Declaration, Recommendations and Resolutions adopted by
the International Labour Conference at its
Twenty-sixth Session

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Address by the President of the United States of America to the delegates attending the Twenty-sixth Session of the International Labour Conference (White House, Washington, D.C., 17 May 1944)
Declaration adopted by the International Labour Conference at its Twenty-sixth Session

Declaration concerning the aims and purposes of the International Labour Organisation.

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members.

I

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that:

(a) labour is not a commodity;
(b) freedom of expression and of association are essential to sustained progress;
(c) poverty anywhere constitutes a danger to prosperity everywhere;
(d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.
II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:

(a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;

(b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;

(c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;

(d) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;

(e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

III

The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve:

(a) full employment and the raising of standards of living;

(b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;

(c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;

(d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;
(e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;

(f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;

(g) adequate protection for the life and health of workers in all occupations;

(h) provision for child welfare and maternity protection;

(i) the provision of adequate nutrition, housing and facilities for recreation and culture;

(j) the assurance of equality of educational and vocational opportunity.

IV

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

V

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.
Recommendations adopted by the International Labour Conference at its Twenty-sixth Session

Recommendation (No. 67) concerning income security.

The General Conference of the International Labour Organization,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to income security, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twelfth day of May of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Income Security Recommendation, 1944:

 Whereas the Atlantic Charter contemplates "the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security"; and

 Whereas the Conference of the International Labour Organisation, by a resolution adopted on 5 November 1941, endorsed this principle of the Atlantic Charter and pledged the full co-operation of the International Labour Organisation in its implementation; and

 Whereas income security is an essential element in social security; and

 Whereas the International Labour Organisation has promoted the development of income security—
by the adoption by the International Labour Conference of Conventions and Recommendations relating to workmen's compensation for accidents and occupational diseases, sickness insurance, provision for maternity, old-age, invalidity, and widows' and orphans' pensions, and provision for unemployment,

by the adoption by the First and Second Labour Conferences of American States of the resolutions constituting the Inter-American Social Insurance Code, by the participation of a delegation of the Governing Body in the First Inter-American Conference on Social Security which adopted the Declaration of Santiago de Chile, and by the approval by the Governing Body of the Statute of the Inter-American Conference on Social Security established as a permanent agency of co-operation between social security administrations and institutions acting in concert with the International Labour Office, and

by the participation of the International Labour Office in an advisory capacity in the framing of social insurance schemes in a number of countries and by other measures; and

Whereas some Members have not taken such steps as are within their competence to promote the well-being and development of their people although their need for improved labour standards, economic advancement and social security is greatest; and

Whereas it is now highly desirable that such Members take all necessary steps as soon as possible to reach the accepted international minimum standards and develop those standards; and

Whereas it is now desirable to take further steps towards the attainment of income security by the unification or co-ordination of social insurance schemes, the extension of such schemes to all workers and their families, including rural populations and the self-employed, and the elimination of inequitable anomalies; and

Whereas the formulation of certain general principles which should be followed by Members of the Organisation in developing their income security schemes along these lines on the foundation of the existing Conventions and Recommendations, pending the unification and amplification of the provisions of the said Conventions and Recommendations, will contribute to this end;

The Conference:

(a) recommends the Members of the Organisation to apply progressively the following general guiding principles, as
rapidly as national conditions allow, in developing their income security schemes with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office from time to time as requested by the Governing Body, concerning the measures taken to give effect to the said general guiding principles;

(b) calls the attention of the Members of the Organisation to the suggestions for the application of these general guiding principles submitted to the Conference and contained in the Annex to this Recommendation.

GUIDING PRINCIPLES

GENERAL

1. Income security schemes should relieve want and prevent destitution by restoring, up to a reasonable level, income which is lost by reason of inability to work (including old age) or to obtain remunerative work or by reason of the death of a breadwinner.

2. Income security should be organised as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled, in consideration of the contributions they have paid to an insurance institution, to benefits payable at rates, and in contingencies, defined by law.

3. Provision for needs not covered by compulsory social insurance should be made by social assistance; certain categories of persons, particularly dependent children and needy invalids, aged persons and widows, should be entitled to allowances at rates according to a prescribed scale.

4. Social assistance appropriate to the needs of the case should be provided for other persons in want.

SOCIAL INSURANCE

5. The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies, generally experienced, which involved extraordinary strain on limited incomes, in so far as they are not otherwise covered.
6. Compensation should be provided in cases of incapacity for work and of death resulting from employment.

7. In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows:

(a) sickness;
(b) maternity;
(c) invalidity;
(d) old age;
(e) death of breadwinner;
(f) unemployment;
(g) emergency expenses; and
(h) employment injuries.

Provided that benefits should not be payable at the same time for more than one of the following contingencies: invalidity, old age and unemployment.

8. Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.

9. The contingency for which sickness benefit should be paid is loss of earnings due to abstention from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.

10. The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after childbirth.

11. The contingency for which invalidity benefit should be paid is inability to engage in any substantially gainful work by reason of a chronic condition, due to disease or injury, or by reason of the loss of a member or function.

12. The contingency for which old-age benefit should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.

13. The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependants as the result of the death of the head of the family.

14. The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment
in some occupation, and seeking suitable employment, or due to part-time unemployment.

15. Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.

16. The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim, which results in temporary or permanent incapacity or death.

17. Social insurance should afford protection, in the contingencies, to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable:

(a) to collect contributions without incurring disproportionate administrative expenditure; and

(b) to pay benefits with the necessary co-operation of medical and employment services and with due precautions against abuse.

18. The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

19. In order to facilitate the efficient administration of benefits, arrangements should be made for the keeping of records of contributions, for ready means of verifying the presence of the contingencies which give rise to benefits, and for a parallel organisation of medical and employment services with preventive and remedial functions.

20. Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect of them can be organised and the necessary arrangements can be made for the administration of benefit.

21. Self-employed persons should be insured against the contingencies of invalidity, old age and death, under the same conditions as employed persons as soon as the collection of their contributions can be organised. Consideration should be given to the possibility of insuring them also against sickness and maternity necessitating hospitalisation, sickness which has lasted for several months, and extraordinary expenses incurred in cases of sickness, maternity, invalidity and death.

22. Benefits should replace lost earnings, with due regard to family responsibilities, up to as high a level as is practicable without impairing the will to resume work where resumption is a possi-
bility, and without levying charges on the productive groups so heavy that output and employment are checked.

23. Benefits should be related to the previous earnings of the insured person on the basis of which he has contributed: Provided that any excess of earnings over those prevalent among skilled workers may be ignored for the purpose of determining the rate of benefits, or portions thereof, financed from sources other than the contributions of the insured person.

24. Benefits at flat rates may be appropriate for countries where adequate and economical facilities exist for the population to procure additional protection by voluntary insurance. Such benefits should be commensurate with the earnings of unskilled workers.

25. The right to benefits other than compensation for employment injuries should be subject to contribution conditions designed to prove that the normal status of the claimant is that of an employed or self-employed person and to maintain reasonable regularity in the payment of contributions: Provided that a person should not be disqualified for benefits by reason of the failure of his employer duly to collect the contributions payable in respect of him.

26. The cost of benefits, including the cost of administration, should be distributed among insured persons, employers and taxpayers in such a way as to be equitable to insured persons and to avoid hardship to insured persons of small means or any disturbance to production.

27. The administration of social insurance should be unified or co-ordinated within a general system of social security services, and contributors should, through their organisations, be represented on the bodies which determine or advise upon administrative policy and propose legislation or frame regulations.

SOCIAL ASSISTANCE

28. Society should normally co-operate with parents through general measures of assistance designed to secure the well-being of dependent children.

29. Invalids, aged persons and widows who are not receiving social insurance benefits because they or their husbands, as the case may be, were not compulsorily insured, and whose incomes do not exceed a prescribed level, should be entitled to special maintenance allowances at prescribed rates.

30. Appropriate allowances in cash or partly in cash and partly in kind should be provided for all persons who are in want and do not require internment for corrective care.
ANNEX

GUIDING PRINCIPLES
ACCOMPANIED BY SUGGESTIONS
FOR APPLICATION

(The paragraphs in bold type are the general guiding principles and the sub-paragraphs are the suggestions for application.)

General

1. Income security schemes should relieve want and prevent destitution by restoring, up to a reasonable level, income which is lost by reason of inability to work (including old age) or to obtain remunerative work or by reason of the death of a breadwinner.

2. Income security should be organised as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled, in consideration of the contributions they have paid to an insurance institution, to benefits payable at rates, and in contingencies, defined by law.

3. Provision for needs not covered by compulsory social insurance should be made by social assistance; certain categories of persons, particularly dependent children and needy invalids, aged persons and widows, should be entitled to allowances at reasonable rates according to a prescribed scale.

4. Social assistance appropriate to the needs of the case should be provided for other persons in want.

I. Social Insurance

A. Contingencies Covered

Range of Contingencies to be Covered

5. The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies, generally experienced, which involve extraordinary strain on limited incomes, in so far as they are not otherwise covered.
6. Compensation should be provided in cases of incapacity for work and of death resulting from employment.

7. In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows:

(a) sickness;
(b) maternity;
(c) invalidity;
(d) old age;
(e) death of breadwinner;
(f) unemployment;
(g) emergency expenses; and
(h) employment injuries.

Provided that benefits should not be payable at the same time for more than one of the following contingencies: invalidity, old age and unemployment.

8. Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.

Sickness

9. The contingency for which sickness benefit should be paid is loss of earnings due to abstention from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.

(1) The necessity for abstention from work should be judged, as a rule, with reference to the previous occupation of the insured person, which he may be expected to resume.

(2) Benefit need not be paid for the first few days of a period of sickness, but if sickness recurs within a few months, a fresh waiting period should not be imposed.

(3) Benefit should preferably be continued until the beneficiary is fit to return to work, dies or becomes an invalid. If, however, it is considered necessary to limit the duration of benefit, the maximum period should not be less than 26 weeks for a single case, and provision should be made for extending the duration of benefit in the case of specified diseases, such as tuberculosis, which often involve lengthy, though curable, sickness: Provided that at the outset of the operation of an insurance scheme it may be necessary to provide for a shorter period than 26 weeks.
Maternity

10. The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after childbirth.

(1) A woman should have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks, and no woman should be permitted to work during the six weeks following her confinement.

(2) During these periods maternity benefit should be payable.

(3) Absence from work for longer periods or on other occasions may be desirable on medical grounds, having regard to the physical condition of the beneficiary and the exigencies of her work; during any such periods sickness benefits should be payable.

(4) The payment of maternity benefit may be made conditional on the utilisation by the beneficiary of health services provided for her and her child.

Invalidity

11. The contingency for which invalidity benefit should be paid is inability to engage in any substantially gainful work by reason of a chronic condition, due to disease or injury, or by reason of the loss of a member or function.

(1) A handicapped person should be expected to engage in any occupation which may reasonably be indicated for him, having regard for his remaining strength and ability, his previous experience, and any facilities for training available to him.

(2) A person for whom such an occupation can be indicated but is not yet available, and a person following a training course, should receive provisional invalidity benefit, training benefit or unemployment benefit, if he is otherwise qualified for it.

(3) A person for whom no such occupation can be indicated should receive invalidity benefit.

(4) Beneficiaries whose permanent inability to engage regularly in any gainful occupation has been confirmed should be allowed to supplement their invalidity benefit by casual earnings of small amount.

(5) Where the rate of invalidity benefit is related to the rate of the previous earnings of the insured person, the right to benefit should be admitted if the handicapped person is not able to earn by ordinary effort as much as one third of the normal earnings in his previous occupation of able-bodied persons having the same training.
Invalidity benefit should be paid, from the date when sickness benefit ceases, for the whole duration of invalidity, provided that when the beneficiary reaches the age at which old-age benefit may be claimed the latter may be substituted for invalidity benefit.

Old Age

12. The contingency for which old-age benefit should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.

(1) The minimum age at which old-age benefit may be claimed should be fixed at not more than 65 in the case of men and 60 in the case of women: Provided that a lower age may be fixed for persons who have worked for many years in arduous or unhealthy occupations.

(2) Payment of old-age benefit may, if the basic benefit can be considered sufficient for subsistence, be made conditional on retirement from regular work, in any gainful occupation; where such retirement is required, the receipt of casual earnings of relatively small amount should not disqualify for old-age benefit.

Death of Breadwinner

13. The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependants as the result of the death of the head of the family.

(1) Survivors' benefits should be paid: (a) to the widow of an insured man; (b) for the children, stepchildren, adopted children and, subject to their previous registration as dependants, illegitimate children of an insured man or of an insured woman who supported the children; and, (c) under conditions to be defined by national laws, to an unmarried woman with whom the deceased cohabited.

(2) Widow's benefit should be paid to a widow who has in her care a child for whom child's benefit is payable or who, at her husband's death or later, is an invalid or has attained the minimum age at which old-age benefit may be claimed; a widow who does not fulfil one of these conditions should be paid widow's benefit for a minimum period of several months, and thereafter if she is unemployed until suitable employment can be offered to her, after training if necessary.

(3) Child's benefit should be paid for a child who is under the
school-leaving age, or who is under the age of 18 and is continuing his general or vocational education.

Unemployment

14. The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment in some occupation, and seeking suitable employment, or due to part-time unemployment.

(1) Benefit need not be paid for the first few days of a period of unemployment reckoned from the date on which the claim is registered, but if unemployment recurs within a few months, a fresh waiting period should not be imposed.

(2) Benefit should continue to be paid until suitable employment is offered to the insured person.

(3) During an initial period reasonable in the circumstances of the case, only the following should be deemed to be suitable employment:

(a) employment in the usual occupation of the insured person in a place not involving a change of residence and at the current rate of wages, as fixed by collective agreements where applicable; or

(b) another employment acceptable to the insured person.

(4) After the expiration of the initial period:

(a) employment involving a change of occupation may be deemed to be suitable if the employment offered is one which may reasonably be offered to the insured person, having regard to his strength, ability, previous experience and any facilities for training available to him;

(b) employment involving a change of residence may be deemed to be suitable if suitable accommodation is available in the new place of residence;

(c) employment under conditions less favourable than the insured person habitually obtained in his usual occupation and district may be deemed to be suitable if the conditions offered conform to the standard generally observed in the occupation and district in which the employment is offered.

