigueur ainsi que le Conseil l'a déjà décidé, seul un membre du groupe gouvernemental aura des chances d'être élu à la présidence.

M. Jouhaux rappelle que la portée véritable de la décision qu'a prise le Conseil était de revenir sur une convention adoptée par les trois groupes qui, en fait, dérogait à un principe inscrit dans la Constitution. Par conséquent, c'était ce principe constitutionnel même qui redevenait applicable. Il y a évidemment une différence, du point de vue de l'autorité, entre le rétablissement d'un principe constitutionnel et l'interprétation d'une décision du Conseil.

Il souligne d'autre part que ce n'est pas la question de la règle à appliquer lors des élections de l'automne 1936 qui a été renvoyée à la Commission du règlement mais uniquement l'élaboration d'un nouveau règlement destiné à remplacer celui qui avait été reconnu inapplicable. La Commission propose actuellement au Conseil de revenir sur sa première décision et de remettre en vigueur ce règlement abrogé en fait. Il considère pour sa part que, quelle que soit la décision que le Conseil va prendre, qu'elle revienne ou non sur une décision prise antérieurement à la quasi-unanimité, les droits de tous les membres resteront entiers. Il est évident qu'il existe un préjugé favorable à la candidature d'un membre gouvernemental; ce préjugé n'exclut pas le droit, pour tous les membres du Conseil, de présenter leur candidature.

Il insiste sur le fait que, jusqu'à présent, les groupes du Conseil ont entendu éviter des contestations au sujet de la présidence. Le Conseil risque actuellement d'adopter un système qui ne réunira pas l'assentiment de tous les groupes. C'est ainsi que se pose, pour l'instant, le problème et c'est ce qui lui donne un caractère de gravité exceptionnelle.

Sir Bhupendra Nath Mitra n'ignore pas que le Conseil d'administration a, lors de sa 75ème session, décidé qu'en principe, tous les membres du Conseil, à quelque groupe qu'ils appartiennent, seraient éligibles à la présidence. Par contre, il ne s'est pas prononcé sur la date à laquelle cette modification entrerait en vigueur. C'est notamment pour résoudre ce problème que la question a été renvoyée à la Commission du règlement. Celle-ci l'a longuement discutée et a abouti à la recommandation qui figure dans son rapport. En la formulant, la Commission restait dans le cadre de la tâche qui lui avait été confiée par le Conseil. Celui-ci vient d'adopter cette recommandation. On ne saurait considérer que cette décision est contraire à la Constitution.

Après avoir arrêté un principe, le Conseil a décidé, pour des raisons d'opportunité, considération qui joue un grand rôle dans la vie internationale, de ne le mettre en application qu'en 1937. Il ne voit pas en quoi une semblable décision pourrait être illégale.

Le Directeur s'est abstenu, jusqu'à présent, de prendre part au débat parce qu'il estime que cette question intéresse principalement le Conseil d'administration et non le Bureau. Il croit devoir toutefois attirer l'attention du Conseil sur certains aspects du problème qui paraissent, jusqu'à présent, avoir été perdus de vue.
had decided some considerable time ago that its Officers should consist of a Chairman chosen from the Government group, etc. That decision was in absolute conformity with the provision of the Constitution to which he had just alluded.

The Governing Body now expressed its intention of choosing its Chairman from all three groups. At its last session it had taken a decision of principle to that effect. The Governing Body had however not decided at what date this new rule should come into force, and that point had in the first instance been submitted to the Standing Orders Committee. The latter had now recommended that the new Standing Orders should not come into force until 1937, and the Governing Body had just approved that recommendation. The situation was therefore perfectly clear. Whether the employers' and workers' groups should be able to propose candidates for the chairmanship in 1936 was question of detail. If, however, the existing Standing Orders were to remain in force, as the Governing Body had just decided, only a member of the Government group would have a chance of being elected as Chairman.

Mr. Jouhaux said that the real effect of the decision which the Governing Body had taken was to abrogate an agreement accepted by the three groups, which was in fact contrary to a principle laid down in the Constitution. Consequently it was that constitutional principle itself which again became applicable. There was obviously a difference in the authority attaching to the re-establishment of a constitutional principle and the interpretation of a decision of the Governing Body.

What had been referred to the Standing Orders Committee was not the question of the rules to be applied at the elections which would be held in the autumn of 1936, but solely the drafting of new Standing Orders to replace those which had been recognised as no longer applicable. The Committee now proposed that the Governing Body should reverse its former decision and continue to apply Standing Orders which had in fact been rescinded. In his opinion, whatever decision the Governing Body might take and whether or not it reversed an almost unanimous decision which it had previously taken, the rights of all members of the Governing Body remained unimpaired. It was obvious that there was a bias in favour of the candidature of a Government member, but that bias did not exclude the right of all members of the Governing Body to stand for election to the office of Chairman.

In the past all the groups of the Governing Body had always taken care to avoid any dispute in regard to the election of the Chairman. There was now a danger that the Governing Body would adopt a system which would not be approved by all the groups. That was how the problem stood, and it was that point which gave it so serious a character.

Sir Bhupendra Nath Mitra said that he was well aware that the Governing Body, at its Seventy-fifth Session, had decided that in principle all members of the Governing Body, without distinction of group were eligible for the office of Chairman. On the other hand the Governing Body had not decided as to the date at which this change should come into force. It was with the particular object of deciding this question that the matter had been referred back to the Standing Orders Committee. The Committee had discussed the point at length and had adopted the recommendation which was contained in its report. That recommendation was quite consistent with the instructions given to it by the Governing Body. The Governing Body had now adopted that recommendation, and it could not be said to be contrary to the Constitution.

After having laid down a principle, the Governing Body had decided, for reasons of expediency—and expediency played a great part in international affairs—not to apply it until 1937. He did not see how such a decision could be considered as unconstitutional.

The Director said that he had refrained from taking part in the discussion since, in his opinion, the question was one in which the Governing Body and not the Office was principally concerned. He felt it his duty, however, to draw the attention of the Governing Body to certain aspects of the question which seemed to have been overlooked.
A son avis, la question actuellement soumise au Conseil ne doit pas être envisagée exclusivement sous son aspect juridique. La Constitution laisse au Conseil d'administration toute liberté pour l'élection de son président; elle se borne à stipuler que le Conseil désigne son président parmi ses membres; le Conseil a toute latitude pour déterminer lui-même la procédure à suivre pour cette désignation. Jusqu'à 1930, le Conseil a suivi une certaine méthode. Depuis 1931, il a été entendu, par un accord conclu entre les trois groupes, que le Président serait choisi exclusivement parmi les membres gouvernementaux. Enfin, à sa 75ème session, le Conseil a décidé, par un accord analogue entre les trois groupes qu'à l'avenir, le président pourrait être choisi indifféremment dans un des trois groupes; cette décision est concrétisée dans le règlement que le Conseil vient d'adopter. Le Conseil a évidemment la faculté de reporter à une date ultérieure la mise en application de ce nouveau règlement. Il croit toutefois devoir attirer l'attention du Conseil sur le fait que, si lors de la session d'automne, l'élection du Conseil n'avait pas lieu conformément à un accord unanime des trois groupes, il en résulterait une situation très fâcheuse qui, jusqu'à présent, ne s'est jamais produite. Il se demande donc si, avant de procéder au vote, il ne conviendrait pas d'essayer d'aboutir à un compromis qui serait acceptable pour les trois groupes et qui empêcherait que l'élection du Président n'ait lieu dans des conditions qui diminueraient l'autorité présidentielle et qui créeraient un précédent regrettable dans l'histoire de l'Organisation. A cet égard, on pourrait peut-être adopter la suggestion faite à la précédente séance par M. Oersted et d'après laquelle on mettrait immédiatement en application les nouvelles règles, le groupe patronal et le groupe ouvrier s'engageant d'un commun accord à ne pas présenter de candidats. Peut-être peut-on imaginer d'autres solutions. De toute manière, la question ne doit pas être envisagée du seul point de vue juridique mais aussi sous l'angle des intérêts généraux de l'Organisation et du Conseil d'administration.

Le Conseil ajourne la suite du débat à la séance qu'il tiendra pendant la session de la Conférence.

QUATRIÈMÈ QUESTION A L'ORDRE DU JOUR.

Méthode de désignation des membres armateurs et des membres marins de la Commission paritaire maritime (Proposition de M. Mertens).

Le Directeur expose que la note du Bureau contient un historique de la question. Comme on le sait, la Commission paritaire maritime a eu toujours un statut différent de celui des autres commissions, dès le début de l'Organisation. A la suite d'une demande présentée par les marins en 1919 et tendant à la création d'une institution indépendante de l'Organisation internationale du Travail, le Conseil d'administration a décidé, en 1920, de constituer une Commission paritaire maritime, comprenant cinq armateurs et cinq marins nommés par la Conférence, consacrée exclusivement à l'examen des questions maritimes qui devait avoir lieu à Gênes, en 1920; depuis lors, la Commission a fonctionné d'après ce système et lorsqu'il s'est produit des vacances, des candidatures ont été présentées par les organisations d'armateurs ou de marins, suivant le cas.

Maintenant M. Mertens propose que la désignation des membres de la Commission relève du Conseil d'administration comme pour les autres commissions. Il n'est pas douteux que cette proposition peut se justifier par divers arguments; M. Mertens a reconnu au surplus que les candidatures devraient être présentées à l'agrément du Conseil par les organisations d'armateurs et de marins elles-mêmes. Si un tel système est en lui-même très raisonnable, il croit cependant qu'il risquerait d'entrainer des conséquences regrettables si la transformation de régime qu'il entraîne était imposée unilatéralement aux organisations intéressées sans qu'elles aient été consultées au préalable. Or, dès à présent il a reçu des organisations d'armateurs et des organisations de marins, des lettres par lesquelles ces groupements s'opposent à ce que l'on modifie le régime de désignation des membres de la Commission paritaire maritime sans qu'elles aient été consultées. C'est pour cette raison que, dans la note soumise au Conseil, le Bureau a suggéré que le Conseil ajourne sa décision jusqu'à l'automne.
In his opinion the question before the Governing Body could not be considered only from the legal standpoint. Under the Constitution the Governing Body was entirely free to elect a Chairman, provided that it chose one of its own members for that office. The Governing Body was also quite free to regulate the procedure under which the Chairman was elected. Until 1930 one method had been adopted, but since 1931, under an agreement reached between the three groups, it had been understood that the Chairman should be chosen from among the members of the Government group. At its Seventy-fifth Session, the Governing Body had decided, by a similar agreement between the three groups, that in future the Chairman could be chosen from any one of the three groups; effect had been given to that decision in the Standing Orders which the Governing Body had adopted. The Governing Body was obviously entitled to postpone the date at which the new Standing Orders would come into force. He felt, however, bound to call the attention of the Governing Body to the fact that, if at the autumn session the election of the Chairman was not held under conditions with which all three groups were in agreement, a most unfortunate situation would arise, for which there was no precedent. He wondered whether, therefore, before a vote was taken, it would not be desirable to attempt to reach a compromise which would be acceptable to all three groups and which would prevent the election of the Chairman from being held under conditions which would diminish the authority of the Chairman and would create an unfortunate precedent in the history of the Organisation. It might perhaps be possible to adopt the suggestion which Mr. Oersted had made at the previous sitting, under which the new Standing Orders would be put into immediate operation, but the employers' and workers' groups would agree not to put forward candidates for election. Other solutions might also be put forward. In any case the question should not be considered from the legal standpoint only, but also from the point of view of the general interests of the Organisation and the Governing Body.

The Governing Body decided to adjourn the discussion to the sitting which would be held during the session of the Conference.

**Fourth Item on the Agenda.**

*Method of appointing the Shipowner's and Seamen's Members of the Joint Maritime Commission (Mr. Mertens' proposal).*

The Director said that the note which the Office had circulated explained the history of the question. As the Governing Body was aware, the Joint Maritime Commission had from the first days of the Organisation always stood on a different footing from that of the other Committees. As the result of a request put forward by the seamen in 1919 for the establishment of an institution independent of the International Labour Organisation, the Governing Body had decided in 1920 to set up a Joint Maritime Commission consisting of five shipowners and five seamen appointed by the Conference at the session called to deal exclusively with maritime questions, which was to be held at Geneva in 1920. Since then the Commission had functioned under that system, and when vacancies had occurred, nominations had been submitted by the organisations of shipowners and seamen respectively. Mr. Mertens now proposed that the members of the Commission should be appointed by the Governing Body, as in the case of other Committees. There was undoubtedly much to be said for the proposal; Mr. Mertens had moreover recognised that the names of candidates should be proposed to the Governing Body by the organisations of shipowners and seamen themselves. Whilst such a system was in itself very reasonable, the Director felt that unfortunate consequences might be produced if a change of the kind proposed were to be arbitrarily imposed on the organisations concerned without their having been previously consulted. He had already received letters from both shipowners' and seamen's organisations objecting to any change being made in the method of appointing members of the Joint Maritime Commission without those organisations having been consulted. It was for that reason that in the note which had been submitted to the Governing Body, the Office had suggested that the Governing Body should postpone its decision until the autumn and instruct
et le charge, dans l'intervalle, à l'occasion de la session maritime que la Conférence tiendra au mois d'octobre, de consulter les représentants des organisations d'armateurs et de marins.

Si le Conseil acceptait cet ajournement, le groupe des armateurs et le groupe des marins seraient, lors de la session maritime de la Conférence, invités à désigner les membres de chacun de leurs groupes au sein de la Commission, en tenant compte de la résolution adoptée par le Conseil à sa 35ème session au sujet de la proportion des membres extra-européens de la Commission.

M. Mertens accepte que le Conseil ajourne sa décision jusqu'au moment où les organisations d'armateurs et de marins auront pu être consultées. Il tient cependant à souligner qu'il est opposé au régime de faveur fait dans la procédure générale suivie pour les travaux de l'Organisation aux travailleurs de l'industrie maritime. Il se réserve, si sa suggestion était rejetée, de demander l'application du même régime de faveur pour d'autres catégories de travailleurs.

M. Oersted croit savoir que le Bureau aurait été saisi de certaines suggestions tendant à l'élargissement de la composition de la Commission paritaire maritime par la création d'un nouveau siège de membre titulaire et d'un nouveau siège de membre adjoint afin de donner satisfaction aux pays extra-européens. Il considère que le Conseil n'a pas à se prononcer sur cette question dès sa présente session. Il rappelle toutefois que précédemment, dans des circonstances analogues, le groupe des armateurs et le groupe des marins à une session maritime de la Conférence, ont désigné un certain nombre de suppléants en suggérant au Conseil de désigner ceux-ci comme membres titulaires si le Conseil décidait l'augmentation du nombre des membres de la Commission. Il lui semble qu'un système analogue pourrait être suivi éventuellement pour donner satisfaction à la revendication à laquelle il a fait allusion.

Le Directeur rappelle qu'il a, dans la note soumise au Conseil, indiqué que la désignation des membres de la Commission par les groupes de la Conférence à sa session maritime de 1936 devrait être faite en tenant compte de la résolution adoptée par le Conseil à sa 35ème session au sujet de la proportion des membres extra-européens au sein de la Commission. Il lui semble que le Conseil ne peut pas prendre pour l'instant de décision préjudiciable le nombre des membres extra-européens.

Le Conseil ajourne à sa 77ème session l'examen de la question soulevée par M. Mertens au sujet de la méthode de désignation des membres armateurs et des membres marins de la Commission paritaire maritime.

Il est entendu que le groupe des armateurs et le groupe des marins seront, lors de la session maritime que la Conférence tiendra en 1936, invités à désigner les membres de chacun de leurs groupes au sein de la Commission paritaire maritime, en tenant compte de la résolution adoptée par le Conseil à sa 35ème session au sujet de la proportion des membres extra-européens de la Commission.

CINquiÈME QUESTION À L'ORDRE DU JOUR.

Rapport du Directeur.

Nécrologie.

Le Directeur est convaincu que le Conseil aura appris avec un vif regret la mort de M. Massarelli, de M. Revill et de Mlle Lapp. Le Conseil tiendra sans doute à adresser des condoléances aux familles des disparus.

M. Mertens tient à dire quelques paroles de sympathie à l'occasion de la disparition de Mlle Lapp. Celle-ci, dans le service des relations ouvrières du Bureau, a toujours été extrêmement utile aux membres ouvriers, qui ne connaissent pas toujours les langues officielles utilisées à la Conférence. C'est en reconnaissance des très grands services qu'elle lui a rendus que le groupe ouvrier s'incline devant sa mémoire.
it in the meanwhile to consult the representatives of the shipowners' and seamen's organisations during the maritime session of the Conference which was to be held in October.

If the Governing Body agreed to that adjournment, the shipowners' and seamen's groups would be requested, at the maritime session of the Conference, to appoint the members of their two respective groups on the Commission, and in so doing to bear in mind the resolution adopted by the Governing Body at its Thirty-fifth Session concerning the proportion of extra-European members of the Commission.

Mr. Mertens agreed to the suggestion that the Governing Body should postpone its decision until the shipowners' and seamen's organisations had been consulted. He would, however, emphasise that he was opposed to the privileged treatment given to workers in the mercantile marine in the whole work of the Organisation. He reserved the right, if his proposal was not accepted, to request that the same privileged treatment should be applied to other classes of workers.

Mr. Oersted understood that suggestions had been made to the Office for enlarging the Joint Maritime Commission by adding one new regular member and one new deputy member with a view to giving satisfaction to extra-European countries. In his opinion the Governing Body was not called upon to decide that question at this session. He pointed out, however, that on a previous occasion in similar circumstances, the shipowners' and seamens' groups at a maritime session of the Conference had appointed a certain number of substitutes and suggested that the Governing Body should appoint them as regular members if it decided to increase the number of members of the Commission. The same system might be followed in order to give effect to the proposal to which he had referred.

The Director said that the note which had been submitted to the Governing Body suggested that when the members of the Commission were appointed by the groups at the maritime session of the Conference in 1936, the resolution adopted by the Governing Body at its Thirty-fifth Session concerning the proportion of extra-European members of the Commission should be taken into account. He did not think that the Governing Body could take a decision at this meeting which would prejudge the number of extra-European members.

The Governing Body adjourned until its Seventy-seventh Session the question raised by Mr. Mertens concerning the method of appointment of the shipowners' and seamen's members of the Joint Maritime Commission.

It was agreed that at the maritime session of the Conference to be held in 1936, the shipowners' and seamen's groups should be requested to appoint the members of their respective groups to sit on the Joint Maritime Commission, taking account of the resolution adopted by the Governing Body at its Thirty-fifth Session concerning the proportion of extra-European members of the Commission.

FIFTH ITEM ON THE AGENDA.

The Director's Report.

Obituaries.

The Director said that he felt sure that the Governing Body would have learned with great regret of the death of Mr. Massarelli, Mr. Revill and Miss Lapp. The Governing Body would no doubt wish that an expression of sympathy should be conveyed to their relatives.

Mr. Mertens said that he was anxious to pay a tribute to the memory of Miss Lapp. Miss Lapp, who had worked in the Workers' Relations Service in the Office, had always been extremely useful to the workers' members who were not conversant with the official languages used at the Conference. In recognition of the great services which she had rendered, the workers' group paid a tribute to her memory.
Il est entendu que les condoléances du Conseil d'administration seront adressées aux familles de M. Massarelli, de M. Revill et de Mme Lapp et que, pour cette dernière, il sera tenu compte de l'hommage rendu par M. Mertens.

Conférence.

Constitution du Secrétariat de la XXIe session et de la session maritime de la Conférence.

Le Directeur indique que le Conseil est appelé à approuver les désignations faites en vue de constituer le Secrétariat de la XXIe session et de la session maritime de la Conférence. Il suggère d'adjoindre au secrétaire général les personnes suivantes :

- Sous-secrétaires généraux : M. Phelan,
- M. di Palma Castiglione,
- M. Maurette.

Chef des services du Secrétariat : M. Lafrance.

Le Conseil approuve ces désignations et autorise le Directeur à procéder aux désignations complémentaires nécessaires.

Commissions.

Commission technique des verreries.

Le Conseil décide qu'une réunion de la Commission technique des verreries sera convoquée à l'occasion de la session d'automne du Conseil.

Commission des migrations.

Le Conseil note qu'il a autorisé le Directeur à convoquer la Commission des migrations avant la fin de l'année 1936.

Commission du travail agricole.

Le Conseil décide que la Commission du travail agricole se réunira à l'occasion de la 77e session du Conseil en vue d'examiner les propositions précisées à soumettre au Conseil au sujet de la composition à donner à la Commission agricole tripartite dont la création a été décidée.

Commission consultative des employés.

Le Conseil décide qu'une réunion de deux jours de la Commission consultative des employés sera convoquée avant la fin de l'année 1936; l'ordre du jour de cette réunion comprendra les points suivants :

1. La résiliation du contrat de travail des employés (délai-congé et indemnité de licenciement);
2. Étude statistique concernant le nombre des employés;
3. L'emploi des machines de bureau et ses conséquences sur les conditions de travail du personnel;
4. La réglementation des conditions d'hygiène dans les bureaux et magasins.

Comité de correspondance pour l'hygiène industrielle.

Le Conseil autorise le Directeur à réunir, du 21 au 23 septembre, un certain nombre d'experts du Comité de correspondance pour l'hygiène industrielle afin d'examiner les questions suivantes :

1. Nystagmus des mineurs (proposition du Gouvernement belge).
2. Projet de réglementation pour la prophylaxie de l'ankylostomiase (proposition du Comité, session 1935).
3. Extension de la liste des maladies professionnelles (proposition du Comité, session 1935) :
   - a) Intoxication par le chlore et ses composés.
   - b) Intoxication par les vapeurs nitreuses.
   - c) Lésions des muqueuses.
It was agreed that expressions of sympathy on behalf of the Governing Body should be addressed to the families of Mr. Massarelli, Mr. Revill and Miss Lapp, and that in the letter concerning Miss Lapp mention should be made of the tribute which had been paid to her memory by Mr. Mertens.

Conference.

Appointment of the Secretariat for the Twentieth Session and the Maritime Session.

The Director said that the Governing Body was asked to approve the appointments for the secretariat of the Twentieth Session and the maritime session of the Conference. He proposed that the following persons should be appointed in addition to the Secretary-General:

Assistant Secretaries-General: Mr. Phelan.
Mr. di Palma Castiglione.
Mr. Maurette.

Principal Secretary: Mr. Lafrance.

The Governing Body approved these appointments and authorised the Director to make the necessary additional appointments.

Committees.

Technical Committee on Glass Works.

The Governing Body decided that a meeting of the Technical Committee on Glass Works should take place in connection with the autumn session of the Governing Body.

Migration Committee.

The Governing Body noted that it had authorised the Director to call a meeting of the Migration Committee before the end of 1936.

Committee on Agricultural Work.

The Governing Body decided that the Committee on Agricultural Work should meet in connection with the Seventy-seventh Session of the Governing Body to consider definite proposals to be submitted to the Governing Body regarding the exact composition of the Tripartite Agricultural Committee which it had been decided to set up.

Advisory Committee on Salaried Employees.

The Governing Body decided that a meeting of the Advisory Committee on Salaried Employees lasting for two days should be held before the end of 1936. The agenda would be as follows:

1. Termination of contracts of employment of salaried employees (period of notice and indemnity on discharge).
2. Statistical study of the number of salaried employees.
3. Use of office machines and its effect on the conditions of employment of the staff.
4. Regulation of health conditions in shops and offices.

Correspondence Committee on Industrial Hygiene.

The Governing Body authorised the Director to call a meeting of a certain number of experts belonging to the Correspondence Committee on Industrial Hygiene from 21 to 23 September in order to discuss the following points:

2. Draft regulations for the prevention of ankylostomiasis (proposal of the Committee at its 1935 Session).
3. Extension of the schedule of occupational diseases (proposal of the Committee at its 1935 Session):
   
   (a) Poisoning by chlorine and its compounds.
   (b) Poisoning by nitrous vapours.
   (c) Lesions of the mucous membranes.
4. Dangers de la désinfestation en agriculture et en horticulture (proposition du Dr Glibert, Belgique).
5. Standards d'hygiène pour le travail de bureau (proposition du Dr Gudjonsson, Danemark).
7. Questions diverses.

Bureau du Comité consultatif de correspondants pour les loisirs des travailleurs.

Le Conseil décide qu'une réunion du bureau du Comité consultatif de correspondants pour les loisirs des travailleurs sera convoquée à l'occasion de la 77ème session du Conseil pour examiner les propositions à soumettre au Conseil au sujet de la composition à donner au Comité consultatif de correspondants pour les loisirs des travailleurs.

En réponse à une question posée par M. Oersted, le Directeur dit qu'il s'efforcera d'élaborer à l'avance un programme des réunions qui se tiendront à l'occasion de la 77ème session du Conseil de manière que les membres du Conseil puissent présenter leurs observations au sujet de ce programme à la séance de la présente session que le Conseil tiendra pendant la durée de la Conférence.

Composition des commissions.

Remplacement de M. Ruiz Manent au sein des diverses commissions dont il faisait partie.

Le Président indique que le groupe gouvernemental a désigné M. de Buen pour remplacer M. Ruiz Manent dans les diverses commissions dont il faisait partie. Ces commissions sont les suivantes:

Siège de membres titulaires :
- Comité du budget;
- Commission des conditions de travail dans les mines de charbon;
- Commission de la liberté syndicale;
- Comité de correspondance pour la prévention des accidents;
- Commission de l'attelage automatique;
- Commission consultative de l'organisation scientifique du travail.

Siège de membre suppléant :
- Commission du règlement;
- Commission des conditions de travail dans l'industrie textile;
- Commission consultative des travailleurs intellectuels.

Le Conseil approuve ces désignations.

Désignation de suppléants des membres ouvriers au sein de diverses commissions.

Le Directeur indique que le groupe ouvrier a procédé à la désignation de suppléants de ses membres au sein de diverses commissions. Ces désignations sont les suivantes :

- Comité du budget : MM. Nemecek et Jensen;
- Sous-commission préparatoire de l'artisanat : M. Kupers;
- Commission des charges sociales : M. Schürch;
- Commission des statistiques sur le coût de la vie et les salaires : M. Kupers;
- Commission de la liberté syndicale : M. Serrarens;
- Commission paritaire maritime : M. Jouhaux, en remplacement de M. Yonekubo, comme suppléant de M. Hayday, représentant du Conseil d'administration dans la Commission;
- Sous-commission de l'attelage automatique : M. Forslund;

Le Conseil approuve ces désignations.
4. Dangers of disinfestation in agriculture and horticulture (proposal of Dr. Glibert, Belgium).

5. Health standards for office work (proposal of Dr. Gudjonsson, Denmark).

6. The system of "blanket coverage" in compensation for occupational diseases (report to be prepared by a United States expert).

7. Miscellaneous questions.

Executive Committee of the Advisory Committee of Correspondents on Workers' Spare Time.

The Governing Body decided that the Executive Committee of the Advisory Committee of Correspondents on Workers' Spare Time should meet in connection with the Seventy-seventh Session of the Governing Body in order to make proposals to the Governing Body concerning the composition of the Advisory Committee of Correspondents on Workers' Spare Time.

In reply to Mr. Oersted, the Director said that he would endeavour to prepare in advance a programme of meetings to be held in connection with the Seventy-seventh Session of the Governing Body so that members of the Governing Body could express their views in regard to this programme at the sitting of the present session which would be held during the Conference.

Composition of Committees.

Replacement of Mr. Ruiz Manent on the various Committees of which he was a member.

The Chairman said that the Government group had nominated Mr. de Buen to replace Mr. Manent on the various Committees of which he was a member. These Committees were the following:

As a regular member:

- Finance Committee;
- Committee on Conditions of Work in Coal Mines;
- Committee on Freedom of Association;
- Correspondence Committee on Accident Prevention;
- Committee on Automatic Coupling;
- Advisory Committee on Management.

As a substitute:

- Standing Orders Committee;
- Committee on Conditions of Work in the Textile Industry;
- Advisory Committee on Professional Workers.

The Governing Body approved these appointments.

Appointments of substitutes for workers' members on various Committees.

The Director said that the workers' group had nominated substitutes for its members on various Committees. These nominations were as follows:

- Finance Committee: Mr. Nemecek and Mr. Jensen.
- Preparatory Sub-Committee on Handicraftsmen: Mr. Kupers.
- Committee on Social Charges: Mr. Schurch.
- Committee on Cost of Living and Wages Statistics: Mr. Kupers.
- Committee on Freedom of Association: Mr. Serrarens.
- Joint Maritime Commission: Mr. Jouhaux to replace Mr. Yonekubo as substitute for Mr. Hayday, representative of the Governing Body on the Commission.

Sub-Committee on Automatic Coupling: Mr. Forslund.

The Governing Body approved these appointments.
Bureau du Comité consultatif de correspondants pour les loisirs des travailleurs.

Le Conseil approuve les désignations suivantes de membres des différents groupes pour faire partie du bureau du comité :

Groupe gouvernemental : M. de Michielis;
M. Yoshisaka.
Suppléant : M. Rice.
Groupe patronal : M. Olivetti;
M. Tzaut.
Suppléants : M. Camuzzi;
M. Lecocq.
Groupe ouvrier : M. Jouhaux;
M. Serrarens.
Suppléants : M. Němecěk;
M. Schürrch.

Représentation du Conseil d'administration dans la Commission d'experts en matière de travail indigène.

Le Conseil approuve les désignations faites par les groupes de membres chargés de représenter le Conseil au sein de la Commission d'experts en matière de travail indigène :

Groupe gouvernemental : M. Bandeira de Mello.
Suppléant : M. Estrada Cajigal.
Groupe patronal : M. Gemmill.
Suppléant : M. Gérard.
Groupe ouvrier : M. Jouhaux.
Suppléant : M. Kupers.

Représentation du groupe gouvernemental dans le Comité de correspondance pour les assurances sociales.

Le Conseil approuve la désignation des membres suivants du groupe gouvernemental pour représenter le Conseil au sein du Comité de correspondance pour les assurances sociales :

M. Něčas.
Suppléant : M. Mannio.

Commission technique des verreries.

Le Président expose que le groupe gouvernemental a examiné la question de la désignation de deux experts gouvernementaux pour pourvoir les sièges vacants au sein de la Commission technique des verreries. Aucune candidature n'ayant été présentée, le groupe gouvernemental propose au Conseil de surseoir provisoirement à la désignation de membres pour occuper les deux sièges d’experts gouvernementaux actuellement vacants.

M. Mertens fait observer que le Conseil vient de décider que cette Commission serait convoquée à l’occasion de la 77e session, au mois de novembre. Théoriquement, il serait évidemment possible que le Conseil désigne encore à cette session les experts gouvernementaux nécessaires pour occuper les sièges vacants au sein de la Commission ; en pratique, par contre, il sera peut-être impossible de les convoquer pour la réunion de la Commission qui aura lieu aussitôt après. Il demande s’il ne serait pas possible que ces experts soient désignés à la séance que le Conseil tiendra pendant la durée de la Conférence.

Le Président répond que la question pourra être abordée à ce moment, mais qu’il ne peut donner l’assurance que le groupe gouvernemental sera en mesure de présenter des candidats.
Executive Committee of the Correspondence Committee on Workers' Spare Time.

The Governing Body approved the following nominations of members of the different groups to the Executive Committee:

**Government group:** Mr. de Michelis.  
Mr. Yoshisaka.

**Substitute:** Mr. Rice.

**Employers' group:** Mr. Olivetti.  
Mr. Tzaut.

**Substitutes:** Mr. Camuzzi.  
Mr. Lecocq.

**Workers' group:** Mr. Jouhaux.  
Mr. Serrarens.

**Substitutes:** Mr. Němeček.  
Mr. Schürch.

Representation of the Governing Body on the Committee of Experts on Native Labour.