Emergency Expenses

15. Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.
(1) Necessary domestic help should be provided, or benefit paid for hiring it, during the hospitalisation of the mother of dependent children, if she is an insured woman or the wife of an insured man and is not receiving any benefit in lieu of earnings.

(2) A lump sum should be paid at childbirth to insured women and the wives of insured men towards the cost of a layette and similar expenses.

(3) A special supplement should be paid to recipients of invalidity or old-age benefit who need constant attendance.

(4) A lump sum should be paid on the death of an insured person, or of the wife, husband or dependent child of an insured person, towards the cost of burial.

**Employment Injuries**

16. The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim which results in temporary or permanent incapacity or death.

(1) Injuries resulting from employment should be deemed to include accidents occurring on the way to or from the place of employment.

(2) Where compensation for an employment injury is payable, the foregoing provisions should be subject to appropriate modifications as indicated in the following paragraphs.

(3) Any disease which occurs frequently only to persons employed in certain occupations or is a poisoning caused by a substance used in certain occupations, should, if the person suffering from such a disease was engaged in such an occupation, be presumed to be of occupational origin and give rise to compensation.

(4) A list of diseases presumed to be of occupational origin should be established and should be revised from time to time by a simple procedure.

(5) In fixing any minimum period of employment in the occupation required to establish the presumption of occupational origin and any maximum period during which the presumption of occupational origin will remain valid after leaving the employment, regard should be had to the length of time required for the contraction and manifestation of the disease.

(6) Temporary incapacity compensation should be payable under conditions similar to those applicable to the payment of sickness benefit.
(7) Consideration should be given to the possibility of paying compensation from the first day of temporary incapacity if the incapacity lasts longer than the waiting period.

(8) Permanent incapacity compensation should be payable in respect of the loss or reduction of earning capacity by reason of the loss of a member or function or by reason of a chronic condition due to injury or disease.

(9) A person who becomes permanently incapacitated should be expected to resume employment in any occupation which may reasonably be indicated for him, having regard to his remaining strength and ability, his previous experience, and any facilities for training available to him.

(10) If no such employment can be offered, the person should receive compensation for total incapacity on a definitive or provisional basis.

(11) If such employment can be offered, but the sum which the person is able to earn by ordinary effort in the employment is significantly less than that which he would probably have earned had he not suffered the injury or disease, he should receive compensation for partial incapacity proportionate to the difference in earning capacity.

(12) Consideration should be given to the possibility of paying suitable compensation in every case of loss of a member or function or disfigurement, even where no reduction of capacity can be proved.

(13) Persons exposed to the risk of an occupational disease of gradual development should be examined periodically, and those for whom a change of occupation is indicated, should be eligible for compensation.

(14) Compensation for permanent incapacity, total or partial, should be paid from the time when temporary incapacity compensation ceases for the whole duration of permanent incapacity.

(15) Persons receiving compensation for permanent partial incapacity should be able to qualify for other benefits under the same conditions as able-bodied persons, where the rates of such benefits are related to the previous earnings of the insured person.

(16) Where the rates of such benefits are not related to the previous earnings of the insured person, a maximum may be fixed for the combined rate of compensation and other benefit.

(17) Survivors' compensation should, subject to the provisions of the following sub-paragraphs, be paid to the same dependants as could otherwise qualify for survivors' benefits.

(18) A widow should receive compensation for the whole duration of her widowhood.
(19) A child should receive compensation until the age of 18, or 21 if he is continuing his general or vocational education.

(20) Provision should be made for compensating other members of the family of the deceased who were dependent upon him, without prejudice to the claims of the widow and children.

(21) The survivors of a person permanently incapacitated in the degree of two thirds or more who dies otherwise than from the effects of an employment injury should be entitled to basic survivors' benefits, whether or not the deceased fulfilled the contribution conditions for such benefit at the time of his death.

**B. Persons Covered**

*Range of Persons to be Covered*

17. Social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable:

(a) to collect contributions without incurring disproportionate administrative expenditure; and

(b) to pay benefits with the necessary co-operation of medical and employment services and with due precautions against abuse.

(1) Dependent wives (that is to say, wives who are not employed or self-employed) and dependent children (that is to say, persons who are under the school-leaving age, or who are under the age of 18 and are continuing their general or vocational education) should be protected in virtue of the insurance of their breadwinners.

*Collection of Contributions*

18. The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

(1) Where membership of an occupational association or the possession of a licence is compulsory for any class of self-employed persons, the association or the licensing authority may be made responsible for collecting contributions from the persons concerned.

(2) The national or local authority may be made responsible for collecting contributions from self-employed persons registered for the purpose of taxation.
(3) Pending the development of agencies to enforce payment of contributions, provision should be made for enabling self-employed persons to contribute voluntarily, either as individuals or as members of associations.

**Administration of Benefits**

19. In order to facilitate the efficient administration of benefits, arrangements should be made for the keeping of records of contributions, for ready means of verifying the presence of the contingencies which give rise to benefits, and for a parallel organisation of medical and employment services with preventive and remedial functions.

**Employed Persons**

20. Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect of them can be organised and the necessary arrangements can be made for the administration of benefit.

(1) Persons whose employment is so irregular, or likely to be so short in its total duration, that they are unlikely to qualify for benefit confined to employed persons, may be excluded from insurance for such benefits. Special provision should be made on behalf of persons who ordinarily work for a very short period for the same employer.

(2) Apprentices who receive no remuneration should be insured against employment injuries, and, as from the date at which they would have completed their apprenticeship for their trade, compensation based on the wages current for workers in that trade should become payable.

**Self-Employed Persons**

21. Self-employed persons should be insured against the contingencies of invalidity, old age and death under the same conditions as employed persons as soon as the collection of their contributions can be organised. Consideration should be given to the possibility of insuring them also against sickness and maternity necessitating hospitalisation, sickness which has lasted for several months, and extraordinary expenses incurred in cases of sickness, maternity, invalidity and death.

(1) Members of the employer's family living in his house, other than his dependent wife or dependent children, should be
insured against the said contingencies on the basis of either their actual wages or, if these cannot be ascertained, the market value of their services; the employer should be responsible for the payment of contributions in respect of such persons.

(2) Self-employed persons whose earnings are ordinarily so low that they can be presumed to be a merely subsidiary or casual source of income, or that payment of the minimum contribution would be a hardship for them, should be excluded provisionally from insurance and referred for counsel to the employment service or to any special service that may exist for promoting the welfare of the occupational group to which they may belong.

(3) Persons who, after completing the contribution period prescribed as a qualification for invalidity and survivors' benefits, cease to be compulsorily insured, either as employed or as self-employed persons, should be given the option, to be exercised within a limited period, of continuing their insurance under the same conditions as self-employed persons, subject to such modifications as may be prescribed.

C. Benefit Rates and Contribution Conditions

Benefit Rates

22. Benefits should replace lost earnings, with due regard to family responsibilities, up to as high a level as is practicable without impairing the will to resume work where resumption is a possibility, and without levying charges on the productive groups so heavy that output and employment are checked.

23. Benefits should be related to the previous earnings of the insured person on the basis of which he has contributed: Provided that any excess of earnings over those prevalent among skilled workers may be ignored for the purpose of determining the rate of benefits, or portions thereof, financed from sources other than the contributions of the insured person.

24. Benefits at flat rates may be appropriate for countries where adequate and economical facilities exist for the population to procure additional protection by voluntary insurance. Such benefits should be commensurate with the earnings of unskilled workers.

(1) Sickness and unemployment benefits should, in the case of unskilled workers, be not less than 40 per cent. of the previous net earnings of the insured person if he has no dependants, or 60 per cent. thereof if he has a dependent wife or housekeeper for his
children; for each of not more than two dependent children, an additional 10 per cent. of such earnings, less the amount of any children's allowances for these children, should be payable.

(2) In the case of workers with high earnings, the foregoing proportions of benefit to previous earnings may be somewhat reduced.

(3) Maternity benefit should in all cases be sufficient for the full and healthy maintenance of the mother and her child; it should be not less than 100 per cent. of the current net wage for female unskilled workers or 75 per cent. of the previous net earnings of the beneficiary, whichever is the greater, but may be reduced by the amount of any child's allowance payable in respect of the child.

(4) Basic invalidity and old-age benefits should be not less than 30 per cent. of the current wage commonly recognised for male unskilled workers in the district in which the beneficiary resides, if the beneficiary has no dependants, or 45 per cent. thereof if he has a dependent wife who would be qualified for widow's benefit or a housekeeper for his children; for each of not more than two dependent children, an additional 10 per cent. of such wage, less the amount of any children's allowances for these children, should be payable.

(5) Basic widow's benefit should be not less than 30 per cent. of the current minimum wage commonly recognised for male unskilled workers in the district in which the beneficiary resides; for each of not more than three dependent children, child's benefit at the rate of 10 per cent. of such wage, less the amount of any children's allowances for these children, should be payable.

(6) In the case of an orphan, basic child's benefit should be not less than 20 per cent. of the current minimum wage commonly recognised for male unskilled workers, less the amount of any child's allowance payable in respect of the orphan.

(7) A portion of every contribution additional to those paid as a qualification for basic invalidity, old-age and survivors' benefits may be credited to the insured person for the purpose of increasing the benefits provided for in sub-paragraphs (4), (5) and (6).

(8) In every case in which retirement is deferred beyond the minimum age at which old-age benefit could have been claimed, basic old-age benefit should be equitably increased.

(9) Compensation for employment injuries should not be less than two thirds of the wages lost, or estimated to have been lost, as the result of the injury.

(10) Such compensation should take the form of periodical payments, except in cases in which the competent authority is
satisfied that the payment of a lump sum will be more advantageous to the beneficiary.

(11) Periodical payments in respect of permanent incapacity and death should be adjusted currently to significant changes in the wage level in the insured person's previous occupation.

*Contribution Conditions*

25. The right to benefits other than compensation for employment injuries should be subject to contribution conditions designed to prove that the normal status of the claimant is that of an employed or self-employed person and to maintain reasonable regularity in the payment of contributions: Provided that a person shall not be disqualified for benefits by reason of the failure of his employer duly to collect the contributions payable in respect of him.

(1) The contribution conditions for sickness, maternity and unemployment benefits may include the requirement that contributions shall have been paid in respect of at least a quarter of a prescribed period, such as two years, completed before the contingency occurs.

(2) The contribution conditions for maternity benefit may include the requirement that the first contribution shall have been paid at least ten months before the expected date of confinement, but even though the contribution conditions are not fulfilled, maternity benefit at the minimum rate should be paid during the period of compulsory abstention from work after confinement, if the claimant's normal status appears, after consideration of the case, to be that of an employed person.

(3) The contribution conditions for basic invalidity, old-age and survivors' benefits may include the requirement that contributions shall have been paid in respect of at least two-fifths of a prescribed period, such as five years, completed before the contingency occurs; payment of contributions in respect of not less than three-quarters of a prescribed period, such as ten years, or of any longer period which has elapsed since entry into insurance, should be recognised as an alternative qualification for benefit.

(4) The contribution conditions for old-age benefit may include the requirement that the first contribution shall have been paid at least five years before the claim for benefit is made.

(5) The right to benefit may be suspended where an insured person wilfully fails to pay any contribution due by him in respect of any period of self-employment or to pay any penalty imposed for late payment of contributions.

(6) The insurance status of an insured person at the date when
he becomes entitled to invalidity or old-age benefit should be main-
tained during the currency of such benefit for the purposes of en-
suring him, in the event of recovery from invalidity, as full pro-
tection under the scheme as he was entitled to on the occurrence
of the invalidity, and of entitling his survivors to survivors’ benefits.

D. DISTRIBUTION OF COST

26. The cost of benefits, including the cost of adminis-
tration, should be distributed among insured persons, em-
ployers and tax-payers, in such a way as to be equitable to
insured persons and to avoid hardship to insured persons of
small means or any disturbance to production.

(1) The contribution of an insured person should not exceed
such proportion of his earnings taken into account for reckoning
benefits as, applied to the estimated average earnings of all persons
insured against the same contingencies, would yield a contribution
income the probable present value of which would equal the pro-
bable present value of the benefits to which they may become
entitled (excluding compensation for employment injuries).

(2) In accordance with this principle the contributions of em-
ployed persons and self-employed persons for the same benefits
may, as a rule, represent the same proportion of their respective
earnings.

(3) A minimum absolute rate, based on the minimum rate
of earnings which may be deemed to be indicative of substantial
gainful work, may be prescribed for the insured person’s contribu-
tion with respect to benefits the whole or part of which does not
vary with the rate of previous earnings.

(4) Employers should be required to contribute, particularly
by subsidising the insurance of low-wage earners, not less than
half the total cost of benefits confined to employed persons, ex-
cluding compensation for employment injuries.

(5) The entire cost of compensation for employment injuries
should be contributed by employers.

(6) Consideration should be given to the possibility of applying
some method of merit rating in the calculation of contributions in
respect of compensation for employment injuries.

(7) The rates of contribution of insured persons and employers
should be kept as stable as possible, and for this purpose a stabilisa-
tion fund should be constituted.

(8) The cost of benefits which cannot properly be met by con-
tributions should be covered by the community.

(9) Among the elements of cost which may be charged to the
community may be mentioned:
(a) the contribution deficit resulting from bringing persons into insurance when already elderly;

(b) the contingent liability involved in guaranteeing the payment of basic invalidity, old-age and survivors' benefits and the payment of adequate maternity benefit;

(c) the liability resulting from the continued payment of unemployment benefit when unemployment persists at an excessive level; and

(d) subsidies to the insurance of self-employed persons of small means.

E. Administration

27. The administration of social insurance should be unified or co-ordinated within a general system of social security services, and contributors should, through their organisations, be represented on the bodies which determine or advise upon administrative policy and propose legislation or frame regulations.

(1) Social insurance should be administered under the direction of a single authority, subject, in federal countries, to the distribution of legislative competence; this authority should be associated with the authorities administering social assistance, medical care services and employment services in a co-ordinating body for matters of common interest, such as the certification of inability to work or to obtain work.

(2) The unified administration of social insurance should be compatible with the operation of separate insurance schemes, compulsory or voluntary in character, providing supplementary, but not alternative, benefits for certain occupational groups, such as miners and seamen, public officials; the staffs of individual undertakings and members of mutual benefit societies.

(3) The law and regulations relating to social insurance should be drafted in such a way that beneficiaries and contributors can easily understand their rights and duties.