The Governing Body approved the following nominations, made by the groups for the representation of the Governing Body on the Committee of Experts on Native Labour.

**Government group:** Mr. Bandeira de Mello.  
Mr. Estrada Cajigal.

**Substitute:** Mr. Gemmill.

**Employers' group:** Mr. Gérard.

**Substitute:** Mr. Kupers.

**Workers' group:** Mr. Jouhaux.

**Substitute:** Mr. Nečas.

Representation of the Government group on the Correspondence Committee on Social Insurance.

The Governing Body approved the nomination of the following members of the Government group to represent the Governing Body on the Correspondence Committee on Social Insurance:

Mr. Nečas.

Mr. Mannio.

Technical Committee on Glass Works.

The Chairman said that the Government group had considered the question of the appointment of two Government experts to fill the vacant seats on the Technical Committee on Glass Works. As no candidates were suggested, the Government group proposed that the Governing Body should postpone for the time being the appointment of members to the two vacant seats amongst the Government experts.

Mr. Mertens pointed out that the Governing Body had just decided that this Committee should meet in connection with the Seventy-seventh Session in November; theoretically it would be possible for the Governing Body to nominate the necessary Government experts at that session, to fill the vacant seats on the Committee. In practice, however, it might perhaps be impossible to convene them to the meeting which would be held so soon afterwards. He asked whether these experts could not be appointed at the sitting which the Governing Body would hold during the Conference.

The Chairman replied that the question might be taken up at that time, but that he could not give any assurance that the Government group would be in a position to submit nominations.
Le Conseil note que le groupe gouvernemental ne présente pas de candidat pour occuper les deux sièges d'experts gouvernementaux vacants au sein de la Commission technique des verreries.

Représentation du Conseil d'administration dans les réunions préparatoires pour la réduction de la durée du travail dans l'industrie chimique et dans l'industrie graphique.

Le Président indique que le groupe gouvernemental a décidé de suggérer au Conseil de désigner comme représentant gouvernemental à ses deux réunions, le Président du Conseil d'administration qui sera en fonction à l'époque de ces deux réunions, ou, si le Président se trouvait ne pas appartenir au groupe gouvernemental, le vice-président gouvernemental.

M. Jouhaux fait connaître que le groupe ouvrier propose la désignation des membres suivants pour la réunion concernant l'industrie graphique :

M. Mertens.
Suppléant : M. Némecék.

Pour la réunion concernant l'industrie chimique :

M. Kupers.
Suppléant : M. Serrarens.

Le Conseil approuve ces désignations.

Comité de correspondance pour la prévention des accidents.

Le Conseil désigne M. Henry Grant Winbolt, secrétaire adjoint de la section pour l'industrie de l'Association nationale « Safety First », comme membre du Comité de correspondance pour la prévention des accidents.

Comité de correspondance pour l'hygiène industrielle.

Le Conseil désigne M. Desvaux, inspecteur du Travail chargé de l'examen des questions d'hygiène industrielle au ministère du Travail de France, comme membre du Comité de correspondance pour l'hygiène industrielle.

Renouvellement du mandat de membres de commissions.

Le Conseil désigne à nouveau pour une période de trois ans, les membres de commissions suivants :

Commission d'experts en matière de travail indigène.

M. Nobumi Ito (Japonais).

Comité de correspondance pour les assurances sociales.

M. Jerram (Néo-zélandais).

Réunion technique préparatoire tripartite pour la réduction de la durée du travail dans l'industrie graphique.

Le Directeur rappelle qu'il avait été entendu qu'il soumettrait au Conseil des propositions au sujet des États qu'il y aurait lieu d'inviter à participer à cette réunion. Il suggère d'appliquer la procédure déjà adoptée par le Conseil pour la Réunion technique préparatoire tripartite pour la réduction de la durée du travail dans l'industrie chimique. En conséquence, les États Membres invités à cette réunion seraient ceux dans lesquels le nombre des salariés employés dans l'industrie graphique dépasse 25 000. Ces États sont la Belgique, le Canada, les États-Unis, l'Espagne, la France, la Grande-Bretagne, l'Inde, l'Italie, le Japon, les Pays-Bas, la Tchécoslovaquie, l'Union des Républiques Soviétiques Socialistes. Il serait entendu, comme pour la réunion préparatoire concernant l'industrie chimique, que d'autres États possédant une industrie graphique importante pourraient participer à la réunion s'ils le désirent.
The Governing Body noted that the Government group had not made any nominations for the two vacant seats amongst the Government experts on the Technical Committee on Glass Works.

Representation of the Governing Body at the Preparatory Meetings concerning the reduction of hours of work in the chemical industry and in printing and kindred trades.

The Chairman said that the Government group had decided to propose that the Governing Body should appoint as the Government representative at these two meetings the Chairman of the Governing Body in office at the time, or if the Chairman was not a member of the Government group, the Government Vice-Chairman.

Mr. Jouhaux said that the workers' group proposed the appointment of the following members for the meeting concerning printing and kindred trades:

Mr. Mertens.
Substitute: Mr. Némecék.

For the meeting concerning the chemical industry:

Mr. Kupers.
Substitute: Mr. Serrarens.

The Governing Body approved these nominations.

Correspondence Committee on Accident Prevention.

The Governing Body appointed Mr. Henry Grant Winbolt, Assistant Secretary, Industrial Section of the National Safety First Association, as a member of the Correspondence Committee on Accident Prevention.

Correspondence Committee on Industrial Hygiene.

The Governing Body appointed Mr. Desvaux, factory inspector, in charge of the study of industrial hygiene questions in the French Ministry of Labour, as a member of the Correspondence Committee on Industrial Hygiene.

Renewal of appointment of members of Committees.

The Governing Body appointed for a further period of three years the members of the following Committees:

Committee of Experts on Native Labour.
Mr. Nobumi Ito (Japanese).

Correspondence Committee on Social Insurance.
Mr. Jerram (New Zealand).

Preparatory Technical Tripartite Meeting on reduction of hours of work in printing and kindred trades.

The Director said that it had been agreed that he should submit proposals concerning the States to be invited to take part in this meeting. He suggested that the same procedure should be applied as in the case of the Preparatory Technical Tripartite Meeting concerning the reduction of hours of work in the chemical industry. Thus the States Members invited to this meeting would be those in which the number of wage-earners employed in printing and kindred trades exceed 25,000. Those States were: The United States of America, Belgium, Canada, Czechoslovakia, France, Great Britain, India, Italy, Japan, the Netherlands, Spain and the Union of Soviet Socialist Republics. It would be understood that, as in the case of the Preparatory Meeting concerning the chemical industry, other States with an important printing industry could participate in the meeting if they so desired.
M. Jouhaux fait observer que l'industrie graphique dans les divers pays ne comprend pas un très grand nombre d'ouvriers et que, par conséquent, le critère assez élevé de 25.000 travailleurs occupés risque d'exclure de la réunion un certain nombre d'États. Le Directeur a indiqué, il est vrai, que les États ne répondant pas au critère adopté et qui posséderaient cependant une industrie graphique importante pourraient, s'ils le désirent, participer à la réunion. Ces États auraient par conséquent la latitude d'envoyer des délégations complètes ou non. Si le critère était abaissé à 15.000 travailleurs, le nombre des pays appelés officiellement à se faire représenter à la réunion serait plus élevé, ce qui serait un avantage.

Il attire en outre l'attention du Conseil sur le fait que les pays scandinaves constituent, du point de vue de l'organisation de l'industrie graphique, une unité qui est réalisée par une convention collective applicable au Danemark, à la Norvège et à la Suède. Il pourrait donc être entendu que ces trois pays pourraient être appelés à désigner à la réunion une seule délégation.

Le Conseil décide que les États Membres dans lesquels le nombre des salariés employés par l'industrie graphique dépasse 15.000 seront convoqués à la réunion technique préparatoire tripartite pour la réduction de la durée du travail dans l'industrie graphique.

Il est entendu que d'autres États possédant une industrie graphique importante pourront participer, s'ils le désirent, à cette réunion.

Il est entendu que les trois pays scandinaves seront invités, en raison de la convention collective concernant les conditions de travail dans l'industrie graphique et unissant ces trois pays, à envoyer à la réunion une délégation commune.

Premier Rapport supplémentaire du Directeur.

Réunion du Comité préparatoire de coordination de l'activité des organisations internationales en matière d'enseignement agricole.

Le Directeur expose que le Comité préparatoire s'est réuni à Rome le 30 avril et le 1er mai 1936 et a adopté un rapport qui est communiqué au Conseil, en annexe au rapport supplémentaire du Directeur.

On constatera, à la lecture de ce rapport, que l'Institut international d'agriculture et le Bureau international du Travail, d'une part, et les organisations agricoles privées qui sont représentées au sein du Comité, d'autre part, ont abouti à un arrangement aux termes duquel l'Institut international d'agriculture est chargé d'assurer, sur le plan international, la coordination entre les organisations internationales privées dans le domaine de l'enseignement agricole; c'est donc l'Institut qui sera tenu au courant de toutes les mesures prises par les organisations privées quant à la convocation de congrès, l'organisation d'enquêtes auprès des Gouvernements, etc. et qui, d'accord avec le Bureau international du Travail, fera le nécessaire pour aboutir à une coordination pratique.

D'après l'arrangement intervenu, il n'est pas envisagé de créer un organisme nouveau; il est entendu que l'œuvre de coordination sera accomplie soit par l'Institut international d'agriculture, soit par le Bureau, suivant les compétences respectives de chaque institution pour la question étudiée. En cas de doute, la question sera soumise à la Commission consultative mixte agricole.

Il suggère au Conseil d'approuver l'arrangement intervenu qui entrera en vigueur lorsqu'il aura été ratifié par le Comité permanent de l'Institut.

Le Conseil prend note du rapport qui lui est présenté sur les travaux du Comité préparatoire de coordination pour l'enseignement agricole.

Il approuve l'arrangement intervenu entre l'Institut international d'agriculture et le Bureau international du Travail d'une part, et les organisations agricoles privées représentées au sein du Comité préparatoire de coordination pour l'enseignement agricole, d'autre part.
Mr. Jouhaux pointed out that the printing industry in the various countries did not employ a very large number of workers, and that consequently the somewhat high figure of 25,000 workers suggested might exclude a certain number of States from the meeting. It was true that the Director had said that the States which did not fulfil the proposed condition, but which nevertheless had a large printing industry, might, if they so desired, take part in the meeting. Such States would thus be free to send complete or incomplete delegations. If the required number of workers was reduced to 15,000 the number of countries officially invited to be represented at the meeting would be higher, and this would be an advantage.

It should also be noted that as regards the organisation of the printing industry the Scandinavian countries formed a single unit, since there was a collective agreement which applied in Denmark, Norway and Sweden. It might, therefore, be agreed that those three countries should be asked to send a single delegation to the meeting.

The Governing Body decided that the States Members in which the number of wage-earners employed in printing and kindred trades exceeded 15,000 should be invited to the Preparatory Technical Tripartite Meeting concerning the reduction of hours of work in printing and kindred trades.

It was agreed that other States with a large printing industry might take part in the meeting if they so desired.

It was agreed that the three Scandinavian countries should in view of the collective agreement concerning conditions of work in printing and kindred trades applying to these three countries, be invited to be represented at the meeting by a joint delegation.

First Supplementary Report of the Director.

Meeting of the Preparatory Co-ordination Committee on Agricultural Education.

The Director said that the Preparatory Committee had met in Rome from 30 April to 1 May 1936 and adopted a report which had been communicated to the Governing Body as an appendix to the Supplementary Report of the Director.

The report showed that the International Institute of Agriculture and the International Labour Office on the one hand, and the private agricultural organisations represented on the Committee on the other hand, had reached an arrangement under which the International Institute of Agriculture was entrusted with international co-ordination between private international organisations in the sphere of agricultural education; the Institute would therefore be informed of all the action taken by private organisations with regard to congresses, enquiries among Governments, etc., and would, in agreement with the International Labour Office, take the necessary steps to realise practical co-ordination.

The agreement arrived at did not contemplate the setting up of any new organisation; it was agreed that the work of co-ordination was to be carried out either by the International Institute of Agriculture or by the Office, according to their respective competence in the particular question at issue. In cases of doubt the question would be referred to the Mixed Advisory Agricultural Committee.

He suggested that the Governing Body should approve the proposed arrangement, which would become effective when it had been endorsed by the Permanent Committee of the Institute.

The Governing Body took note of the report on the work of the Preparatory Co-ordination Committee on Agricultural Education.

It approved the arrangement reached between the International Institute of Agriculture and the International Labour Office on the one hand and the private agricultural organisations represented on the Preparatory Co-ordination Committee of Agricultural Education on the other hand.
Réunion d'experts pour les assurances sociales.

Le Conseil autorise le Directeur à convoquer, dans les conditions indiquées dans le rapport supplémentaire du Directeur, une réunion d'experts pour les assurances sociales en vue d'examiner la question suivante :

« Méthode d'évaluation de l'incapacité permanente dans les assurances sociales. »

Composition des Commissions.

Commission consultative des employés.


Comité de correspondance pour la prévention des accidents.


SIXIÈME QUESTION À L'ORDRE DU JOUR.

Rapport du bureau de la Commission consultative des travailleurs intellectuels.

M. de Michelis, Président de la Commission, présente le rapport élaboré par le bureau de la Commission à la suite de la réunion qu'elle a tenue le 25 avril 1936. Il n'a rien à ajouter à ce rapport. Il tient toutefois à attirer l'attention du Conseil sur la suggestion émise par le bureau de la Commission et tendant à faire inviter le Bureau international du Travail à présenter au Conseil, lors de sa session de l'automne 1936, un rapport engageant ce dernier à exprimer ses intentions au sujet de la question du droit des exécutants en matière de radiodiffusion et de reproduction mécanique des sons et des images, en soulignant le fait qu'à défaut d'une action au sein de l'Organisation internationale du Travail, les intéressés seront probablement amenés à demander à une autre institution de s'occuper de leur protection.

Le Conseil d'administration approuve le rapport du bureau de la Commission consultative des travailleurs intellectuels.

SEPTEMIÈRE QUESTION À L'ORDRE DU JOUR.

Rapport de la Commission consultative de l'Organisation scientifique du Travail.

M. Mertens, vice-président de la Commission consultative de l'Organisation scientifique du Travail, présente au Conseil le rapport de la Commission.

Il souligne, à propos du point 2 de ce rapport, relatif à la liste des problèmes concernant les aspects sociaux de la rationalisation et de l'organisation scientifique du travail, que la Commission a exprimé le désir que la Commission agricole compétente de l'Organisation internationale du Travail soit invitée à signaler les questions concernant l'organisation scientifique du travail agricole qu'elle souhaiterait voir examinées par la Commission consultative de l'Organisation scientifique du Travail.

M. Norman estime que, lorsqu'une commission constituée auprès du Bureau désire consulter, pour certains aspects de ses travaux, une autre commission, il convient que cette demande soit d'abord soumise au Conseil d'administration. Il serait regrettable, selon lui, d'admettre qu'une commission puisse renvoyer certaines questions à une autre commission sans autorisation préalable du Conseil.

M. Mertens répond que le vœu exprimé par la Commission consultative de l'Organisation scientifique du Travail n'implique pas que la Commission du travail
Meeting of Social Insurance Experts.

The Governing Body authorised the Director to call a meeting of social insurance experts, under the conditions indicated in the Supplementary Report of the Director, to consider the following question:

"Methods of estimating permanent incapacity for work in social insurance."

Composition of Committees.

Advisory Committee on Salaried Employees.

The Governing Body appointed Mr. J. Nauta, President of the Christian Union of Salaried Employees of the Netherlands, as a member of the Advisory Committee on Salaried Employees in place of Mr. Brost (German), who had resigned.

Correspondence Committee on Accident Prevention.

The Governing Body appointed Mr. James Hackett, of the New York State Department of Labor, as a member of the Correspondence Committee on Accident Prevention.

Sixth Item on the Agenda.

Report of the Officers of the Advisory Committee on Professional Workers.

Mr. de Michélis, Chairman of the Committee, submitted the report drawn up by the Officers of the Committee after the meeting which they had held on 25 April 1936. He had nothing to add to this report. He would however call the attention of the Governing Body to the suggestion put forward by the Officers of the Committee that the International Labour Office should be instructed to submit to the Governing Body at its session in October 1936 a report on the basis of which the Governing Body could be asked to declare its intentions with regard to the question of the rights of performers as regards broadcasting and the mechanical reproduction of sounds and images. The report should point out that if no action was taken by the International Labour Organisation, the persons concerned would probably ask some other institution to deal with the matter.

The Governing Body approved the report of the Officers of the Advisory Committee on Professional Workers.

Seventh Item on the Agenda.

Report of the Advisory Committee on Management.

Mr. Mertens, Vice-Chairman of the Advisory Committee on Management, submitted the Committee's report to the Governing Body.

With regard to point 2 of the report concerning the list of the social aspects of rationalisation and scientific management, he pointed out that the Committee had expressed the desire that the competent agricultural Committee of the International Labour Organisation should be asked to refer to it any questions of scientific management in agriculture which it wished the Advisory Committee on Management to consider.

Mr. Norman said that when a Committee of the Office desired to consult any other Committee with regard to certain aspects of its work, it would be preferable that such a request should first be submitted to the Governing Body. In his opinion it would be undesirable that a Committee should have the right to refer certain questions to any other Committee without the previous authority of the Governing Body.

Mr. Mertens replied that the desire expressed by the Advisory Committee on Management did not imply that the matter should be laid before the Committee on
agricole soit saisie sans passer par le Conseil d’administration. Etant donné que c’est le Conseil d’administration qui fixe l’ordre du jour des réunions de toutes les commissions, le Conseil aura l’occasion de se prononcer, le moment venu.

Le Conseil approuve le rapport de la Commission consultative de l’organisation scientifique du travail.

Huitième question à l’ordre du jour.

Compte rendu de la réunion de la Sous-Commission de l’attelage automatique.

M. de Michelis, Président de la Sous-Commission de l’attelage automatique, expose les résultats auxquels cette Sous-Commission a abouti lors de sa réunion du 28 avril 1936.

Il rappelle qu’à l’origine la question de l’attelage automatique avait été envisagée sous un double aspect : la réduction du nombre des accidents survenus au cours des opérations d’attelage d’une part, et le remède au chômage que pourrait constituer une transformation du système d’attelage de tout le matériel roulant des chemins de fer, d’autre part. C’est en vue de permettre d’atteindre ce double but que la Sous-Commission de l’attelage automatique avait suggéré, il y a quelques années, la création d’un fonds destiné à faire exécuter des essais d’appareils d’attelage automatique appropriés. Toutefois, ce fonds n’a pu être constitué, deux gouvernements seulement ayant promis leur souscription.

Depuis lors le Bureau avait demandé aux représentants des grandes organisations de chemins de fer de le tenir au courant des essais d’appareils d’attelage automatique réalisés dans certains pays. Il résulte des renseignements communiqués notamment par les représentants de l’Union internationale des chemins de fer que l’on ne dispose à l’heure qu’il est, que d’une documentation insuffisante. La Sous-Commission de l’attelage automatique a donc jugé qu’il était inutile de continuer ses travaux s’il était impossible d’obtenir des renseignements précis sur la situation actuelle. Il importe de savoir quels sont les résultats obtenus avec les divers systèmes d’attelage automatique mis à l’essai dans différents pays, et pourquoi ces pays n’ont pas présenté à l’Union internationale des chemins de fer les systèmes essayés afin que l’Union puisse organiser des essais sur le plan international.

C’est dans ces conditions que la Sous-Commission a exprimé le vœu que le Conseil d’administration charge le Bureau d’adresser aux différentes administrations de chemins de fer, dans les divers pays, un questionnaire pour leur demander les renseignements nécessaires. Lorsque ces renseignements seront parvenus au Bureau, la Sous-Commission pourra se réunir à nouveau avec le représentant de l’Union internationale des chemins de fer en vue d’aboutir à des suggestions pratiques.

Le Conseil se trouve donc appelé à décider s’il entend charger le Bureau de la préparation d’un questionnaire qui serait ensuite adressé aux divers gouvernements.

Agricultural Work without passing through the Governing Body. Since the Governing Body fixed the agenda of the meetings of all Committees, it would have an opportunity of deciding on the matter at the proper time.

The Governing Body approved the report of the Advisory Committee on Management.

Eighth Item on the Agenda.

Record of the Meeting of the Sub-Committee on Automatic Coupling.

Mr. de Michelis, Chairman of the Sub-Committee on Automatic Coupling, explained the conclusions at which the Sub-Committee had arrived at its meeting of 28 April 1936.

At the outset, the question of automatic coupling had been considered from two points of view; the reduction of the number of accidents which took place during coupling operations, and the alleviation of unemployment which might result from a transformation of the coupling system on the rolling-stock of all railways. In order to achieve these two objects, the Sub-Committee on Automatic Coupling had suggested some years ago that a fund should be created for making tests of suitable systems of automatic coupling. It had however been impossible to establish such a fund, since only two Governments had promised a contribution.

Subsequently the Office had asked the representatives of the large railway organisations to keep it informed as to the experiments with automatic coupling systems which were carried out in certain countries. The information communicated, in particular by the representatives of the International Railway Union, showed that at the present time the information available was insufficient. The Sub-Committee on Automatic Coupling therefore considered that it would be useless to continue its work if it was impossible to obtain exact information with regard to the present position. It was necessary to know what results had been obtained with the various automatic coupling systems which had been tried in different countries, and why these countries had not submitted the systems which they had tried to the International Railway Union so that it might have arranged to have them tested internationally. The Sub-Committee accordingly expressed the hope that the Governing Body would instruct the Office to send a questionnaire to the railway administrations in the different countries asking for the necessary information. When this information had been received, the Sub-Committee would be able to meet again with the representative of the International Railway Union with a view to arriving at practical suggestions.

The Governing Body was therefore called upon to decide whether it would instruct the Office to prepare a questionnaire to be addressed to Governments.

Mr. Yoshisaka said that according to the record of the meeting of the Sub-Committee, it had had before it a note from the International Railway Union containing in particular the results of statistical researches carried out between 1929 and 1933. He did not know whether that note included information relating to Japan. The note stated that the American coupling system had not succeeded in preventing all accidents, mainly owing to the non-automatic coupling of the connections for steam, electricity and compressed air. Experiments carried out in Japan in this connection had, however, been entirely satisfactory. Japan had adopted a system of automatic coupling on all railways as from 1925. Before that date there had been an average of approximately 200 coupling accidents annually, but since the introduction of automatic coupling this number had been greatly reduced. The figures were: 51 accidents in 1926, 41 in 1927, 41 in 1928, 59 in 1929, 35 in 1930, 23 in 1931 and only 13 in 1932. Researches were being continued with a view to improving the coupling system which was already applied. New apparatus had been adapted to new railway rolling-stock, and very considerable improvements had been made in coupling all the connections for steam, electricity and compressed air.
D’après le rapport de l’Union internationale des chemins de fer, aucune administration de chemin de fer ne lui aurait, jusqu’à présent, présenté un type d’attelage satisfaisant et, dans ces conditions, il n’aurait pas été possible de faire exécuter les essais prévus par l’Union. Il souligne que le Gouvernement japonais serait très heureux de recevoir un expert de l’Union qui pourrait constater le fonctionnement des appareils utilisés au Japon et en faire lui-même l’essai.

La Sous-Commission propose de faire adresser aux Gouvernements intéressés le questionnaire qui serait préparé par le Bureau. Il se demande quels seront les Gouvernements considérés comme intéressés. Le projet de questionnaire porte comme titre « Questionnaire à transmettre aux Gouvernements des pays européens ». En fait, l’attelage automatique est appliqué notamment aux États-Unis et au Japon, et ces pays pourraient fournir des indications très utiles. Dans ces conditions, il ne comprend pas pourquoi on a envisagé l’envoi du questionnaire aux seuls pays d’Europe.

M. de Michelis indique que, si l’on a envisagé, pour l’envoi du questionnaire, les pays d’Europe seulement, cela tient sans doute au fait qu’il s’agit de trouver un appareil pouvant être utilisé sur les chemins de fer européens. Il ignore par contre pourquoi l’Union Internationale des chemins de fer, dont le Japon fait partie, n’a pas pris en considération les appareils d’attelage automatique actuellement utilisés au Japon.

Pour sa part, il ne voit aucune raison pour ne pas envoyer aux pays extra-européens le questionnaire dont l’adoption est proposée au Conseil. Ce questionnaire devrait être limité aux questions 1 à 5 pour les pays qui ne font pas partie de l’Union internationale des chemins de fer.

Le Conseil approuve le compte rendu de la réunion de la Sous-Commission de l’attelage automatique.

Il est entendu que le questionnaire annexé à ce compte rendu sera adressé aux Gouvernements des pays d’Europe ainsi qu’aux Gouvernements des pays extra-européens les plus intéressés. Pour les Gouvernements des pays extra-européens ne faisant pas partie de l’Union internationale des chemins de fer, le questionnaire sera limité aux questions 1 à 5.

Bureau des Commissions.

M. Oersted a constaté, en lisant les rapports présentés au Conseil par différentes Commissions, que celles-ci paraissent avoir procédé à la constitution de leur bureau. Il croit que c’est là une mesure opportune. Pour qu’elle soit appliquée de manière uniforme, il conviendrait que le Conseil recommandât à toutes les commissions d’experts au sein desquelles il est représenté de procéder à la constitution d’un bureau.

M. de Michelis précise que lors de la première réunion de la Sous-Commission de l’attelage automatique il a proposé de porter à la présidence de cet organisme M. Tzaut ou M. Schürch. Il entendait par là non seulement rendre hommage à ses collègues patronal et ouvrier mais aussi mettre en application le principe adopté par le Conseil, d’après lequel les membres du groupe patronal et du groupe ouvrier peuvent être appelés à la présidence du Conseil d’administration aussi bien que les membres du groupe gouvernemental. Ce n’est que sur l’insistance de ses collègues qu’il a lui-même accepté la présidence.

NEUVIÈME QUESTION A L’ORDRE DU JOUR.

Rapport du Comité du budget.

Le Président indique que le Comité du budget n’a pu, la veille, terminer ses travaux et n’a donc pas encore présenté son rapport. Il propose donc d’ajourner l’examen de ce point de l’ordre du jour à une séance ultérieure.

Il en est ainsi décidé.
The report of the International Railway Union stated that no railway company had so far submitted to it a satisfactory type of coupling, and it had therefore not been possible to carry out the experiments contemplated by the Union. The Japanese Government would be glad to welcome an expert from the Union, who could see how the apparatus used in Japan worked and make experiments with it himself.

The Sub-Committee proposed that a questionnaire prepared by the Office should be addressed to the Governments concerned. He wondered which Governments would be regarded as being concerned. The title of the draft questionnaire was "Questionnaire for the Governments of European Countries". In practice, however, the countries in which automatic coupling had been applied included the United States and Japan, and those countries would be in a position to furnish very useful information. He therefore did not understand why it had been suggested that the questionnaire should be addressed to European countries only.

Mr. de Michelis said that the reason why it had been suggested that the questionnaire should be addressed to European countries alone was doubtless that it was desired to discover an apparatus which could be introduced on European railways. He was not aware why the International Railway Union, to which Japan belonged, had not taken into consideration the automatic coupling system which was at present in use in Japan.

He personally saw no reason why the questionnaire which the Governing Body was asked to approve should not also be addressed to extra-European countries. The questionnaire should be confined to questions 1-5 for countries which did not belong to the International Railway Union.

The Governing Body approved the record of the meeting of the Sub-Committee on Automatic Coupling.

It was agreed that the questionnaire attached to the record should be sent to the Governments of European countries as well as to the Governments of the extra-European countries principally concerned. In the case of the Governments of extra-European countries which did not belong to the International Railway Union, the questionnaire would be confined to questions 1-5.

Officers of Committees.

Mr. Oersted said that, in reading the reports submitted to the Governing Body by the various Committees, he had noted that they appeared to have appointed Officers. That, in his opinion, was a wise procedure. In order, however, that that measure should be uniformly applied, the Governing Body might recommend that all Committees of experts on which it was represented should appoint Officers.

Mr. de Michelis said that at the first meeting of the Sub-Committee on Automatic Coupling he had proposed that the Chair should be taken by Mr. Tzaut or Mr. Schürch. His intention in so doing was not only to pay a tribute to his employer and worker colleagues, but also to apply the principles which had been adopted by the Governing Body that members of the employers' and workers' groups were eligible for the office of Chairman of the Governing Body, as well as members of the Government group. It was only because his colleagues had insisted that he had assumed the Chairmanship of the Sub-Committee.

NINTH ITEM ON THE AGENDA.


The Chairman pointed out that the Finance Committee had not been able to finish its work on the previous day and had accordingly not submitted a report. He proposed therefore that this item on the agenda should be adjourned to a subsequent sitting.

The Governing Body approved that proposal.
DIXIÈME QUESTION A L'ORDRE DU JOUR.

Date et lieu de la prochaine session.

Le Président expose que, en fixant la date d'ouverture de sa session d'automne, le Conseil d'administration doit tenir compte des considérations suivantes : il ne sera pas possible de convoquer cette session dans le bref délai qui séparera la clôture de l'Assemblée de la Société des Nations et l'ouverture de la session maritime de la Conférence, fixée au 6 octobre ; il faut prévoir, d'autre part, que les travaux de la Conférence ne seront guère terminés avant le 28 ou le 29 octobre. Le Bureau suggère dans ces conditions que la 77ème session se tienne dans la semaine comprise entre le 2 et le 7 novembre. Les commissions siègeraient pendant les premiers jours de la semaine ainsi que, en cas de besoin, pendant les deux derniers jours de la semaine précédente.

M. Mertens propose de reporter la 77ème session du Conseil à la semaine comprise entre le 9 et le 14 novembre. En effet, déjà pour la 76ème session, le fait que le Conseil devait se réunir un jour férié a soulevé des objections. La situation est analogue pour les dates du 1er et du 2 novembre. Si la session du Conseil avait lieu une semaine plus tard, soit entre le 9 et le 14, les réunions de commissions pourraient commencer vers le 4 ou le 5.

M. Forbes Watson appuie la proposition de M. Mertens. En effet, le Conseil a décidé de convoquer une réunion d'experts en matière d'assurance sociale pour le 16 novembre. Lui-même est l'un des représentants du Conseil au sein du Comité de correspondance pour les assurances sociales et devrait donc, si la session du Conseil avait lieu dans la première semaine du mois de novembre, accomplir deux fois le voyage de Genève. Il espère donc que le Conseil acceptera la proposition de M. Mertens.

M. Oersted appuie également la proposition de M. Mertens.

M. Jouhaux signale qu'il serait désirable que les réunions de commissions prévues à l'occasion de la 77ème session du Conseil aient lieu, soit avant, soit après cette session et non pendant que le Conseil se réunit lui-même. Un tel arrangement est le seul qui permette aux commissions d'accomplir normalement leurs travaux.

Le Conseil décide que sa 77ème session aura lieu dans la semaine comprise entre le 9 et le 15 novembre 1936 et que les réunions de commissions se tiendront, soit avant, soit après cette session.

Il est entendu que dans toute la mesure du possible, le Directeur présentera au Conseil, à la séance que celui-ci tiendra pendant la durée de la Conférence, un programme d'ensemble des réunions devant avoir lieu à l'occasion de la 77ème session.