(4) In devising procedures to be followed by beneficiaries and contributors, simplicity should be a primary consideration.

(5) Central and regional advisory councils, representing such bodies as trade unions, employers' associations, chambers of commerce, farmers' associations, women's associations and child protection societies, should be established for the purpose of making recommendations for the amendment of the law and administrative methods, and generally of maintaining contact between the administration of social insurance and groups of contributors and beneficiaries.

(6) Employers and workers should be closely associated with
the administration of compensation for employment injuries, particularly in connection with the prevention of accidents and occupational diseases and with merit rating.

(7) Claimants should have a right of appeal in case of dispute with the administrative authority concerning such questions as the right to benefit and the rate thereof.

(8) Appeals should preferably be referred to special tribunals, which should include referees who are experts in social insurance law, assisted by assessors, representative of the group to which the claimant belongs, and, where employed persons are concerned, by representatives of employers also.

(9) In any dispute concerning liability to insurance or the rate of contribution, for an employed or self-employed person, and where an employer's contribution is in question, an employer should have a right of appeal.

(10) Provision for uniformity of interpretation should be assured by a superior appeal tribunal.

II. SOCIAL ASSISTANCE

A. MAINTENANCE OF CHILDREN

28. Society should normally co-operate with parents through general measures of assistance designed to secure the well-being of dependent children.

(1) Public subsidies in kind or in cash or in both should be established in order to assure the healthy nurture of children, help to maintain large families, and complete the provision made for children through social insurance.

(2) Where the purpose in view is to assure the healthy nurture of children, subsidies should take the form of such advantages as free or below-cost infants' food and school meals and below-cost dwellings for families with several children.

(3) Where the purpose in view is to help to maintain large families or to complete the provision made for children by subsidies in kind and through social insurance, subsidies should take the form of children's allowances.

(4) Such allowances should be payable, irrespective of the parents' income, according to a prescribed scale, which should represent a substantial contribution to the cost of maintaining a child, should allow for the higher cost of maintaining older children, and should, as a minimum, be granted to all children for whom no provision is made through social insurance.

(5) Society as a whole should accept responsibility for the maintenance of dependent children in so far as parental responsibility for maintaining them cannot be enforced.
B. MAINTENANCE OF NEEDY INVALIDS, AGED PERSONS AND WIDOWS

29. Invalids, aged persons and widows who are not receiving social insurance benefits because they or their husbands, as the case may be, were not compulsorily insured, and whose incomes do not exceed a prescribed level, should be entitled to special maintenance allowances at prescribed rates.

(1) The persons who should be entitled to maintenance allowances should include:

(a) persons belonging to occupational groups, or residing in districts to which social insurance does not yet apply, or has not yet applied for as long as the qualifying period for basic invalidity, old-age or survivors' benefits, as the case may be, and the widows and dependent children of such persons; and

(b) persons who are already invalids at the time when they would normally enter insurance.

(2) Maintenance allowances should be sufficient for full, long-term maintenance; they should vary with the current cost of living, and may vary as between urban and rural areas.

(3) Maintenance allowances should be paid at the full rate to persons whose other income does not exceed a prescribed level and at reduced rates in other cases.

(4) The provisions of the present Recommendation defining the contingencies in which invalidity, old-age and survivors' benefits should be paid should be applied, in so far as they are relevant, to maintenance allowances.

C. GENERAL ASSISTANCE

30. Appropriate allowances in cash or partly in cash and partly in kind should be provided for all persons who are in want and do not require internment for corrective care.

(1) The range of cases in which the amount of the allowance is entirely discretionary should be gradually narrowed as the result of the improved classification of cases of want, and the establishment of budgets corresponding to the cost of maintenance in short-term and long-term indigency.

(2) The grant of allowance may be subject to compliance by the recipient with directions given by the authorities administering medical or employment services in order that the assistance may yield its greatest constructive effect.
Recommendation (No. 68) concerning income security and medical care for persons discharged from the armed forces and assimilated services and from war employment.

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to income security and medical care for persons discharged from the armed forces and assimilated services and from war employment, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Social Security (Armed Forces) Recommendation, 1944:

Whereas persons discharged from the armed forces and assimilated services have been obliged to interrupt their careers and will be faced with initial expenditure in re-establishing themselves in civil life; and

Whereas persons discharged from the armed forces or assimilated services or from war employment may in certain cases remain unemployed for a time before obtaining suitable employment; and

Whereas it is undesirable that persons discharged from the armed forces and assimilated services should find themselves at a disadvantage in respect of pension insurance as compared with persons who have remained in civil employment, and the Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933, while providing for the maintenance of the rights under pension insurance schemes of persons engaged in military service who were insured before beginning such service, does not provide for the attribution of any rights under such schemes to persons not insured before entering military service; and

Whereas it is desirable that persons discharged from the armed forces and assimilated services should be protected by insurance in respect of sickness occurring between their discharge and their re-establishment in civil life by entry into insurable employment or otherwise; and
Whereas it is necessary to make equitable provision in regard to these matters, without prejudice to the satisfaction of other essential needs, such as those of military and civilian war victims, which must also be a charge on the national income:

The Conference recommends the Members of the Organisation to apply the following principles and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

I. MUSTERING-OUT GRANT

1. Persons discharged from the armed forces and assimilated services should, except in cases in which they have, in virtue of national laws or regulations, continued to receive a substantial part of their remuneration, receive on their discharge a special grant, which may be related to their length of service and should be paid in the form of a lump sum, in the form of periodical payments, or partly in the form of a lump sum and partly in the form of periodical payments.

II. UNEMPLOYMENT INSURANCE AND ASSISTANCE

2. Persons discharged from the armed forces and assimilated services should, so far as is administratively practicable, be treated under unemployment insurance schemes as insured contributors in respect of whom contributions have been paid for a period equal to their period of service. The resulting financial liability should be borne by the State.

3. Where persons discharged from the armed forces and assimilated services or from war employment, as defined by national laws or regulations, exhaust their right to benefit before suitable employment is offered to them, or are not covered by an unemployment insurance scheme, an allowance financed wholly from State funds should be paid until suitable employment is available; the allowance should, if possible, be paid irrespective of need.

III. PENSION AND SICKNESS INSURANCE

4. (1) Where a compulsory insurance scheme providing pensions in case of invalidity, old age or death and covering a substantial part of the working population is in force, periods of service in the armed forces and assimilated services should be reckoned as contribution periods for the purpose of determining whether any requirement in regard to a minimum qualifying period has been fulfilled.

(2) Where the rate of pension varies with the number of contributions credited to the insured person, the period of service
should be taken into account for the purpose of increasing the rate of pension.

(3) Where contributions are graduated according to remuneration, contributions should be credited in respect of periods of service on the basis of a uniform hypothetical remuneration of reasonable amount: Provided that contributions credited to persons insured immediately before beginning their service may be based on the remuneration which they were receiving at the time if such remuneration was higher than the hypothetical remuneration.

(4) Persons discharged from the armed forces and assimilated services should retain, during the period between their discharge and the time at which they can be considered to be re-established in civil life, their rights in respect of the contributions credited to their account; these rights should be maintained for a period of not less than twelve months.

5. (1) Where a compulsory insurance scheme providing sickness, maternity and medical benefits and covering a substantial part of the working population is in force, persons discharged from the armed forces and assimilated services should be entitled to such benefits in respect of sickness or childbirth occurring during the period between their discharge and the time at which they can be considered to be re-established in civil life; these rights should be maintained for a period of not less than twelve months.

(2) Where the compulsory insurance scheme provides maternity and medical benefits for the dependants of insured persons, discharged persons protected by the scheme should be entitled to such benefits for their dependants.

(3) Where the rate of sickness benefits is proportional to the remuneration of the insured person, the rate of benefit payable to discharged persons should be based on a uniform hypothetical remuneration of reasonable amount.

6. (1) The State should bear the liability created by crediting persons serving in the armed forces or assimilated services with pension insurance contributions and insuring them against sickness pending their re-establishment in civil life: Provided that, where the pay of any class of such persons may, having regard to the value of their subsistence and of dependants' allowances, be considered at least equivalent on the whole to the wages prevailing in industry, a portion of the pension insurance contribution may be deducted from their service pay.

(2) The provisions of sub-paragraph (1) shall not apply in cases where, in virtue of national laws or regulations, such persons continue to receive, during their service, a substantial part of their remuneration, and the normal contributions required by law continue to be payable in respect of them.
Recommendation (No. 69) concerning medical care.

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the question of medical care services which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twelfth day of May of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Medical Care Recommendation, 1944:

Whereas the Atlantic Charter contemplates "the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security"; and

Whereas the Conference of the International Labour Organisation, by a resolution adopted on 5 November 1941, endorsed this principle of the Atlantic Charter and pledged the full co-operation of the International Labour Organisation in its implementation; and

Whereas the availability of adequate medical care is an essential element in social security; and

Whereas the International Labour Organisation has promoted the development of medical care services—

by the inclusion of requirements relating to medical care in the Workmen's Compensation (Accidents) Convention, 1925, and the Sickness Insurance (Industry, etc.) and (Agriculture) Conventions, 1927,

by the communication to the Members of the Organisation by the Governing Body of the conclusions of meetings of experts relating to public health and health insurance in periods of economic depression, the economical administration of medical and pharmaceutical benefits under sickness insurance schemes, and guiding principles for curative and preventive action by invalidity, old-age and widows' and orphans' insurance,
by the adoption by the First and Second Labour Conferences of American States of the resolutions constituting the Inter-American Social Insurance Code, by the participation of a delegation of the Governing Body in the First Inter-American Conference on Social Security which adopted the Declaration of Santiago de Chile, and by the approval by the Governing Body of the Statute of the Inter-American Conference on Social Security, established as a permanent agency of co-operation between social security administrations and institutions acting in concert with the International Labour Office, and

by the participation of the International Labour Office in an advisory capacity in the framing of social insurance schemes in a number of countries and by other measures; and

Whereas some Members have not taken such steps as are within their competence to improve the health of the people by the extension of medical facilities, the development of public health programmes, the spread of health education, and the improvement of nutrition and housing, although their need in that respect is greatest, and it is highly desirable that such Members take all steps as soon as possible to reach the international minimum standards and to develop these standards; and

Whereas it is now desirable to take further steps for the improvement and unification of medical care services, the extension of such services to all workers and their families, including rural populations and the self-employed, and the elimination of inequitable anomalies, without prejudice to the right of any beneficiary of the medical care service who so desires to arrange privately at his own expense for medical care; and

Whereas the formulation of certain general principles which should be followed by Members of the Organisation in developing their medical care services along these lines will contribute to this end:

The Conference recommends the Members of the Organisation to apply the following principles, as rapidly as national conditions allow, in developing their medical care services with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles.
I. GENERAL

Essential Features of a Medical Care Service

1. A medical care service should meet the need of the individual for care by members of the medical and allied professions and for such other facilities as are provided at medical institutions:

(a) with a view to restoring the individual's health, preventing the further development of disease and alleviating suffering, when he is afflicted by ill health (curative care); and
(b) with a view to protecting and improving his health (preventive care).

2. The nature and extent of the care provided by the service should be defined by law.

3. The authorities or bodies responsible for the administration of the service should provide medical care for its beneficiaries by securing the services of members of the medical and allied professions and by arranging for hospital and other institutional services.

4. The cost of the service should be met collectively by regular periodical payments which may take the form of social insurance contributions or of taxes, or of both.

Forms of Medical Care Service

5. Medical care should be provided either through a social insurance medical care service with supplementary provision by way of social assistance to meet the requirements of needy persons not yet covered by social insurance, or through a public medical care service.

6. Where medical care is provided through a social insurance medical care service:

(a) every insured contributor, the dependent wife or husband and dependent children of every such contributor, such other dependants as may be prescribed by national laws or regulations, and every other person insured by virtue of contributions paid on his behalf, should be entitled to all care provided by the service;
(b) care for persons not yet insured should be provided by way of social assistance if they are unable to obtain it at their own expense; and
(c) the service should be financed by contributions from insured persons, from their employers, and by subsidies from public funds.
7. Where medical care is provided through a public medical care service:

(a) every member of the community should be entitled to all care provided by the service;
(b) the service should be financed out of funds raised either by a progressive tax specifically imposed for the purpose of financing the medical care service or of financing all health services, or from general revenue.

II. PERSONS COVERED

Complete Coverage

8. The medical care service should cover all members of the community, whether or not they are gainfully occupied.

9. Where the service is limited to a section of the population or to a specified area, or where the contributory mechanism already exists for other branches of social insurance and it is possible ultimately to bring under the insurance scheme the whole or the majority of the population, social insurance may be appropriate.

10. Where the whole of the population is to be covered by the service and it is desired to integrate medical care with general health services, a public service may be appropriate.

Coverage through a Social Insurance Medical Care Service

11. Where medical care is provided through a social insurance medical care service, all members of the community should have the right to care as insured persons, or, pending their inclusion in the scope of insurance, should have the right to receive care at the expense of the competent authority when unable to provide it for themselves.

12. All adult members of the community (that is to say, all persons other than children as defined in paragraph 15) should be required to pay insurance contributions if their income is not below the subsistence level. The dependent wife or husband of a contributor should be insured in virtue of the contribution of her or his breadwinner, without any addition on that account.

13. Other adults who prove that their income is below the subsistence level, including indigents, should be entitled to care as insured persons, the contribution being paid on their behalf by the competent authority. Rules defining the subsistence level in each country should be laid down by the competent authority.

14. If and so long as adults unable to pay a contribution are not insured as provided for in paragraph 13, they should receive care at the expense of the competent authority.
15. All children (that is to say, all persons who are under the age of 16 years, or such higher age as may be prescribed, or who are dependent on others for regular support while continuing their general or vocational education) should be insured in virtue of the contributions paid by or on behalf of adult insured persons in general, and no additional contribution should be payable on their behalf by their parents or guardians.

16. If and so long as children are not insured as provided for in paragraph 15, because the service does not yet extend to the whole population, they should be insured in virtue of the contribution paid by or on behalf of their father or mother without any additional contribution being payable on their behalf. Children for whom medical care is not so provided should, in case of need, receive it at the expense of the competent authority.

17. Where any person is insured under a scheme of social insurance for cash benefits or is receiving benefit under such a scheme, he and his qualified dependants as defined in paragraph 6, should also be insured under the medical care service.