Le Président rappelle que le Conseil devra se réunir pendant la durée de la Conférence. Il propose que cette réunion ait lieu le 22 juin.

Il en est ainsi décidé.

ONZIÈME QUESTION A L'ORDRE DU JOUR.

Rapport de la Commission du travail agricole.

M. de Michelis, en l'absence de M. Picquenard, Président de la Commission du travail agricole, présente le rapport de cette Commission. Il rappelle que la Commission était appelée à examiner une seule question portant sur la révision de la Convention concernant l'âge d'admission des enfants au travail dans l'agriculture.

La Commission a tout d'abord examiné une question de procédure. Constatant que le Conseil d'administration avait consulté les gouvernements au sujet de la
TENTH ITEM ON THE AGENDA.

Date and Place of the Next Session.

The Chairman said that in fixing the date of opening of the autumn session, the Governing Body would have to bear in mind the following considerations: in the first place it would not be possible to hold the autumn session in the brief interval between the close of the Assembly of the League of Nations and the opening of the maritime session of the Conference on 6 October 1936. In the second place it was possible that the work of the Conference would not finish before 28 or 29 October. In the circumstances the Office suggested that the Seventy-seventh Session should be held during the week between 2 and 7 November. The Committees would meet in the early part of the week, and if necessary on the last two days of the previous week.

Mr. Mertens suggested that the Seventy-seventh Session of the Governing Body should be held during the week between 9 and 14 November. In connection with the Seventy-sixth Session, objection had been taken to the Governing Body meeting on a public holiday. That consideration also applied to 1 and 2 November. If the session of the Governing Body were to be held a week later, namely between 9 and 14 November, the meetings of the Committees could begin about 4 or 5 November.

Mr. Forbes Watson supported Mr. Mertens' proposal. The Governing Body had decided to call a meeting of experts on social insurances on 16 November. He was one of the representatives of the Governing Body on the Correspondence Committee on Social Insurance, and if the session of the Governing Body were to take place during the first week of November he would have to make two journeys to Geneva. He hoped therefore that the Governing Body would accept Mr. Mertens' proposal.

Mr. Oersted also supported Mr. Mertens' proposal.

Mr. Jouhaux pointed out that it would be desirable for the meetings of Committees in connection with the Seventy-seventh Session of the Governing Body to be held either before or after the session and not on the days on which the Governing Body itself met. That was the only arrangement which would enable the Committees to carry out their work in a normal manner.

The Governing Body decided that its Seventy-seventh Session should be held during the week between 9 and 15 November 1936, and that the meetings of Committees should take place either before or after that session.

It was agreed that so far as possible the Director would submit to the Governing Body at the sitting which it would hold during the Conference a programme of the meetings to be held in connection with the Seventy-seventh Session.

The Chairman reminded the Governing Body that it would have to meet during the Conference. He proposed that that meeting should be held on 22 June.

The Governing Body approved that proposal.

ELEVENTH ITEM ON THE AGENDA.

Report of the Committee on Agricultural Work.

Mr. de Michelis, in the absence of Mr. Picquenard, Chairman of the Committee on Agricultural Work, submitted the Committee's report. The Committee had had to consider only one question, namely, the revision of the Minimum Age (Agriculture) Convention.

The Committee had begun by discussing a question of procedure. In view of the fact that the Governing Body had consulted the Governments on the question of
revision en leur signalant deux points sur lesquels la revision envisagée pourrait porter, elle s’est demandé si ses travaux pourraient porter sur d’autres points d’une revision éventuelle qui n’auraient pas été soulevés par les Gouvernements. La Commission a résolu cette question affirmativement. Elle a estimé qu’elle pouvait délibérer sur des points à reviser, même si ces points n’auraient pas été indiqués par les gouvernements comme susceptibles de faire l’objet d’une revision. Toutefois, un membre de la Commission a proposé que, dorénavant, la Commission chargée d’étudier les propositions à faire au Conseil en vue de la revision totale ou partielle d’une convention soit réunie avant que l’on consulte les gouvernements sur certains points déjà arrêtés par le Conseil. La Commission s’est rangée à cet avis et a exprimé le vœu qu’à l’avenir elle soit consultée au préalable.

Quant au fond, la Commission a constaté que l’on pourrait porter de 14 à 15 ans l’âge prévu à l’article premier de la convention sans que, par là, on élève l’âge minimum d’admission des enfants au travail agricole, parce qu’en réalité cet âge n’est prévu par aucune convention. La Commission a donc jugé que si l’on voulait procéder à une revision pour fixer à 15 ans l’âge minimum d’admission des enfants au travail agricole, il faudrait ou bien adopter une convention nouvelle ou envisager une revision d’une portée beaucoup plus vaste. En conséquence, la Commission signale au Conseil que, à son avis, la convention de 1921 n’est pas, malgré son titre, une convention sur l’âge minimum d’admission au travail dans l’agriculture et que la revision de cette convention ne s’impose pas en même temps que la revision des autres conventions concernant l’âge minimum d’admission à certains travaux. En conséquence, elle suggère au Conseil de charger le Bureau d’étudier la question dans son ensemble et de renvoyer le rapport à présenter par le Bureau à la commission compétente avant que le Conseil d’administration en soit lui-même saisi.

Si le Conseil adoptait cette suggestion, il y aurait naturellement lieu d’arrêter momentanément la procédure de revision déjà engagée. Cependant, d’autres membres de la Commission ont estimé que la convention actuelle gardait quand même sa valeur et qu’il y aurait lieu de remplacer l’âge de 14 ans qu’elle prévoit par celui de 15 ans si cette modification était effectuée pour les autres conventions concernant le travail des enfants, et d’examiner si la revision de certains autres points de la convention actuelle ne permettrait pas d’élimer quelques-unes des plus grandes difficultés que cause le texte actuel. Toutefois, ces mêmes membres ont estimé qu’ils ne pouvaient se prononcer sur cette question avant de connaître les réponses des Gouvernements au sujet des points sur lesquels il y aurait lieu de reviser la convention. Il s’ensuit que, si le Conseil, après avoir été saisi du rapport contenant les réponses des Gouvernements, estimait utile de poursuivre la revision de la convention actuelle, la Commission du travail agricole souhaiterait avoir l’occasion de se prononcer sur les points sur lesquels une revision semblerait désirable et possible.

M. Serrarens a été très étonné de constater les conclusions auxquelles la Commission a abouti. Il estime qu’il est grave que l’on puisse, 15 ans après l’élaboration d’une convention, constater que celle-ci n’a pas le caractère qu’on lui attribuait et que l’on demande maintenant au Conseil de prendre acte de ce fait.

Il n’ignore pas les difficultés qu’a rencontrées la Commission de la Conférence qui, en 1921, a élaboré le projet de convention. Il n’ignore pas non plus que la convention présente de nombreux points faibles. Néanmoins, elle règle l’âge d’admission au travail régulier dans l’agriculture.

En effet, l’article premier prévoit que les enfants de moins de 14 ans ne pourront être employés ou travailler dans les entreprises agricoles publiques ou privées ou dans leurs dépendances, qu’en dehors des heures fixées pour l’enseignement scolaire; ce travail, s’il a lieu, doit être tel qu’il ne pourra nuire à leur assiduité à l’école. Evidemment, ces restrictions réduisent considérablement la portée de la convention. Néanmoins, elle représente la volonté de la Commission de la Conférence, de la Conférence elle-même, et il n’a pas été proposé de la reviser à l’expiration de la première période de dix ans. Par conséquent, si l’on se propose de modifier l’âge d’admission
revision, drawing their attention to two points with which revision might deal, it had questioned whether it could discuss other possible points for revision which were not mentioned in the Governments' replies. The Committee had reached an affirmative conclusion on that point. It had considered that it was entitled to discuss points with a view to revision even if such points had not been indicated by the Governments as suitable for revision. One member of the Committee had however proposed that, in the future, a Committee which had to consider proposals to be made to the Governing Body with regard to the revision in whole or in part of a Convention should be called together before the Governments were consulted on certain points drawn up by the Governing Body. The Committee had shared that opinion, and had expressed the hope that in the future it would be consulted in advance.

As regards the substance of the question, the Committee had come to the conclusion that the age provided for in the first article of the Convention could be raised from 14 to 15 years without the minimum age of admission of children to agricultural employment being thereby raised, since in fact that age was not laid down in any Convention. The Committee had therefore considered that if it was desired to carry out revision in order to fix the minimum age of admission of children to agricultural employment at 15, it would be necessary either to adopt a new Convention or to contemplate revision on a much wider scale. Consequently, the Committee drew the Governing Body's attention to the fact that, in its opinion, the 1921 Convention was not, in spite of its title, a Convention concerning the minimum age of admission to employment in agriculture, and it was therefore not necessary that that Convention should be revised at the same time as the other Minimum Age Conventions. The Committee accordingly suggested that the Governing Body should instruct the Office to study the question as a whole and refer the report which the Office was to draw up to the competent committee before it came before the Governing Body itself.

If the Governing Body adopted that suggestion, it would obviously be better for the moment not to pursue the procedure of revision which had already been opened. Other members of the Committee, however, considered that the existing Convention still possessed intrinsic value, and that the age of 14 years mentioned in it should be changed to 15 years if that change were made in the other Minimum Age Conventions, and that it would also be desirable to consider whether the revision of the existing Convention in respect of certain other points would not make it possible to remove some of the principal difficulties caused by the present drafting. These members, however, did not feel able to formulate a definite opinion on this question until they had seen the Government's replies to the points on which it had been suggested that it was desirable to revise the Convention. Consequently, if the Governing Body, after considering the report containing the replies from the Governments, thought that it was desirable to continue the procedure for the revision of the Convention in question, the Committee on Agricultural Work requested it to give it an opportunity of stating its views on the points in respect of which revision appeared desirable and possible.

Mr. Serrarens said that he had been greatly surprised by the conclusions at which the Committee had arrived. It was a serious matter that fifteen years after a Convention had been drawn up it should be stated that it did not possess the character which had been attributed to it, and that the Governing Body should now be requested to note that fact.

He was well aware of the difficulties encountered by the Committee of the 1921 Conference which had drawn up the Convention. He was also well aware that there were numerous weak points in the Convention. It nevertheless governed the regular age of admission to agricultural employment.

Article 1 provided that children under the age of 14 years could not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance, and that any employment should not be such as to prejudice their attendance at school. Those restrictions obviously considerably reduced the effect of the Convention. Nevertheless they represented the wishes of the Committee of the Conference and of the Conference itself, and no proposal had been made to revise the Convention at the end of the first ten-yearly period. Consequently, if it was proposed to alter the age of admission in the other
inscrit dans les conventions concernant l'âge minimum d'admission dans les diverses branches d'activité, il faut également modifier cet âge dans la convention concernant l'agriculture. Il se peut évidemment que l'on préfère procéder à une révision totale de cette convention. De toute manière, il n'y a pas lieu de faire une discrimination entre la convention de 1921 concernant le travail agricole et les autres conventions concernant l'âge minimum.

M. Mertens ne veut pas revenir sur la résolution adoptée par la Conférence internationale du Travail à sa session de 1935 et par laquelle la Conférence invitait le Conseil d'administration à inscrire à l'ordre du jour de la Conférence la révision des quatre conventions concernant l'âge minimum d'admission des enfants au travail en vue de porter cet âge de 14 à 15 ans. Toutefois, il ne peut s'empêcher de manifester son étonnement que ce ne soit qu'à présent que l'on constate que la convention de 1921 n'est pas une convention concernant l'âge minimum. Lors de la discussion à la session de 1935 de la Conférence, il a suggéré que l'on profite de l'occasion d'une révision pour grouper en une seule convention les quatre conventions d'âge minimum, en prévoyant que, indépendamment du genre de travail à accomplir, l'âge d'admission des jeunes gens au travail serait fixé à 15 ans. On a fait état, pour s'opposer à sa proposition, de certaines difficultés qui n'ont jamais été précisées. Maintenant que la procédure de révision est virtuellement engagée, on constate que la révision de la convention concernant le travail agricole n'aurait pas l'effet que la Conférence entendait lui donner. Il estime regrettable que cette objection n'ait pas été formulée à la Conférence en 1935, car à ce moment, la discussion aurait pu prendre une tournure très différente.

Quant aux conclusions mêmes auxquelles aboutit la Commission, il ne s'opposera pas à ce que le Conseil y donne suite.

Le Président rappelle qu'il a, à la session de 1921 de la Conférence, pris part à l'élaboration du projet de convention concernant l'âge minimum d'admission des enfants au travail agricole. Le Bureau avait d'abord envisagé un projet de convention conçu de la même manière que pour les deux autres conventions existant à cette époque au sujet de l'âge minimum. Il a toutefois dû renoncer à son intention parce que, dans la plupart des grands pays agricoles, il n'existait pas de services d'inspection du travail dans l'agriculture et que leur création était peu probable, et qu'il fallait trouver un moyen de contrôler l'application de la convention. Il a alors rappelé que dans la plupart des pays, il existait une législation concernant l'obligation scolaire et que l'on pourrît y avoir recours. C'est de cette manière que l'âge minimum d'admission au travail agricole prévu dans la convention a été rattaché à la fréquentation scolaire. Il ne peut admettre qu'il soit exact que la convention n'assure pas de protection aux enfants : en effet, elle prévoit l'interdiction de l'emploi des enfants de moins de 14 ans pendant les heures fixées pour l'enseignement scolaire, et assure ainsi aux enfants une protection pendant 200 jours par an durant les heures de classe ; cette interdiction est sanctionnée par le service de contrôle de la fréquentation scolaire, qui est sans doute le meilleur service d'inspection existant à cette fin dans l'agriculture.

Il juge regrettable que cette question soit soulevée aussi tardivement mais il espère que le Conseil examinera très attentivement le problème avant de décider qu'il n'y a pas lieu d'élever l'âge prévu dans cette convention alors que les autres conventions concernant l'âge minimum sont soumises à révision sur ce point précis.

Il déclare qu'il va mettre aux voix les conclusions contenues dans le rapport de la Commission.

M. Rice demande si, au cas où le Conseil adopterait ces conclusions, cela signifierait que la convention concernant l'âge minimum d'admission des enfants au travail agricole ne sera pas révisée en même temps que les autres conventions concernant l'âge minimum.

Le Président répond que d'après les conclusions de la Commission du travail agricole, la révision de cette convention n'est pas considérée comme devant s'imposer en même temps que la révision des autres conventions concernant l'âge minimum.
Minimum Age Conventions, the age should also be changed in the Convention concerning agriculture. It might of course be thought preferable to undertake a total revision of the Convention, but that was an entirely separate question. In any case no discrimination should be made between the 1921 Convention concerning agriculture and the other Minimum Age Conventions.

Mr. Mertens said that he did not wish to reopen the discussion of the resolution adopted by the International Labour Conference at its 1935 Session in which the Governing Body was invited to place on the agenda of the Conference the revision of the four Minimum Age Conventions with a view to increasing the age from 14 to 15. He could not, however, conceal his surprise that no one should have pointed out until now that the 1921 Convention was not a Minimum Age Convention. During the discussion at the 1935 Session of the Conference, he had suggested that the opportunity provided by revision should be taken in order to amalgamate the four Minimum Age Conventions into a single Convention, and to provide that irrespective of the kinds of employment concerned, the age of admission of children to employment should be fixed at 15. Certain difficulties which had never yet been defined had been brought forward against his proposal. Now that the revision procedure had virtually been begun, it was pointed out that the revision of the Minimum Age (Agriculture) Convention would not have the effect which the Conference had desired. It was unfortunate that this objection should not have been brought forward at the Conference in 1935, since at that time the discussion might have taken a very different turn.

As regards the actual conclusions at which the Committee had arrived, he would not raise any objection to the Governing Body giving effect to them.

The Chairman said he had taken part in drawing up the Minimum Age (Agriculture) Convention at the 1921 Session of the Conference. The Office had originally contemplated a Draft Convention on the same lines as the other two Minimum Age Conventions then in existence. It had however had to abandon that idea, since no inspection service as regards agriculture existed or was likely to be set up in the majority of the great agricultural countries, and since some means of supervising the application of the Convention had to be found. He had pointed out that in most countries legislation existed in regard to compulsory school attendance, and this might be used. It was in this way that the minimum age of admission to agricultural employment provided for in the Convention had been dealt with in connection with school attendance.

He could not agree that the Convention gave no protection; since it prohibited the employment of children of less than 14 during the hours fixed for school attendance, it did afford protection for 200 days a year during school hours. That prohibition was controlled by the school attendance inspection service, which was without doubt the most effective inspection service which existed in agriculture for this purpose.

It was unfortunate that this question had been raised at so late a date, but he hoped that the Governing Body would give very careful consideration to the problem before deciding that it was not desirable to raise the age provided for in the Convention, when the other Minimum Age Conventions were to be revised on this point.

He would ask the Governing Body to vote on the conclusion of the Committee's report.

Mr. Rice asked whether, in the event of the Governing Body adopting those conclusions, that would mean that the Minimum Age (Agriculture) Convention would not be revised at the same time as the other Minimum Age Conventions.

The Chairman replied that in accordance with the conclusions reached by the Committee on Agricultural Work it was not considered necessary that the Convention should be revised at the same time as the other Minimum Age Conventions.
M. Merteins déclare qu'il ne peut accepter la constatation que la Commission a cru devoir faire sur ce point. Parmi les conclusions figurant dans le rapport de la Commission, il ne donne son approbation qu'à celle d'après laquelle le Conseil chargerait le Bureau d'étudier la question dans son ensemble et de renvoyer le rapport à présenter par le Bureau à la Commission compétente avant que le Conseil d'administration en soit saisi lui-même. La constatation relative au caractère différent de la convention concernant le travail agricole est contraire à la décision prise par la Conférence elle-même à sa XIXème session.

M. Rice fait observer que, de toute manière, la question de la révision de la Convention concernant l'âge minimum d'admission au travail agricole est étroitement liée à la décision que le Conseil prendra au sujet de la révision des trois autres conventions concernant l'âge minimum. Puisque le Conseil ne pourra prendre de décision au sujet de la révision de ces conventions avant le 22 juin, il suggère d'ajourner également à cette date la décision concernant la convention agricole.

M. de Buen estime qu'il y a un point du rapport de la Commission du travail agricole sur lequel le Conseil pourrait se prononcer immédiatement; ce point est celui qui termine le rapport de la Commission et qui est ainsi conçu : « Si le Conseil, après avoir été saisi du rapport contenant les réponses des gouvernements, estime utile de continuer la procédure de révision de la convention actuelle, la Commission du travail agricole le prie de bien vouloir lui donner l'occasion de se prononcer sur les points sur lesquels une révision semblerait désirable et possible. »

M. Oersted rappelle que, dès la réunion du mois d'avril de la Commission du travail agricole, il avait suggéré que cette commission demandât au Conseil d'être saisi de la question de la révision de la convention agricole dans son ensemble. La Commission n'ayant pas accepté cette proposition, il la soumit à nouveau au Conseil. Celui-ci, toutefois, a préféré prendre tout d'abord une décision et ne renvoyer à la commission qu'une question partielle. On constate à présent que cette procédure a donné lieu à toutes sortes de difficultés. Ces difficultés ne sont pas imputables au Bureau. En effet, celui-ci avait, dès sa 75ème session, attiré l'attention du Conseil sur le fait qu'en dehors de la question de l'âge d'admission proprement dite, il y avait différents points sur lesquels devrait porter la révision au cas où celle-ci serait décidée. Ce sont ces points que la Commission, lors de la discussion à laquelle elle a procédé à sa réunion du 27 avril, a mis en lumière. On s'est aperçu alors qu'il était impossible de modifier un âge d'admission des enfants au travail agricole qui n'était pas prévu si ce n'est dans le titre de la convention; en effet, cette dernière ne porte en réalité que sur la question de la scolarité. C'est dans ces conditions que la Commission a jugé qu'il serait préférable de ne pas procéder à la révision de la convention et d'étudier le problème dans son ensemble pour essayer d'aboutir à une véritable convention concernant l'âge minimum d'admission des enfants au travail dans l'agriculture. Les propositions de la Commission sont donc parfaitement justifiées. Cependant, il ne s'opposera pas à ce que le Conseil ajourne sa décision à leur égard.

M. Merteins précise que, s'il s'est opposé lors de la 75ème session, au renvoi préalable de la question de la révision à la Commission du travail agricole, c'est parce qu'il est opposé, en principe, à ce renvoi. Il s'agissait en effet de donner suite à une résolution formellement adoptée par la Conférence. Du moment que le Conseil pouvait se prononcer d'emblée sur la révision des conventions concernant l'âge minimum d'admission des enfants aux travaux industriels et aux travaux non industriels, il n'y avait pas lieu de renvoyer au préalable aux commissions existantes la question de la révision des conventions concernant le travail maritime et le travail dans l'agriculture.

Il ne s'opposera pas à l'ajournement de la décision du Conseil au sujet de la révision de la convention agricole puisque, à la séance que le Conseil tiendra le 22 juin, il sera en mesure de se prononcer sur la révision des quatre conventions concernant l'âge minimum.
Mr. Mertens said that he could not accept the observation which the Committee had made on this point. He could only approve one of the conclusions in the report of the Committee, namely, that the Governing Body should instruct the Office to study the question as a whole and refer the report which the Office was to draw up to the competent Committee before it came before the Governing Body itself. The statement concerning the different nature of the Convention concerning agricultural work was contrary to the decision taken by the Conference itself at its Nineteenth Session.

Mr. Rice said that in any event the question of the revision of the Minimum Age (Agriculture) Convention was closely linked with the decision which the Governing Body would take as regards the revision of the three other Minimum Age Conventions. Since the Governing Body could not take any decision as regards the revision of those Conventions before 22 June, he suggested that its decision concerning the agricultural Convention should also be adjourned until that date.

Mr. de Buen suggested that there was one point in the report of the Committee on Agricultural Work on which the Governing Body might take an immediate decision. That point was the one with which the report concluded; it was as follows: "If the Governing Body, after considering the report containing those replies, thinks it desirable to continue the procedure for the revision of the present Convention, the Committee on Agricultural Work requests it to give it an opportunity of stating its views on the points in respect of which revision appears desirable and possible."

Mr. Oersted said that at the meeting of the Committee on Agricultural Work which was held in April he had proposed that the Committee should request the Governing Body to refer to it the question of the revision of the agricultural Convention as a whole. As the Committee had not accepted that proposal, he had submitted it again to the Governing Body. The Governing Body had however preferred to take a decision in the first place and only to refer part of the question to the Committee. It was obvious now that that procedure had given rise to numerous difficulties. The Office was not responsible for those difficulties. The Office had, at the Seventy-fifth Session, called the attention of the Governing Body to the fact that in addition to the actual question of the age of admission there were various points on which revision should be undertaken in the event of revision being decided upon. It was to these points that the Committee had called attention at the discussion which took place at its meeting on 27 April. It was then realised that it was impossible to change an age of admission of children to agricultural employment which was not provided for except in the title of the Convention. The Convention itself in fact only dealt with the question of school attendance. The Committee had therefore considered that it would be preferable not to undertake the revision of the Convention, and to study the problem as a whole with a view to drawing up a real Convention concerning the minimum age of admission of children to agricultural employment. The Committee’s proposals were therefore entirely justified. He had no objection, however, to the Governing Body adjourning its decision in regard to them.

Mr. Mertens said that the reason why he objected at the Seventy-fifth Session to referring the question of revision in the first place to the Committee on Agricultural Work was because he was in principle opposed to that course. What had to be done was to give effect to a resolution formally adopted by the Conference. Since the Governing Body was in a position to take an immediate decision in regard to the revision of the Conventions concerning the minimum age of admission of children to industrial and non-industrial employment, there was no reason to refer the question of the revision of the Conventions concerning employment at sea and employment in agriculture to the existing Committees before a decision was taken. He would not raise any objection to the adjournment of the Governing Body’s decision in regards to the revision of the agricultural Convention, since at the sitting which it would hold on 22 June it would be in a position to take a decision on the revision of the four Minimum Age Conventions.
M. Jouhaux demande s'il serait possible, au cas où le Conseil déciderait la révision des deux conventions concernant l'âge minimum d'admission aux travaux industriels et aux travaux non industriels, d'introduire, dans ces conventions, une disposition générale qui impliquerait l'élévation de l'âge d'admission au travail dans l'agriculture.

Le Directeur croit qu'un arrangement semblable ne serait pas possible. En effet, pour l'instant, le Conseil est saisi uniquement d'une proposition de révision des quatre conventions existantes et il ne peut sortir de ce cadre. Il n'est pas possible d'introduire une disposition relative à l'agriculture dans la convention s'appliquant aux travaux industriels et il ne lui semble guère possible non plus de procéder à une révision de la Convention concernant le travail agricole qui aurait pour effet de modifier entièrement la structure de cette convention. C'est précisément pour cette raison que la Commission du travail agricole a recommandé que le problème soit repris dans son ensemble.

La convention actuelle ne répondant pas à son but réel, il est indispensable, pour aboutir à une convention satisfaisante, d'élaborer un instrument nouveau. C'est à cette conclusion qu'a abouti la Commission du travail agricole.

M. Jouhaux considère qu'étant donné les déclarations que vient de faire le Directeur, il y a sans doute lieu de soumettre le problème à un examen général. Toutefois, il ne partage pas les vues du Directeur quant à la portée éventuelle de la révision. En effet, la Convention concernant l'âge d'admission des enfants aux travaux industriels est une convention générale. On peut considérer que l'agriculture est une industrie. On pourrait donc parfaitement juger qu'une convention générale relative aux travaux industriels s'applique à l'agriculture. Il n'en est pas de même pour l'industrie maritime parce que, dès l'origine même de l'Organisation internationale du Travail, on a établi une procédure spéciale pour cette branche d'activité. Cette discrimination n'existe pas à l'égard du travail agricole qui, il convient de le relever, emploi des outils perfectionnés, et est actuellement mécanisé au même titre que bien d'autres industries. Il lui semble que la question pourrait être envisagée sous cet aspect dans l'examen d'ensemble que le Bureau va être chargé d'en faire.

Il ajoute que, si l'on envisage l'adoption d'une convention particulière pour le travail agricole, il faudra peut-être, après avoir inscrit dans cette convention le principe général d'un âge d'admission au travail, revenir aux dispositions particulières qui ont été prévues dans la convention actuelle. En effet, pour l'agriculture, il faut tenir compte d'une série de considérations qui n'interviennent pas au sujet de l'industrie en général. Il demande donc, puisqu'on propose d'ajourner la décision du Conseil au sujet de ce problème, de le faire examiner de manière que le Conseil se trouve, le 22 juin, mis en face d'une situation parfaitement nette.

Le Directeur déclare que, si le Conseil décide l'ajournement, il préparera, pour la réunion que le Conseil tiendra pendant la durée de la Conférence, une note se rapportant non seulement aux réponses des gouvernements ayant trait à la convention agricole, mais également à la situation d'ensemble, sans perdre de vue l'aspect du problème signalé par M. Jouhaux.

Par 24 voix sans opposition, le Conseil d'administration ajourne à sa séance du 22 juin sa décision au sujet des conclusions figurant dans le rapport de la Commission du travail agricole.

Il est entendu que le Conseil sera saisi à ce moment d'une note préparée par le Bureau dans les conditions indiquées par le Directeur.

DOUZIÈME QUESTION A L'ORDRE DU JOUR.

Inscription éventuelle à l'ordre du jour de la Conférence de la révision des conventions concernant l'âge minimum d'admission aux travaux industriels, aux travaux non industriels, au travail dans l'agriculture et au travail maritime.

Sir Bhupendra Nath Mitra est chargé par son Gouvernement de protester contre l'idée de faire suivre la session maritime de la Conférence par une seconde session.
Mr. Jouhaux asked whether, in the event of the Governing Body deciding upon the revision of the two Conventions concerning the age of admission to industrial and non-industrial employment, it would be possible to introduce into those Conventions a general provision which would have the effect of raising the age of admission to agricultural employment.

The Director said that he did not think that such a procedure would be possible. At the moment the Governing Body had to deal solely with a proposal to revise the four existing Conventions, and it could not go beyond that proposal. It would not be possible to introduce a provision concerning agriculture in the Convention which applied to industrial employment, and it did not seem to him possible to revise the Convention concerning agricultural employment in such a way as would entirely alter the whole structure of the Convention. It was for this very reason that the Committee on Agricultural Work had recommended that the problem should be reconsidered as a whole.

Since the existing Convention did not fulfil its real object, it was essential to draw up an entirely new instrument in order to arrive at a satisfactory Convention. That was the conclusion at which the Committee on Agricultural Work had arrived.

Mr. Jouhaux said that in view of the statement which the Director had just made it was no doubt desirable to consider the whole problem in a general way. He did not however share the Director's views as to the possible scope of revision. The Convention concerning the minimum age of admission of children to industrial employment was a general Convention. Agriculture might be said to be an industry, and it might therefore well be held that a general Convention concerning industrial work should also apply to agriculture. The same could not be said of the mercantile marine, since from the very beginning of the International Labour Organisation a special procedure had been laid down for that particular branch. A similar discrimination did not exist in regard to agricultural work which, it must be remembered, used modern machinery and was now mechanised in the same way as many other industries. The question might, he thought, be considered from this point of view in the general examination which the Office would be called upon to make.

If the adoption of a special Convention for agricultural work were contemplated, it might perhaps be necessary, after having included in that Convention the general principle of an age of admission to employment, to include again the special provisions laid down in the existing Convention. In regard to agriculture a whole series of considerations had to be taken into account which did not arise in regard to industry in general. Since it was proposed that the decision of the Governing Body on this question should be adjourned, he requested that the problem should be dealt with in such a way that the Governing Body on 22 June would have a perfectly clear situation before it.

The Director said that if the Governing Body decided to adjourn the question he would prepare for the meeting of the Governing Body which would be held during the Conference a note referring not only to the replies of the Governments in regard to the agricultural Convention, but also to the general situation, including the aspect of the problem to which Mr. Jouhaux had called attention.

By 24 votes to nil the Governing Body adjourned to the sitting to be held on 22 June its decision in regard to the conclusion of the report of the Committee on Agricultural Work.

It was agreed that at that sitting a note drawn up by the Office on the lines suggested by the Director should be submitted to the Governing Body.

Twelfth Item on the Agenda.

Possibility of placing on the agenda of the Conference the revision of the Conventions concerning the minimum age of admission to industrial employment, non-industrial employment, employment in agriculture and employment at sea.

Sir Bhupendra Nath Mitra said that he had been instructed by his Government to protest against the proposal that the maritime session of the Conference should be
maritime dont la tâche serait de procéder à la revision de la Convention concernant l'âge minimum d'admission au travail maritime. D'une manière générale, le Gouvernement de l'Inde n'est pas partisan de la convocation de ces sessions spéciales. D'autre part, en prévoyant après la session maritime régulière, une nouvelle session pour examiner la question de la revision, on contraint les gouvernements à prendre certaines décisions sans leur donner pour cela un délai minimum. Le Gouvernement de l'Inde insiste sur les difficultés qui lui causent l'envoi tardif des rapports relatifs aux questions inscrites à l'ordre du jour de la Conférence. A la date du 13 mai, un certain nombre de rapports ayant trait à la XXIème session n'étaient pas encore parvenus dans l'Inde. Sans doute, le Directeur fera valoir que lui-même n'a reçu que tardivement les réponses des gouvernements. Le Gouvernement de l'Inde estime que les rapports devraient être préparés sur la base des réponses parvenues à une date déterminée, sans attendre les réponses qui pourraient arriver ultérieurement. D'autre part, dans le cas de la question relative aux prescriptions de sécurité pour les travailleurs occupés dans l'industrie du bâtiment, on ne peut invoquer le retard des réponses des gouvernements puisqu'il s'agit d'une question figurant à l'ordre du jour de la Conférence pour première discussion et que le rapport ne contient autre chose qu'un exposé de la législation et de la pratique; or, ce rapport n'était pas non plus parvenu au Gouvernement de l'Inde à la date du 13 mai.

Quant à la question d'inscrire à l'ordre du jour d'une deuxième session maritime de la Conférence la revision de la convention concernant l'âge minimum d'admission au travail maritime, il a été décidé qu'elle ne serait tranchée que le 22 juin. D'autre part, si l'on veut observer les délais réglementaires, cette décision devra être prise à la date du 22 juin, même si elle risque de donner lieu à de sérieuses difficultés. Dans ces conditions, il se demande s'il ne serait pas possible d'ajourner la soumission à la Conférence de la revision des conventions concernant l'âge minimum. Si le rapport soumis au Conseil lui paraissait très clair, il se trouve maintenant très embarrassé pour se faire une opinion à la suite de la discussion qui a eu lieu, et il ne sait quelle pourra être sa situation le 22 juin lorsque le Conseil sera appelé à prendre une décision.

Le Directeur fait observer que jusqu'à présent, le Conseil n'a pas encore formellement décidé d'inscrire la question de la revision de la convention concernant l'âge d'admission au travail maritime à l'ordre du jour de la Conférence, ni par conséquent, de convoquer une seconde session maritime. Ces deux questions ne seront tranchées que le 22 juin, lorsque le Conseil pourra être saisi des réponses des Gouvernements. Il se peut qu'un certain nombre d'entre elles ou même toutes se prononcent contre l'inscription de la revision de cette convention à l'ordre du jour de la Conférence.

Quant aux retards pour l'envoi des rapports, il est dû en effet pour la plupart d'entre eux, au fait que les réponses des Gouvernements ne sont pas parvenues au Bureau dans le délai prévu. Il doute qu'il eût, dans certains cas, été sage de rédiger des rapports sur la base du très petit nombre de réponses des Gouvernements reçues à la date prévue. Quant au Rapport Gris sur les prescriptions de sécurité dans l'industrie du bâtiment, il recherchera les raisons du retard avec lequel il a été envoyé et se mettra directement en rapport avec Sir Bhupendra Nath Mitra à ce sujet.

Sir Bhupendra Nath Mitra précise que s'il a protesté contre le fait que l'on envisage de décider le 22 juin la convocation d'une deuxième session maritime de la Conférence, c'est parce que cette procédure ne permet pas à plusieurs membres du Conseil d'étudier de façon adéquate la décision à prendre à cet égard. Sans doute, le Gouvernement de l'Inde n'aura-t-il pas encore le 22 juin, reçu les rapports du Bureau. Néanmoins le Conseil devra prendre sa décision à ce moment; il devra en outre examiner diverses questions très délicates, notamment celles que posent les recommandations de la Commission de contrôle.

Toutefois, se rendant compte de la situation, il se déclarera satisfait si sa protestation est enregistrée au procès-verbal.

M. Rice propose, afin de donner, dans la mesure du possible, satisfaction à Sir Bhupendra Nath Mitra, de placer en tête des questions que le Conseil sera appelé
followed by a second maritime session to consider the revision of the Minimum Age (Sea) Convention. In a general way the Government of India had never approved of special sessions of the Conference. Moreover, if a further session were to be held after the first maritime session in order to consider the question of revision, it would mean that Governments would be called upon to take decisions without having even the minimum amount of time to consider them. The Government of India drew attention to the inconvenience which it experienced owing to the late date at which the reports concerning items on the agenda of the Conference were sent out. On 13 May a certain number of reports for the Twentieth Session of the Conference had not yet arrived in India. The Director would doubtless point out that he himself had only received the replies from the Governments at a very late date. The Government of India considered that the reports should be prepared on the basis of the replies which had been received at a given date, without waiting for the replies which might subsequently arrive. Moreover, in the case of the question concerning safety provisions for workers in the building industry, it could not be said that the delay was due to the replies from the Government since this was a question which was on the agenda of the Conference for a first discussion and the report contained nothing except a statement of the law and practice. That report, however, also had not reached the Government of India by 13 May.

As regards the question of placing on the agenda of a second maritime session of the Conference the question of the revision of the Convention concerning the minimum age of admission to employment at sea, it had been decided that that question could not be dealt with until 22 June. If the statutory time limits were to be observed, that decision would have to be taken on 22 June, even if it gave rise to serious difficulties. Under those conditions he asked whether it would not be possible to postpone submitting the revision of the Minimum Age Conventions to the Conference. The report submitted to the Governing Body had appeared to him to be quite clear, but the discussion which had taken place made it very difficult for him to form an opinion, and he did not know what the position of the Governing Body would be on 22 June, when it had to take a decision.

The Director said that so far the Governing Body had not taken a formal decision to place the revision of the Minimum Age (Sea) Convention on the agenda of the Conference, and consequently had not decided to call a second maritime session. Those two questions could only be decided on 22 June, when the Governing Body would have the replies of the Governments before it. It was possible that a certain number of them, or even all of them, might be against placing the revision of that Convention on the agenda of the Conference.

As regards the delay in sending out the reports, it was certainly in the majority of cases due to the fact that the replies from the Governments had not reached the Office within the specified time. He doubted whether in certain cases it would have been wise to draw up the reports on the basis of the very small number of replies which had been received from the Governments at the given date. As regards the Grey Report concerning safety provisions for workers in the building industry, he would make enquiries as to the reason of the late date on which it had been sent out and would communicate directly with Sir Bhupendra Nath Mitra on the subject.

Sir Bhupendra Nath Mitra said that the reason why he had protested against the proposal to decide on 22 June as to the holding of a second maritime session of the Conference was because that procedure did not give many members of the Governing Body time to consider adequately the decision to be taken. By 22 June the Government of India would very likely still not have received the report of the Office. The Governing Body, however, would have to take a decision on that date. It would also have to consider various difficult questions, in particular those raised in the recommendations of the Supervisory Commission.

In view of the situation, however, he would be satisfied if his protest was recorded in the minutes.

Mr. Rice suggested that in order to give satisfaction to Sir Bhupendra Nath Mitra so far as possible, the question of the revision of the four Minimum Age
à examiner, à sa séance du 22 juin, la question de la révision des quatre conventions concernant l’âge minimum d’admission au travail.

Le Conseil ajourne à sa séance du 22 juin la suite de la discussion sur l’inscription éventuelle à l’ordre du jour de la Conférence, de la révision des quatre conventions concernant l’âge minimum d’admission au travail.

La séance est levée à 19 heures.

W. A. RIDDELL.
Conventions should be placed as the first question to be considered by the Governing Body at its meeting on 22 June.

The Governing Body adjourned to the sitting to be held on 22 June the further discussion of the possibility of placing on the agenda of the Conference the revision of the four Minimum Age Conventions.

The sitting closed at 7 p.m. 

W. A. Riddell.
PROCÈS-VERBAL DE LA TROISIÈME SÉANCE
(Lundi 22 juin 1936 — 11 heures)

Absent: M. de MICHELIS.

DOUziEME QUESTION A L'ORDRE DU JOUR.

Inscription éventuelle à l'ordre du jour de la Conference de la revision des conventions concernant l'âge minimum d'admission aux travaux industriels, aux travaux non industriels, au travail dans l'agriculture et au travail maritime (suite).

et

ONziEME QUESTION A L'ORDRE DU JOUR.

Rapport de la Commission du travail agricole (suite).

Le Président, en ouvrant la séance, déclare qu'en raison des rapports étroits existant entre la onzième et la douzième question, il convient de les examiner en même temps.

Le Directeur indique que les membres du Conseil sont saisis de deux notes dans lesquelles sont résumées les réponses reçues des Gouvernements au sujet de la revision des quatre conventions concernant l'âge minimum d'admission au travail. Les réponses se répartissent de manière à peu près égale pour et contre la revision de ces conventions.

On constate cependant qu'un grand nombre de Gouvernements, parmi lesquels sept sont représentés au Conseil d'administration, n'ont pas communiqué leur réponse au Bureau. Il serait évidemment utile pour le Conseil d'administration de connaître les vues de ces Gouvernements, si leurs représentants au sein du Conseil sont en mesure de les exposer.

M. de Buen fait connaître que le Gouvernement espagnol se prononce en faveur de la revision des quatre conventions.

M. Nečas expose qu'en Tchécoslovaquie l'âge d'admission des enfants au travail rétribué est fixé à 14 ans. Toutefois, étant donné qu'en Tchécoslovaquie la législation donne aux parents une faculté d'employer leurs propres enfants aux travaux légers dans l'agriculture ou à la maison plus grande qu'il ne résulte des diverses conventions internationales, le Gouvernement tchécoslovaque n'a pas été en mesure de ratifier les conventions concernant l'âge d'admission au travail. Par suite du chômage qui sévit en Tchécoslovaquie même parmi les jeunes gens, on a depuis plusieurs années suggéré d'élèver à 15 ans l'âge auquel cesse la fréquentation scolaire obligatoire. Cependant, s'il est vrai que dans les villes les enfants fréquentent assez souvent les écoles primaires supérieures ou secondaires jusqu'à l'âge de 15 ans, les frais élevés qui résulteraient de la prolongation générale de l'obligation scolaire jusqu'à 15 ans ne permettent pas au Gouvernement tchécoslovaque d'envisager à bref délai la réalisation de cette réforme, par ailleurs désirable. En effet, le Gouvernement tchécoslovaque juge que l'élévation de l'âge d'admission des enfants au travail rétribué notamment
MINUTES OF THE THIRD SITTING.
(Monday, 22 June 1936—11 a.m.)

The Governing Body was composed as follows: Mr. RIDDELL (Chairman), Mr. de BUEN, Mr. DELAUNEAU, Mr. DEWER, Mr. ESTRADA CAJIGAL, Mr. FOLSOM, Mr. FORBES WATSON, Mr. FORSLUND, Mr. JENSEN, Mr. JURKIEWICZ, Mr. KREKITCH, Mr. KRIER, Mr. KUPERS, Mr. LEGGETT, Mr. LI Ping-Heng, Mr. MANNIO, Mr. MARKUS, Sir BHUPENDRA NATH MITRA, Mr. MOLENAAR, Mr. MUNIZ, Mr. NECAS, Mr. OERSTED, Mr. RICE, Mr. RIVE, Mr. RUIZ GUTIÑAZU, Mr. SCHURCH, Mr. TAKEUCHI, Mr. TZAUT, Mr. VANEK, Mr. WALINE, Mr. YOSHISAKA.

Absent: Mr. de MICHELIS.

TWELFTH ITEM ON THE AGENDA.

Possibility of placing on the agenda of the Conference the revision of the Conventions concerning the minimum age of admission to industrial employment, non-industrial employment, employment in agriculture and employment at sea (continued).

and

ELEVENTH ITEM ON THE AGENDA.

Report of the Committee on Agricultural Work (continued).

The Chairman, in opening the meeting, pointed out that in view of the close relationship between the subject matter of Items 11 and 12 it would be in order to discuss them together.

The Director said that members of the Governing Body had before them two notes summarising the replies received from Governments concerning the revision of the four Minimum Age Conventions. Approximately an equal number of replies had been given in favour of and against the revision of the Conventions.

A large number of Governments, seven of which were represented on the Governing Body, had not yet replied. It would no doubt be useful if the Governing Body could be informed of the views of these Governments if their representatives on the Governing Body could state them.

Mr. de Buen said that the Spanish Government was in favour of revision of all four Conventions.

Mr. NECAS said that in Czechoslovakia the age of admission of children to paid employment was fixed at 14 years. In Czechoslovakia, however, legislation authorised parents to employ their own children on light work in agriculture or in the house; the latitude allowed them was greater than was permitted by the Conventions on the subject, and the Czechoslovak Government had therefore been unable to ratify the Minimum Age Conventions. As a result of the unemployment which prevailed in Czechoslovakia, even among young persons, it had for some years past been suggested that the school-leaving age should be raised to 15 years. In towns it was fairly common for children to attend the higher elementary or secondary schools up to the age of 15, but the high expenditure which would be involved in raising the general school-leaving age to 15 made it impossible for the Czechoslovak Government to contemplate introducing this measure, desirable though it might be, in the near future. The Government considered that the raising of the age of admission of children to paid employment, more particularly in industry, the mercantile marine and
dans l'industrie, dans la marine et dans les professions commerciales constitue non seulement un moyen d'atténuer le chômage, mais aussi une protection pour la vie et la santé des enfants. En conséquence, le Gouvernement tchécoslovaque se prononce en faveur de la révision des quatre conventions concernant l'âge d'admission au travail; il propose toutefois de consulter au préalable la Commission du travail agricole quant à la révision de la convention fixant l'âge d'admission des enfants au travail dans l'agriculture.

M. Estrada Cajigal fait connaître que le Gouvernement mexicain se rallie en principe à la révision des quatre conventions concernant l'âge d'admission au travail.

M. Yoshiaska expose que le Gouvernement japonais n'a pas d'opinion particulière au sujet de la révision des quatre conventions concernant l'âge minimum d'admission au travail. Il tient toutefois à attirer l'attention sur la situation existant au Japon en matière d'âge d'admission des jeunes gens au travail maritime. Il existe au Japon un nombre extrêmement minime de jeunes marins âgés de plus de 14 mais de moins de 15 ans. Pour l'année 1935, le nombre de jeunes gens de cet âge engagés par l'intermédiaire des bureaux de placement gratuits de l'Association des affaires maritimes ne s'est pas élevé à plus de 15, sur un total de 3.309 marins engagés. Il résulte des statistiques que le nombre des jeunes marins de cet âge travaillant à fin décembre 1933 était de 78; la grande majorité de ces marins naviguaient à bord de voiliers affectés à la navigation côtière, dont certains sont dispensés de l'application de la loi sur l'âge d'admission au travail maritime. Il s'ensuit que l'élévation d'une année de l'âge minimum d'admission ne saurait avoir pour effet une réduction appréciable du chômage. En se plaçant au point de vue de la protection des jeunes travailleurs, le Gouvernement japonais ne voit pas d'objection à ce que l'on inscrive à l'ordre du jour de la session maritime de 1936 de la Conférence la révision de la convention concernant l'âge minimum d'admission au travail maritime.

M. Muniz déclare que le Gouvernement brésilien se rallie en principe à la révision des quatre conventions, en se réservant le droit de revenir ultérieurement sur les modalités de cette révision pour chacune des quatre conventions.

M. Ruiz Guìnaaza fait connaître que le Gouvernement argentin ne se trouve pas en mesure de formuler actuellement des observations au sujet de l'élévation de l'âge d'admission au travail; toutefois, il accepte en principe l'idée d'une révision des conventions, en se réservant la faculté d'exprimer son avis, le cas échéant, sur les termes précis de cette révision des quatre conventions qui ont été mentionnées.

M. Oersted constate que, d'après les réponses données par les Gouvernements, ceux-ci ne paraissent pas très favorables à la révision. En ne prenant en considération que les gouvernements dont les réponses figurent dans les deux notes soumises au Conseil, il semble qu'il y ait plutôt une majorité contre la révision.

A son avis, la question n'est pas encore mûre pour que l'on puisse arriver à un résultat satisfaisant. Il a écouté avec intérêt l'intervention de M. Ruiz Guìnaaza qui a indiqué que le Gouvernement argentin acceptait le principe de la révision, tout en se réservant la faculté d'intervenir au sujet des modalités précises de la révision. Pour sa part, il se demande s'il est possible de réserver son attitude au sujet de ces modalités. En effet, s'il comprend exactement le cours de la procédure, le Conseil d'administration est appelé, pour l'instant, à définir exactement la ou les questions qu'il inscrit à l'ordre du jour de la Conférence. Il se demande si, dans ces conditions, la Conférence pourra ultérieurement tenir compte des réserves que feraient certains Gouvernements, ou des clauses que d'autres Gouvernements tiendraient à voir insérer dans les conventions lors de la révision, ainsi que cela paraît être le cas pour le Gouvernement britannique.

De toute manière, étant donné les réponses envoyées par les Gouvernements, il ne croit pas qu'il soit opportun de décider pour l'instant la révision des conventions concernant l'âge d'admission au travail.
commercial occupations, was not only a means of alleviating unemployment, but also 
a measure which would protect the life and health of children. The Czechoslovak 
Government was therefore in favour of revision of the four Minimum Age Conventions. 
It proposed, however, that the Committee on Agricultural Work should be consulted 
in the first place on the revision of the Minimum Age (Agriculture) Convention.

Mr. Estrada Cajigal said that the Mexican Government was in principle in favour 
of revision of the four Minimum Age Conventions.

Mr. Yoshisaka said that the Japanese Government held no particular views as 
regards the revision of the four Minimum Age Conventions. It would, however, 
draw attention to the position in Japan as regards the age of admission of young 
persons to employment on board ship. There were in Japan a very small number 
of young seamen whose age was over 14 but under 15. In 1935 the number of boys 
of this age engaged through the free employment agencies of the Association for 
Maritime Affairs was not more than 15 out of a total of 3,309 seamen engaged. 
Statistics showed that the number of young seamen of this age employed at the end 
of December 1933 was 78. A large majority of them were employed on board sailing 
vessels engaged in coastal navigation, some of which were exempted from the 
application of the Act concerning the age of admission to employment at sea. Thus 
the raising of the minimum age of admission by one year would not appreciably 
reduce unemployment. Regarding the matter from the point of view of the protection 
of young workers, the Japanese Government saw no objection to the revision of the 
Minimum Age (Sea) Convention being placed on the agenda of the maritime session 
of the Conference to be held in 1936.

Mr. Muniz said that the Brazilian Government was in principle in favour of 
revision of the four Conventions, but reserved the right to discuss the details of such 
revision as regards each of the four Conventions at a later stage.

Mr. Ruiz Guíñazú said that the Argentine Government was not at present in 
position to make any statement as regards the raising of the age of admission to 
employment. In principle, it agreed to the idea of the revision of the Conventions, 
but it reserved the right to express its views, if necessary, as regards the exact terms 
in which revision of the four Conventions should be undertaken.

Mr. Oersted said that according to the Governments' replies, it would appear 
that they were not very much in favour of revision. If those Governments whose 
replies appeared in the two notes submitted to the Governing Body were alone taken 
into account, there would appear to be a slight majority against revision.

In his view, the question was not yet ripe to be dealt with in a satisfactory way. 
He had listened with interest to the statement made by Mr. Ruiz Guíñazú, who had 
said that the Argentine Government agreed to the principle of revision, but reserved 
the right to discuss the details of the revision. Personally, he was not sure whether 
it was possible for a member of the Governing Body to reserve his attitude as regards 
the details. According to the procedure as he understood it, the Governing Body 
was now called upon to define exactly the question or questions which it would place 
on the agenda of the Conference. In these circumstances, it was doubtful whether 
the Conference could subsequently consider the reservations which certain countries 
might make, or the clauses which other Governments might wish to include in the 
Conventions when they were revised, as the British Government apparently desired 
to do.

In view of the replies received from Governments, he did not think it was desirable 
to decide at present to revise the Minimum Age Conventions.
M. Kupers ne peut accepter la thèse de M. Oersted. En effet, dans le cas présent, il ne s’agit pas d’une revision comparable à celle de la convention concernant la protection des travailleurs occupés au chargement et au déchargement des bateaux contre les accidents, ou à celle de la convention concernant la durée du travail dans les mines de charbon; la revision de ces deux conventions s’imposait en raison des difficultés suscitées par leur application. Pour les conventions concernant l’âge minimum d’admission au travail, la situation est différente. Ces conventions ont été ratifiées par un certain nombre de pays et appliquées sans aucune difficulté. Par contre, il s’est trouvé que la Conférence, à sa session de 1935, a adopté sans opposition une résolution invitant le Conseil à examiner d’urgence l’opportunité d’inscrire à l’ordre du jour d’une prochaine session de la Conférence la revision des quatre conventions. Par conséquent, le Conseil aurait pu inscrire la revision de ces conventions à l’ordre du jour de la présente session de la Conférence. Il ne l’a pas fait, mais il n’en reste pas moins urgent et justifié de donner suite à ce vœu de la Conférence.

La revision d’une convention peut, d’ailleurs, avoir lieu en une seule discussion; d’autre part, en procédant à la revision et non à l’élaboration d’une convention nouvelle, on éviterait de se trouver en présence de deux conventions dont l’une fixe l’âge d’admission à 14 ans tandis que la seconde prescrirait l’âge de 15 ans. Des réponses reçues des Gouvernements, il se dégage une majorité en faveur de la revision qui constituerait un moyen de remédier au chômage, tout comme l’élévation de l’âge auquel cesse la fréquentation scolaire obligatoire, la réduction de la durée du travail et l’abaissement de l’âge à partir duquel sont octroyées les pensions de vieillesse.

M. Schürch estime comme M. Kupers que, d’après les réponses des Gouvernements, il est possible de décider la revision des quatre conventions si même certains Gouvernements n’ont pas formulé d’opinion très nette. Il demande à quelle session de la Conférence la question de la revision serait inscrite. Pour sa part, il proposerait la session de 1937, notamment pour la convention concernant l’âge d’admission aux travaux industriels. Pour la convention relative au travail agricole, la question de la date est peut-être plus difficile à régler étant donné le travail préparatoire qui reste à faire. Quant à la revision de la convention relative au travail maritime, elle devrait être opérée le plus tôt possible.

Le Directeur répond que pour la convention concernant l’âge d’admission au travail maritime, il paraissait entendu que la revision serait inscrite à l’ordre du jour de la deuxième session maritime de la Conférence dont la convocation a été envisagée pour le 22 octobre 1936. Pour la revision des conventions concernant l’âge d’admission aux travaux industriels et aux travaux non industriels, il estime comme M. Schürch que ces questions pourraient être inscrites à l’ordre du jour de la Conférence de 1937. Par contre, pour la convention relative au travail agricole, un plus long délai est nécessaire.

De toute manière, il estime que le Conseil pourrait provisoirement laisser de côté la question de la revision de la convention concernant l’âge d’admission au travail dans l’agriculture, étant donné que la Commission du travail agricole qui a procédé à un premier examen de la question a suggéré un remaniement complet de cette convention. Une telle opération nécessite une préparation approfondie qui ne pourrait en aucun cas être achevée en 1937 et le serait au plus tôt pour 1938.

Miss Miller (suppléante de M. Rice) déclare que le Gouvernement des Etats-Unis appuie chaleureusement la proposition de revision des quatre conventions concernant l’âge d’admission au travail en vue d’élèver l’âge minimum qui y est prévu. Toutefois, le Gouvernement des Etats-Unis acceptera la suggestion du Directeur de ne faire procéder à la revision des quatre conventions qu’à des dates différentes, suivant les possibilités.

Le Gouvernement des Etats-Unis adopte cette attitude sur la base des expériences qu’il a réalisées. Tout d’abord, grâce à la loi sur le redressement industriel national, il a pu supprimer presque entièrement le travail des enfants de moins de 16 ans. Mais son expérience ne se borne pas à cela et porte sur un grand nombre d’années. Depuis longtemps on travaille aux Etats-Unis à l’élévation de l’âge d’admission au travail
Mr. Kupers said that he could not agree with Mr. Oersted's view. What was now contemplated was not a revision comparable to that of the Convention concerning the protection against accidents of workers employed in loading or unloading ships, or the Convention concerning hours of work in coal mines. It had been necessary to revise those two Conventions on account of the difficulties to which their application gave rise. The position with regard to the Minimum Age Conventions was, however, different. These Conventions had been ratified by a certain number of countries, and their application had given rise to no difficulties. On the other hand, the Conference had at its 1935 Session adopted without opposition a resolution requesting the Governing Body to consider as an urgent matter the desirability of placing the revision of the four Conventions on the agenda of an early session of the Conference. The Governing Body could thus have placed the revision of those Conventions on the agenda of the present session of the Conference. It had not done so, but this did not make it any less urgent or justifiable to give effect to the desire expressed by the Conference.

The revision of a Convention could moreover be carried out by way of a single discussion; and further, if the Conference revised the Conventions instead of drawing up a new Convention, it would prevent the co-existence of two Conventions, one fixing the age of admission at 14 and the other at 15.

The Governments' replies showed a majority in favour of revision, which would provide a remedy for unemployment, together with the raising of the school-leaving age, the reduction of hours of work and the lowering of the age at which old-age pensions became payable.

Mr. Schürch agreed with Mr. Kupers that in view of the Governments' replies it was possible to decide on the revision of the four Conventions, even though certain Governments had not expressed any very definite opinion.

He asked which session of the Conference would be asked to consider the question of revision. Personally, he would propose the 1937 Session, more particularly as regards the Minimum Age (Industry) Convention. The question of the date was perhaps rather more difficult to settle in the case of the Minimum Age (Agriculture) Convention, in view of the preparatory work which still had to be done. The revision of the Minimum Age (Sea) Convention should be undertaken as soon as possible.

The Director replied that as regards the Minimum Age (Sea) Convention he thought it had been understood that revision should be placed on the agenda of the second maritime session of the Conference which it had been proposed to call on 22 October 1936.

As regards the Minimum Age (Industry) and the Minimum Age (Non-Industrial Employment) Conventions, he agreed with Mr. Schürch that revision might be placed on the agenda of the 1937 Session of the Conference. A longer time would however have to be allowed in the case of the Minimum Age (Agriculture) Convention.

He suggested that the Governing Body should for the moment leave out of consideration the revision of the Minimum Age (Agriculture) Convention because the Committee on Agricultural Work, which had made a preliminary study of the question, had suggested that the Convention should be completely remodelled. This would require careful preparation, which could in any case not be completed in 1937, but at the earliest in 1938.

Miss Miller (substitute for Mr. Rice) said that the Government of the United States of America was in hearty accord with the proposal to revise the four Minimum Age Conventions with a view to raising the minimum age laid down in them. The Government of the United States, however, agreed to the Director's suggestion that the four Conventions should be revised at different dates in accordance with the possibilities of the case.

The United States Government adopted this attitude on the basis of its own experience. Under the National Recovery Act it had been able almost entirely to eliminate the employment of children under the age of 16. Its experience was not however confined to that period, but was much longer. Work had been done in the United States for many years past to secure the raising of the minimum age of admission of
des enfants. On a considéré que pour le bien même de la jeunesse et pour la prospérité du pays tout entier, il fallait profiter de l'augmentation de la productivité dans l'industrie pour permettre à tous les jeunes gens de se préparer de façon beaucoup plus continue et plus approfondie à la tâche difficile à laquelle ils sont appelés ultérieurement.

Ainsi donc, le Gouvernement des États-Unis se prononce nettement en faveur de la révision des quatre conventions en vue de porter de 14 à 15 ans l'âge qui y est prévu. Il tiendrait cependant à ce que la révision portât sur d'autres points encore que l'élévation de l'âge d'admission. Par exemple, la convention concernant l'âge d'admission aux travaux non industriels comporte, quant à l'application et au contrôle, des dispositions beaucoup plus précises et efficaces que les conventions antérieures. Il serait désirable que l'on profitât de l'occasion de la révision pour introduire dans les autres conventions relatives à l'âge d'admission des dispositions correspondantes, qui pourraient d'ailleurs utilement être complétées. Il conviendrait notamment de prévoir que les moyens d'identification déjà envisagés par l'article 7, § b), de la convention relative aux travaux non industriels comprendront au moins la tenue, par chaque employeur, d'un registre de tous les jeunes gens de moins de 18 ans qu'il occupe, registre dans lequel devraient être mentionnés les dates de naissance de ces jeunes gens ainsi que l'enseignement scolaire qu'ils ont reçu.

La révision devrait également porter sur l'article 2 des conventions s'appliquant aux travaux industriels, au travail maritime et aux travaux non industriels. Cet article prévoit actuellement la fixation d'un âge minimum d'admission au travail dans les diverses branches d'activité prévues dans chacune des conventions. Or, si l'on considère que c'est en vue du développement normal des jeunes gens que l'on interdit leur admission au travail au-dessous d'un certain âge, il conviendrait que l'on inscrivît dans la convention le principe même de la protection des enfants.

En outre, dans les conventions s'appliquant aux travaux industriels et au travail maritime, l'article 2 contient une clause relative à l'emploi des membres d'une même famille, qui pourrait être modifiée en tenant compte de la rédaction d'une clause analogue figurant dans le § 3 de l'article premier de la convention s'appliquant aux travaux non industriels.

Cette dernière convention comprend, dans son article 6, in fine, une clause qui limite la portée de cet article 6 au cas où « ces emplois sont exercés dans des conditions qui justifient qu'un âge plus élevé soit fixé ». Cette clause n'est pas très claire, mais sa portée est évidemment un affaiblissement de l'article 6; de toute manière, il conviendrait que cet article s'appliquât aux jeunes gens travaillant pour leur propre compte à des étalages extérieurs ou dans les professions ambulantes; il faut à cet égard songer aux jeunes gens qui achètent des journaux et des illustrés aux éditeurs, qui supportent ainsi la charge entière de la récupération des fonds mis dans leurs achats et qui sont, de cette manière, entièrement soustraits aux dispositions légales relatives à la limitation de la durée du travail et de l'interdiction du travail de nuit.

Dans ces conditions, elle propose au Conseil d'administration de prendre les dispositions suivantes :

1. Le Conseil d'administration se prononce en faveur de la révision des quatre conventions relatives à l'âge minimum d'admission au travail.

2. Il décide d'inscrire la révision de la convention no 7 (maritime) à l'ordre du jour de la vingt-deuxième session de la Conférence (22 octobre 1936), cette révision devant porter sur l'élévation de l'âge minimum, la refonte de l'article 2, de manière qu'il énonce le principe général de la protection des jeunes gens qui est à la base de la convention, et la révision de l'article 4 dans les conditions indiquées précédemment.

3. Il renvoie la révision de la convention no 10 (agriculture) à la Commission du travail agricole pour étude et rapport, en vue de son insertion à l'ordre du jour de la session annuelle de la Conférence de 1938.

4. Il inscrit la révision des conventions no 5 (industrie) et 33 (commerce) à l'ordre du jour de la vingt-troisième session de la Conférence, et charge le Bureau de préparer un rapport sur ces points devant faire l'objet de la révision.

M. Schürch précise que, tout en reconnaissant que la préparation de la révision, dans le cas de la convention s'appliquant au travail agricole, nécessitera plus de
children to employment. It had been thought that it was for the welfare of young people and for the welfare of the country as a whole that advantage should be taken of the greater productivity of industry to give all children longer and fuller preparation for the difficult life which was before them.

The United States Government was therefore heartily in favour of the revision of the four Conventions with a view to raising the minimum age laid down in them from 14 to 15. It would however wish revision to deal with other points as well as the raising of the age of admission to employment. For example, Convention No. 33 concerning the age of admission to non-industrial employment contained much more carefully worked out provisions for supervision and enforcement than the previous Conventions. It would be desirable to take the opportunity of revision to introduce corresponding provisions into the other Minimum Age Conventions. These provisions might, in addition, usefully be supplemented. In particular it should be laid down that the means of identification at present provided by Article 7 (b) of the Convention concerning non-industrial employment should include at least the keeping by each employer of a register of all young persons under the age of 18 in his employment. The register should mention the date of birth of the young persons in question, as well as particulars of their school record.

Revision should also cover Article 2 of the Conventions relating to industrial employment, employment at sea, and non-industrial employment. That article at present fixed the minimum age for admission to employment in the various occupations mentioned in each Convention. If, however, it were agreed that the welfare of young persons was the primary reason for prohibiting their employment below a certain age, it would appear desirable to lay down the actual principle of child welfare in the Convention.