Coverage through a Public Medical Care Service

18. Where medical care is provided through a public medical care service, the provision of care should not depend on any qualifying conditions, such as payment of taxes or compliance with a means test and all beneficiaries should have an equal right to the care provided.

III. The Provision of Medical Care and its Co-ordination with General Health Services

Range of Service

19. Complete preventive and curative care should be constantly available, rationally organised and, so far as possible, coordinated with general health services.

Constant Availability of Complete Care

20. Complete preventive and curative care should be available at any time and place to all members of the community covered by the service, on the same conditions, without any hindrance or barrier of an administrative, financial or political nature, or otherwise unrelated to their health.

21. The care afforded should comprise both general-practitioner and specialist out- and in-patient care, including domiciliary visiting; dental care; nursing care at home or in hospital or other medical institutions; the care given by qualified midwives and
other maternity services at home or in hospital; maintenance in hospitals, convalescent homes, sanatoria or other medical institutions; so far as possible, the requisite dental, pharmaceutical and other medical or surgical supplies, including artificial limbs; and the care furnished by such other professions as may at any time be legally recognised as belonging to the allied professions.

22. All care and supplies should be available at any time and without time limit, when and as long as they are needed, subject only to the doctor’s judgment and to such reasonable limitations as may be imposed by the technical organisation of the service.

23. Beneficiaries should be able to obtain care at the centres or offices provided, wherever they happen to be when the need arises, whether at their place of residence or elsewhere within the total area in which the service is available, irrespective of their membership in any particular insurance institution, arrears in contributions or of other factors unrelated to health.

24. The administration of the medical care service should be unified for appropriate health areas sufficiently large for a self-contained and well-balanced service, and should be centrally supervised.

25. Where the medical care service covers only a section of the population or is at present administered by different types of insurance institutions and authorities, the institutions and authorities concerned should provide care for their beneficiaries by securing collectively the services of members of the medical and allied professions, and by the joint establishment or maintenance of health centres and other medical institutions, pending the regional and national unification of the services.

26. Arrangements should be made by the administration of the service for securing adequate hospital and other residential accommodation and care, either by contracts with existing public and approved private institutions, or by the establishment and maintenance of appropriate institutions.

Rational Organisation of Medical Care Service

27. The optimum of medical care should be made readily available through an organisation that ensures the greatest possible economy and efficiency by the pooling of knowledge, staff, equipment and other resources and by close contact and collaboration among all participating members of the medical and allied professions and agencies.

28. The wholehearted participation of the greatest possible number of members of the medical and allied professions is essential for the success of any national medical care service. The numbers
of general practitioners, specialists, dentists, nurses and members of other professions within the service should be adapted to the distribution and the needs of the beneficiaries.

29. Complete diagnostic and treatment facilities, including laboratory and X-ray services, should be available to the general practitioner, and all specialist advice and care, as well as nursing, maternity, pharmaceutical and other auxiliary services, and residential accommodation, should be at the disposal of the general practitioner for the use of his patients.

30. Complete and up-to-date technical equipment for all branches of specialist treatment, including dental care, should be available, and specialists should have at their disposal all necessary hospital and research facilities, and auxiliary out-patient services such as nursing, through the agency of the general practitioner.

31. To achieve these aims, care should preferably be furnished by group practice at centres of various kinds working in effective relation with hospitals.

32. Pending the establishment of, and experiments with, group practice at medical or health centres, it would be appropriate to obtain care for beneficiaries from members of the medical and allied professions practising at their own offices.

33. Where the medical care service covers the majority of the population, medical or health centres may appropriately be built, equipped and operated by the authority administering the service in the health area, in one of the forms indicated in paragraphs 34, 35 and 36.

34. Where no adequate facilities exist or where a system of hospitals with out-patient departments for general-practitioner and specialist treatment already obtains in the health area at the time when the medical care service is introduced, hospitals may appropriately be established as, or developed into, centres providing all kinds of in- and out-patient care and complemented by local outposts for general-practitioner care and for auxiliary services.

35. Where general practice is well developed outside the hospital system while specialists are mainly consultants and working at hospitals, it may be appropriate to establish medical or health centres for non-residential general-practitioner care and auxiliary services, and to centralise specialist in-patient and out-patient care at hospitals.

36. Where general and specialist practice are well developed outside the hospital system, it may be appropriate to establish medical or health centres for all non-residential treatment, general-practitioner and specialist, and all auxiliary services, while cases needing residential care are directed from the centres to the hospitals.
37. Where the medical care service does not cover the majority of the population but has a substantial number of beneficiaries, and existing hospital and other medical facilities are inadequate, the insurance institution, or insurance institutions jointly, should establish a system of medical or health centres which affords all care, including hospital accommodation at the main centres, and, so far as possible, transport arrangements; such centres may be required more particularly in sparsely settled areas with a scattered insured population.

38. Where the medical care service covers too small a section for complete health centres to be an economical means of serving its beneficiaries, and existing facilities for specialist treatment in the area are inadequate, it may be appropriate for the insurance institution, or the institutions jointly, to maintain posts at which specialists attend beneficiaries as required.

39. Where the medical care service covers a relatively small section of the population concentrated in an area with extensive private practice, it may be appropriate for the members of the medical and allied professions participating in the service to collaborate at centres rented, equipped and administered by the members, at which both beneficiaries of the service and private patients receive care.

40. Where the medical care service covers only a small number of beneficiaries who are scattered over a populated area with adequate existing facilities, and voluntary group practice as provided for in paragraph 39 is not feasible, beneficiaries may appropriately receive care from members of the medical and allied professions practising at their own offices, and at public and approved private hospitals and other medical institutions.

41. Travelling clinics in motor vans or aircraft, equipped for first-aid, dental treatment, general examination and possibly other health services such as maternal and infant health services, should be provided for serving areas with a scattered population and remote from towns or cities, and arrangements should be made for the free conveyance of patients to centres and hospitals.

Collaboration with General Health Services

42. There should be available to the beneficiaries of the medical care service all general health services, being services providing means for the whole community and/or groups of individuals to promote and protect their health while it is not yet threatened or known to be threatened, whether such services be given by members of the medical and allied professions or otherwise.

43. The medical care service should be provided in close co-
ordination with general health services, either by means of close collaboration of the social insurance institutions providing medical care and the authorities administering the general health services, or by combining medical care and general health services in one public service.

44. Local co-ordination of medical care and general health services should be aimed at either by establishing medical care centres in proximity to the headquarters for general health services, or by establishing common centres as headquarters for all or most health services.

45. The members of the medical and allied professions participating in the medical care service and working at health centres may appropriately undertake such general health care as can with advantage be given by the same staff, including immunisation, examination of school children and other groups, advice to expectant mothers and mothers with infants, and other care of a like nature.

IV. THE QUALITY OF SERVICE

Optimum Standard

46. The medical care service should aim at providing the highest possible standard of care, due regard being paid to the importance of the doctor-patient relationship and the professional and personal responsibility of the doctor, while safeguarding both the interests of the beneficiaries and those of the professions participating.

Choice of Doctor and Continuity of Care

47. The beneficiary should have the right to make an initial choice, among the general practitioners at the disposal of the service within a reasonable distance from his home, of the doctor by whom he wishes to be attended in a permanent capacity (family doctor); he should have the same right of choice for his children. These principles should also apply to the choice of a dentist as family dentist.

48. Where care is provided at or from health centres, the beneficiary should have the right to choose his centre within a reasonable distance from his home and to select for himself or his children a doctor and a dentist among the general practitioners and dentists working at this centre.

49. Where there is no centre, the beneficiary should have the right to select his family doctor and dentist among the participating general practitioners and dentists whose office is within a reasonable distance from his home.
50. The beneficiary should have the right subsequently to change his family doctor or dentist, subject to giving notice within a prescribed time, for good reasons, such as lack of personal contact and confidence.

51. The general practitioner or the dentist participating in the service should have the right to accept or refuse a client, but may not accept a number in excess of a prescribed maximum nor refuse such clients as have not made their own choice and are assigned to him by the service through impartial methods.

52. The care given by specialists and members of allied professions, such as nurses, midwives, masseurs and others, should be available on the recommendation, and through the agency, of the beneficiary's family doctor who should take reasonable account of the patient's wishes if several members of the specialty or other profession are available at the centre or within a reasonable distance of the patient's home. Special provision should be made for the availability of the specialist when requested by the patient though not recommended by the family doctor.

53. Residential care should be made available on the recommendation of the beneficiary's family doctor, or on the advice of the specialist, if any, who has been consulted.

54. If residential care is provided at the centre to which the family doctor or specialist is attached, the patient should preferably be attended in the hospital by his own family doctor or the specialist to whom he was referred.

55. Arrangements for the general practitioners or dentists at a centre to be consulted by appointment should be made whenever practicable.

Working Conditions and Status of Doctors and Members of Allied Professions

56. The working conditions of doctors and members of allied professions participating in the service should be designed to relieve the doctor or member from financial anxiety by providing adequate income during work, leave and illness and in retirement, and pensions to his survivors, without restricting his professional discretion otherwise than by professional supervision, and should not be such as to distract his attention from the maintenance and improvement of the health of the beneficiaries.

57. General practitioners, specialists and dentists, working for a medical care service covering the whole or a large majority of the population, may appropriately be employed whole time for a salary, with adequate provision for leave, sickness, old age and death, if the medical profession is adequately represented on the body employing them.
58. Where general practitioners or dentists, engaged in private practice, undertake part-time work for a medical care service with a sufficient number of beneficiaries, it may be appropriate to pay them a fixed basic amount per year, including provision for leave, sickness, old age and death, and increased if desired by a capitation fee for each person or family in the doctor's or dentist's charge.

59. Specialists engaged in private practice who work part time for a medical care service with a considerable number of beneficiaries may appropriately be paid an amount proportionate to the time devoted to such service (part-time salary).

60. Doctors and dentists engaged in private practice who work part time for a medical care service with few beneficiaries only may appropriately be paid fees for services rendered.

61. Among the members of allied professions participating in the service, those rendering personal care may appropriately be employed whole time for salary, with adequate provision for leave, sickness, old age and death, while members furnishing supplies should be paid in accordance with adequate tariffs.

62. Working conditions for members of the medical and allied professions participating in the service should be uniform throughout the country or for all sections covered by the service, and agreed on with the representative bodies of the profession, subject only to such variations as may be necessitated by differences in the exigencies of the service.

63. Provision should be made for the submission of complaints by beneficiaries, concerning the care received and by members of the medical or allied professions concerning their relations with the administration of the service, to appropriate arbitration bodies under conditions affording adequate guarantees to all parties concerned.

64. The professional supervision of the members of the medical and allied professions working for the service should be entrusted to bodies predominantly composed of representatives of the professions participating with adequate provision for disciplinary measures.

65. Where, in the proceedings referred to in paragraph 63, a member of the medical or allied professions working for the service is deemed to have neglected his professional duties, the arbitration body should refer the matter to the supervisory body referred to in paragraph 64.

**Standard of Professional Skill and Knowledge**

66. The highest possible standard of skill and knowledge should be achieved and maintained for the professions participating both
by requiring high standards of education, training and licensing and by keeping up to date and developing the skill and knowledge of those engaged in the service.

67. Doctors participating in the service should be required to have an adequate training in social medicine.

68. Students of the medical and dental professions should, before being admitted as fully qualified doctors or dentists to the service, be required to work as assistants at health centres or offices, especially in rural areas, under the supervision and direction of more experienced practitioners.

69. A minimum period as hospital assistant should be prescribed among the qualifications for every doctor entering the service.

70. Doctors wishing to furnish specialist service should be required to have certificates of competence for their specialty.

71. Doctors and dentists participating should be required periodically to attend post-graduate courses organised or approved for this purpose.

72. Adequate periods of apprenticeship at hospitals or health centres should be prescribed for members of allied professions, and post-graduate courses should be organised and attendance periodically required for those participating in the service.

73. Adequate facilities for teaching and research should be made available at the hospitals administered by or working with the medical care service.

74. Professional education and research should be promoted with the financial and legal support of the State.

V. FINANCING OF MEDICAL CARE SERVICE

Raising of Funds under Social Insurance Service

75. The maximum contribution that may be charged to an insured person should not exceed such proportion of his income as, applied to the income of all insured persons, would yield an income equal to the probable total cost of the medical care service, including the cost of care given to qualified dependants as defined in paragraph 6.

76. The contribution paid by an insured person should be such part of the maximum contribution as can be borne without hardship.

77. Employers should be required to pay part of the maximum contribution on behalf of persons employed by them.

78. Persons whose income does not exceed the subsistence level should not be required to pay an insurance contribution. Equitable contributions should be paid by the public authority on their
behalf: Provided that in the case of employed persons, such contributions may be paid wholly or partly by their employers.

79. The cost of the medical care service not covered by contributions should be borne by taxpayers.

80. Contributions in respect of employed persons may appropriately be collected by their employers.

81. Where membership of an occupational association or the possession of a licence is compulsory for any class of self-employed persons, the association or the licensing authority may be made responsible for collecting contributions from the persons concerned.

82. The national or local authority may be made responsible for collecting contributions from self-employed persons registered for the purpose of taxation.

83. Where a scheme of social insurance for cash benefits is in operation, contributions both under such scheme and under the medical care service may appropriately be collected together.

Raising of Funds under Public Medical Care Service

84. The cost of the medical care service should be met out of public funds.

85. Where the whole population is covered by the medical care service and all health services are under unified central and area administration, the medical care service may appropriately be financed out of general revenue.

86. Where the administration of the medical care service is separate from that of general health services, it may be appropriate to finance the medical care service by a special tax.

87. The special tax should be paid into a separate fund reserved for the purpose of financing the medical care service.

88. The special tax should be progressively graded and should be designed to yield a return sufficient for financing the medical care service.

89. Persons whose income does not exceed the subsistence level should not be required to pay the tax.

90. The special tax may appropriately be collected by the national income tax authorities or, where there is no national income tax, by authorities responsible for collecting local taxes.

Raising of Capital Funds

91. In addition to providing the normal resources for financing the medical care service, measures should be taken to utilise the assets of social insurance institutions, or funds raised by other means, for financing the extraordinary expenditure necessitated
by the extension and improvement of the service, more particularly by the building or equipment of hospitals and medical centres.

VI. SUPERVISION AND ADMINISTRATION OF MEDICAL CARE SERVICE

Unity of Health Services and Democratic Control

92. All medical care and general health services should be centrally supervised and should be administered by health areas as defined in paragraph 24, and the beneficiaries of the medical care service, as well as the medical and allied professions concerned, should have a voice in the administration of the service.

Unification of Central Administration

93. A central authority, representative of the community, should be responsible for formulating the health policy or policies and for supervising all medical care and general health services, subject to consultation of, and collaboration with, the medical and allied professions on all professional matters, and to consultation of the beneficiaries on matters of policy and administration affecting the medical care service.

94. Where the medical care service covers the whole or the majority of the population and a central Government agency supervises or administers all medical care and general health services, beneficiaries may appropriately be deemed to be represented by the head of the agency.

95. The central Government agency should keep in touch with the beneficiaries through advisory bodies comprising representatives of organisations of the different sections of the population, such as trade unions, employers' associations, chambers of commerce, farmers' associations, women's associations and child protection societies.

96. Where the medical care service covers only a section of the population, and a central Government agency supervises all medical care and general health services, representatives of the insured persons should participate in the supervision, preferably through advisory committees, as regards all matters of policy affecting the medical care service.

97. The central Government agency should consult the representatives of the medical and allied professions, preferably through advisory committees, on all questions relating to the working conditions of the members of the professions participating, and on all other matters primarily of a professional nature, more particularly on the preparation of laws and regulations concerning the nature, extent and provision of the care furnished under the service.
98. Where the medical care service covers the whole or the majority of the population and a representative body supervises or administers all medical care and general health services, beneficiaries should be represented on such body, either directly or indirectly.

99. In this event, the medical and allied professions should be represented on the representative body, preferably in numbers equal to those of the beneficiaries or the Government as the case may be; the professional members should be elected by the profession concerned, or nominated by their representatives and appointed by the central Government.

100. Where the medical care service covers the whole or the majority of the population and a corporate body of experts established by legislation or by charter supervises or administers all medical care and general health services, such body may appropriately consist of an equal number of members of the medical and allied professions and of qualified laymen.

101. The professional members of the expert body should be appointed by the central Government from among candidates nominated by the representatives of the medical and allied professions.

102. The representative executive body or the expert body supervising or administering medical care and general health services should be responsible to the Government for its general policy.

103. In the case of a federal State, the central authority referred to in the preceding paragraphs may be either a federal or a State authority.

Local Administration

104. Local administration of medical care and general health services should be unified or co-ordinated within areas formed for the purpose as provided for in paragraph 24, and the medical care service in the area should be administered by or with the advice of bodies representative of the beneficiaries and partly composed of, or assisted by, representatives of the medical and allied professions, so as to safeguard the interests of the beneficiaries and the professions, and secure the technical efficiency of the service and the professional freedom of the participating doctors.

105. Where the medical care service covers the whole or the majority of the population in the health area, all medical care and general health services may appropriately be administered by one area authority.

106. Where, in this event, the area government administers the health services on behalf of the beneficiaries, the medical and allied
professions should participate in the administration of the medical care service, preferably through technical committees elected by the professions or appointed by the area or central Government from among nominees of the professions concerned.

107. Where a medical care service covering the whole or the majority of the population in the health area is administered by a representative body, the area government, on behalf of the beneficiaries, and the medical and allied professions in the area, should be represented on such body preferably in equal numbers.

108. Where the medical service is administered by area offices or officers of the central authority, the medical and allied professions in the area should participate in the administration, preferably through executive technical committees, elected or appointed in the manner provided for in paragraph 106.

109. Whatever the form of the area administration, the authority administering the medical care service should keep in constant touch with the beneficiaries in the area through advisory bodies, elected by representative organisations of the different sections of the population, in the manner provided for in paragraph 95.

110. Where the social insurance medical care service covers only a section of the population, administration of that service may appropriately be entrusted to a representative executive body responsible to the Government, and comprising representatives of the beneficiaries, of the medical and allied professions participating in the service and of the employers.

Administration of Health Units

111. Health units owned and operated by the medical care service, such as medical or health centres or hospitals, should be administered under democratic control with adequate provisions for the participation of the medical profession, or wholly or predominantly by doctors elected by, or appointed after consultation of, the members of the medical and allied professions participating in the medical care service, in co-operation with all the doctors working at the unit.

Right of Appeal

112. Beneficiaries or members of the medical or allied professions who have submitted complaints to the arbitration body referred to in paragraph 63 should have a right of appeal from the decisions of such body to an independent tribunal.

113. Members of the medical and allied professions against whom disciplinary measures have been taken by the supervisory body referred to in paragraph 64 should have a right of appeal
from the decisions of such body to an independent tribunal.

114. Where the supervisory body referred to in paragraph 64 takes no disciplinary action on a matter referred to it by the arbitration body, in accordance with paragraph 65, the interested parties should have a right of appeal to an independent tribunal.

**Recommendation (No. 70) concerning minimum standards of social policy in dependent territories.**

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to minimum standards of social policy in dependent territories, which is the fifth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twelfth day of May of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Social Policy in Dependent Territories Recommendation, 1944:

Whereas the economic advancement and social progress of the peoples of dependent territories have become increasingly a matter of close and urgent concern to the States responsible for their administration; and

Whereas the International Labour Organisation has from its inception endeavoured to assist the efforts towards this end of Governments, employers and workers; and

Whereas the Atlantic Charter has expressed the desire of the signatories "to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labour standards, economic advancement and social security"; and

Whereas the Conference of the International Labour Organisation, by a Resolution adopted on 5 November 1941, endorsed the principles of the Atlantic Charter and pledged the full co-operation of the International Labour Organisation in their implementation; and.
Whereas the International Labour Organisation has from time to time adopted Conventions and Recommendations dealing with special aspects of the conditions of life and labour in dependent territories and has promoted the application to such territories, in accordance with Article 35 of the Constitution of the Organisation, of Conventions and Recommendations of general application; and

Whereas the progress of the well-being and development of dependent peoples is influenced by the economic relations between the dependent territories and the rest of the world, as well as by measures taken within the dependent territories; and

Whereas it is desirable to state the fundamental principles of social policy in dependent territories, and to provide for the extension of the application to such territories of accepted international minimum standards and for the improvement of these standards, in order to promote the attainment of the aforesaid objects;

The Conference makes the following recommendations:

1. Each Member of the International Labour Organisation should take or continue to take such steps as are within its competence to promote the well-being and development of the peoples of dependent territories through the effective application of the general principles set forth in Part I of the Annex to this Recommendation.

2. Each Member of the Organisation which is responsible for any dependent territory should take all steps within its competence to secure the effective application in each such territory of the minimum standards set forth in Part II of the Annex to this Recommendation, and in particular should bring this Recommendation before the authority or authorities competent to make effective in each such territory the minimum standards set forth in Part II of the Annex.

3. Each Member of the Organisation should, if it approves this Recommendation, notify the Director of the International Labour Office of its acceptance of the general principles set forth in Part I of the Annex; should communicate to the Director at the earliest possible date particulars of the action taken to make effective the minimum standards set forth in Part II of the Annex in respect of each dependent territory for which the Member in question is responsible; and thereafter should report to the International Labour Office from time to time, as requested by the Governing Body, concerning the action taken to give effect to the Recommendation.

4. The standards set forth in Part II of the Annex to this Recommendation should be regarded as minimum standards, which
do not qualify or impair any obligation to apply higher standards incumbent upon any Member of the Organisation under the Constitution of the Organisation or under any International Labour Convention which the Member may have ratified, and should in no case be so interpreted or applied as to lessen the protection afforded by existing legislation to the workers concerned.

ANNEX

PART I. GENERAL PRINCIPLES

Article 1

1. All policies designed to apply to dependent territories shall be primarily directed to the well-being and development of the peoples of such territories and to the promotion of the desire on their part for social progress.

2. Policies of more general application shall be formulated with due regard to their effect upon the well-being of dependent peoples.

Article 2

1. In order to promote economic advancement and thus to lay the foundations of social progress, every effort shall be made to secure, on an international, regional, national or territorial basis, financial and technical assistance in the economic development of dependent territories under the control of the local administrations, in such a way as to safeguard the interests of the peoples of dependent territories.

2. It shall be an aim of policy for all Government authorities to ensure that adequate funds are made available to provide capital for development purposes on terms which secure to the peoples of the dependent territories the full benefits of such development.

3. In appropriate cases international, regional or national action shall be taken with a view to establishing conditions of trade sufficient for the maintenance of reasonable standards of living for producers efficiently producing the essential export products of dependent territories.

Article 3

All possible steps shall be taken by appropriate international, regional, national and territorial measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent pro-
ducers, migratory labour, social security, standards of public services and general production. These steps shall include the adoption of appropriate commercial and trading policies by countries on which dependent territories depend.

**Article 4**

All possible steps shall be taken effectively to associate the peoples of the dependent territories in the framing and execution of measures of social progress, preferably through their own elected representatives where appropriate and possible.

**PART II. MINIMUM STANDARDS**

**Section 1. Slavery**

**Article 5**

In pursuance of the objective of free labour in a free world, the principle is affirmed that the slave trade and slavery in all its forms shall be prohibited and effectively suppressed in all dependent territories.

**Section 2. Opium**

**Article 6**

1. In recognition of the menace which the use of opium may represent to the health, productivity and general welfare of the peoples of dependent territories, the principle is affirmed that the traffic in opium and other dangerous drugs shall be strictly regulated in such manner as to protect fully the interests of the workers.

2. Consideration shall be given to the prohibition of opium smoking and the abolition of Government opium monopolies in all dependent territories where opium smoking is still authorised.

**Section 3. Forced or Compulsory Labour**

**Article 7**

1. The use of forced or compulsory labour in dependent territories, which may have been inaugurated during the present war emergency, shall be eliminated entirely within the shortest possible period. In the meantime measures shall be adopted in dependent territories to increase the spontaneous offer of labour.

2. The use of forced or compulsory labour in all its forms shall be suppressed within the shortest possible period.
3. Where forced or compulsory labour is used in dependent territories as a temporary and exceptional measure the conditions and guarantees provided for in the Forced Labour Convention, 1930, shall be respected. In no case shall the use of forced or compulsory labour by private employers be permitted, irrespective of whether or not the State contracts with the employers.

4. Consideration shall be given to the possibility of eliminating or withdrawing any exceptions to the application in dependent territories of all the provisions of the Forced Labour Convention, 1930.

5. Consideration shall be given to the application of the Forced Labour Convention, 1930, to those dependent territories where forced or compulsory labour may occur in respect of which the Convention is not already in force.

6. Consideration shall be given to the desirability of ratifying the Forced Labour Convention, 1930, by such States responsible for dependent territories where forced or compulsory labour may occur as have not already done so.

Article 8

With a view to avoiding the development of indirect compulsion to labour, consideration shall be given to the application of the principles set forth in the Forced Labour (Indirect Compulsion) Recommendation, 1930.

Section 4. Recruiting of Workers

Article 9

1. It shall be an aim of policy to eliminate the recruiting of workers and to replace such recruiting by arrangements which, though based upon the spontaneous offer of labour through free agencies controlled by Government, provide for medical inspection, transport, food and shelter and all other benefits accruing to workers under existing systems.

2. Pending the formulation of any new proposals concerning the methods of obtaining labour and with a view to the more rapid promotion of a change over to the new methods contemplated, consideration shall be given to the application of the principles contained in the Elimination of Recruiting Recommendation, 1936.

Article 10

1. Consideration shall be given to the application of the Recruiting of Indigenous Workers Convention, 1936, to those dependent territories where recruiting may occur in respect of which the Convention is not already in force.
2. Consideration shall be given to the desirability of ratifying the Recruiting of Indigenous Workers Convention, 1936, by such States responsible for dependent territories where recruiting may occur as have not already done so.

SECTION 5. SPECIAL TYPES OF CONTRACT OF EMPLOYMENT

**Article 11**

1. It shall be an aim of policy to regulate long-term employment by a system of written contracts in the cases required by and in accordance with the provisions of the Contracts of Employment (Indigenous Workers) Convention, 1939.

2. Consideration shall be given to the application of the Contracts of Employment (Indigenous Workers) Convention, 1939, to those dependent territories where employment under long-term contract may occur in respect of which the Convention is not already in force.

3. Consideration shall be given to the desirability of ratifying the Contracts of Employment (Indigenous Workers) Convention, 1939, by such States responsible for dependent territories where employment under long-term contract may occur as have not already done so.

**Article 12**

With a view to the definite limitation of periods of service under contract, consideration shall be given to the application of the principles set forth in the Contracts of Employment (Indigenous Workers) Recommendation, 1939.

**Article 13**

1. All practicable steps shall be taken to equate supply and demand in areas where some casual employment is inevitable and to guard against undesirable attraction of casual labour to centres of potential employment.

2. Measures, such as short-term labour agreements, shall be considered in order to secure the maximum employment for labour normally available at such centres.

**Article 14**

1. The practice of entering statements of a subjective nature on the worker's conduct or ability in work-cards or work-books required by law to be carried on the person of the worker shall be eliminated.
2. The use of work-cards or work-books shall be regulated to prevent their use as a device of intimidation or compulsion in employment.

Article 15

Where a married man is employed on contract within his own country but at a considerable distance from his home, the competent authority shall take all practical steps in appropriate cases to afford him full opportunity to be accompanied if he so desires by his wife and family.

Section 6. Penal Sanctions

Article 16

1. It shall be an aim of policy to abolish penal sanctions for breach of contract of employment as defined in Article 1 of the Penal Sanctions (Indigenous Workers) Convention, 1939.

2. Consideration shall be given to the application of the Penal Sanctions (Indigenous Workers) Convention, 1939, to those dependent territories where the imposition of penal sanctions may occur in respect of which the Convention is not already in force.

3. Consideration shall be given to the desirability of ratifying the Penal Sanctions (Indigenous Workers) Convention, 1939, by such States responsible for dependent territories where the imposition of penal sanctions may occur as have not already done so.

Section 7. Employment of Children and Young Persons.

Article 17

1. Adequate provision shall be made in dependent territories, to the maximum extent possible under local conditions, for the progressive development of broad systems of education, vocational training and apprenticeship, with a view to the elimination of illiteracy among children and young persons and to their effective preparation for a useful occupation.

2. In order that the child population may be able to profit by existing facilities for education and in order that the extension of these facilities may not be hindered by a demand for child labour, the employment of persons below the school-leaving age shall be prohibited in any area where educational facilities are provided on a scale adequate for the majority of the children of school age.