In addition, the present Article 2 of the Conventions relating to industrial employment and employment at sea contained a clause relating to the employment of members of the same family. It would be desirable to revise this clause on the lines of the similar clause in paragraph 3 of Article 1 of the Convention relating to non-industrial employment.

Article 6 of the latter Convention included a final clause limiting the scope of that article in occupations in cases where the conditions of such employment require that a higher age should be fixed. This clause was not quite clear, but its effect was apparently to weaken Article 6. In any case, that article should apply to young persons working independently at stalls outside shops or in street trading. This would include children who bought newspapers and magazines from the publishers and were entirely responsible for recovering the money invested in these purchases, thus being entirely outside the scope of the legislation limiting hours of work and prohibiting night work.

She accordingly proposed that the Governing Body should adopt the following proposals:

1. The Governing Body favours revision of the four Minimum Age Conventions.

2. It places revision of Convention 7 (Sea), on the agenda of the Twenty-second Session of the Conference (22 October 1936), the revision to cover the raising of the minimum age; the rewriting of Article 2 so that it states the general principle of the welfare of young persons on which the Convention is based and the revision of Article 4 as previously stated.

3. It refers the revision of Convention 10 (Agriculture) to the Committee on Agricultural Work, for study and report, with a view to its inclusion in the agenda of the annual session of the Conference of 1938.

4. It places revision of Conventions 5 (Industry) and 33 (Commerce, etc.) on the agenda of the Twenty-third Session of the Conference, the Office to prepare a report on points for revision.

Mr. Schürch said that while he recognised that the preparatory work for the revision of the Minimum Age (Agriculture) Convention would require more time than
temps que pour les autres conventions, puisqu'il s'agit de procéder à un remaniement complet de la convention, il est néanmoins convaincu que cette préparation prolongée n'oblige pas le Conseil à ajourner à 1938 l'inscription à l'ordre du jour de la Conférence de la revision de cette convention. En effet, le Bureau a déjà envisagé cette question d'une manière approfondie. A la dernière réunion de la Commission du travail agricole, les suggestions faites par le Bureau ont été étudiées très attentivement et plusieurs membres de la Commission ont exprimé l'avis qu'il était parfaitement possible d'inscrire à l'ordre du jour de la session de 1937 de la Conférence la revision complète de la convention. S'il insiste sur ce point, c'est parce qu'on estime, du côté ouvrier, qu'il conviendrait de traiter parallèlement l'élévation de l'âge d'admission au travail dans l'agriculture et aux autres catégories de travaux. Si, comme le Directeur l'a indiqué à une précédente séance, il est difficile d'inscrire dans une même convention la limitation de l'âge d'admission aux travaux industriels et dans l'agriculture, il est néanmoins nécessaire de traiter parallèlement ces deux problèmes, de manière à ne pas donner au monde agricole l'impression que les questions qui l'intéressent sont laissées de côté. Afin d'éviter qu'un tel sentiment se fasse jour chez les travailleurs de l'agriculture, il estime que le Conseil examine la possibilité d'envisager la revision de la convention concernant le travail agricole dans les mêmes délais que ceux prévus pour la revision des autres conventions concernant l'âge d'admission au travail.

M. Oersted rappelle que le Conseil doit, à sa présente séance, définir exactement la ou les questions qu'il inscrit à l'ordre du jour de la Conférence. Or, il constate que le Directeur n'a pas indiqué quels étaient exactement les points sur lesquels devrait porter la revision. Par contre, la représentante du Gouvernement des États-Unis a mentionné toute une série de points qui devraient, à son avis, être compris dans la revision. A défaut d'indication précise au sujet de ces points, il se demande si le Conseil est pour l'instant en mesure de prendre la décision que comporterait le cours normal de la procédure réglementaire.

En tout cas, il demande au Directeur s'il peut soumettre au Conseil des suggestions précises non seulement quant à l'élévation de l'âge d'admission, mais également quant aux autres questions dont il faudrait tenir compte lors de la revision.

Il ne croit en tout cas pas que l'on puisse donner satisfaction à M. Schürch. En effet, plus encore que pour les trois autres conventions, il faut préciser les points sur lesquels portera la revision de la convention concernant le travail agricole, ce qui est actuellement impossible, même de l'avis du Bureau. Il considère lui-même qu'il est dans l'intérêt des travailleurs de l'agriculture que la question de l'élévation de l'âge d'admission au travail agricole soit posée seulement après avoir fait l'objet d'un examen approfondi par le Bureau et par la Commission du travail agricole. Au surplus, la revision de la convention portant sur le travail agricole devra dépasser le cadre d'une simple revision et aller jusqu'à une refonte complète.

M. Forbes Watson estime que, de toute évidence, il est prématuré de procéder actuellement à la revision des quatre conventions. Toutefois, ce n'est pas cette question générale qu'il se propose de traiter. Il tiendrait en premier lieu à avoir des précisions sur la procédure qui va être suivie. A son avis, le Conseil ne peut se prononcer sur la revision de la convention portant sur le travail maritime avant d'avoir pris une décision sur la revision des conventions concernant les travaux industriels et les travaux non industriels. En effet, les armateurs ont nettement indiqué qu'ils ne pourraient envisager la revision de la convention sur le travail maritime que si une réforme analogue était opérée pour les conventions s'appliquant à d'autres branches d'activité.

D'autre part, il serait nécessaire de préciser les termes dans lesquels la revision sera inscrite à l'ordre du jour, et par conséquent la portée de cette revision. D'après la note soumise au Conseil, la revision comporterait l'élévation de l'âge minimum de 14 à 15 ans ainsi que, éventuellement, la revision correspondante des dérogations prévues dans les conventions. Il faudrait savoir ce qu'on entend exactement par «élévation de l'âge minimum de 14 à 15 ans ». Cette expression signifie sans doute que l'âge d'admission ne pourra être élevé à plus de 15 ans. Par contre, sera-t-il
that for the other Conventions, since it was proposed to remodel the former Convention completely, he was nevertheless convinced that this greater amount of preparatory work would not compel the Governing Body to adjourn the placing of the revision of this Convention on the agenda of the Conference until 1938. The Office had already made a careful study of this question. At the last meeting of the Committee on Agricultural Work, the suggestions made by the Office had been studied very carefully, and several members of the Committee had expressed the view that it would be quite possible to place the total revision of the Convention on the agenda of the 1937 Session.

His reason for stressing this point was that the workers' group considered that the raising of the age of admission to employment should be dealt with on parallel lines as regards agriculture and as regards other forms of employment. Although it might, as the Director had said at a previous meeting, be difficult to lay down a minimum age of admission to industrial employment and to employment in agriculture in one and the same Convention, it was nevertheless necessary that the two problems should be dealt with on parallel lines so that agricultural circles might not be given the impression that the questions which concerned them were neglected. In order to prevent any such impression being produced on the agricultural workers, he urged that the Governing Body should consider whether it was possible to contemplate the revision of the Convention applying to agriculture at the same time as the other Minimum Age Conventions.

Mr. Oersted pointed out that the Governing Body was called upon at its present sitting to define exactly the question or questions which it would place on the agenda of the Conference. The Director had not, however, stated exactly what were the points with which revision was to deal. The representative of the United States Government had, however, mentioned a number of points which in her view should be included in the revision. In the absence of any precise information regarding these points he doubted whether the Governing Body was as yet in a position to take the decision which would be necessary under the regular procedure.

In any case he asked the Director whether he could give the Governing Body any definite suggestions, not only with regard to the raising of the age of admission, but also with regard to the other questions which should be borne in mind with a view to revision.

It did not appear to him possible to give satisfaction to the request of Mr. Schürch. In the case of the Minimum Age (Agriculture) Convention it was even more necessary than in the case of the other three Conventions to define the points with which revision was to deal. In the view of the Office itself, however, this could not be done at the present stage. His own view was that it was in the interests of agricultural workers that the question of the raising of the minimum age of admission to employment in agriculture should not be discussed until it had been carefully studied by the Office and the Committee on Agricultural Work. Moreover, the revision of the Convention relating to agriculture would have to go beyond the scope of an ordinary revision and amount to complete remodelling.

Mr. Forbes Watson said that it was clearly premature to revise the four Conventions at present. He did not, however, propose to deal with this general question. He wished in the first place to have explanations concerning the procedure which was to be followed. In his view the Governing Body could not come to a decision as regards the revision of the Minimum Age (Sea) Convention until it had come to a decision on the revision of the Conventions relating to industrial and non-industrial employment. The shipowners had clearly stated that they could not contemplate revision of the Minimum Age (Sea) Convention unless the other Minimum Age Conventions were to be revised.

It would also be necessary to define the terms in which revision was to be placed on the agenda, since these determined the scope of revision. According to the note before the Governing Body, the revision would include the raising of the minimum age from 14 to 15 years and any related revision of the exceptions provided in the Conventions. It was necessary to know exactly what was meant by the words "raising of the minimum age from 14 to 15". Presumably this meant that the age of admission could not be raised higher than 15 years. He would, however, like to know whether
possible de le fixer à 14 ans 1/2, ou à 15 ans sous certaines réserves ou conditions ou avec certaines exceptions. Sans doute est-ce de cette manière que l’envisagent ceux des membres du Conseil qui pourraient accepter en principe la révision des quatre conventions. C’est en tout cas une question fondamentale et il tiendrait, avant le vote, à ce que le Directeur indiquât nettement que la Conférence ne pourra élever l’âge d’admission à plus de 15 ans, mais que, par contre, des propositions intermédiaires pourront être présentées et que telles exceptions, réserves et conditions pourront être insérées que la Conférence jugerait à propos d’adopter.

Le Directeur reconnaît qu’il est nécessaire de préciser avant toute décision les questions sur lesquelles le Conseil va devoir se prononcer.

Il examinera tout d’abord le cas des deux conventions visant les travaux industriels et les travaux non industriels. A sa 74ème session, le Conseil d’administration a décidé qu’il convenait d’envisager l’inscription à l’ordre du jour de la Conférence de la révision partielle de ces conventions, cette révision devant porter sur l’élevation de 14 à 15 ans de l’âge d’admission qui y est prévu. Il serait naturellement loisible à tous les délégués à la Conférence de proposer des modifications à la convention qui leur paraîtraient découlées de la modification principale envisagée par le Conseil d’administration.

La proposition faite par Miss Miller dépasse le champ de cette révision partielle. En effet, d’après cette proposition, il s’agirait d’une révision totale et même d’une transformation complète des conventions, puisque les conventions ne devraient pas porter sur la seule question de l’âge minimum d’admission au travail, mais sur celle de la protection de la jeunesse, ce qui est une question entièrement différente. Evidemment Miss Miller, aux termes du paragraphe 7 de l’article 7bis du règlement du Conseil, a la faculté de présenter une proposition de cette nature, puisque cette disposition du règlement prévoit que le Conseil «... en tenant compte des réponses des Gouvernements définit exactement la ou les questions qu’il inscrit à l’ordre du jour de la Conférence ». Par conséquent, à la suite des réponses faites par certains Gouvernements, le Conseil est parfaitement libre de modifier ses propositions primitives. Il tient cependant à préciser que le Conseil se trouve, à la suite de la proposition de Miss Miller, en présence d’une proposition de révision totale des conventions alors que, primitivement, il n’avait envisagé qu’une révision partielle.

Pour la convention concernant l’âge d’admission au travail maritime, la situation est parfaitement nette. Il s’agirait simplement d’une révision de l’âge minimum d’admission. Cette révision serait, comme il l’a déjà indiqué, effectuée par la Conférence à la deuxième session maritime qui se tiendra au mois d’octobre 1936.

Pour la convention concernant l’âge d’admission au travail dans l’agriculture, la situation est plus complexe. Primitivement, il avait été question d’une simple élévation de l’âge d’admission tout comme pour les trois autres conventions. Cependant, la Commission du travail agricole a signalé qu’une telle mesure ne serait pas entièrement satisfaisante et que, afin de faire porter cette convention non sur l’obligation scolaire, comme c’est le cas actuellement, mais sur l’âge minimum d’admission au travail, il faudrait procéder à une refonte complète, ce qui revient en somme à faire adopter une convention nouvelle. C’est là évidemment une tâche beaucoup plus complexe. Aussi bien ne peut-il se déclarer d’accord avec M. Schürch; à son avis, il n’est guère possible d’achever les travaux préparatoires nécessaires à une refonte complète de cette convention pour 1937; il serait donc préférable de n’envisager l’inscription de cette question que pour la session de 1938 de la Conférence.

Au cas où le Conseil en jugerait ainsi et se bornerait à statuer actuellement sur la révision des autres conventions, il devrait, croit-il, se demander s’il est indispensable de définir dès à présent la portée exacte de cette révision pour ce qui concerne les travaux industriels et non industriels, et s’il ne serait pas possible de se limiter à une décision de principe. En effet, comme l’a rappelé M. Forbes Watson, tant les marins que les armateurs ont indiqué qu’ils ne seraient disposés à envisager la révision de la convention concernant le travail maritime que si la Conférence était appelée à procéder à une réforme analogue pour les conventions s’appliquant au travail à terre. Il lui semble, dans ces conditions, que le Conseil pourrait se prononcer dès à présent sur le principe de la révision des conventions concernant les travaux industriels et non industriels, en ajoutant à sa session d’automne la fixation exacte des points sur lesquels
it would be in order to raise it to 14½, or to 15 years subject to certain conditions and reservations or with certain exceptions. That was no doubt the view of those members of the Governing Body who had said that they could agree in principle to the revision of the four Conventions. The question was in any case a fundamental one, and before the vote was taken he asked the Director to state clearly that the Conference would not be entitled to raise the age of admission above 15 years, but that intermediate proposals could be submitted and such exceptions, reservations or conditions might be inserted as the Conference might think fit.

The Director said that it was certainly necessary, before a decision was taken, to define clearly the questions which the Governing Body had to settle.

He would deal first of all with the two Conventions applying to industry and non-industrial employment. The Governing Body had at its Seventy-fourth Session decided to consider placing on the agenda of the Conference the revision in part of these Conventions. Revision was to apply to the raising of the age of admission mentioned in the Conventions from 14 to 15. It would of course be open to any delegate at the Conference to propose any amendments of the Convention which they might consider necessary as a result of the main modification contemplated by the Governing Body.

The proposal which Miss Miller had made went beyond the partial revision of the Convention. Her proposal would involve the total revision and indeed the complete recasting of the Conventions. She proposed that they should not relate solely to the minimum age of admission to employment, but should deal with child welfare, which was an entirely different question. It was of course open to Miss Miller, under paragraph 7 of Article 7(a) of the Standing Orders of the Governing Body, to make this proposal, since the clause in question stated that "the Governing Body shall... taking into account the replies of the Governments, define exactly the question or questions which it places on the agenda of the Conference." Thus the Governing Body was perfectly free to modify its original proposals as a result of the replies received from certain Governments. It should, however, be noted that as a result of Miss Miller's proposal the Governing Body had before it a proposal for the total revision of the Conventions, whereas originally it had merely contemplated partial revision.

As regards the Minimum Age (Sea) Convention the position was perfectly clear. All that was proposed was to revise the minimum age of admission. This would, as he had already pointed out, be done by the Conference at the second maritime session to be held in October 1936.

As regards the Minimum Age (Agriculture) Convention the situation was not so simple. Originally it had been proposed simply to raise the age of admission as in the case of the other three Conventions. The Committee on Agricultural Work had however pointed out that such a measure would not be completely satisfactory, and that if the Convention were to deal with the minimum age of admission to employment and not, as at present, simply with the conditions of school attendance, it would have to be completely remodelled. This would in fact amount to adopting a new Convention. Obviously this was a much more difficult matter. He was therefore unable to agree with Mr. Schürch that the necessary preparatory work for a complete recasting of this Convention could be carried out by 1937. Thus it would be preferable not to contemplate placing this question on the agenda of an earlier session than the 1938 Session of the Conference.

If the Governing Body agreed with this view and thought it sufficient at present to take a decision concerning the revision of the other Conventions, it might well consider whether it was really necessary to define the exact scope of revision at once as regards industrial and non-industrial employment, or whether a decision of principle would not be sufficient. As Mr. Forbes Watson had pointed out, both the seamen and shipowners had stated that they were not prepared to contemplate revising the Convention relating to employment at sea unless the Conference was also revising the Conventions relating to employment on land. He accordingly considered that the Governing Body might decide at once on the principle of revision of the Conventions relating to industrial and non-industrial employment, and might adjourn the fixing of the exact points to which revision should refer until its autumn session. This would
devra porter la révision. Ainsi répondrait-on au désir formulé par les armateurs et les marins, puisque, le principe de la révision en vue de l'élévation de l'âge minimum étant acquis, il ne resterait plus au Conseil, à sa session de novembre, qu'à examiner s'il convient de procéder à une révision des deux conventions en question plus étendue que celle qui est prévue pour la convention concernant le travail maritime.

**M. Serrarens** tient à relever l'interprétation donnée par M. Forbes Watson de l'expression « élévation de l'âge minimum de 14 à 15 ans ». D'après M. Forbes Watson, une révision des conventions sur ce point pourrait avoir pour effet de fixer l'âge d'admission à un âge intermédiaire entre 14 et 15 ans. Il s'oppose formellement à une telle interprétation. Lorsque la Conférence a, en 1935, adopté la résolution tendant à la révision des conventions concernant l'âge minimum et qu'elle a prévu l'élévation de cet âge de 14 à 15 ans, c'est parce que, à ce moment, la Commission de la Conférence, qui avait abordé le problème du chômage des jeunes gens, avait estimé qu'il n'était pas possible d'aller jusqu'à 16 ans. Par conséquent, on ne saurait accepter la thèse de M. Forbes Watson d'après laquelle l'âge d'admission pourrait être fixé entre 14 et 15 ans, et si la révision est décidée, celle-ci devra porter sur l'élévation de l'âge minimum jusqu'à 15 ans.

*Miss Miller* (suppléante de M. Rice) s'estimera entièrement satisfaite si le Conseil décide pour l'instant d'inscrire à l'ordre du jour de la session de 1937 de la Conférence la révision des deux conventions concernant les travaux industriels et les travaux non industriels, en ajoutant à sa session d'automne sa décision relative aux points précis sur lesquels devra porter cette révision.

Evidemment il serait désirable que, lors de la révision de la convention concernant le travail maritime, on modifiât l'article 4 de manière à introduire dans cette convention la rédaction meilleure qui figure dans la convention relative aux travaux non industriels. Cependant, en raison de la nécessité de fixer dès à présent les points sur lesquels portera la révision de la convention concernant le travail maritime, elle n'insistera pas sur sa proposition.

**M. Forbes Watson** constate qu'il est toujours difficile de savoir quelle est la portée exacte des décisions de principe. Pour la convention concernant le travail maritime, on va décider une révision partielle portant sur l'élévation de l'âge d'admission de 14 à 15 ans, avec éventuellement une révision correspondante des dérogations prévues dans la convention. Or, d'après M. Serrarens, la révision serait limitée à la substitution de l'âge minimum de 15 ans à celui de 14 ans. Si tel est le cas il aimerait le savoir formellement avant que le Conseil soit appelé à voter. Le Directeur a indiqué que les délégués à la Conférence auraient évidemment toute latitude de proposer les modalités de cette élévation. Il en conclut pour sa part que l'on pourra proposer dans certains cas la fixation de l'âge d'admission à 14 ans 1/2 ou 14 ans 3/4. Toutefois, s'il s'agissait strictement d'une élévation de l'âge minimum de 14 à 15 ans sans possibilités intermédiaires, et si la Conférence ne pouvait pas insérer d'exceptions, réserves ou conditions, il serait indispensable de le préciser dès à présent pour éviter toute équivoque dans les travaux de la Conférence.

**M. Schürch** reconnaît, après les explications données par le Directeur, qu'il serait difficile de procéder dès 1937 à la révision de la convention concernant l'âge minimum des enfants au travail agricole. Il insiste par contre pour que la révision de cette convention figure à l'ordre du jour de la session de 1938 de la Conférence.

Le **Directeur** indique, en réponse aux questions posées par M. Forbes Watson, que le Conseil d'administration va être appelé à décider l'inscription à l'ordre du jour de la Conférence de 1937 de la révision des deux conventions concernant l'âge d'admission aux travaux industriels et aux travaux non industriels, en ajoutant à sa session d'automne sa décision sur le libellé exact des questions devant figurer à l'ordre du jour de la Conférence.

Quant à la deuxième question de M. Forbes Watson relative à la possibilité de proposer des âges d'admission intermédiaires, il y répondra en donnant lecture du
meet the desire expressed by the shipowners and seamen, since it would mean that the principle of revision with a view to raising the minimum age was accepted, and all that the Governing Body would have to do at its November Session would be to consider whether the revision of the two Conventions in question should be more far-reaching than that proposed for the Convention concerning employment at sea.

Mr. Serrarens drew attention to the interpretation which Mr. Forbes Watson had given of the expression “raising of the minimum age from 14 to 15”. In Mr. Forbes Watson’s view the revision of the Conventions on this point might result in fixing an age of admission intermediate between 14 and 15 years. He was definitely opposed to such an interpretation. When the Conference had, in 1935, adopted the resolution proposing revision of the Minimum Age Conventions, and had proposed that the age should be raised from 14 to 15, its reason for doing so was that the Committee of the Conference which had discussed the problem of unemployment among young persons had considered that it was not possible to go as far as 16 years. He was therefore unable to agree with Mr. Forbes Watson’s view that the age of admission might be fixed between 14 and 15. If revision were decided on, the minimum age should be raised to 15.

Miss Miller (substitute for Mr. Rice) said that she would be quite satisfied if the Governing Body decided immediately to place on the agenda of the 1937 Session of the Conference the revision of the two Conventions applying to industrial and non-industrial employment, and adjourned until its autumn session its decision as regards the exact points with which revision was to deal.

It would of course be desirable if, when the Convention relating to employment at sea was revised, Article 4 could be modified in such a way as to include the more satisfactory drafting which appeared in the Convention relating to non-industrial employment. In view, however, of the necessity of deciding at once on the points with which revision of the Minimum Age (Sea) Convention was to deal, she would not press this point.

Mr. Forbes Watson said that it was always difficult to know exactly what decisions of principle meant. As regards the Conventions relating to employment at sea, the Governing Body was about to decide on partial revision with a view to raising the age of admission from 14 to 15 years, with the possibility of a corresponding revision of the exceptions laid down in the Convention. According to the view of Mr. Serrarens, revision would be limited to the substitution of 15 years for 14 as the minimum age. He would like to know definitely whether that was the case before the Governing Body took a vote. The Director had said that delegates at the Conference would of course be quite free to propose consequential amendments. He concluded from this that it would be possible to propose the fixing of the minimum age at 14 1/2 or 14 3/4. If, however, the only thing which the Conference could do was to raise the minimum age from 14 to 15 and not to any intermediate age, and if the Conference could not attach exceptions, reservations or conditions, this should be made clear at present in order to avoid any doubt when the Conference met.

Mr. Schürch said that in view of the Director’s explanations he realised that it would be difficult to revise the Minimum Age (Agriculture) Convention in 1937. He urged, however, that the revision of this Convention should be placed on the agenda of the 1938 Session of the Conference.

The Director said in reply to Mr. Forbes Watson’s questions that the Governing Body was to be asked to decide whether to place on the agenda of the 1937 Session of the Conference the revision of the two Conventions concerning the age of admission to industrial and non-industrial employment, and to adjourn until its autumn session its decision as regards the exact terms of the question to be placed on the agenda of the Conference.

As regards Mr. Forbes Watson’s second question relating to the possibility of proposing an intermediate age of admission, he would reply by reading the exact
libellé exact de la question qui serait inscrite à l'ordre du jour de la deuxième session maritime de la Conférence :

« Revision partielle de la convention de l'âge minimum (travail maritime) 1920, sur les points suivants :

1° Elévation de l'âge minimum de 14 à 15 ans et revision correspondante des dérogations prévues dans la convention ;

2° Substitution aux articles 5 à 12 de la convention de 1920 des clauses de style qui figureront dans les autres projets de convention soumis à la vingt et unième session de la Conférence. »

M. Forbes Watson regrette de devoir insister. Il tient à savoir s'il sera loisible aux délégués à la Conférence de présenter des amendements dans les conditions qu'il a indiquées.

Le Directeur répond affirmativement.
A propos de la question posée par M. Schürch, il précise qu'il accepte l'idée d'inscrire à l'ordre du jour de la session de 1938 de la Conférence la revision de la convention s'appliquant au travail agricole.

Par 23 voix sans opposition, le Conseil décide d'inscrire à l'ordre du jour de la session de 1937 de la Conférence la question de la revision totale ou partielle de la convention fixant l'âge minimum d'admission des enfants aux travaux industriels.

Par 24 voix sans opposition, le Conseil décide d'inscrire à l'ordre du jour de la session de 1937 de la Conférence la question de la revision totale ou partielle de la convention concernant l'âge d'admission des enfants aux travaux non industriels.

Il renvoie à sa session d'automne sa décision sur le libellé exact des questions qui figureront à cet égard à l'ordre du jour de la session de 1937 de la Conférence.

Par 21 voix sans opposition, le Conseil décide d'inscrire à l'ordre du jour de la vingt-deuxième session (maritime) de la Conférence, qui s'ouvrira le 22 octobre 1936, la question suivante :

« Revision partielle de la convention de l'âge minimum (travail maritime) 1920, sur les points suivants :

1° Elévation de l'âge minimum de 14 à 15 ans et revision correspondante des dérogations prévues dans la convention ;

2° Substitution aux articles 5 à 12 de la convention de 1920 des clauses de style qui figureront dans les autres projets de convention soumis à la vingt et unième session de la Conférence. »

Le Conseil décide d'ajourner à sa session d'automne 1936 sa décision au sujet de la revision de la convention sur l'âge d'admission des enfants au travail dans l'agriculture.

Troisième question à l'ordre du jour.

Rapport de la Commission du règlement (suite).

Le Président rappelle que le Conseil d'administration doit maintenant déterminer les règles d'après lesquelles devra avoir lieu l'élection du Président lors de la session d'automne 1936.

M. Schürch déclare que le groupe ouvrier maintient sa proposition tendant à appliquer, dès la session d'automne, le nouveau règlement adopté par le Conseil pour l'élection du Président.
terms of the question which was to be placed on the agenda of the second maritime session of the Conference, which were as follows:

"Partial revision of the Minimum Age (Sea) Convention, 1920, with reference to the following points:

1. The raising of the minimum age from 14 to 15 years and any related revision of the exceptions provided in the Convention;
2. Substitution for Articles 5 to 12 of the 1920 Convention of the standard articles included in the Draft Conventions submitted to the Conference at its Twenty-first Session."

Mr. Forbes Watson said that he regretted to be obliged to repeat his question. He was anxious to know whether it would be open to delegates to the Conference to submit amendments on the lines which he had indicated.

The Director replied in the affirmative.

In reply to Mr. Schürch's question he explained that he agreed to the proposal to place the revision of the Minimum Age (Agriculture) Convention on the agenda of the 1938 Session of the Conference.

The Governing Body decided by 23 votes to nil to place on the agenda of the 1937 Session of the Conference the question of the revision in whole or in part of the Minimum Age (Industry) Convention.

The Governing Body decided by 24 votes to nil to place on the agenda of the 1937 Session of the Conference the question of the revision in whole or in part of the Minimum Age (Non-Industrial Employment) Convention.

The Governing Body adjourned until its autumn session its decision as regards the exact terms of the questions to be placed on the agenda of the 1937 Session of the Conference in this connection.

The Governing Body decided, by 21 votes to nil, to place the following question on the agenda of the Twenty-second (Maritime) Session of the Conference which is to open on 22 October 1936:

"Partial revision of the Minimum Age (Sea) Convention, 1920, with reference to the following points:

1. The raising of the minimum age from 14 to 15 years and any related revision of the exceptions provided in the Convention;
2. Substitution for Articles 5 to 12 of the 1920 Convention of the standard articles included in the Draft Conventions submitted to the Conference at its Twenty-first Session."

The Governing Body decided to adjourn until its session in the autumn of 1936 its decision concerning the revision of the Minimum Age (Agriculture) Convention.

Third Item on the Agenda.

Report of the Standing Orders Committee (continued).

The Chairman said that the Governing Body now had to decide on the rules which were to apply to the election of the Chairman at the autumn session of 1936.

Mr. Schürch said that the workers' group maintained its proposal that the new Standing Orders adopted by the Governing Body for the election of the Chairman should be applied at the session in the autumn of 1936.
M. Oersted déclare qu'il retire la proposition qu'il avait faite à une précédente séance tendant à ne faire entrer en vigueur qu'en 1937 les dispositions du règlement amendé.

Par 27 voix sans opposition, le Conseil d'administration décide de mettre en vigueur, dès sa session d'automne 1936, les nouvelles dispositions du règlement relatives à l'élection du Président.

**Sixième question à l'ordre du jour.**

*Rapport du bureau de la Commission consultative des travailleurs intellectuels (suite).*

M. de Buen, qui a présidé la réunion que le bureau de la Commission consultative des travailleurs intellectuels a tenue le 22 juin, présente le rapport supplémentaire soumis au Conseil. La question sur laquelle le bureau de la Commission était appelé à donner son préavis était la suivante : Indemnisation des travailleurs intellectuels dont l'emploi est supprimé après de longs services par suite de la réorganisation d'une entreprise. Le Bureau avait estimé qu'un supplément d'information était nécessaire. Après avoir pris connaissance d'un nouveau rapport préparé par les services du Bureau international du Travail, le bureau de la Commission a estimé que cette question paraissait susceptible d'être inscrite à l'ordre du jour d'une réunion de la Commission consultative des travailleurs intellectuels.

Le Conseil décide d'inscrire à l'ordre du jour de la Commission consultative des travailleurs intellectuels la question suivante :

*Indemnisation des travailleurs intellectuels dont l'emploi est supprimé après de longs services par suite de la réorganisation d'une entreprise.*

La séance est levée à midi 40.

W. A. Riddell.
Mr. Oersted withdrew the proposal which he had made at a previous sitting that the amended Standing Orders should not come into force until 1937.

The Governing Body decided by 27 votes to nil to put the new Standing Orders relating to the election of the Chairman into force at its session in the autumn of 1936.

SIXTH ITEM ON THE AGENDA.

Report of the Officers of the Advisory Committee on Professional Workers (continued).

Mr. de Buen said that as he had taken the Chair at the meeting which the Officers of the Advisory Committee on Professional Workers had held on 22 June, he would submit the supplementary report to the Governing Body. The question on which the Officers of the Committee had been asked to give a preliminary opinion was: compensation for professional workers whose posts are abolished after long service owing to reorganisation of an undertaking. The Office had considered that additional information was required. After taking note of a further report drawn up by the International Labour Office, the Officers of the Committee had considered that the question could be placed on the agenda of the meeting of the Advisory Committee on Professional Workers.

The Governing Body decided to place the following question on the agenda of the Advisory Committee on Professional Workers:

Compensation for professional workers whose posts are abolished after long service as a result of the reorganisation of an undertaking.

The sitting closed at 12.40 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 neuvième 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 Ninth 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.
APPENDICES
APPENDIX I.

AGENDA.

1. Approval of the minutes of the Seventy-fifth Session.
4. Method of appointing the shipowners' and seamen's members of the Joint Maritime Commission (Mr. Mertens' proposal).
5. The Director's Report.
7. Record of the meeting of the Advisory Committee on Management.
8. Record of the meeting of the Sub-Committee on Automatic Coupling.
10. Date and place of the next session.
12. Possibility of placing on the agenda of the Conference the revision of the Conventions concerning the minimum age of admission to industrial employment, non-industrial employment, employment in agriculture and employment at sea.
SECOND ITEM ON THE AGENDA.