Article 18

1. Children under the age of twelve years shall not be employed in any employment, except on light work of an agricultural or
domestic character in which only members of the employer's family are employed or except on agricultural light work carried on collectively by the local community. This age shall be progressively raised along with the school-leaving age.

2. Where the transfer of children to the family of an employer is permitted by custom, the conditions of transfer and of employment shall be closely regulated and supervised, whether the children are above or below twelve years of age. The progressive abolition of all such transfers shall be an aim of policy for all dependent territories.

Article 19

Children under the age of fifteen years shall not be employed or work in any industrial undertaking, or in any branch thereof.

Article 20

Children under the age of fifteen years shall not be employed or work on vessels.

Article 21

1. Young persons under the age of sixteen years shall not be employed underground in mines.

2. The employment underground in mines of young persons who have attained the age of sixteen years but not that of eighteen years shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

Article 22

1. Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

2. When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

3. Provided that the provisions of this Article do not apply:

(a) to the employment of young persons on vessels mainly propelled by other means than steam;

(b) to young persons of not less than sixteen years of age who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in coastal trade.
Article 23

The provisions of Articles 18 (1), 19 and 20 do not apply to work, approved and supervised by the competent authority, done by children or young persons in bona fide State or private technical schools or school ships or training ships having prescribed courses of study and reasonable limits on the length of time in which students may remain in training or apprenticeship.

Article 24

1. In the case of unhealthy, dangerous or onerous work, minimum ages higher than those required in virtue of Articles 18 (1) and 19 shall be fixed, or the hours of work of children between the minimum age of employment and an appropriate higher age shall be subject to special limitations, or other special protection shall be afforded.

2. Special protection shall be provided for children who are permitted to undertake employment away from their homes.

Article 25

1. Young persons under eighteen years of age shall not be employed during the night in any industrial undertaking, or in any branch thereof.

2. Provided that young persons over the age of sixteen years may be employed during the night in exceptional circumstances defined by the competent authority.

Article 26

1. The employment of any young person under eighteen years of age on any vessel shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

2. In urgent cases the competent authority may allow a young person below the age of eighteen years to embark without having undergone medical examination, always provided that such an examination shall be undergone, at the expense of the employer, at the first port at which the vessel calls, and that failing satisfactory medical attestation the young person shall be returned as a passenger to the port or place where he was engaged or to his home, whichever is the nearer, at the expense of the employer.

Article 27

In developing systems of education suited to the economic and social interests of the communities, consideration shall be given
to the application of the principles set forth in the Vocational Training Recommendation, 1939, so far as this is practicable and appropriate to local circumstances.

Article 28

To assist in the application of the provisions of this Section, administrative bodies or officers shall be appointed. The appointment and establishment of these administrative bodies or officers shall be made in accordance with practices successfully adopted in metropolitan or independent countries.

Section 8. Employment of Women

Article 29

It shall be an aim of policy for all competent authorities to take such measures as, having due regard to local conditions, are appropriate and practicable to secure for women: adequate opportunities of general education, vocational training and employment; safeguards against physically harmful conditions of employment and economic exploitation, including safeguards for motherhood; protection against any special forms of exploitation; and fair and equal treatment between men and women as regards remuneration and other conditions of employment.

Article 30

All practicable steps shall be taken to improve the social and economic status of women in any dependent territory where, whether by law or custom, arrangements survive which in effect maintain women in, or reduce women to, a condition of servitude.

Article 31

1. Provision shall be made as rapidly as possible for maternity protection for women employed in industrial and commercial undertakings.

2. In so doing the aim shall be to give effect, subject to such modifications as may be necessary in the light of local conditions, to the provisions of the Childbirth Convention, 1919, and in particular to the following principles:

(a) the right to be absent from employment before and after childbirth;

(b) the right to medical assistance and benefits during such absence.
Article 32

1. Women shall not be employed during the night in any industrial undertaking, or in any branch thereof.
2. Provided that women may be employed during the night:
   (a) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration; and
   (b) when in any undertaking an emergency occurs which it was impossible to foresee and which is not of a recurring character.
3. Provided also that the prohibition of night work may be suspended, when in case of serious emergency the public interest demands it.
4. The provisions of this Article do not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

Article 33

1. Women shall not be employed on underground work in any mine.
2. Provided that the competent authority may grant exemptions from the above prohibition in respect of:
   (a) women holding positions of management who do not perform manual work;
   (b) women employed in health and welfare services;
   (c) women who, in the course of their studies, spend a period of training in the underground parts of a mine; and
   (d) any other woman who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

Article 34

In order to promote the application of measures relating to the employment and economic status of women and their welfare, use shall be made of women advisers where questions especially affecting women are to be considered. The women advisers shall, whenever possible, be drawn from the local population.

Section 9. Remuneration

Article 35

1. The improvement of standards of living shall be regarded as the principal objective in the planning of economic development.
2. All practicable measures appropriate to local conditions shall be taken to secure for independent producers and wage earners conditions which will ensure the maintenance of minimum standards of living as ascertained by means of official enquiries into living conditions and will give scope to independent producers and wage earners to improve those standards by their own efforts.

3. Forms of economic enterprise which require the labour of workers living away from their homes shall take account of the normal family needs of the workers.

4. Where the labour resources of other areas are used on a temporary basis for the benefit of one area, measures shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilisation to the areas of labour supply.

5. Where workers and their families move from low-cost to higher cost areas, account shall be taken of the increased cost of living resulting from the change.

6. The substitution of alcohol or other spirituous beverages for all or any part of wages for services performed by the workers shall be prohibited.

**Article 36**

All public works, whether undertaken directly by a public authority or through a contract entered into between a public authority and an employer, shall be subject to the requirement that the rates of wages and the general conditions of employment shall be not less than the prevailing rates and conditions, and shall where practicable be fixed after consultation with any employers' and workers' organisations concerned.

**Section 10. Health, Housing and Social Security**

**Article 37**

1. All practicable measures shall be taken to improve the health of the people by the extension of medical facilities, by the development of public health programmes, by surveys of epidemic and endemic diseases prevalent in tropical dependent territories and by the introduction of appropriate measures of combating them, by the spread of health education and the improvement of nutrition and housing.

2. All practicable measures shall be taken to ascertain by nutritional surveys the food requirements of the people and the ways of improving nutrition and to give effect to the food policies which
such surveys indicate. National nutritional organisations shall be set up and shall be provided with adequate funds, facilities and authority.

3. The competent authority shall be responsible for ensuring the establishment of satisfactory housing conditions. The general aim of policy shall be to provide workers normally dependent on wage earning with the opportunity of securing satisfactory housing accommodation on premises not the property of the employer.

4. Where an undertaking employing labour is situated in an area where satisfactory housing accommodation is not available, the provision of housing may be made an obligation on the undertaking on an equitable basis. In such cases the competent authority shall define the minimum standards of accommodation and shall exercise strict control over the enforcement of these standards. The competent authority shall also define the rights of the worker who may be required to vacate his house on leaving employment and shall take all necessary steps to secure the enforcement of these rights.

**Article 38**

Such arrangements as are practicable, having due regard to local conditions, shall be made for the maintenance and treatment of the sick and for the care of the aged, of the incapacitated and of the dependent survivors of deceased persons.

**Article 39**

1. Provision shall be made by law for the payment of compensation to employed persons in case of incapacity for work caused by accidents arising out of and in the course of their employment, and to their dependent survivors in case of death caused by such accidents, and for the medical care of persons injured by such accidents.

2. The laws and regulations concerning workmen’s compensation shall apply to all workers, employees and apprentices employed on vessels and by industrial, commercial, and agricultural undertakings.

3. Provided that exceptions may be made in respect of:

   (a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer’s trade or business;
   (b) out-workers;
   (c) members of the employer’s family who work exclusively on his behalf and who live with him;
(d) non-manual workers whose remuneration exceeds a limit to be determined by laws or regulations.

**Article 40**

1. Compensation shall be payable to workers incapacitated by occupational diseases, or, in case of death from any such disease to their dependants, in accordance with the general principles of workmen’s compensation.

2. Provided that such compensation may be limited to the occupational diseases of chief importance in the territory concerned.

**Section 11. Prohibition of Colour and Religious Bars and Other Discriminatory Practices**

**Article 41**

1. The standards set by law in each territory with respect to conditions of labour shall have due regard to the equitable economic treatment of all workers lawfully resident or working therein.

2. Discrimination directed against workers for reason of race, colour, confession or tribal association, as regards their admission to public or private employment shall be prohibited.

3. All measures practicable under local conditions shall be taken to promote effective equality of treatment in employment by the provision of facilities for training, by the discouragement of discrimination in the negotiation of collective agreements or on grounds of trade union membership, and by other appropriate means.

**Section 12. Inspection**

**Article 42**

1. Labour inspection services shall be established in territories where such services do not already exist. Inspectors shall be required to inspect conditions of employment at frequent intervals.

2. The inspectors shall have no direct or indirect interest in undertakings subject to their supervision.

3. Workers and their representatives shall be afforded every facility for communicating freely with the inspectors.

**Section 13. Industrial Organisation**

**Article 43**

1. The rights of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.
2. All practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of machinery for conciliation, arbitration, minimum wage fixing and labour inspection. Where representative organisations of workers have not developed, the competent authority shall appoint persons specially qualified to act on behalf of the workers and by advice and guidance to assist in the early development of workers' organisations.

3. All practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organisations.

**Article 44**

1. As rapidly as possible, machinery shall be created for the settlement of collective disputes between employers and workers.

2. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall where practicable, be associated in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

**Section 14. Co-operative Organisations**

**Article 45**

1. The assistance and development of co-operative societies, including co-operative organisations of workers for the promotion of health, housing and education, shall be accepted as part of the economic programme of competent authorities in dependent territories, and the measures to be taken shall include financial assistance wherever this is appropriate.

2. To this end consideration shall be given to:

(a) the adoption of adequate legislation, simple and inexpensive in application, covering all forms of co-operative organisations;

(b) the creation of special services to promote and supervise the development of co-operative organisations and to encourage education in co-operation.

3. In appropriate cases co-operative organisations shall be effectively represented on public boards and agencies affecting their interests.
SECTION 15. DEFINITIONS AND SCOPE

Article 46

For the purposes of this Part of the present Annex:

(a) the term "agricultural undertaking" may be defined so as to include processes conducted on the undertaking for the preservation and despatch of the agricultural products of the undertaking, unless it is desired to classify these processes as parts of an industrial undertaking;

(b) the term "commercial undertaking" includes:

(i) commercial establishments and offices, including establishments engaging wholly or mainly in the sale, purchase, distribution, insurance, negotiation, loan, or administration of goods or services of any kind;

(ii) establishments for the treatment or care particularly of the aged, infirm, sick, destitute, or mentally unfit;

(iii) hotels, restaurants, boarding houses, clubs, cafés and other refreshment houses;

(iv) theatres and places of public amusement; and

(v) any establishment similar in character to those enumerated in sub-paragraphs (i), (ii), (iii), and (iv) above;

(c) the term "industrial undertaking" includes:

(i) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding, in the generation, transformation, or transmission of electricity, in the production or distribution of gas or motive power of any kind, in the purification or distribution of water, or in heating;

(ii) undertakings engaged in the construction, reconstruction, maintenance, repair, alteration, or demolition of any one or more of the following: buildings, railways, tramways, airports, harbours, docks, piers, works of protection against floods or coast erosion, canals, works for the purpose of inland, maritime or aerial navigation, roads, tunnels, bridges, viaducts, sewers, drains, wells, irrigation or drainage works, telecommunication installations, works for the production or distribution of electricity or gas, pipelines, waterworks, and undertakings engaged in other similar work or in the preparation for or laying the foundations of any such work or structure;
(iii) mines, quarries or other works for the extraction of minerals from the earth; and
(iv) undertakings engaged in the transport of passengers or goods, excluding transport by hand, unless such undertakings are regarded as parts of the operation of an agricultural or commercial undertaking;

(d) the terms "agricultural undertaking", "commercial undertaking" and "industrial undertaking" include both public and private undertakings;
(e) the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned, excluding ships of war; it may be interpreted as excluding vessels of less than a specified tonnage and carrying a crew of less than a specified number;
(f) the term "night" signifies a period of at least eleven consecutive hours: Provided that in those tropical countries in which work is suspended during the middle of the day, the night period may be shorter if compensatory rest is accorded during the day;
(g) provisions prescribing a minimum age may be interpreted as relating to an apparent minimum age where records of birth are inadequate.

Article 47

The competent authority may exclude from the application of the provisions of this Part of the present Annex undertakings or vessels in respect of which, from their nature and size, adequate supervision may be impracticable.

Recommendation (No. 71) concerning employment organisation in the transition from war to peace.

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the organisation of employment in the transition from war to peace which is the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,
adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Employment (Transition from War to Peace) Recommendation, 1944:

Whereas the promotion of full employment with a view to satisfying the vital needs of the population and raising the standard of living throughout the world is a primary objective of the International Labour Organisation;

Whereas in order to achieve full employment economic measures providing employment opportunities must be supplemented by effective organisation to help employers to secure the most suitable workers, to help workers to find the most suitable employment, and generally to ensure that, at any given moment, the necessary skills are available and are distributed satisfactorily among the various branches of production and the various areas; and

Whereas the character and magnitude of the employment adjustments required during the transition from war to peace will necessitate special action, more particularly for the purpose of facilitating the re-employment of demobilised members of the armed forces, discharged war workers, and all persons whose usual employment has been interrupted as a result of the war, enemy action, or resistance to the enemy or enemy-dominated authorities, by assisting the persons concerned to find without delay the most suitable employment;

The Conference recommends the Members of the Organisation to apply the following general principles, and in so doing to take into account, according to national conditions, the suggested methods of application, and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles.

**GENERAL PRINCIPLES**

I. Each Government should collect whatever information is necessary regarding workers seeking or likely to be seeking employment and regarding prospective employment opportunities, with a view to ensuring the most rapid reabsorption or redistribution in suitable employment of all persons who desire to work.

II. The demobilisation of the armed forces and of assimilated services and the repatriation of prisoners of war, persons who have been deported, and others, should be planned with the objective of maximum fairness to individuals and maximum opportunities for satisfactory re-establishment in civil life.
III. National programmes for industrial demobilisation and reconversion should be planned, in co-operation with employers' and workers' organisations, and other adequate measures taken, in such manner as to facilitate the most rapid attainment of full employment for the production of needed goods and services.

IV. In the organisation of full employment in the transition period and thereafter, the widest possible use of employment service facilities by employers seeking workers and by workers seeking employment should be encouraged by the competent authorities and by employers' and workers' organisations.

V. Each Government should, to the maximum extent possible, provide public vocational guidance facilities, available to persons seeking work, with a view to assisting them to find the most suitable employment.

VI. Training and retraining programmes should be developed to the fullest possible extent in order to meet the needs of the workers who will have to be re-established in employment or provided with new employment.

VII. With a view to avoiding the need for excessive movements of workers from one area to another and preventing localised unemployment in particular areas, each Government should, in cooperation with employers' and workers' organisations, formulate a positive policy in regard to the location of industry and the diversification of economic activity. Governments should also take steps to facilitate any necessary mobility of labour, both occupational and geographical.

VIII. Efforts should be made during the transition period to provide the widest possible opportunities for acquiring skill for juveniles and young workers who were unable, because of the war, to undertake or to complete their training and efforts should also be made to improve the education and health supervision of young persons.

IX. The redistribution of women workers in each national economy should be carried out on the principle of complete equality of opportunity for men and women in respect of admission to employment on the basis of their individual merit, skill and experience, and steps should be taken to encourage the establishment of wage rates on the basis of job content, without regard to sex.

X. Disabled workers, whatever the origin of their disability, should be provided with full opportunities for rehabilitation, specialised vocational guidance, training and retraining, and employment on useful work.

XI. Measures should be taken to regularise employment within the industries and occupations in which work is irregular, in order to achieve full use of the capacities of the workers.
METHODS OF APPLICATION

I. Advance Collection of Information

1. Each Government should arrange for the co-ordinated collection and utilisation of as complete and up-to-date information as possible on:

   (a) the number, educational and occupational backgrounds, past and present skills, and occupational wishes of members of the armed forces and of assimilated services, and as far as possible of all persons whose usual employment has been interrupted as the result of enemy action or resistance to the enemy or enemy-dominated authorities;

   (b) the number, location, industrial distribution, sex distribution, skills and occupational wishes of workers who will have to change their employment during the transition from war to peace; and

   (c) the number and distribution of older workers, women and juveniles who are likely to withdraw from gainful employment after the war emergency and the number of juveniles who are likely to be seeking employment on leaving school.

2. (1) Comprehensive material on prospective labour requirements, showing the probable extent and timing of the demand for workers from each major industry, both in total and by major skills, should be collected and analysed before the end of the war.

   (2) Where such information is in the possession of any administrative authority, it should be made available to the authorities primarily responsible for the collection or utilisation of advance information on labour supply and requirements.

   (3) The material on labour requirements should cover more particularly:

      (a) the probable contraction of labour requirements resulting from the closing of certain munitions undertakings;

      (b) the probable rate of contraction of the armed forces and of assimilated services upon the termination of hostilities;

      (c) probable fluctuations and changes by areas in the labour force of industries or undertakings which will, with or without a period of conversion, continue in operation to meet peacetime needs;

      (d) probable labour requirements in industries which will be expanding to meet peacetime needs, in particular in industries the output of which is most urgently needed to improve the standard of living of the workers, and in
public works, including works of a normal character and works held in reserve for the provision of supplementary employment in periods of declining economic activity; and

(e) the probable demand for workers in the main industries and occupations under conditions of full employment.

3. Prospective labour supply and demand in the various areas should be kept under constant review by the appropriate authorities, in order to show the effect of the war and the probable effect of the termination of hostilities on the employment situation in each of these areas.

4. Members should co-operate in collecting the information referred to in sub-paragraphs (a), (b) and (c) of paragraph 1 in respect of persons transferred out of their own countries as a result of Axis aggression. Each Government should supply such information in respect of nationals of other Members living in its territory, in Axis territories, or in territory occupied by the Axis, who are awaiting repatriation, even where the information available is merely of a general character.

II. DEMOBILISATION OF THE ARMED FORCES

5. Close contact should be organised and maintained between the employment service and the authorities responsible for the demobilisation of the armed forces and assimilated services and for the repatriation of prisoners of war and persons who have been deported, in order to ensure the speediest re-employment of the men and women concerned.

6. (1) The rate and order of demobilisation should be controlled according to clearly expressed principles which should be given wide publicity in order that they may be clearly understood.

(2) In the process of demobilisation, which should in general be as rapid as military necessity and transportation facilities permit, consideration should be given to:

(a) the desirability of regulating the rate and distributing the flow of demobilisation so as to avoid local concentrations of ex-service men and women disproportionate to the capacity of their community to provide opportunity for employment or training; and

(b) the desirability of arranging, where necessary, for an early release of workers whose qualifications make them indispensable for urgent reconstruction work.

7. (1) Schemes for reinstating in their former employment persons whose usual employment has been interrupted by mili-
tary mobilisation, enemy action, or resistance to the enemy or enemy-dominated authorities, should be adopted and carried out so far as changed post-war circumstances allow.

(2) The fullest possible employment and advancement opportunities for these men and women, on the basis of their qualifications, should be assured through Government action and collective agreements.

(3) Immediate alternative employment should be secured for the workers displaced by the operation of these schemes.

8. In addition to schemes for re-employment, immediate consideration should be given to the provision, wherever justified by prospective opportunities to make a living, of adequate financial and other assistance to enable qualified demobilised persons to settle or resettle on the land, to enter or re-enter a profession, or to take up other independent work.

III. INDUSTRIAL DEMOBILISATION AND CONVERSION

9. (1) Each Government should, in co-operation with employers' and workers' organisations, formulate a national industrial demobilisation and reconversion programme to facilitate the rapid and orderly conversion of the economy from wartime to peacetime requirements during the period of reconstruction, account being taken of the urgent need of countries devastated by the war, with a view to attaining full employment with the least possible delay. All information in regard to the demobilisation and reconversion programme should be made available to the authorities responsible for collecting advance information on labour supply and requirements.

(2) The co-operation of employers' and workers' organisations should be invited with a view to working out comprehensive industry and area demobilisation and reconversion programmes to facilitate the change-over from war to peace production in a manner that will minimise transitional unemployment.

10. (1) Each Government should, so far as possible before the end of the war, determine its policy in regard to the peacetime use of Government-owned war production capacity and equipment and in regard to the disposition of surplus materials.

(2) Special consideration should be given to the early release of factories and equipment urgently needed for peacetime production or training.

(3) In general, factories, equipment or materials should not be destroyed or kept out of use where human needs are unsatisfied or where no excess production would exist at reasonable prices under conditions of demand associated with full employment.
11. Each Government should, in formulating its policy and procedure for the termination or adjustment of war contracts, give special consideration to the possibilities of continued employment or rapid re-employment of the workers affected or of favourable opportunities for employment in other areas. Governments should also arrange for the prompt settlement of claims under terminated contracts, so that employment will not be held back by needless financial difficulties of contractors. Contractors in countries at present occupied who have worked voluntarily in the interest of the enemy should not be granted the benefit of such arrangements.

12. (1) Arrangements should be made to ensure that administrative authorities give information at the earliest possible moment to the employment service and contractors regarding any circumstances likely to cause dismissals or lay-offs.

(2) Procurement agencies should give contractors both at home and abroad and the employment service as long advance notice as possible of cut-backs in war orders. In no case should the notice given be less than two weeks.

(3) Employers should give the employment service at least two weeks' advance notice of proposed dismissals affecting more than a specified number of workers, in order to enable the employment service to make plans for alternative employment for the workers concerned.

(4) Employers should give the employment service at least two weeks' advance notice of proposed temporary lay-offs affecting more than a specified number of workers, together with information to show the probable duration of such lay-offs, in order to enable the employment service to find temporary public or private employment or training for the laid-off workers. Employers should so far as possible inform the laid-off workers of the expected duration of such lay-offs.

IV. APPLICATIONS FOR WORK AND FOR WORKERS

13. (1) Vacancies on public works and in undertakings working on public orders to the extent of 75 per cent. or more of their operations should be filled through the employment service.

(2) Consideration should be given to the advisability of requiring employers in specified industries or areas to engage their workers through the employment service in order to facilitate the readjustment of employment.

(3) Employers should be encouraged to give advance notice of their labour requirements to the employment service.

14. Persons applying for employment on Government-sponsored projects, as well as persons applying for publicly supported train-
ing programmes or transfer assistance, or claiming unemployment benefit or allowance, should be required to register with the employment service.

15. Special efforts should be made to assist demobilised members of the forces and war workers to find the most suitable work of which they are capable, making use wherever possible of the skills acquired by them during the war.

16. Every effort should be made, by the authorities, and in particular by the employment service, in co-operation with employers' and workers' organisations, to encourage as wide a use as possible of the employment service by employers and workers.

V. VOCATIONAL GUIDANCE

17. Special and immediate attention should be given to the development of suitable methods and techniques of vocational guidance for adult workers.

18. In cases of prolonged unemployment, the use of vocational guidance facilities should be made a condition for the continued receipt of unemployment benefit or allowance.

19. The competent authorities should, in co-operation with the private bodies concerned, develop and maintain adequate training facilities for vocational guidance officers.

VI. TRAINING AND RETRAINING PROGRAMMES

20. On the basis of information concerning labour supply and demand in the post-war period, each Government should, in close co-operation with employers' and workers' organisations, formulate a national training and retraining programme, geared to the post-war needs of the economy and taking into account changes in the different skill requirements of each industry.

21. Every possible step should be taken to facilitate the occupational mobility necessary to adjust the supply of workers to present and prospective labour requirements.

22. Training and retraining programmes should be extended and adapted to meet the needs of demobilised persons, discharged war workers, and all persons whose usual employment has been interrupted as the result of enemy action or resistance to the enemy or enemy-dominated authorities. Special emphasis should be placed on courses of training designed to fit the persons concerned for employment which offers a permanent career.

23. In addition to apprenticeship schemes, systematic methods of training, retraining and upgrading workers should be developed.
to meet post-war needs for the reconstitution and expansion of the skilled labour force.

24. Persons undertaking training should be paid, where necessary, remuneration or allowances which provide an inducement to undergo and continue training and are sufficient to maintain a reasonable standard of life.

25. Men and women whose higher training and education has been prevented or interrupted by war service, whether in a military or civilian capacity, or by enemy action, or by resistance to the enemy or enemy-dominated authorities, should be enabled to enter upon or resume and complete their training and education, subject to continued proof of merit and promise, and should be paid allowances during their training and education.

26. (1) Qualified vocational teachers and instructors who have been engaged in other work during the war should be encouraged to resume their previous occupation at the earliest possible moment.

(2) Refresher courses should be organised in case of need:

(a) for vocational instructors returning to their work after a lengthy absence; and

(b) for teaching new methods and techniques.

(3) Additional vocational teachers and instructors should be trained in the numbers required to meet the needs of the training and retraining programme.

(4) Members should co-operate, where necessary, in reconstituting and expanding vocational training and retraining, by such methods as:

(a) the provision in one country of training as instructors for persons from another country to enable them to acquire broader skill or training not available in their own country;

(b) the loan of experienced vocational instructors and teachers from one country to help meet shortages of vocational training staff or new industrial needs in another country;

(c) facilitating the return to the territories of member countries of subjects thereof living in the territory of another member country who are qualified for teaching and instructing in their home country; and

(d) the provision of training handbooks and other equipment to assist instructors and persons in training.

27. Training and retraining services should be co-ordinated on a national, regional and local basis, and should be closely associated at all levels of operation with guidance work, with the placement work of the employment service, and with the training activities of employers' and workers' organisations.
VII. GEOGRAPHICAL MOBILITY

28. With a view to facilitating the necessary mobility of labour, the employment service should take action to overcome the obstacles to transfers from one area to another and to assist the movement of workers to areas needing labour, thereby helping to bring together available skills and available employment opportunities and thus preventing unemployment.

29. (1) Where a worker is transferred from one area to another on the initiative or with the consent of the employment service, arrangements should be made to grant travelling expenses and to assist the worker to meet initial expenses in the new place of work by granting or advancing him a specified amount, fixed according to the circumstances.

(2) Where a temporary transfer made through the employment service involves the separation of the head of the household from his family, arrangements should be made to grant an appropriate separation allowance to cover the added costs of maintaining double living quarters.

VIII. EMPLOYMENT OF YOUNG WORKERS

30. (1) The policy of revising upward the school-leaving age and the age for admission to employment should be considered by all countries as a primary factor in planning employment policy for the transition period.

(2) Maintenance allowances should be granted to parents by the competent authorities during the additional period of compulsory education referred to above.

31. Student-aid programmes should be developed to enable young persons above the school-leaving age to continue their education in secondary schools or high schools, and for those beyond the secondary school level, subject to continued proof of merit, in technical or higher education schools or courses on a full-time basis.

32. (1) Vocational guidance services adapted to their needs should be available for all young persons, both prior to and at the time of leaving school, through the school or the employment service.

(2) Free pre-employment medical examination should be provided for all young persons. The results of this examination should be incorporated in a certificate to serve as a basis for periodical re-examinations during a period to be prescribed by national laws or regulations.
(3) In countries in which war conditions and enemy occupation have undermined the health of young persons, particular attention should be given to the health supervision of such persons from the time of their admission to employment through the period of adjustment to working life, and, where necessary, measures of physical rehabilitation should be adopted.

(4) Members should co-operate, when requested, in providing for the training of medical and nursing staff, and the loan of experienced doctors, surgeons, nursing personnel and appropriate equipment, in order to facilitate the physical rehabilitation of the young persons referred to in sub-paragraph (3) above.

33. (1) Young persons whose contracts of apprenticeship have been interrupted owing to the war should be entitled to resume apprenticeship on the termination of their war service.

(2) State aid should be made available to enable a person whose apprenticeship has been resumed in accordance with sub-paragraph (1) above to be assured of an income which is reasonable, having regard to his age and to the remuneration he would have been receiving had his apprenticeship not been interrupted.

(3) In all cases in which military service, raw material shortages, enemy action, or other war circumstances, have prevented young persons from entering or continuing apprenticeship, arrangements should be made to encourage them, as soon as circumstances permit, to resume their apprenticeship or to learn a skilled trade.

(4) With a view to encouraging the resumption of interrupted apprenticeships, arrangements should be made to review the provisions of apprenticeship contracts and to vary them where this seems equitable to take account of training, skill or experience acquired during war service.