REPORT OF THE COMMITTEE ON FREEDOM OF ASSOCIATION.

It will be remembered that the Governing Body did not have sufficient time at its Seventy-fifth Session to discuss the report of the Committee on Freedom of Association, and therefore decided to adjourn it until its Seventy-sixth Session. The Governing Body is therefore asked to consider this report \(^1\) at its present session.

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\(^1\) See appendices to the minutes of the Seventy-fifth Session, pages 187–191.
APPENDIX III.

THIRD ITEM ON THE AGENDA.

REPORT OF THE STANDING ORDERS COMMITTEE SUBMITTED BY MR. MAHAIM.

The Standing Orders Committee met on Monday, 1 June, to discuss the procedure for the election of the Chairman of the Governing Body.

On the proposal of the Standing Orders Committee, the Governing Body at its Seventy-fifth Session (April 1936) had unanimously confirmed the principle that all members of the Governing Body, without distinction of group, are eligible for the office of Chairman. On the same occasion, an equal number of votes, namely 15, had been cast for and against the principle of the immediate re-eligibility of the Chairman, which had also been submitted to the Governing Body by the Standing Orders Committee. The Governing Body had then decided on the proposal of Mr. de Michelis simply to refer the question back to the Standing Orders Committee.

In the note which it submitted to the Committee, the Office pointed out that the adoption of the principle of absolute equality as between members of all three groups in regard to the office of Chairman had rendered the existing Standing Orders inapplicable, since under those rules only Government representatives are eligible for election. It was therefore necessary, the Office submitted, that before the first sitting of the autumn session, the Governing Body should have adopted new Standing Orders which placed no restrictions on the election of any member of the Governing Body to the office of Chairman.

The Office had accordingly submitted proposed amendments to Article 1 of the Standing Orders of the Governing Body, which included the suggestion that a Nominating Committee should be appointed to propose to the Governing Body the names of candidates for election as Officers. Those amendments were as follows:

Substitute the following paragraphs for the existing paragraphs 1 to 4 inclusive:

Article 1.

1. The Officers shall consist of a Chairman and two Vice-Chairmen chosen one from each of the three groups. Only regular members of the Governing Body may be elected Officers.

2. The Officers shall be elected at the first sitting of the autumn session of the Governing Body and shall hold office from their election until the election of their successors.

3. At the session preceding the autumn session, the Governing Body shall appoint a Nominating Committee consisting of two members from each group, to propose candidates for election as Officers at the first sitting of the autumn session of the Governing Body. The same system shall be applied in the course of the year in the event of a vacancy occurring among the Officers.

The existing paragraphs 5 and 6 become paragraphs 4 and 5.

There remained the question of the immediate re-eligibility of the Chairman, the point upon which opinion in the Governing Body was equally divided, and the Office suggested that there would be a better prospect of arriving at a generally acceptable solution if re-eligibility after a period of one year were contemplated instead of immediate re-eligibility. It accordingly proposed that if the Committee was in favour of re-eligibility in those conditions, the following sentence should be added to paragraph 2 of the proposed amendment to Article 1:

“The Chairman shall not become re-eligible until one year after he ceases to hold office.”

The Committee decided first to vote on the three new paragraphs proposed by the Office and then to consider the question of the re-eligibility of the Chairman.

By 14 votes to nil the Committee adopted paragraph 1.

In paragraph 2, Mr. Rice proposed that the Officers should be elected not at the “first sitting of the autumn session of the Governing Body” but “at the first sitting of the session of
the Governing Body near or after the close of the Annual Session of the Conference. Mr. Rice also proposed a consequential amendment to paragraph 3.

By 13 votes to 2 the Committee rejected that amendment.

By 15 votes to nil the Committee adopted paragraph 2 proposed by the Office. During the discussion of paragraph 3 certain members raised objections to the appointment of the proposed Nominating Committee, whilst other members suggested alterations in the composition of the Committee as contemplated by the Office. Mr. Norman proposed to draft the first sentence of the paragraph in the form, slightly amended, in which Mr. Rice had originally suggested the appointment of a Nominating Committee. This amendment was as follows:

"At the session preceding the autumn session, the Governing Body shall appoint a Nominating Committee consisting of: (a) the two senior ex-Chairmen, (b) the two existing Vice-Chairmen and (c) such additional members as will give equal representation to all three groups, to propose a candidate for election as Chairman at the first sitting of the autumn session of the Governing Body."

The Committee decided to vote separately on the question of the appointment of the Committee and the question of its composition. On the question of its appointment being put to the vote 7 votes were cast in favour and 7 against, so that the proposal to set up a Nominating Committee was not adopted.

A long discussion took place on the question of the re-eligibility of the Chairmen. Mr. Rice proposed to add to paragraph 1 the following words:

No national of a State any national of which has held the office of Chairman during the three preceding terms may be elected Chairman.

This amendment was rejected by 11 votes to 4.

Mr. Oersted proposed that the Chairman should not be re-eligible for three years.

This proposal was adopted by 9 votes to 5.

In view of the fact that in future there will be two Vice-Chairmen instead of three, the Committee, on the proposal of the Office, decided to delete the word "non-Government" in paragraph 3 of Article 2 of the Standing Orders.

The Office had also suggested a text referring to a ballot vote which applied to the election of the Vice-Chairmen as well as to that of the Chairman. The Committee considered that it was not necessary to apply it to the Vice-Chairmen.

The Committee accordingly proposes that the Governing Body should make the following amendments in its Standing Orders:

1. Substitute the following paragraphs for the existing paragraphs 1 to 4 inclusive.

Article 1.

Officers.

1. The Officers shall consist of a Chairman and two Vice-Chairmen chosen one from each of the three groups. Only regular members of the Governing Body may be elected Officers.

2. The Officers shall be elected at the first sitting of the autumn session of the Governing Body and shall hold office from their election until the election of their successors. The Chairman shall not become re-eligible until three years after he ceases to held office.

The existing paragraphs 5 and 6 become paragraphs 3 and 4.

Article 2.

In paragraph 3 delete the word: "non-Government".

A discussion then took place as to the date at which the new Standing Orders should come into force. It was suggested by certain members that it had always been understood that any new rules which might be adopted concerning the election of the Chairman should not become operative until after the elections of the Governing Body to be held in 1937. Certain other members, however, pointed out that the situation had been completely changed by the fact that the Governing Body had unanimously confirmed the principle that the members of all three groups were equally eligible to the office of Chairman and consequently recognised that the existing Standing Orders were no longer applicable.

On the question being put to the vote the Committee decided by 9 votes to 6 to recommend that the new Standing Orders should not come into force until after the elections of the Governing Body to be held during the 1937 Session of the Conference.

The Director then called the attention of the Committee to the fact that as a result of this decision no rules existed under which the election of the Chairman could take place at the Autumn Session in 1936. It was therefore essential that the position should be made absolutely clear to the Governing Body so that it could decide how the election was to be held in the autumn. If, in spite of the principle of equality of members of all groups which had been unanimously confirmed
by the Governing Body at its last session, the Committee wished to propose that the election in
the autumn should be governed by the Standing Orders which have been applied since 1931, it
must make a definite recommendation to that effect. The Governing Body would then be able to
take a decision in the light of the present circumstances.

By 9 votes to 6 the Committee decided to suggest that in the event of the Governing Body
approving the recommendation that the new Standing Orders should only come into force after
the elections of the Governing Body to be held in 1937, the election of the Chairman at the autumn
session in 1936 should be held in accordance with the existing Standing Orders.

ANNEX A.

NOTE SUBMITTED BY THE OFFICE ON THE PROCEDURE TO BE FOLLOWED

It will be remembered that on the proposal of the Standing Orders Committee the Governing
Body at the First and Second Sittings of this session, which were held on 2 June 1936, decided to
make the following amendments in Article 1 of its Standing Orders in regard to the election of
its Officers:

Substitute the following paragraphs for the existing paragraphs 1 to 4 inclusive:

Article 1.

Officers.

1. The Officers shall consist of a Chairman and two Vice-Chairmen chosen one from
each of the three groups. Only regular members of the Governing Body may be elected
Officers.

2. The Officers shall be elected at the first sitting of the autumn session of the Governing
Body and shall hold office from their election until the election of their successors.

3. The Chairman shall not become re-eligible until three years after he ceases to hold
office.

The existing paragraphs 5 and 6 become paragraphs 4 and 5.

Article 2.

In paragraph 3 delete the word: "non-Government".

The Governing Body then decided, on the recommendation of the Standing Orders Committee,
that the new Standing Orders which it had just adopted should not come into force until after
the elections of the Governing Body to be held during the 1937 Session of the Conference.

There remained the question of what rules should be applied for the election of the Chairman
at the Autumn Session in 1936. The Standing Orders Committee had suggested that "in the
event of the Governing Body approving the recommendation that the new Standing Orders should
only come into force after the elections of the Governing Body to be held in 1937, the election of
the Chairman at the Autumn Session should be held in accordance with the existing Standing
Orders".

The Governing Body, after discussing this suggestion which had given rise to certain objections,
adjourned the question until this sitting. It is thus upon this point that the Governing Body is
now called upon to take a decision.
APPENDIX IV.

FOURTH ITEM ON THE AGENDA.

METHOD OF APPOINTING THE SHIPOWNERS' AND SEAMEN'S MEMBERS
OF THE JOINT MARITIME COMMISSION
(Mr. Mertens' proposal).

Question raised by Mr. Mertens at the Seventy-fifth Session.

Members of the Governing Body will remember that at the Seventy-fifth Session, when the Governing Body was discussing the Director's Report, in which it was stated that it would probably be desirable to take the opportunity of the forthcoming maritime session of the Conference to re-elect the Joint Maritime Commission, Mr. Mertens proposed that the Governing Body should change the method hitherto followed for the appointment of the members of the Committee. He pointed out that, although in the past the members of the Joint Maritime Commission had been appointed by the shipowners' and seamen's groups at the maritime sessions of the Conference, it should be noted that that Committee, like all the other Committees of the Organisation, had been set up by the Governing Body. In the case of all other Committees of this kind it is the Governing Body itself which appoints the members on the nomination of the groups concerned. In conclusion Mr. Mertens suggested that the Governing Body should request the shipowners' and seamen's groups at the forthcoming maritime session of the Conference to put forward their nominations for the Joint Maritime Commission so that the Governing Body could formally appoint the members of the Commission at the first session which it held after the maritime Conference.

Some members of the Governing Body asked for an opportunity of consulting the organisations concerned, and the Governing Body therefore decided to postpone the discussion of Mr. Mertens' proposal. The proposal accordingly comes before the Governing Body at its present session.

In order to enable the Governing Body to take a decision with full knowledge of the facts, it may be desirable, before discussing the substance of Mr. Mertens' proposal, to summarise briefly the reasons which led the Governing Body to set up the Joint Maritime Commission, and the manner in which the members of the Commission have been appointed since it was first set up.

Establishment of the Commission.

It will be remembered that during the discussions of the Commission on International Labour Legislation at the Peace Conference in 1919, and subsequently during the First Session of the International Labour Conference (Washington 1919), the seamen's organisations demanded that in view of the special conditions of employment on board ship a separate office should be set up to deal with the work of seamen. They subsequently gave up this claim on account of two considerations. In the first place it was decided, as a result of a recommendation made by the Commission on International Labour Legislation, that a special session of the Conference should be called to discuss questions relating to the work of seamen, and in the second place, it was agreed that a section for the study of maritime questions should be set up in the International Labour Office, and that a permanent joint Commission composed of representatives of shipowners and seamen should be established. In order to give effect to this compromise, the Governing Body at its Third Session (London, March 1920) adopted the following resolution:

"That a Joint Commission of twelve members should be appointed consisting of five shipowners and five seamen, chosen by the Genoa Conference, and two members chosen by the Governing Body. This Commission will assist the technical maritime section of the Labour Office, and will be consulted on questions of maritime labour. It will meet when convoked by the President of the Governing Body, who will preside at its deliberations."

Appointment of the members of the Commission.

In accordance with this resolution, the shipowners' and seamen's groups at the Maritime Session of the Conference which met at Genoa in 1920 each nominated five representatives to sit on the Commission, and these nominations were approved by the Conference. The Governing Body subsequently appointed its two representatives, and the Joint Maritime Commission thus constituted held its first session in November 1920.
Re-election and enlargement of the Commission.

The members of the Commission were re-elected at the Ninth (Maritime) Session of the Conference (1926). Further, in order to allow of the representation on the Commission of the principal mercantile marines of the world and the various classes of seamen, including mercantile marine officers, the Governing Body decided in 1926-1927, in accordance with a suggestion adopted by the Maritime Conference and the Joint Maritime Commission itself, to create two deputy members' seats in each group and subsequently to raise the number of regular members of the Commission from five to seven per group. The new seats were occupied by the substitutes whom the shipowners' and seamen's groups had appointed at the Maritime Session of the Conference in 1926, in expectation of the decisions to be subsequently taken by the Governing Body.

Representation of extra-European countries.

At its Thirty-fifth Session (March 1927) the Governing Body adopted a resolution submitted by Mr. Riddell in consequence of a protest which had been made at the Maritime Session of the Conference in 1926 against the manner in which the Joint Maritime Commission was composed. The Conference rejected this protest by a very small majority. By Mr. Riddell's resolution the Governing Body recommended:

"That, in order that the Commission should be truly representative of maritime employers and workers in all parts of the world, at least four of the fourteen regular members shall, from the date of the next elections, be nationals of non-European countries."

This recommendation has not yet been put into application, as the Joint Maritime Commission has not been re-elected as a whole since 1926. The Maritime Session which the Conference held in 1929 followed so soon after the 1926 Session that it was not thought necessary to hold new elections. The composition of the Commission is therefore the same as in 1926-27, with certain partial modifications which are mentioned below.

Vacancies in the Commission.

The Standing Orders of the Joint Maritime Commission as approved by the Governing Body at its Thirty-fifth Session (March 1927) contain a clause dealing with the method of filling vacancies. By analogy with the corresponding provisions of the Standing Orders of the Governing Body, it is laid down that if regular or deputy members' seats become vacant owing to the death or resignation of the holders, the respective groups fill the vacancy in such a manner as they may think fit. Thus, although the Standing Orders confirm the principle that the members of the Joint Maritime Commission are to be selected by the shipowners' and seamen's groups at the Conference and appointed by the Conference, they do something to remedy the difficulties which may arise owing to the irregular intervals at which Maritime Sessions of the Conference are held.

Present Composition of the Commission.

The Joint Maritime Commission is at present composed as follows as a result of the elections held in 1926, the decisions taken by the Governing Body in 1926-1927 and the appointments made by the shipowners' and seamen's groups of the Commission to fill the vacancies created by the death or resignation of members (the latter appointments have been regularly brought to the notice of the Governing Body):

Chairman: The Chairman of the Governing Body.

Regular members.

Employers' group: Mr. Olivetti.
Substitute: Mr. Lecocq.

Workers' group: Mr. Hayday.
Substitute: Mr. Yonekubo.

Shipowners:
Comm. Prof. Brunelli (Italian).
Mr. E. Deckers (Belgian).
Mr. Marchegay (French).
Mr. Kojiro Matsukata (Japanese).
( Substitute: Mr. Masazo Yamanaka. )
Mr. Fr. Odfjell (Norwegian).
Mr. Snedden (British).
Mr. Valstar (Netherlands).
Seamen:
Mr. Bécu (Belgian).
Mr. Ehlers (French).
Mr. Edo Fimmen (Netherlands).
Mr. J. Henson (British).
Mr. S. Lundgren (Swedish).
Mr. W. R. Spence (British).
Mr. Yonekubo (Japanese).

Deputy Members.

Shipowners:
Mr. Cardona (Spanish).
One vacant seat.

Seamen:
Mr. Rasmussen (Danish).
Mr. Birkeland (Norwegian).

**

Consideration of Mr. Mertens' proposal.

It will be seen that, although the Joint Maritime Commission was set up by the Governing Body within the framework of the International Labour Organisation, it has from the outset presented certain characteristics which clearly distinguish it from other bodies forming part of the Organisation. The Commission was set up during the first year of the existence of the Office to discuss questions relating to a class of workers whose living and working conditions are of a special character, and were recognised as being such by the authors of the Constitution of the Organisation. The establishment of the Commission and the special conditions laid down for its working were not settled by the Governing Body alone, but result to some extent from a compromise intended to reconcile the essential rules laid down for the working of the International Labour Organisation at the outset, and the desires of those concerned in the international regulation of questions of maritime employment. This compromise has been in existence for more than fifteen years, and has on the whole produced satisfactory results. It has provided a suitable means of maintaining contact between the Organisation and the shipowners' and seamen's organisations. In this way, it has enabled adequate preparation to be made for the discussion of the various maritime questions which came before the Conference at its special sessions in 1926 and 1929, as well as for the work of the Maritime Session of 1936.

The object of Mr. Mertens' proposal is to bring the Joint Maritime Commission within the general system of the Committees set up in connection with the International Labour Office, and to make it possible to apply to it the rules which exist in the case of other Committees. As maritime sessions of the Conference are held at long and irregular intervals, it is clear that vacancies are likely to occur in the Commission between two maritime sessions, and that there must be some means of filling them. A possible system would be to retain the principle that the shipowners' and seamen's representatives on the Commission are appointed at maritime sessions of the Conference, and to lay down that in the event of vacancies arising in the interval between two maritime sessions, nominations to fill such vacancies should be made by the respective groups on the Commission and submitted to the Governing Body for approval.

Conclusions.

The Office nevertheless considers that in view of the previous history of the question which was summarised above, and of the fact that the present procedure has worked for more than fifteen years to the satisfaction of those mainly concerned and without serious difficulties, thus enabling the Organisation to carry out its work in connection with seamen, the Governing Body will probably hesitate to make a complete change in the method of appointment of the shipowners' and seamen's representatives on the Joint Maritime Commission, without first consulting the organisations concerned, especially as such consultations took place when the Commission was originally set up.

It is accordingly thought that it would be preferable, as regards the forthcoming re-election of the Commission, to retain the system under which the appointments are made by the maritime session of the Conference. At the Conference, the Office could take the opportunity of ascertaining the views of the shipowners' and seamen's organisations. This would be all the more desirable as the shipowners' and seamen's organisations have both asked the Office for explanations as regards the scope of Mr. Mertens' proposal, and have suggested that no decision should be taken on it until they have been consulted.

The Office could then report again to the Governing Body at its autumn session, which will take place after the maritime session of the Conference, and a decision could be taken then.
If the Governing Body adopts the suggestion for the maintenance of the present system for the forthcoming re-election of the Commission as a whole, the shipowners' group and the seamen's group at the Maritime Session which the Conference will hold in 1936 would be requested to nominate the members of their respective groups on the Joint Maritime Commission, taking account of the above-mentioned resolution adopted by the Governing Body at its Thirty-fifth Session concerning the proportion of extra-European members on the Commission. These nominations would then be approved by the Conference.

The question raised by Mr. Mertens would be considered by the Governing Body at its session in the autumn of 1936.
APPENDIX V.

FIFTH ITEM ON THE AGENDA.

THE DIRECTOR'S REPORT.

Obituaries.

The Director regrets to inform the Governing Body of the death of Mr. Francesco Massarelli, who has been a member of the Correspondence Committee on Accident Prevention since it was first set up. He was also Italian Government adviser at the Eleventh and Twelfth Sessions of the Conference. By his death the Correspondence Committee on Accident Prevention loses one of its most able and energetic members.

Since the last session of the Governing Body the staff of the Office has suffered two losses which will be deeply felt. Mr. J. S. Revill, who was for some years personal secretary to the Director, and had since worked in the London Branch Office, died at the end of April. His courtesy and his unfailing devotion to duty were much appreciated by his colleagues.

The Official Relations Section has also suffered a severe loss by the death of Miss L. Lapp, secretary of the group dealing with relations with workers' organisations, who recently died after a long illness. Miss Lapp had been a member of the staff of the Office from the outset, and her kindness, sincerity and conscientiousness made her universally respected.

International Labour Legislation.

The following official information concerning the ratification of Conventions has reached the Office since the Seventy-fifth 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>Great Britain:</td>
<td>No. 42, Occupational Diseases (Revised)</td>
<td>1934</td>
<td>29.4.36</td>
</tr>
<tr>
<td></td>
<td>No. 44, Unemployment</td>
<td>1934</td>
<td>29.4.36</td>
</tr>
</tbody>
</table>

The number of ratifications registered is now 693.

Ratification Recommended.

On 17 April 1936 the Minister of Labour of Spain submitted to Parliament a Bill for the ratification of Convention No. 48, Maintenance of Migrants' Pension Rights (1935).

Other Measures.

In Belgium the Chamber of Representatives and the Senate on 3 and 9 April 1936 respectively adopted a Bill prohibiting the employment of women on underground work in mines and quarries. The adoption of this Bill will enable Belgium ultimately to ratify Convention No. 45, Underground Work (Women) 1935.

The Swiss Federal Council, by a report dated 20 April 1936, submitted to the Federal Assembly the Conventions adopted by the Conference at its Nineteenth Session (1935). The Federal Council proposed that the ratification of the Underground Work (Women) Convention should be adjourned. The number of women employed in mines and quarries is negligible, and the ratification of the Convention by Switzerland would therefore be of no practical importance. Such ratification would, however, require the amendment of existing legislation. In these circumstances, the Federal Council thought that the question should be considered again when the attitude of the countries directly concerned has been settled. As regards the Hours of Work (Coal Mines) (Revised) Convention, the Federal Council pointed out that it had approved the original 1931.

1 As a result of this ratification, Great Britain has denounced Convention No. 18, Occupational Diseases, 1925. This denunciation was also registered by the Secretariat of the League of Nations on 29 April 1936.
Convention in principle, but that as regards ratification it had expressed the view that other States should declare their opinion first and that the question of Switzerland's adherence to the Convention could not be usefully discussed until the attitude of the countries principally concerned was known. These considerations apply equally to the revised Convention. As regards the Forty-Hour Week Convention, the Federal Council explained the objections of a legal and general nature to which a Convention of this kind, in its opinion, gave rise. Apart from these considerations, the Federal Council considered that reasons of substance, such as the necessity of keeping down costs of production and lowering the cost of living, made it impossible for Switzerland to bind itself by this Convention at present. As regards the Maintenance of Migrants' Pension Rights Convention, the Federal Council drew attention to the reasons which prevented Switzerland from ratifying the Old-Age, Invalidity and Survivors' Insurance Conventions (1933). As it is impossible at present to introduce in Switzerland social insurance legislation of the kinds in question corresponding to the standards of the international Conventions, it pointed out that that country is not in a position to assume the undertaking laid down by Article 17 of the Maintenance of Migrants' Pension Rights Convention. The Federal Council concluded that the idea of ratifying this Convention must be given up until further notice. The Federal Council also stated that the Reduction of Hours of Work (Glass Bottle Works) Convention was of a certain importance for Switzerland, since there are three glass works in the country which would come under the Convention. The introduction of the 42-hour week for workers working in shifts as required by the Convention would encounter difficulties. The question of wages would be of primary importance, since hours of work in these undertakings are at present in excess of 48. Moreover, the Preamble to the Convention explicitly refers to the principle of the 40-hour week established by the general Convention. Switzerland, however, is for the moment compelled to reject that principle, and cannot approve it even indirectly by ratifying the special Convention relating to glass bottle works. In these circumstances the Federal Council felt unable to propose the ratification of the Convention.

Conference.

Appointment of Secretariat for the Twentieth Session and the Maritime Session.

The Governing Body is, as usual, asked to approve the appointments for the Secretariat of the Conference. It is asked to appoint the following persons in addition to the Director, who is entrusted with the duties of Secretary-General of the Conference by Article 15 of the Constitution of the Organisation.

Assistant Secretaries-General:
- Mr. Phelan;
- Mr. di Palma Castiglione;
- Mr. Maurette.

Principal Secretary:
- Mr. Lafrance.

The Governing Body is requested to authorise the Director to make the necessary additional appointments.

As the Governing Body will not be meeting again before the maritime session of the Conference in October, it is asked to make the same appointments for the maritime session or sessions to be held in the autumn of 1936.

Preparation of the Conference.

The Office has been actively engaged in the last few weeks in completing the preparatory work for the Twentieth Session of the Conference. All the reports for the Conference have now been sent out except the report on the nutrition of the workers, which the Office expects to issue by the end of the month.

The letter of convocation for the Twenty-first (Maritime) Session of the Conference and a provisional letter of convocation for the Twenty-second Session, in case it is decided that this session should be held, have been prepared and will be sent out very shortly.

Committees.

Committees which have met since the last session.

Several Committees have met since the last session of the Governing Body—the Advisory Committee on Management and the Committee on Agricultural Work on 27 April, and the Sub-Committee on Automatic Coupling on 28 April. The reports of these Committees constitute separate items on the agenda of the present session.

Committee Meetings already authorised.

Technical Committee on Glass Works.—At its Seventy-third Session (October 1933) the Governing Body decided that the Technical Committee on Glass Works should meet in 1936 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. The Office proposes to call this meeting in connection with the autumn session of the Governing Body.

Migration Committee.—At its Seventy-fourth Session (February 1936) the Governing Body authorised the Office to call a meeting of the Migration Committee at the end of 1936.

Proposed Meetings of Committees.

Committee on Agricultural Work.—The Governing Body, at its Seventy-fifth Session, decided in principle to set up a Tripartite Agricultural Committee, and decided that the Committee on Agricultural Work should be consulted as regards the proposals to be submitted to the Governing Body regarding the exact composition of the new Committee and also the future continuation of the work of the Committee on Agricultural Work and the Mixed Advisory Agricultural Committee. It is suggested that the Committee on Agricultural Work should meet for this purpose in connection with the autumn session of the Governing Body. The report of the Office on holidays with pay in agriculture could also be submitted to the Committee if it is ready at that time.

Advisory Committee on Salaried Employees.—The last session of the Advisory Committee on Salaried Employees was held on 3 and 4 April 1935. The organisations concerned have expressed a desire that the next meeting should take place before the end of the present year.

It is suggested that the agenda of the Committee should include the following questions which have been selected in view of the suggestions made to the Office.

1. Termination of contracts of employment of salaried employees (period of notice and indemnity on discharge).
2. Statistical study of the number of salaried employees.
3. Use of office machines and its effect on the conditions of employment of the staff.
4. Regulation of health conditions in shops and offices.

If the Governing Body approves this proposal the meeting, which would last for two days, might be held in November or December. The exact date could be fixed later by the Office.

Correspondence Committee on Industrial Hygiene.—The Governing Body is requested to authorise the Office to call a meeting of a certain number of experts belonging to the Correspondence Committee on Industrial Hygiene from 21 to 23 September in order to discuss the following questions:

2. Draft regulations for the prevention of ankylostomiasis (proposal of the Committee at its 1935 Session).
3. Extension of the schedule of occupational diseases (proposal of the Committee at its 1935 Session):
   a. Poisoning by chlorine and its compounds;
   b. Poisoning by nitrous vapours;
   c. Lesions of the mucous membranes.
4. Dangers of disinfestation in agriculture and horticulture (proposal of Dr. Gilbert, Belgium).
5. Health standards for office work (proposal of Dr. Gudjonsson, Denmark).
6. The system of "blanket coverage" in compensation for occupational diseases (report to be prepared by a United States expert).
7. Miscellaneous questions.

Executive Committee on Workers' Spare Time.—The Governing Body, at its Seventy-fifth Session, decided to set up an Advisory Correspondence Committee on Workers' Spare Time. The Executive Committee of that Committee is to consist of six members of the Governing Body, who are to be appointed at the present session. The Executive Committee is asked to make proposals for the composition of the Advisory Correspondence Committee on Workers' Spare Time, to be submitted to the Governing Body at its autumn session. It is accordingly suggested that the Executive Committee should meet in connection with the October Session of the Governing Body.

Composition of Committees.

Replacement of Mr. Ruiz Manent on various Committees.—As the Spanish Government has appointed Mr. de Buen as its representative in place of Mr. Ruiz Manent, it will be necessary for the Governing Body to fill the seats left vacant on the various Committees of which Mr. Ruiz Manent was a member. These Committees are as follows:

Member:
Finance Committee;
Committee on conditions of work in coal mines;
Committee on Freedom of Association;
Correspondence Committee on Accident Prevention;
Committee on Automatic Coupling;
Advisory Committee on Management.
Substitute:

Standing Orders Committee;
Committee on conditions of work in the textile industry;
Advisory Committee on Professional Workers.

The Government group is requested to submit nominations for these vacancies at the present session.

Appointment of substitutes on various Committees.—The workers' group has nominated the following substitutes for its representatives on various Committees:

Finance Committee: Mr. Némecek and Mr. Jensen.
Preparatory Sub-Committee on Handicraftsmen: Mr. Kupers.
Committee on Social Charges: Mr. Schürch.
Committee on cost of living and wages statistics: Mr. Kupers.
Committee on freedom of association: Mr. Serrarens.
Joint Maritime Commission: Mr. Jouhaux, in place of Mr. Yonekubo as substitute for Mr. Hayday, representative of the Governing Body on the Commission.
Sub-Committee on Automatic Coupling: Mr. Forslund.
Committee on workers' spare time: Mr. Némecek.

The Governing Body is asked to approve these nominations.

Executive Committee of the Advisory Correspondence Committee on Workers' Spare Time.—The Governing Body decided, at its Seventy-fifth Session, to appoint six of its members, two from each group, to form the Executive Committee of the Advisory Correspondence Committee on Workers' Spare Time which it has been decided to set up. If the Executive Committee is to meet in connection with the autumn session, it is necessary that its members should be appointed at the present session. The three groups of the Governing Body are accordingly requested to submit nominations for the Executive Committee.

Representation of the Governing Body on the Committee of Experts on Native Labour.—The Governing Body decided, at its Seventy-fifth Session, that it would be represented by one member from each group on the Committee of Experts on Native Labour. The workers' group nominated Mr. Jouhaux, with Mr. Kupers as substitute. The Government and employers' groups are requested to nominate their representatives on this Committee, so that the Governing Body may approve all the nominations, at the present Session.

Representation of the Government group on the Correspondence Committee on Social Insurance.—The Governing Body decided, at its Seventy-fourth Session (February 1936), that it would be represented on this Committee by three members, one from each group. The Governing Body has already approved the nominations of the employers' and workers' groups. The Government group is requested to nominate its representative at the present session.

Technical Committee on Glass Works.—It will be remembered that two vacancies still exist in the Government group of this Committee in the seats formerly occupied by the British and German experts. It is desirable that these vacancies should be filled at the present session, as it is proposed to hold a meeting of the Committee in connection with the autumn session. The Government group is accordingly requested to nominate two experts to fill these vacancies.

Representation of the Governing Body at the Preparatory Meetings concerning the Reduction of Hours of Work in the Chemical Industry and in Printing and Kindred Trades.—The Governing Body decided at its Seventy-fifth Session that it would be represented by three members, one from each group, at the preparatory meetings which are to be held concerning the reduction of hours of work in the chemical industry and in printing and kindred trades. The three groups are requested to submit nominations for these representatives.

Correspondence Committee on Accident Prevention.—It will be remembered that since Sir Gerald Bellhouse ceased to be an active member of the Correspondence Committee on Accident Prevention on his retirement from the post of Chief Inspector of Factories in Great Britain, no other British member has been appointed to take his place. The British Government has now recommended the appointment of Mr. Henry Grant Winbolt, Assistant Secretary, Industrial Section of the National Safety First Association.

Mr. Winbolt's qualifications and experience render him a most suitable candidate for election, and the Governing Body is accordingly requested to approve his appointment as a member of the Committee.

Correspondence Committee on Industrial Hygiene.—It will be remembered that at its Seventy-third Session the Governing Body expressed the view that it would be desirable to add a certain number of technical experts of recognised competence to the Correspondence Committee on Industrial Hygiene, and that this would enhance the authoritative character of the Committee's work. With a view to reinforcing the technical side of the Committee, the Director suggests, in
accordance with a proposal made by the French Government representative, that the Governing Body should appoint Mr. Desvaux, factory inspector, in charge of the study of industrial hygiene questions in the Ministry of Labour, Paris, as a member of the Correspondence Committee on Industrial Hygiene.

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

It is suggested that the Governing Body should reappoint for a further period of three years the following members of Committees whose term of office has expired or will expire shortly:

<table>
<thead>
<tr>
<th>Committee of Experts on Native Labour.</th>
<th>Date of appointment</th>
<th>Date of expiry of term of office.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Nobumi Ito (Japanese)</td>
<td>24.5.27</td>
<td>24.5.36</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Correspondence Committee on Social Insurance.</th>
<th>Date of appointment</th>
<th>Date of expiry of term of office.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Jerram (New Zealand)</td>
<td>6.6.33</td>
<td>6.6.36</td>
</tr>
</tbody>
</table>

Preparatory Technical Tripartite Meeting on Reduction of Hours of Work in Printing and Kindred Trades.

The Governing Body decided, at its Seventy-fifth Session, that the Director should be authorised to convene a Preparatory Technical Tripartite Meeting on Reduction of Hours of Work in Printing and Kindred Trades.

It was understood that the Director should submit proposals to the Governing Body with regard to the States Members to be invited to this Meeting.

It is proposed that the same method should be adopted for the selection of the States Members invited to attend this Meeting as the Governing Body has decided to apply in the case of the Preparatory Technical Tripartite Meeting on Reduction of Hours of Work in the Chemical Industry.

It is suggested therefore that all States Members in which the number of workers in the printing and kindred trades exceeds 25,000 should be invited. These States are the following: Belgium, Canada, Czechoslovakia, France, Great Britain, India, Italy, Japan, Netherlands, Spain, United States of America, Union of Soviet Socialist Republics. It would be understood that, as in the case of the similar Meeting for the chemical industry, other States Members in which the industry is important might, if they desired, take part in the Meeting.

Communications intended for the Governing Body.

The Office has received the following communication intended for members of the Governing Body from Mr. Fred Brussel, General Secretary of the International Federation of Christian Unions of Factory and Transport Workers.

(Translation.)

International Federation of Christian Unions of Factory and Transport Workers.


An International Conference on the Glass Industry was held in Strasburg on 15 and 16 April 1936. Representatives of various countries affiliated to the International Federation of Christian Unions of Factory and Transport Workers were present. The Secretary of the International Federation presided over the Conference.

The following resolution was adopted:

"The International Technical Conference of representatives of the glass industry affiliated to the International Federation of Christian Unions of Factory and Transport Workers,

"After hearing the report of Mr. J. Roscam, notes with satisfaction that the demand put forward in our request of July 1928 addressed to the Governing Body of the International Labour Office for the introduction of an international Convention regulating the four-shift system in the sheet glass industry was accepted at the Eighteenth Session of the International Labour Conference,

"Further notes that in addition the Nineteenth Session of the International Labour Conference adopted an international labour Convention regulating the four-shift system for the bottle-glass industry,

"Hopes that the Governments concerned will make every effort to ratify these Conventions as soon as possible so that hours of work can be regulated for the other branches of the glass industry as soon as possible,

"Decides to bring this resolution to the notice of the International Labour Office and the press."
An International Conference on the brick and tile industry was held in Strasbourg on 15 and 16 April 1936. Representatives of various countries affiliated to the International Federation of Christian Unions of Factory and Transport Workers were present. The Secretary of the International Federation presided over the Conference.

The following resolution was adopted:

"The International Technical Conference of representatives of the brick and tile industry affiliated to the International Federation of Christian Unions of Factory and Transport Workers,

"After hearing the report of Mr. van der Werff on the international economic and social position in the brick and tile industry,

"Notes that the production of this industry is of the greatest economic importance in the various countries,

"Taking into account the disorganisation brought about by the depression—representing in the case of this industry a great decrease in building activity—and by rationalisation in this industry, which has resulted in a serious disproportion between production and demand,

"Expresses the view that a sound organisation brought about by constant collaboration between the employers’ and workers’ organisations can alone put an end in the social and economic sphere to the unbridled competition which endangers the living of the workers and the existence of undertakings,

"Expresses the view that such measures are the only means of improving the position of the workers in this industry, both nationally and internationally,

"And requests the International Labour Office to give its attention to this problem and try to bring about a solution."

**SUPPLEMENTARY REPORT OF THE DIRECTOR.**

**International Labour Legislation.**

Since the Director’s Report was distributed to the members of the Governing Body, the following information has been received concerning the ratification of Conventions:

**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 of Nations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentine Republic</td>
<td>No. 10: Minimum Age (Agriculture)</td>
<td>1921</td>
<td>26.5.36</td>
</tr>
<tr>
<td></td>
<td>No. 11: Right of Association (Agriculture)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. 12: Workmen’s Compensation (Agriculture)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. 13: White Lead (Painting)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. 14: Weekly Rest (Industry)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. 15: Minimum Age (Trimmers and Stokers)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. 16: Medical Examination of Young Persons (Sea)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The number of ratifications registered is now 700.

**Ratification authorised.**

In Austria the Council of Ministers decided at its sitting of 8 May 1936 to propose to the President of the Confederation the ratification of the Workmen’s Compensation (Accidents) Convention, 1925 (No. 17).

**Ratifications recommended.**

By letter of 14 March 1936 the Minister of External Relations of Peru informed the Office that the President of the Republic had submitted Conventions Nos. 1-7, 10, 11, 13-19, 24, 25, 30, 35-42 and 45 to Congress for ratification.

**Other measures.**

In Great Britain the Hours of Employment (Conventions) Bill, which had already been passed by the House of Lords and is intended to give effect to the Night Work (Women) Convention (Revised), 1934 (No. 41) and the Sheet-Glass Works Convention, 1934 (No. 43), passed its second reading in the House of Commons on 11 May 1936.
In India the Council of State adopted, on 26 March 1936, resolutions recommending the Governor-General in Council not to ratify the Forty-Hour Week Convention, 1935 (No. 47) or the Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49).

Committees.

Meetings which have taken place.

Meeting of the Preparatory Co-ordination Committee on Agricultural Education.

The Preparatory Committee intended to co-ordinate the activity of international organisations dealing with agricultural education met at the International Institute of Agriculture, Rome, on 30 April and 1 May 1936. The following members of the Governing Body were present: Mr. Picquenard, Mr. de Michelis, Mr. Vanék and Mr. Schürch.

The Committee adopted a report, presented by Mr. Picquenard, Reporter, which is reproduced as an appendix (Annex A).

An agreement was reached between the International Institute of Agriculture and the International Labour Office on the one hand, and the private agricultural organisations represented on the other hand, that international co-ordination with regard to agricultural education between private international organisations should be entrusted to the International Institute of Agriculture, which will be informed of all the action taken by private organisations with regard to congresses, enquiries among Governments, etc. and which, in agreement with the International Labour Office, will take the necessary steps to realise practical co-ordination.

The agreement arrived at does not contemplate the setting up of any new organisation, and it is understood that the work of co-ordination is to be carried out either by the International Institute of Agriculture or by the Office, according to their competence in the matter. In cases of doubt, the question will be referred to the Mixed Advisory Agricultural Committee.

It is hoped that the results of the meetings in Rome, which provided much evidence of willingness to collaborate on the part of all the organisations represented, may be to render more effective the handling of the question of agricultural education in the international field. Further, it may be expected to prevent overlapping in the programmes of congresses and to simplify the way in which information is collected from administrations and organisations dealing with agricultural education.

It is suggested that the Governing Body should approve this arrangement, which will thus become effective when, as is expected, it has been endorsed by the Permanent Committee of the International Institute of Agriculture during its June session.

Proposed meetings of Committees.

Meeting of social insurance experts.—At its Seventieth Session (April 1935), the Governing Body authorised the Director to call a meeting of experts in September 1935 to discuss the following question:

"Methods of estimating permanent incapacity for work in social insurance."

This meeting had to be postponed because the Social Insurance Section had to deal with a large amount of urgent and unforeseen work (in particular, preparation of the report on social insurance for the Santiago Conference, and completion of the two volumes on the working of social services in 1933).

The Office proposes to call a meeting of a certain number of European and extra-European experts who are members of the Correspondence Committee on Social Insurance. It would also wish to invite two or three doctors who are experts on the question of scales of incapacity; these persons are not members of the Correspondence Committee, and it does not appear necessary to appoint them as permanent members, since owing to the limited nature of the subject on which they are specialists, it will probably not be necessary to consult them again in the future.

It is also thought desirable to invite a representative of the International Medical Association to the meeting, as this organisation made a study of the medical problems of accident insurance at one of its recent congresses.

The meeting of experts might take place about the middle of November, after the session of the Governing Body. It is thought that invitations might be sent out at once for Monday, 16 November.

Composition of Committees.

Advisory Committee on Salaried Employees.—As Mr. Brost (German), has resigned from the Advisory Committee on Salaried Employees, to which he was appointed as representative of the Christian unions of salaried employees, it is necessary to replace him.

The International Federation of Christian Union of Salaried Employees, by a letter dated 25 May 1936, expressed the wish that Mr. Brost's seat should be allotted to Mr. J. Nauta, President of the Christian Union of Salaried Employees of the Netherlands (Ned. Vereeniging van christelijke Kantoor- en Handelsbedienden), member of the Superior Labour Council of the Netherlands, and assistant general secretary of the Christian Trade Union Federation of the Netherlands.
The appointment of Mr. Nauta will not change the balance of representation as established when the Committee was first set up. It is therefore suggested that the Governing Body should appoint Mr. Nauta in place of Mr. Brost.

Correspondence Committee on Accident Prevention.—The Director suggests, in agreement with the United States Government, that the Governing Body should appoint Mr. James Hackett, of the New York State Department of Labor, as a member of the Correspondence Committee on Accident Prevention. Mr. Hackett has had a very long experience of accident prevention methods. The Governing Body is accordingly requested to approve this appointment.

ANNEX A.

Report by the General Reporter on the work of the Preparatory Committee on Agricultural Education, the establishment of which was proposed at the Seventh Session of the Mixed Advisory Agricultural Committee.

(Translation of the International Labour Office.)

The Committee met at Rome, at the headquarters of the International Institute of Agriculture, on 30 April 1936.

The following organisations were represented:

1. International Institute of Agriculture, by Professor Giacomo Acerbo, Dr. J. J. L. van Rijn, Mr. John Clyde Marquis, for the Permanent Committee, and Professor Alessandro Brizi, Secretary-General, and Professor Georges Ray, Chief of the Agricultural Information Service.
2. International Labour Office, by Mr. Ch. Picquenard and Mr. G. de Michelis, for the Government group of the Governing Body; Mr. Joseph Vanek for the employers' group; Mr. Ch. Schürch for the workers' group; and Mr. F. von Bulow, Chief of the Agricultural Service.
5. International Federation of Agricultural Engineers, by Professor Andrea Cravino.

The International Landworkers' Federation sent a letter expressing regret at being unable to be represented at the meeting.

Professor Giacomo Acerbo opened the meeting by a speech of welcome.

Mr. Picquenard thanked the Chairman for his welcome, and asked the Committee to pay a tribute to the memory of Mr. Louis-Dop, who had originally proposed the present meeting, and who had recently died.

The Committee appointed Professor Giacomo Acerbo as its Chairman, Dr. van Rijn as its Vice-Chairman, and Mr. Picquenard as Reporter.

The Committee proceeded to the consideration of its agenda.

First item on the agenda: Exchange of views on the co-ordination of the work of the various international organisations in connection with agricultural education.

The Committee acknowledged the receipt of the memoranda on the first item on the agenda furnished by the institutions represented.

Professor A. Brizi, Secretary-General of the International Institute of Agriculture, analysed the suggestions put forward in these notes, pointed out that all the organisations were in favour of co-ordination, and gave a list of the points which should be considered with a view to effecting co-ordination.

After discussion, the Committee unanimously adopted the following resolution:

"The Committee set up to consider the co-ordination of the work of the various international bodies which deal with agricultural education in the international sphere, after noting that the International Institute of Agriculture and the International Labour Office are expressly and officially competent as regards agricultural education, and that their respective functions with regard to each particular question are settled by the Mixed Advisory Agricultural Committee,

Having recognised that it is necessary that the private institutions should continue their own activities,"
Recognises that it would be unnecessary and perhaps inexpedient to set up new bodies to deal with the matter, in view of the effective work of co-ordination which can be carried out by the official international bodies mentioned above,

And decides:

That international co-ordination in the sphere of agricultural education as between private international institutions is entrusted to the International Institute of Agriculture, which shall carry it out effectively and constantly, and shall from time to time, in agreement with the International Labour Office and the aforesaid institutions, take such action and such practical measures as may appear necessary, including the official communication to Governments of the proceedings and resolutions of meetings and congresses which are of concern to Governments.

In particular, the private international organisations are requested, for this purpose, in the first place to inform the International Institute of Agriculture in sufficient time of any action which they propose to take in the matter, especially as regards the organisation of enquiries and of congresses, and in the second place to inform the International Institute of Agriculture of the results of their enquiries and Congresses.

In the course of the discussion it was made clear that the co-ordination mentioned in the first paragraph of the resolution would be effected either by the International Institute of Agriculture or by the International Labour Office, according to whether the question falls within the sphere of the one or of the other. In case of doubt, the Mixed Advisory Agricultural Committee will decide within the sphere of which institution the question falls.

It was agreed that the private international organisations mentioned in the resolution were those which had been invited to the present meeting and those which might subsequently be taken into consideration by the International Institute of Agriculture or the International Labour Office.

It was made clear that in future the private international associations would not communicate the results of their work or their congresses to Governments officially. Such resolutions will be communicated officially through the International Institute of Agriculture or the International Labour Office as the case may be, and these bodies will, if necessary, send at the same time their own observations or those of the other private international organisations mentioned in the resolution.

The International Institute of Agriculture has been requested to make enquiries immediately among the international organisations mentioned in the resolutions as regards the nature, progress and urgency of the enquiries and investigations which they have undertaken or intend to undertake. The information thus obtained will be submitted to the other organisations with a view to the measures to be undertaken to prevent overlapping and ensure the best utilisation of the available means of action.

Second item on the agenda: Exchange of views on the programme of the International Congress on Agricultural Education at Buenos Aires.

The Committee took note of the memorandum submitted by Professor Franco Angelini on behalf of the International Federation of Agricultural Engineers on the programme of the first International Congress on Agricultural Education at Buenos Aires, and also of the information supplied orally by Mr. Vander Vaeren. This information showed that the Congress had been postponed until 1937, that its programme had been fixed in principle, but that the Organising Committee was prepared to take into consideration, so far as possible, any proposals which the other international organisations represented at the meeting might put forward through the International Institute of Agriculture in order to complete and develop the programme of the Congress.

The Committee took note with satisfaction of this statement, which represents the first measures of application of the resolution which has been adopted.

Rome, 1 May 1936. (Signed) Ch. PICQUENARD, Reporter.
APPENDIX VI.

SIXTH ITEM ON THE AGENDA.

REPORT OF THE OFFICERS OF THE ADVISORY COMMITTEE ON PROFESSIONAL WORKERS.

In accordance with the decision taken by the Governing Body at its Seventy-fourth Session (February 1936), the Officers of the Advisory Committee on Professional Workers met on 25 April to consider various questions which might be placed on the agenda of the Committee and to express a preliminary opinion on the subject.

The following persons were present:

For the Governing Body:
Mr. de Michelis, Chairman, Mr. Olivetti, Mr. Jouhaux.

For the International Committee on Intellectual Co-operation:
Mr. Ostertag, Director of the Bureaux of Literary, Artistic and Industrial Property.

The Officers put forward the following preliminary opinions:

1. Protection of titles and professional organisation for chartered accountants.

The Advisory Committee on Professional Workers has already considered a similar problem; at its 1933 and 1935 sessions it dealt with the protection of titles and professional organisation for engineers and architects. Similar questions arise in connection with the profession of chartered accountant. The Officers consider that this question might be placed on the agenda of the Committee.

2. Moral right of professional workers in receipt of a salary over their creations in the sphere of applied arts.

This question presents a certain similarity to that of authors' rights of journalists, which has already been selected with a view to the future work of the Committee. The problem is one for which the general rules must be laid down by other bodies than the International Labour Organisation, but which nevertheless is not without an effect on conditions of employment. The Officers request that the International Labour Office should undertake a preliminary study, the results of which would be communicated to the Advisory Committee on Professional Workers; it would then be possible to decide whether the question should be definitely placed on the agenda of the Committee.

3. Compensation for professional workers whose posts are abolished, after long service, owing to the reorganisation of an undertaking.

Since this is an entirely new question, the scope and limits of which still have to be defined, the Officers request that a preliminary report should be submitted to them after consultation of the professional workers' organisations. Such a report will enable them to formulate definite proposals.

4. Study of the application to professional workers of the protective measures laid down in the Conventions adopted by the International Labour Conference.

In view of the great importance which the professional workers attach to this question, the Officers consider that it would be desirable if the Committee could examine the possibility of enabling these workers to benefit by some of the measures already adopted by the International Labour Conference, and if it could also study, from the point of view of professional workers, the questions on the agenda of the Conference which may be of interest to professional workers. The Officers accordingly consider that this question might be placed on the agenda of the Committee.

5. Miscellaneous.

The Chairman, taking note of the Governing Body's decision at its Seventy-fourth Session not to place on the agenda of the 1937 Session of the International Labour Conference the question
of the rights of performers as regards broadcasting and the mechanical reproduction of sounds and images, considers that it would be desirable to leave it to the International Institute for the Unification of Private Law, which is also competent to deal with the matter, to take steps, with the collaboration of the International Labour Office, to bring about an international settlement, for which professional workers are very anxious. It is suggested that the International Labour Office should be instructed to submit to the Governing Body, at its session in October 1936, a report on the basis of which the Governing Body can be asked to declare its intentions with regard to this question. The report should point out that if no action is taken by the International Labour Organisation, the persons concerned will probably ask some other institution to deal with the matter.

SUPPLEMENTARY REPORT OF THE OFFICERS OF THE ADVISORY COMMITTEE ON PROFESSIONAL WORKERS.

The Officers of the Advisory Committee on Professional Workers met on 22 June 1936 to consider a question on which it had postponed taking a decision at their session on 25 April.

The following persons were present:

For the Governing Body:

Mr. de Buen, Chairman, and Mr. Mannio, substitutes for Mr. de Michelis.
Mr. Waline.
Mr. Schürch.

For the International Organisation on Intellectual Co-operation:

Mr. Kullmann, of the Secretariat of the League of Nations.

The question on which the Officers had to give their opinion was the following: Compensation for professional workers whose posts are abolished, after long service, owing to the reorganisation of an undertaking. At their meeting on 25 April, the Officers came to the conclusion that further information was necessary, in order to define the exact scope of the problem. For this purpose a supplementary report was submitted to them.

After examining this report and after an exchange of views on certain aspects of the problem, the Officers came to the conclusion that the question was one which might be placed on the agenda of the Advisory Committee on Professional Workers.
APPENDIX VII.

SEVENTH ITEM ON THE AGENDA.

REPORT OF THE ADVISORY COMMITTEE ON MANAGEMENT.

In accordance with the decision taken by the Governing Body at its Seventy-fourth Session, the Advisory Committee on Management held its first session on 27 April 1936 at the International Labour Office, Geneva.

The following persons were present:

Representatives of the Governing Body of the International Labour Office:

Government group:
- Mr. Riddell;
- Mr. Tello (replacing Mr. Estrada Cajigal).

Employers' group:
- Mr. Olivetti;
- Mr. Curčin;
- Mr. Tzaut (replacing Mr. Dennison).

Workers' group:
- Mr. Jouhaux;
- Mr. Mertens.

Experts:
- Mr. Clark;
- Mr. Drechsel;
- Mr. Férasson;
- Mr. Hedberg;
- Mr. Limperg;
- Mr. Mauro.

The agenda of the session was as follows:

2. Preparation of a list of problems of management:
   (a) which concern the International Labour Office;
   (b) which concern the International Labour Office and other organisations.
3. Other questions.

The Committee, after its formal constitution, elected Mr. Riddell as Chairman, Mr. Olivetti and Mr. Mertens as Vice-Chairmen.

The report of the Office on the second point of the agenda (C.C.O.S.T./I.I. 1936) was taken as a basis for discussion.

(1) Terminology.

The Committee agreed to ask the Governing Body to instruct the Office to continue its studies on the terminology of rationalisation and scientific management and to circulate a roneoed draft report to the members of the Committee for their observations and suggestions. On the basis of these observations and suggestions and the original draft report, the Office would prepare a final report and submit it to the Committee for its next meeting.

(2) List of problems concerning the social aspects of rationalisation and scientific management.

The list of problems submitted by the Office in the annex to its Report was discussed by the Committee. Its members furnished a number of amendments and additions. The list, redrafted accordingly, is appended as an annex to this Report. (Annex A).
The Committee selected the following four items which in its opinion have the first claim on the attention of the Office.

1. Concerted action to eliminate or to preserve "surplus" undertakings and machinery.

2. Vocational guidance and training, particularly the retraining of the unemployed and the extension of the school age.

3. The relation of technical progress to unemployment and employment.

4. Rationalisation considered in its connection with fatigue and monotony, in relation also to non-mechanised work.

The Committee decided to request the Governing Body to instruct the Office to prepare, for the next session of the Committee, reports on these four problems with special reference to their relationship to scientific management.

The Committee expressed the desire that the competent Agricultural Committee of the International Labour Organisation should be asked to refer to it any question of scientific management in agriculture which it wished the Committee on Management to consider.

(3) Studies on rationalisation and industrial relations in individual enterprises and industrial regions.

The Committee expressed the opinion that the case-method hitherto applied by the Office to describe individual undertakings with respect to their scientific organisation and their industrial relations should continue to be used and that further studies of this kind should be made. The members of the Committee suggested several undertakings to be included, and it was agreed that members should send to the Office in writing names of further firms suitable for study.

The Committee considered that it would be very desirable to have studies made of individual undertakings in different countries belonging to the same branch of industry in order to facilitate comparisons from country to country.

The Committee examined the possibility of making studies on management and industrial relations on a scale larger than that of the individual undertaking, namely, in an industrial region taken as a whole. The question was raised whether a regional survey of this kind would not necessitate the investigation of the broader aspects of social and economic organisation in a specific industrial area. The Committee reserved its decision on this point and agreed that the Office should be invited to submit to it, for consideration at its next meeting, a comprehensive plan of such a proposed regional study.

(4) Publication of pamphlets on different departments of personnel management.

The Committee decided to adjourn consideration of this question to its next session.

(5) Collaboration of the International Labour Office with other international institutions.

The Committee took note of the information given by the Office with respect to collaboration with the International Institute of Intellectual Co-operation on the subject of "Man and the Machine".

The four experts appointed on the nomination of the International Committee on Scientific Management stated that Committee takes a special interest in this question and that its national Committees would be able and willing to contribute material for the studies undertaken by the Office in collaboration with the Institute of Intellectual Co-operation.

The same four experts announced that that Committee would be convened in the autumn in order to discuss ways and means of collaboration between its national Committees and the International Labour Office. They expressed the wish that the next meeting of the Advisory Committee should be arranged for a date not too remote, in order to enable it to discuss fully the important problem of the practical organisation of collaboration between the International Labour Office and the International Committee on Scientific Management.

ANNEX A.

List of Problems relating to the social aspects of rationalisation and scientific management.

This list not to be regarded as a complete list. The Committee adjourned, until after its examination of questions of terminology at its next meeting, the consideration of certain other questions contained in the provisional list appended to the report submitted to it by the Office.

1. Concerted action to eliminate or to preserve "surplus" undertakings and machines.
2. Effects of the application of certain measures of rationalisation on large, middle and small undertakings.

Criteria to be used for determining, otherwise than by the number of workers employed, large, middle or small undertakings.

3. Problems connected with the location of industrial undertakings.

4. Relation of technical progress to unemployment and employment. Relation of technical progress to occupational structure.

5. Effects on working time:
   - Relation to continuous work.
   - Relation to shift work.
   - Reduction of hours of work.
   - Rational organisation of working time, rests, meal breaks, etc.

6. Effects on wages:
   - Influence on wage rates.
     - Actual increase or decrease of:
       - Earnings;
       - Real wages;
       - Purchasing power.
   - Influence of standards of wages on scientific management.
   - Application of scientific methods for the fixing of wage rates.
   - Ways of paying wages.

7. Effects on vocational education:
   - Relation to extension of school-leaving age.
   - Relation to training of specialists and skilled workers.
   - Technological information for workers.
   - Adaptation of apprenticeship methods to modern requirements.
   - Occupational retraining of unemployed workers.

8. Effects on the worker himself:
   - Fatigue and monotony.
   - Other influences of a psychological and physiological order.

9. Scientific organisation of operations:
   - Time and motion studies.
   - Preparation of individual work.
   - Chain work, continuous work, etc.
   - Output measurement.

10. Scientific organisation of the factory, office, shop, etc:
    - Internal transport (in so far as these technical factors concern the worker.
    - Machines and tools
    - Internal arrangements (heating, lighting, ventilation, measures to prevent dust, noise, glare, etc.)
    - Environment.

II. Staff and administration:
   - Functional position, competence, duties.
   - Job analysis of occupation.
   - Personnel records.
   - Industrial relations:
     - Collaboration by means of suggestions.
     - Collaboration by means of committees.
   - Creation of a team spirit by:
     - Works newspapers;
     - Staff sports;
     - Joint use of spare time in other ways.
   - Social services.
APPENDIX VIII.

EIGHTH ITEM ON THE AGENDA.

RECORD OF THE MEETING OF THE SUB-COMMITTEE ON AUTOMATIC COUPLING.
(Third Session, 28 April 1936.)

The Governing Body, at its Seventy-third Session (October 1935), authorised the Director to call a meeting of the Sub-Committee on Automatic Coupling. The Sub-Committee met at Geneva on 28 April 1936.

The agenda was as follows:

"Examination of the present situation of the problem of automatic coupling, with a view to proposing means of enabling preliminary practical tests of suitable coupling systems to be carried out at the earliest possible date."

The following members of the Sub-Committee were present:

Government group:
- Mr. Boutet (French).
- Mr. de Michelis (Italian).

Employers' group:
- Mr. de Boysson (French).
- Mr. Tzaut (Swiss).

Workers' group:
- Mr. Nathans (Netherlands).
- Mr. Schürch (Swiss).

The International Railway Union was represented by its Secretary-General, Mr. Leverve, accompanied by Mr. Renevey.

Mr. de Michelis was elected Chairman of the Sub-Committee and Mr. Tzaut Vice-Chairman.

The Sub-Committee considered a note from the International Railway Union concerning the progress of its work in connection with automatic coupling. The note contained the results of the statistical investigations carried out from 1929 to 1933. It gave for each country belonging to the International Railway Union the total number of persons killed and the proportion per 10,000 employees, and made a comparison between American and European figures of fatal accidents. According to the report the American coupling system does not succeed in preventing all accidents, mainly owing to the non-automatic coupling of the connections for steam, electricity and compressed air.

The Sub-Committee also considered the information collected by the International Labour Office and set forth in a note giving a survey of the present state of the problem of automatic coupling.

The note stated in the first place that the majority of the Governments had refused to undertake to contribute towards an international fund for financing tests of coupling systems. In the second place it showed that in various countries tests had been begun on systems of automatic coupling put into operation on certain lines. Although there is a movement in favour of automatic coupling no railway administration has so far submitted a type of coupling to the International Railway Union, and it has therefore not yet been possible to carry out the tests provided for by the Union.

The Sub-Committee accordingly suggested that the Office should approach Governments with a view to obtaining definite information concerning the appliances in use on the various lines and ascertaining whether these appliances will be submitted to the International Railway Union. After a detailed discussion of the proposal and the method of collecting the information in question, the Sub-Committee decided that it would itself draw up the questionnaire to be sent to the Governments concerned.

Several speakers drew attention to the necessity of opposing the present tendency to adopt various different systems of automatic coupling, which may impede the international settlement of the problem.
Questionnaire for the Governments of European countries.

1. Have you tested systems of automatic coupling or actually employed such systems?
2. (a) On how many vehicles and of what type?  
   (b) On what type of trains (passenger trains, local trains, goods trains, railcars, etc.)?  
   (c) For how long were the tests carried out?  
   (d) How many vehicles equipped with automatic coupling are at present in use?  
4. If possible, financial results.  
5. What system do you prefer?  
6. Do you consider that this system is suitable to undergo the tests provided for by the International Railway Union?  
7. Do you intend to submit it to the International Railway Union? If not, please state reasons.

If the Governing Body approves the suggestion put forward by the Sub-Committee, the Office will send the questionnaire to the Governments concerned.
NINTH ITEM ON THE AGENDA.

REPORT OF THE FINANCE COMMITTEE.

The documents relating to this item on the agenda, which was considered by the Governing Body in private, are printed separately.
APPENDIX X.

TENTH ITEM ON THE AGENDA.

DATE AND PLACE OF THE NEXT SESSION.

In fixing the date of opening of its Seventy-seventh Session, the Governing Body will have to bear in mind the following considerations: in the first place, it will not be possible to hold the autumn session in the brief interval between the close of the Assembly of the League of Nations and the opening of the maritime session of the Conference on 6 October 1936. In the second place, it is possible that a further session of the Conference may be held to discuss the revision of the Minimum Age (Sea) Convention; this will open on 22 October. Thus the Conference is hardly likely to end before 28 or 29 October. It is accordingly suggested that the Seventy-seventh Session of the Governing Body should be held in the week from 2-7 November. The Committees would meet in the early part of the week, and if necessary on the last two days of the previous week.
APPENDIX XI.

ELEVENTH ITEM ON THE AGENDA.

REPORT OF THE COMMITTEE ON AGRICULTURAL WORK.

The Committee on Agricultural Work met at Geneva on 27 April 1936 with Mr. Picquenard in the Chair. The following members were present:

**Government group**:  
Mr. Picquenard, Chairman.  
Mr. de Michelis, replacing Mr. Ruiz and accompanied by Mr. Cau.

**Employers' group**:  
Mr. Oersted.  
Mr. Vaněk.

**Workers' group**: Mr. Schürch.  
Absent: Mr. Largo Caballero.

The following question was on the agenda of the meeting:

*Revision of the Minimum Age (Agriculture) Convention.*

I.

**Summary of the Report submitted by the Office to the Committee on Agricultural Work.**

The Committee had before it a report prepared by the Office, a summary of which is given below:

The draft for a Convention submitted by the Office to the Third (1921) Session of the Conference was entitled: "A draft for a Convention concerning the employment of children in agriculture during compulsory school hours." Its principal aim was to prohibit the employment of children under 14 years of age in any public or private agricultural undertaking during hours of compulsory school attendance. For purposes of technical instruction or vocational training, it allowed the employment of children in agriculture on exceptional work or in connection with the harvest, provided that such work was not prejudicial to their attendance during compulsory school and that the annual period of school attendance was not reduced to less than eight months. It also allowed of exceptions for work done by children in technical schools.

The alterations made in this draft during the Conference were the following. The title was changed to "Draft Convention concerning the age for admission of children to employment in agriculture." The words "exceptional work or work connected with the harvest" were replaced by "light agricultural work or light work connected with the harvest." The first two articles were moreover rearranged; the provision that the work must not be prejudicial to school attendance was removed from the exception to which it applied and attached to the general prohibition of employment during compulsory school hours.

(1) The text of the Convention, as finally adopted, has since given rise to considerable difficulties as regards interpretation. Some Governments were in doubt whether the Convention did not apply also to children not compelled to attend school, or whether it would allow children to leave school before the age of 14. Other Governments had difficulty in understanding what was meant by a total annual period of school attendance of not less than eight months.

(2) At the same time the drafting of certain articles of the Convention, and even the principles on which the Convention itself is based, have aroused criticism. The aim of the Convention is to regulate the employment of children in agriculture, and not to deal with the question of compulsory school attendance. This fact is not brought out with sufficient clearness in the text, with the result that the various articles of the Convention are lacking in cohesion:

(a) As the Convention stands, it can only be applied in countries where compulsory school attendance legislation exists;
The principle of a minimum age for the admission of children to employment in agriculture. The Office in this connection went beyond the scope of revision as they proposed the introduction of reaching revision.

expressed in that report that the Convention in question is not satisfactory and requires far-
that in future it will be consulted before decisions are taken.

question before the Governing Body had taken any decision on the subject.

again consulting the Governments.

on the agenda of the Conference, include additional points with which revision should deal without mentioned at the time when revision procedure was opened, and can, when placing the question replies of Governments, have its attention drawn to other points in addition to those which were

Orders allowed considerable latitude in this respect; the Governing Body can, after considering the Committee took note of the statement made by the Chairman, who considered that the Standing with a view to revision, to add other points not mentioned in the Governments' replies.

The Committee was, however, unanimous in regretting that it had not been consulted on the question before the Governing Body had taken any decision on the subject. It expresses the hope that in future it will be consulted before decisions are taken.

II.

Summary of the Discussions and Proposals of the Committee on Agricultural Work.

The Committee began by discussing a question of procedure, namely whether it would be open to the Governing Body, which had already drawn the attention of Governments to two points with a view to revision, to add other points not mentioned in the Governments' replies. The Committee took note of the statement made by the Chairman, who considered that the Standing Orders allowed considerable latitude in this respect; the Governing Body can, after considering the replies of Governments, have its attention drawn to other points in addition to those which were mentioned at the time when revision procedure was opened, and can, when placing the question on the agenda of the Conference, include additional points with which revision should deal without again consulting the Governments.

The Committee was, however, unanimous in regretting that it had not been consulted on the question before the Governing Body had taken any decision on the subject. It expresses the hope that in future it will be consulted before decisions are taken.

The Committee, after considering the report submitted by the Office, shares the view expressed in that report that the Convention in question is not satisfactory and requires far-reaching revision. The Committee considered, however, that the proposals put forward by the Office in this connection went beyond the scope of revision as they proposed the introduction of the principle of a minimum age for the admission of children to employment in agriculture. The
Committee noted that this principle is not formulated in the Convention as at present drafted, and decided also to instruct the Governing Body to adjourn its decision on the conclusions of the report and asked the Director to prepare a further statement on the question.

Other members of the Committee, however, consider that the existing Convention still possesses intrinsic value, and that the age of fourteen years mentioned in it should be changed to fifteen years if that change is made in the other Minimum Age Conventions. It would also be desirable to consider whether the revision of the existing Convention in respect of certain other points would not make it possible to remove some of the principal difficulties caused by the present drafting.

These members, however, did not feel able to formulate a definite opinion on this question until they had seen the Governments' replies to the communication concerning revision procedure.

If the Governing Body, after considering the report containing those replies, thinks it desirable to continue the procedure for the revision of the present Convention, the Committee on Agricultural Work requests it to give it an opportunity of stating its views on the points in respect of which revision appears desirable and possible.

ANNEX A.

NOTE SUBMITTED BY THE OFFICE ON THE REVISION OF THE MINIMUM AGE (AGRICulture) CONVENTION.

1. During the second sitting of its Seventy-sixth Session, on 2 June 1936, the Governing Body examined the report of the Committee on Agricultural Work on the revision of the Minimum Age (Agriculture) Convention. The Governing Body decided to adjourn its decision on the conclusions of the report and asked the Director to prepare a further statement on the question.

2. The present position may be briefly summarised as follows. At its Seventy-fourth Session, February 1936, the Governing Body decided to open the procedure of revision of the Minimum Age (Agriculture) Convention and to draw the attention of the Governments to the following points:

   (1) raising of the minimum age from 14 to 15 years, (Article 1);
   (2) revision of the standard articles (Articles 4 and 10).

The Governing Body had before it the suggestions of the Office to extend revision to some other points of the Convention, the drafting of which had been a source of difficulty to Governments and had given rise to requests for interpretation. The Governing Body agreed that the Committee on Agricultural Work should be consulted on the points in respect of which the revision of this Convention might be contemplated.

In preparing its memorandum to this Committee, the Office realised that the difficulties which it would be desirable to overcome had their root not only in the formulation of the various provisions of the Convention, but above all in the drafting of the Convention as a whole, which
made it doubtful whether the Convention could be considered as an age of admission Convention proper or not.

3. The Third Session of the International Labour Conference, in 1921, was called upon to study the adaptation of the Washington decisions to agricultural labour, including the question of the minimum age for admission to employment. The majority of the Governments whose replies were available for the drafting of the Blue Report were of opinion that the difference between work in agriculture and work in industry was such as to render an extension of the Washington Convention to agriculture either impracticable or unnecessary. They considered that the best way to protect children in agriculture was by the enforcement of the compulsory education laws.

The Office therefore concluded that the Draft Convention should be based on the prohibition of agricultural work during school hours, and submitted to the Conference the "text of a draft of a Convention concerning the Employment of Children in Agriculture during compulsory school hours."

According to the Blue Report, consideration of the special nature and conditions of agricultural work led the Office to the conclusion that it was not expedient to fix a rigid limit of compulsory prohibition of the work of children in agriculture in the same way as was found possible in the case of industry, and the limit of 14 years as the age before which work is entirely prohibited was therefore renounced. The proposed draft confined itself to the prohibition of employment during compulsory school hours. 14 years was adopted as the upper limit of compulsory school age because this is the general limit in more advanced countries.

The Conference modified the title of the Convention, calling it "Draft Convention concerning the Age of Admission of Children to Employment in Agriculture", but without changing the principle upon which the Convention was based, stated in Article 1 in the following way:

"Children under the age of fourteen years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance."

4. This formulation has been interpreted in very different ways.

When replying to Governments asking for an interpretation of the Convention, the Office has stated, as its view, that the obligation imposed by Article 1 is confined to securing that those children who are compelled to attend school should have no obstacle placed in their way by reason of their employment in agriculture, and that where school attendance is not required by law, the words "hours fixed for school attendance" have no application.

In other words, the Office considers Article 1 to be conditional: it is only effective to the extent that school attendance laws exist in a country and its provisions would be no obstacle to the ratification of the Convention by a State having, for example, no schools at all, or only enforcing school attendance up to the age of 12 years.

However, contrary to the interpretation of the Office, it seems to be frequently held that a country ratifying the Convention must, in order to conform to Article 1, have compulsory school attendance up to the age of 14 years.

In order to overcome this and other difficulties, the Office suggested, in its Memorandum to the Committee on Agricultural Work, a re-modelling of the Convention aiming at bringing out clearly that the Convention aimed at regulating the conditions of admission of children below a certain age to work in agriculture, and not to the question of compulsory school attendance. Within the framework of such a redrafting, a series of points with which the revision should specially deal was given (cf. the Report of the Committee on Agricultural Work).

5. The Agricultural Committee, when examining the memorandum of the Office, came to the conclusion that the proposals of the Office really signified the insertion of the principle of the minimum age of admission to work in agriculture, which was not found in the text of the Convention, and that therefore such an amendment would go beyond what was possible in a simple revision of the Convention.

As a natural sequence of its way of looking at the Convention, the Committee arrived at its first conclusion, reproduced in its report, that:

"Convention No. 10, notwithstanding its title, is not a Convention concerning the minimum age of admission to agricultural employment, and that it is therefore not necessary that this Convention should be revised at the same time as the other Minimum Age Conventions."

Although rejecting the Office proposals for a remodelling of the Convention, the Committee agreed that the question of child labour in agriculture was not dealt with in a satisfactory way, and came to the second conclusion of its report, deciding to:

"Suggest to the Governing Body to instruct the Office to submit a report to it on the question of the employment of children in agriculture as a whole and in all its aspects, and on the possibility of drawing up a Convention on this subject, it being understood that this report is submitted to the competent Committee before coming before the Governing Body itself."
If this suggestion was followed, it seemed unnecessary to continue the procedure of revision already opened. However, certain members of the Committee considered that the adoption of a new Convention would take considerably more time than a revision, and that the existing Convention possessed sufficient intrinsic value to justify the age of 14 years mentioned in it being changed to 15 years, if this change is made in the other Minimum Age Conventions. These Members maintained, however, that it was not necessary to proceed to this revision simultaneously with the revision of the other Conventions and even considered that, once in possession of all the statements which the Governments might communicate with regard to the procedure of revision already opened, it would be desirable for the Committee to examine again whether, in the course of revision, at least some of the difficulties caused by the present text of the Convention could not be overcome.

The third conclusion of the Committee was therefore formulated in the following way:

If the Governing Body decides to continue the procedure for the revision of the present Minimum Age (Agriculture) Convention, the Committee on Agricultural Work asks to be given an opportunity of stating its views on the points in respect of which revision appears desirable and possible.

6. During the discussion in the Governing Body, Mr. Jouhaux raised the question whether it would be possible to revise the Minimum Age (Industry) Convention in such a way that this Convention should in the future also cover agriculture. This again raises the question: What are the possible limits of the scope of revision? It does not, however, seem necessary to solve this problem on this occasion, because there are important practical arguments against the suggestion of Mr. Jouhaux. To combine in a new single Convention the minimum age Conventions for agriculture and industry would be to endanger the adoption of the reform for industry which may be expected to be more easily acceptable than that for agriculture. If the two are combined those Governments who might be willing to accept for industry would vote against the joint Convention because of the inclusion of agriculture and the same difficulty would arise if the stage of ratifications was reached. It would therefore seem prudent to keep the questions separate.

7. The Governing Body will have to take two decisions of principle:

(a) With regard to the suggestion of the Committee on Agricultural Work concerning the first stage of a procedure aiming at putting the question of child labour in agriculture on the agenda of the Conference with a view to the adoption of a new Draft Convention on this subject;

(b) With regard to the continuation of the procedure of revision of the existing Convention already opened.

The first procedure is no doubt the most far-reaching and the widest in scope, and it therefore seems natural that the Governing Body should decide upon it first. After the Governing Body has decided on point (a), it will then have to decide if it will go forward with a revision of the existing Convention limited to the two points which it has already retained, namely the raising of the age figure from 14 to 15, and the standard articles.
APPENDIX XII.

TWELFTH ITEM ON THE AGENDA.

POSSIBILITY OF PLACING ON THE AGENDA OF THE CONFERENCE THE REVISION OF THE CONVENTIONS CONCERNING THE MINIMUM AGE OF ADMISSION TO INDUSTRIAL EMPLOYMENT, NON-INDUSTRIAL EMPLOYMENT, EMPLOYMENT IN AGRICULTURE AND EMPLOYMENT AT SEA.

Preliminary Note.

The Governing Body will remember that at its Seventy-fourth Session (February 1936) it decided that it was desirable to consider placing on the agenda of a session of the Conference the revision of the Minimum Age (Industry) Convention, 1919, (No. 5), the Minimum Age (Sea) Convention, 1920, (No. 7), the Minimum Age (Agriculture) Convention, 1921 (No. 10) and the Minimum Age (Non-Industrial Employment) Convention, 1932, (No. 33).

In the case of each of these Conventions the Governing Body decided to draw the attention of the Governments to the following points which it considered specially worthy of attention:

(i) The raising of the minimum age from 14 to 15 years and any related revision of the exceptions provided in the Conventions;
(ii) Revision of the standard articles.

In the case of the Minimum Age (Agriculture) Convention, 1921, (No. 10), the Governing Body also decided that the Committee on Agricultural Work should be consulted on the points in respect of which the revision of this Convention might be contemplated.

In accordance with these decisions and with Article 7a, paragraph 6, of the Standing Orders of the Governing Body, the Office, by letter of 22 February 1936, notified the Governments of States Members of the Governing Body's decision that it was desirable to consider placing on the agenda of the Conference the partial revision of these Conventions and asked for their observations, drawing attention to the points which the Governing Body had considered specially worthy of their attention. The Governments were asked to communicate their observations before 22 June 1936.

The possibility of revising the Minimum Age (Agriculture) Convention, 1921 (No. 10) was considered by the Committee on Agricultural Work at its meeting on 27 April 1936. The Committee's report on the subject forms another item on the agenda of the Seventy-sixth Session of the Governing Body.

Under paragraph 7 of Article 7a of its Standing Orders, the Governing Body has, on the expiry of four months from the date of the despatch of the notification to the Governments, to define the questions which it places on the agenda of the Conference, taking into account the replies of the Governments. The earliest date, therefore, on which the Governing Body can take this action will be 22 June.

Before that date the Office will submit to the Governing Body a note containing the replies so far received from the Governments and the Office's conclusions. Subsequent replies received, up to 22 June, will be submitted in an appendix to this note.

It will be remembered that at its Seventy-fifth Session (April 1936) the Governing Body decided that if the revision of the Minimum Age (Sea) Convention, 1920, (No. 7), was placed on the agenda, a second maritime session of the Conference should be held this year, to open on 22 October 1936. In order to comply with the provisions of Article 15 (401) of the Constitution, which requires the Director to transmit the agenda so as to reach States Members four months before the meeting of the Conference, a decision to place this question on the agenda of a second maritime session would have to be taken not later than 22 June 1936.

NOTE SUBMITTED BY THE OFFICE ON THE POSSIBILITY OF PLACING ON THE AGENDA OF THE CONFERENCE THE REVISION OF THE CONVENTIONS CONCERNING THE MINIMUM AGE OF ADMISSION TO INDUSTRIAL EMPLOYMENT, NON-INDUSTRIAL EMPLOYMENT, EMPLOYMENT IN AGRICULTURE AND EMPLOYMENT AT SEA.

A preliminary note upon this question has already been submitted to the Governing Body. The Governing Body may be reminded that this question came before it in consequence of a resolution adopted by the Nineteenth (1935) Session of the Conference, requesting it to consider
urgently the desirability of placing on the agenda of an early session of the Conference the revision of the four Conventions, with a view to raising the age from fourteen to fifteen years. The age of fifteen was moreover recommended as the minimum age for admission to employment in the Unemployment (Young Persons) Recommendations adopted by 100 votes to 1 by the Nineteenth Session of the Conference.

It will also be remembered that if the Governing Body decides that the partial revision of the Minimum Age (Sea) Convention, 1920 (No. 7) is to be placed upon the agenda of the maritime session of the Conference, to open on 22 October 1936, the latest date upon which the Governing Body can take that decision is 22 June 1936. At its meeting held in November 1935 the Joint Maritime Commission adopted a resolution agreeing that if the Governing Body decided to place the revision of the Minimum Age Conventions on the agenda of the Conference, the revision of the Minimum Age (Sea) Convention should also be placed on the agenda of a maritime session. Since the revision of the Sea Convention is thus linked to the revision of the other Minimum Age Conventions, the Governing Body has on 22 June to take a decision upon the revision of all the four Conventions concerned.

In its letter of 22 February 1936, notifying the Governments of the Governing Body's decision to consider placing on the agenda of the Conference the partial revision of the four Conventions, the Office drew attention to the following points which the Governing Body considered specially worthy of attention:

1. the raising of the minimum age from 14 to 15 years and any related revision of the exceptions provided in the Conventions;
2. revision of the standard articles.

The replies of the Governments to this letter may be summarised as follows:

Australia.—As a means towards the solution of the problem of juvenile employment the Commonwealth would be prepared on the revision of the Conventions in question to give careful consideration to the matter so far as it is concerned and to invite the State Governments within whose jurisdiction the question of the minimum age for employment mainly falls to do likewise.

Bulgaria.—The Government is of opinion that the minimum age for employment in industry, at sea and in agriculture should be raised from 14 to 15 years.
It offers no opinion on the minimum age in non-industrial employment.
It has no observations to make regarding the revision of the standard articles.

Canada.—(The replies of the Canadian Provinces do not refer to the Minimum Age (Sea) Convention.)

Alberta.—The suggested changes would be fully covered by the existing legislation of the Province.

British Columbia.—The proposed revision would be almost entirely covered by the statutory provisions of the Province.

New Brunswick.—The Government would be very much in favour of raising the age from 14 years to 15.

Ontario.—It would appear advisable that the Conference should consider the revision of the Conventions in order to raise the minimum age from 14 to 15.

Quebec.—The Department of Labour of the Province will present during this session of the Legislature an amendment to the Industrial and Commercial Establishments Act, in order to raise the minimum age of boys and girls employed in industrial and commercial establishments from 14 to 16 years.

Saskatchewan.—As regards industry, the present law provides that no boy under 14 years and no girl under 15 years of age shall be employed in any factory. The Government is of opinion that these age limits provide adequate protection, having in mind the limited industrial development of the province.
The Government is not disposed to recommend any Convention further regulating the minimum age in agriculture. For non-industrial employment, it considers that the school attendance laws (attendance up to 15 years, unless Grade VIII is attained earlier) sufficiently safeguard the employment of children.

Chile.—The Government accepts in principle the idea of a possible revision of the Conventions, but reserves the right to express its views, if necessary, on the exact terms of the amended text or on any other aspect of the question which the proposed revision may cover.


China.—The Government is not prepared to make any observations on the proposed raising of the minimum age, but is in favour of the revision of the standard articles.

Colombia.—As regards the Industry and Sea Conventions the Government merely refers to its reports on the application of these Conventions, which it has ratified. (These reports show that a minimum age of 14 years is required only for dangerous forms of employment.)

The Government refrains from offering any observations on the proposed revision of the Agriculture and Non-Industrial Employment Conventions.

Cuba.—The Government is in favour of the revision of the Conventions and further suggests the amendment or deletion of the exceptions allowed by Articles 5 and 6 of the Industry Convention and Article 5 of the Sea Convention. At the same time it proposes that an exception should be included allowing the employment of children of more than 14 but less than 15 years in certain special cases where the child’s family or financial circumstances justify it.

Estonia.—The Government is not in favour of raising the minimum age to 15 years.

Finland.—In Finland as in other countries, the tendency has been to raise the minimum age for admission to employment higher and higher, first in an endeavour to protect children against overtaxing their physical and mental powers and against other dangers, but also with the desire to endow children with as complete as possible an education generally and technically, before they engage in employment for remuneration. Lastly, it was hoped by these means to ease the situation in the labour market. The last-named reason is of little importance in Finland, where unemployment among young persons and unemployment in general is not widespread. Taking into account the other circumstances mentioned above, legislation in Finland has already laid down the minimum age limits for admission of children to employment. In virtue of this legislation Finland has also ratified, out of the four Conventions in question, those which concern employment at sea and employment in commerce, etc. For industrial employment Finnish legislation also lays down a minimum age of 14 years, although Finland has not yet been able, for reasons already communicated to the International Labour Office, to ratify the Convention in question. As regards agriculture there is not yet any legislation on the subject.

As regards the revision of the Convention so as to raise the age from 14 to 15 years, it should first be observed that compulsory school attendance in Finland, under the Act of 1921, applies to children only up to 13 years and to children of 12 years only when they have been unable to complete their elementary education earlier. Children who no longer attend school are required to undergo supplementary instruction for two years after leaving an elementary school. Supplementary instruction, however, is given during the day only in the cities and in towns and communes of some importance, and in the country is given in evening courses. As the large majority of children in Finland do not continue at school after their compulsory attendance at elementary schools, the raising of the age for admission to employment would result in forcing young persons to remain idle for some time after completing their education. Experience in the matter has shown in Finland that such lack of occupation is undesirable and even dangerous to the development of young persons and further increases the burden of a family among the poor of the population.

Although it does not desire to oppose the proposed revision of the Conventions, since such revision might be necessary and suitable in other countries, the Ministry of Social Affairs does not consider that it could be realised in Finland before elementary education has been organised so that there is no interval between the school-leaving age and the age for admission to employment.

France.—The Government considers that the revision of the four Conventions should be placed on the agenda of the Conference.

In the case of the Industry, Sea and Non-Industrial Employment Conventions, the revision should consist of the points to which the Governing Body drew attention.

In the case of the Agriculture Convention, several provisions of which do not seem entirely satisfactory, it might be found desirable, following the conclusions submitted in the report of the Committee on agricultural work, to examine the revision of the whole Convention.

Greece.—The Hellenic Government recognises the great value of the proposed reform. In this period of economic crisis and widespread unemployment, such reforms should be unanimously
adopted since they tend not only to diminish unemployment but also to secure a longer period for
the child's physical, intellectual and moral education.

It is necessary, however, that the means should exist of carrying out this task.

Greece, unfortunately, is a country in which the economic conditions and possibilities are
limited and has not therefore been able to open enough technical schools or centres of recreation
in which children could usefully pass the period between the end of their school attendance and
their admission to employment.

The constant progress which is being made towards a better social organisation permits the
hope that these reforms may be looked for in a few years.

In the meantime Greece can only adopt a negative attitude to the reform.

Guatemala.—The question has been brought to the notice of the authority competent in the
matter.

Iraq.—Legislation in Iraq has adopted an age limit under 15 years for a number of reasons,
the most important of which are the comparatively rapid physical development of young persons
and the desire to afford them full opportunities in industry and industrial culture in the country.
The Government of Iraq therefore regrets that it is unable to offer an opinion on the proposed
revision of the Conventions in question.

Netherlands.—As the situation stands to-day the raising of the minimum age from 14 to
15 years would involve such financial consequences (the necessity of raising the age at which
compulsory school attendance ends) that for that reason alone it would be impossible for the
Government of the Netherlands to collaborate in present circumstances in the revision of the
Conventions.

Poland.—The Polish Government is in favour of raising to 15 years the minimum age of
14 years laid down in the Industry, Sea and Non-Industrial Employment Conventions.
The Polish Government's support of the revision of the Conventions in the direction proposed
is based upon the provisions of Polish social legislation, which fix at 15 years the age for admission
of children to employment in industry, commerce, communications and transport.

As regards the Agriculture Convention, in view of the fact that the school-leaving age is
fixed at 14 years, the Government is not in favour of the revision of the Convention.

South Africa.—As the Union of South Africa was unable to ratify the Conventions when the
minimum age for admission to employment was fixed at fourteen years, it will not be in a position
to contemplate ratification should the age be raised to fifteen.

Sweden.—The reasons which up to the present have prevented Sweden from ratifying the
Industry and Non-Industrial Employment Conventions still prevail. Since the number of
unemployed workers who would be affected by the raising of the minimum age is relatively small
the Government does not feel able to support the proposed revision.

The Government is in favour of the revision of the Sea and Agriculture Conventions.

Venezuela.—The question has been referred to the competent department.

Yugoslavia.—The Government has no objection in principle to the proposed raising of the
minimum age from 14 to 15 years. But it will not be able to give practical effect to this reform,
since it will find it materially impossible to extend primary school attendance for children until
they have reached 15 years. The Act of 5 December 1929 at present in force provides for the
creation of upper primary schools in which the period of instruction is to last 8 years, that is to
say, until the children are 14 years old. Efforts are at present being made to bring these upper
primary schools into being in all parts of the country. In these circumstances, it is impossible
for the Government to recommend the raising of the minimum age for admission of children to
employment from 14 to 15 years, since such a step would lead to increased unemployment among
young persons.

The replies received from the Governments can be classified as follows.

Two States—Australia and Chile—agree to the placing of the revision of all four Conventions
on the agenda, without expressing an opinion on the merits of the question.

The other opinions which have been expressed are as follows:

Minimum Age (Industry) Convention, 1919 (No. 5).

In favour of raising the minimum age:

Bulgaria, Canada (Alberta, British Columbia, New Brunswick, Ontario, Quebec), Cuba,
France, Poland.
Against raising the minimum age:
Canada (Saskatchewan), Ecuador, Estonia, Finland, Greece, Netherlands, South Africa, Sweden, Yugoslavia.

**Minimum Age (Sea) Convention, 1920 (No. 7).**

In favour of raising the minimum age:
Bulgaria, Cuba, France, Poland, Sweden.

Against raising the minimum age:
Ecuador, Estonia, Finland, Greece, Netherlands, South Africa, Yugoslavia.

**Minimum Age (Agriculture) Convention, 1921 (No. 10).**

In favour of raising the minimum age:
Bulgaria, Canada (Alberta, British Columbia, New Brunswick, Ontario), Cuba, France, Sweden.

Against raising the minimum age:
Canada (Saskatchewan), Ecuador, Estonia, Finland, Greece, Netherlands, Poland, South Africa, Yugoslavia.

**Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33).**

In favour of raising the minimum age:
Canada (Alberta, British Columbia, New Brunswick, Ontario, Quebec), Cuba, France, Poland.

Against raising the minimum age:
Canada (Saskatchewan), Ecuador, Estonia, Finland, Greece, Netherlands, South Africa, Sweden, Yugoslavia.

The procedure laid down by Article 6, paragraph 6, of the Standing Orders of the Governing Body has now been carried out and it is for the Governing Body, under paragraph 7 of the same article, to "define exactly the question or questions which it places on the agenda of the Conference".

**Supplementary Note.**

Since the note upon this question was distributed to the Governing Body, the following replies have been received.

**United States of America.**

The Government does not favour revision of the Minimum Age (Agriculture) Convention at present.

It favours the revision of the Minimum Age (Industry), (Sea) and (Non-Industrial Employment) Conventions, and states the following points that in its opinion require consideration:

**Minimum Age (Industry) Convention.**

The Government would prefer in Article 2 a formula which would express a principle of child protection as well as state the minimum age of permitted employment.

The language of the Minimum Age (Non-Industrial Employment) Convention (No. 33) should be substituted not merely in the formal articles but in the substantive articles also. Thus Article 2 (employment of members of the same family) should be redrafted in the light of section 3 of Article 1 of Convention No. 33; similarly Article 3 (employment in technical schools) should be replaced by Article 1 (2) (b) of Convention No. 33 and Article 7 of Convention No. 33 (strengthened as indicated below) should be substituted for Article 4 (keeping of registers).

In Article 4 it wishes to see the age of 18 substituted for 16. It also suggests revision upward of the provisions of Articles 5 and 6 (application of the Convention to Japan and India) in view of developments respecting child labour in those two countries and in the world generally.

**Minimum Age (Sea) Convention.**

The Government would prefer in Article 2 a formula which would express a principle of child protection as well as state the minimum age of permitted employment.

The language of Convention No. 33 should be substituted not merely in the formal articles but in the substantive articles also. Thus Article 7 of Convention No. 33 (strengthened as indicated below) should be substituted for Article 4 (keeping of registers).
Minimum Age (Non-Industrial Employment) Convention.

The Government would prefer in Article 2 a formula which would express a principle of child protection as well as state the minimum age of permitted employment.

It favours the deletion from the Convention of the exception for sea-fishing in Article 1 (2) (a). It desires that the age specified in Article 3 (employment on light work) be raised from 12 to 14, in conformity with the general raising of the minimum age.

In Article 6 (street-trading, etc.), it recommends the deletion of the words “in cases where the conditions of such employment require that a higher age should be fixed” and would like to see this article extended to cover self-employed minors working at stalls outside shops and in itinerant occupations.

Article 7 (means of enforcement) should be strengthened to provide that the means of identification include at least the keeping by every employer of a register of all persons under the age of 18 employed by him, together with the dates of their birth and the extent of their schooling.

Great Britain.

The British Government is in agreement with the proposal to place on the agenda of the Conference the revision of the four Conventions.

With regard to the points which the Governing Body considered specially worthy of attention, the British Government considers (1) that, in connection with the raising of the minimum age from 14 to 15 years and any related revision of the exceptions provided in the Conventions, the question of providing for exceptions in the case of employment of a character beneficial to children between those ages should be considered in view of the legislation to this effect now under consideration in Great Britain; and (2) that in the event of the revision of the existing Conventions the formal articles should be amended so as to bring them into line with similar articles inserted in more recent Conventions.

Irish Free State.

The policy of the Government in regard to the restriction of the employment of juveniles is indicated by the powers taken under the Conditions of Employment Act, 1936, and by the findings, which the Government has accepted, of an Inter-Departmental Committee set up by the Minister for Education to consider the extension to young persons between fourteen and sixteen years of age of compulsory attendance at school. Under the Act the Minister for Industry and Commerce has power to prohibit the employment of young persons of less than 18 and more than 14 years of age in any form of industrial work after consultation with the representatives of employers and workers interested in that form of industrial work. The Act prohibits the employment of any person under 14 in industrial work. The conclusions of this Committee were as follows:

1. The existing requirements of the Saorstat in the matter of compulsory attendance at school are as comprehensive as those of other European countries.

2. Although there has been in many countries in recent years a persistent demand for the general raising of the school-leaving age to 15 and 16 years, scarcely any country has so far yielded to the demand.

3. Large numbers of young persons between the ages of 14 and 16 are employed in agricultural occupations in the Saorstat, but they are the sons and daughters of smallholders, and if the school-leaving age were raised the withdrawal of their labour from the farms would cause considerable hardship to their parents.

4. The withdrawal of juvenile labour in agricultural areas would not result in any material improvement in the employment of additional adult labour.

5. There is not an undue proportion of juvenile to adult workers in non-agricultural occupations and there is no evidence that juveniles are employed to any appreciable extent on industrial work that is suitable only to adult workers.

6. There is no case for the raising of the school-leaving age on the grounds that young people are too immature for employment at the age of 14 years.

7. A large proportion of the employment obtained by juveniles in non-agricultural occupations is blind-alley employment as messengers, etc., but it is difficult to see what better employment could be obtained for such juveniles by keeping them a year or two longer at school.

8. The parents of juveniles who enter blind-alley employment are generally in very poor circumstances and would be unable to keep them longer at school. If the school-leaving age were raised, there would be a very strong demand for maintenance grants for the disemployed juveniles.

9. The withdrawal from the industrial labour market of all boys and girls under the age of 16 years would not lessen adult unemployment to any appreciable extent.
10. There are large numbers of young people between the ages of 14 and 16 who have not obtained employment and do not attend school. There is grave danger in their idleness which tends to make the young people unfit for employment.

11. There is a definite advantage to be gained by keeping unemployed juveniles at school, but if they are to have a reasonable chance of obtaining employment on leaving school they must be kept to 16, and not 15, years of age.

12. Under the conditions that prevail in the Saorstat it would be better that the school-leaving age should be raised to 16 years for unemployed juveniles than that it should be raised to 15 years for all juveniles.

13. It is essential to the success of any extension of the period of school life that there should be adequate facilities for post-primary education, and the lack of such facilities in many districts in the Saorstat makes the general raising of the school-leaving age impracticable at present.

14. The provisions of Part V of the Vocational Education Act might be put into operation in two or three carefully-selected areas, all employed juveniles in these areas being required to attend classes for not more than 180 hours per year and all unemployed juveniles in the areas being required to attend whole-time schools.
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