(5) Existing apprenticeship programmes should be re-examined, in co-operation with employers' and workers' organisations, with a view to giving wider opportunities to learn a skilled trade to the younger workers who have not been able, owing to the war, to enter apprenticeship. More particularly, consideration should be given to making arrangements for varying existing restrictions on admission to apprenticeship and for taking into account any training, skill or experience acquired during the war.

34. Employers should be encouraged to introduce programmes of systematic in-plant training to enable all the young workers employed in the undertaking to acquire training or to improve their skill and broaden their knowledge of the operations of the undertaking as a whole. Such programmes should be developed in co-operation with workers' organisations and should be adequately supervised.
35. In countries which have been invaded during the war, and in which there are young persons who have been compelled to abstain from work, or, without regard to their aptitudes or desires, to work for the enemy, special attention should be devoted to the readjustment of such young persons to work habits and to supplementing their vocational training.

IX. EMPLOYMENT OF WOMEN

36. The redistribution of women workers in the economy should be organised on the principle of complete equality of opportunity for men and women on the basis of their individual merit, skill and experience, without prejudice to the provisions of the International Labour Conventions and Recommendations concerning the employment of women.

37. (1) In order to place women on a basis of equality with men in the employment market, and thus to prevent competition among the available workers prejudicial to the interests of both men and women workers, steps should be taken to encourage the establishment of wage rates based on job content, without regard to sex.

(2) Investigations should be conducted, in co-operation with employers' and workers' organisations, for the purpose of establishing precise and objective standards for determining job content, irrespective of the sex of the worker, as a basis for determining wage rates.

38. The employment of women in industries and occupations in which large numbers of women have traditionally been employed should be facilitated by action to raise the relative status of these industries and occupations and to improve conditions of work and methods of placement therein.

X. EMPLOYMENT OF DISABLED WORKERS

39. The criterion for the training and employment of disabled workers should be the employability of the worker, whatever the origin of the disability.

40. There should be the closest collaboration between medical services for the disabled and vocational rehabilitation and placement services.

41. Specialised vocational guidance for the disabled should be developed in order to make it possible to assess each disabled worker's capacity and to select the most appropriate form of employment for him.
42. (1) Wherever possible, disabled workers should receive training in company with able-bodied workers, under the same conditions and with the same pay.

(2) Training should be continued to the point where the disabled person is able to enter employment as an efficient worker in the trade or occupation for which he has been trained.

(3) Wherever practicable, efforts should be made to retrain disabled workers in their former occupations or in related occupations where their previous qualifications would be useful.

(4) Employers with suitable training facilities should be induced to train a reasonable proportion of disabled workers.

(5) Specialised training centres, with appropriate medical supervision, should be provided for those disabled persons who require such special training.

43. (1) Special measures should be taken to ensure equality of employment opportunity for disabled workers on the basis of their working capacity. Employers should be induced by wide publicity and other means, and where necessary compelled, to employ a reasonable quota of disabled workers.

(2) In certain occupations particularly suitable for the employment of seriously-disabled workers, such workers should be given preference over all other workers.

(3) Efforts should be made, in close co-operation with employers' and workers' organisations, to overcome employment discriminations against disabled workers which are not related to their ability and job performance, and to overcome the obstacles to their employment including the possibility of increased liability in respect of workmen's compensation.

(4) Employment on useful work in special centres under non-competitive conditions should be made available for all disabled workers who cannot be made fit for normal employment.

44. Information should be assembled by the employment service in regard to the occupations particularly suited to different disabilities and the size, location and employability of the disabled population.

XI. REGULARISATION OF EMPLOYMENT IN PARTICULAR INDUSTRIES

45. In industries in which operations are irregular, such as construction and port transport, the schemes for the regularisation of employment adopted or extended during the war by Member States should be maintained and adapted to peacetime conditions in consultation with the employers' and workers' organisations concerned.
Recommendation (No. 72) concerning the employment service.

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the employment service, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Employment Service Recommendation, 1944:

Whereas the application of the Employment (Transition from War to Peace) Recommendation, 1944, requires the existence and development of an efficient employment service; and

Whereas the Unemployment Convention, 1919, provides for the establishment of a "system of free public employment agencies under the control of a central authority"; and

Whereas the fulfilment of the tasks enumerated in the Employment (Transition from War to Peace) Recommendation, 1944, involves a new and broader definition of the responsibilities, functions and methods of operation of the employment service; and

Whereas this broader conception is of importance in the formulation and application of a long-term full employment policy;

The Conference recommends the Members of the Organisation to apply the following general principles, and to report to the International Labour Office from time to time, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

1. The essential duty of the employment service should be to ensure, in co-operation with other public and private bodies concerned, the best possible organisation of industrial, agricultural and other employment as an integral part of the national programme for the full use of productive resources.

2. (1) To fulfil this duty, steps should be taken to strengthen the employment service and related authorities.

(2) These services should be responsible for:
(a) collecting and making available information concerning labour supply, employment opportunities, the skills required to do particular jobs, changes in skill requirements within the different industries, employment and unemployment trends, the regularisation of employment, and the causes of unemployment, and other information of value in promoting full employment;

(b) assisting workers to find suitable employment and employers to find suitable workers;

(c) assisting in developing and in determining the content of training and retraining courses;

(d) developing methods of facilitating the transference, where necessary, of workers from one occupation or area to another;

(e) helping to achieve the best possible distribution of manpower within each industry and area;

(f) co-operating as may be required in the administration of unemployment insurance and assistance;

(g) assisting other public and private bodies in planning the location of industry, public works, housing projects, social amenities, and other social and economic measures.

3. The closest co-operation between the employment service and other authorities whose activities affect the employment situation, including authorities charged with responsibility for accelerating or slowing down public works in accordance with the current state of employment and unemployment, should be established at the national, regional and local levels.

4. (1) In addition to the joint advisory bodies provided for in Article 2 of the Unemployment Convention, 1919, the employment service should co-operate closely with employers' and workers' organisations. Appropriate machinery should be devised to enable these organisations to assist in the formulation and carrying out of employment policy.

(2) The employment service should co-operate with any joint industry committees which may be set up to facilitate the solution of the special problems of the industries concerned.

Recommendation (No. 73) concerning the national planning of public works.

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body
of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the national planning of public works, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Public Works (National Planning) Recommendation, 1944:

Whereas the Public Works (National Planning) Recommendation, 1937, recommends that all works undertaken or financed by public authorities should be timed in such a way as to reduce industrial fluctuations as far as possible, and that special consideration should be given to the financing by loan in periods of depression of works likely to stimulate economic recovery and to the application of a monetary policy which will make possible the expansion of credit required for the speeding up of such works and ensure the lowest possible rate of interest on the loans; and

Whereas at the end of the war public authorities will be faced with the great need to repair the damage caused by the war, to restore and replace existing public works, and to provide new public works and services; and

Whereas public works constitute a large element in the economic life of all nations, and public works programmes are an important method by which levels of productivity can be increased, and by which levels of living of all peoples can be raised; and

Whereas it is important in the transition from war to peace that public and private enterprise should be co-ordinated to assure the prompt and orderly use of human and material resources, avoiding on the one hand rush demands for materials which would leave contractors temporarily in short supply and on the other hand inadequate development of demand;

The Conference recommends the Members of the Organisation to apply the following general principles, and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

1. Each Member should prepare a long-term development programme which can be accelerated or slowed down in accordance with the employment situation in different parts of the country.
2. Special attention should be paid to the importance of timing the execution of the works and the ordering of supplies, so as to limit the demand for labour at a time when there is already full employment and to increase it at a time when there is unemployment.

3. In applying this policy, consideration should be given not only to the employment situation in the country as a whole but also to the situation in each area and to the particular types of skill available in the area concerned.

4. Local authorities and others responsible for framing schemes for employment should be informed by their central authorities at the earliest possible moment what financial support will be forthcoming, so that the local authorities and technical services may proceed without further delay to prepare plans and to make such practical preparation as would enable large numbers of demobilised soldiers to be absorbed as soon as they are available.
Resolutions adopted by the International Labour Conference at its Twenty-sixth Session

I

Resolution concerning social provisions in the peace settlement.

Whereas the Conference is called upon to make recommendations to the United Nations for present and post-war social policy, and more particularly concerning the social provisions to be inscribed in the various general or special treaties or agreements to which the United Nations will jointly or severally become parties;

Whereas the prospect of a complete victory of the United Nations makes it possible to prepare a better world order directed towards the achievement of the social objectives which these nations proclaimed in the Atlantic Charter in expressing their desire to bring about the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security:

I

The Conference considers that the principles stated in the following draft are appropriate for inclusion in a general or special treaty or agreement between nations desirous of giving early effect to the principles of the Atlantic Charter and Article VII of the Mutual Aid agreement:

The signatory Governments:

Having pledged themselves to provide conditions which will ensure an increasing measure of freedom from want to their own peoples and to all peoples;

Recognising, therefore, their common obligation to foster expanding production and employment on a sound basis, free from disruptive fluctuations, and to ensure that workers and productive resources shall not be allowed to be idle while the needs of large parts of the world remain unsatisfied;
Realising that the economic life and conditions in each nation are increasingly dependent upon the economic life and conditions of other nations, and that hence the attainment of the above-stated objectives requires increasing collaboration among nations;

Have agreed that:

**Article I**

The Declaration concerning the aims and purposes of the International Labour Organisation adopted by the International Labour Conference at Philadelphia in 1944, the text of which is annexed, is hereby reaffirmed.

**Article II**

Each Government recognises its duty to maintain a high level of employment. Accordingly, all arrangements by and among the signatory and other like-minded Governments for international economic cooperation should be framed and administered to serve the objectives set forth in Article I. They should be directed to the expansion of production, employment and the exchange and consumption of goods and to the liberation of economic activity from unreasonable restrictions. Particular consideration should be given to measures for promoting the reconstruction of economic life in countries whose economic and social life has been disrupted as the result of Axis aggression.

**Article III**

The following matters are of international concern and should be among the social objectives of international as well as national policy:

1. Opportunity for useful and regular employment to all persons who want work, at fair wages or returns and under reasonable conditions, with provision for protection of health and against injury in all occupations;
2. Raising standards of living to provide adequate nutrition, housing, medical care and education;
3. Establishment of minimum standards of employment to prevent exploitation of workers, whether employed or self-employed, whose opportunities for high-wage employment are limited;
4. Provision for child welfare;
5. Provision for a regular flow of income to all those whose employment is interrupted by sickness or injury, by old age or by lack of employment opportunity;
6. The effective recognition of the right of freedom of association and of collective bargaining;
7. Provision of facilities for training and transfer of labour.
Article IV

The International Labour Office may, under standards constitutionally determined by the International Labour Conference, as occasion requires, collect from, and interchange with, the signatory Governments, uniform statistical and other economic information on the following matters which are among those of direct interest to the International Labour Organisation and are of international concern:

1. Employment, wages and conditions of work;
2. Standards of living and the distribution of income, with particular reference to wage and salaried workers;
3. Technical education and training for employment;
4. Industrial health, safety and welfare;
5. Industrial relations;
6. Social security; and
7. Administration of labour and social security legislation.

Article V

With respect to the matters set forth in Article III:

1. The Governments, through appropriate international agencies, shall develop standards and statistical measures, and shall maintain uniform statistics and other information;
2. The Governments shall interchange among themselves and make available to the International Labour Organisation such information and reports as may be required to assist them and the Organisation to develop Recommendations with respect to such matters;
3. The Governments shall take appropriate steps to assure close collaboration and full exchange of information between the International Labour Organisation and any other international bodies which now exist or may be established for the promotion of economic advancement and social well-being;
4. The Governments shall take appropriate steps to have placed on the agenda of the International Labour Conference annually the subject of the extent to which the social objectives set forth in Article I have been attained and on the measures taken during the year towards the attainment of the objectives.

Article VI

With respect to draft international Conventions and Recommendations adopted by the Conference in accordance with Article 19 of the Constitution of the International Labour Organisation, the signatory Governments undertake to report to the International Labour Office as requested by the Governing Body on the status of legislation and
administration and, in so far as practicable, of practices under collective agreements between employers and workers.

Declaration concerning the aims and purposes of the International Labour Organisation

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members.

I

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that:

(a) labour is not a commodity;
(b) freedom of expression and of association are essential to sustained progress;
(c) poverty anywhere constitutes a danger to prosperity everywhere;
(d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:

(a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;
(b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;
(c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;
(d) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;
(e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

III

The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve:
(a) full employment and the raising of standards of living;
(b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;
(c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;
(d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;
(e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;
(f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;
(g) adequate protection for the life and health of workers in all occupations;
(h) provision for child welfare and maternity protection;
(i) the provision of adequate nutrition, housing and facilities for recreation and culture;
(j) the assurance of equality of educational and vocational opportunity.

IV

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

V

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.

II

The Conference recommends that the Governing Body of the International Labour Office:

1. Call a special conference of the Organisation, when in its opinion there is a danger of a substantial fall in general employment
levels, for the purpose of recommending appropriate national or international measures to prevent the development or spread of unemployment and to establish conditions under which high levels of employment may be maintained or restored;

2. Correlate the activities of the International Labour Organisation towards the end of maintaining full employment with those of any other international agency or agencies which may be designated by the United Nations to have primary responsibility in related economic fields.

III

The Conference recommends that:

1. The United Nations should undertake—

(a) to apply to any dependent territories, in respect of which they have accepted or may accept a measure of international accountability through any international or regional commission or other body, the principle that all policies designed to apply to dependent territories shall be primarily directed to the well-being and development of the peoples of such territories, and to the promotion of the desire on their part for social progress;

(b) to apply to such territories the provisions of the Forced Labour Convention, 1930; the Recruiting of Indigenous Workers Convention, 1936; the Contracts of Employment (Indigenous Workers) Convention, 1939; and the Penal Sanctions (Indigenous Workers) Convention, 1939;

(c) to make a periodical report to the International Labour Office in respect of each such territory indicating the extent to which effect has been given to the provisions of the Social Policy (Dependent Territories) Recommendation, 1944;

(d) to ask the International Labour Office to appoint, in continuation of the collaboration established in the case of the Permanent Mandates Commission, a representative on any committee which may be entrusted with the task of watching over the application of the principle of international accountability, and further to ensure that any facilities which may be afforded, in the form of inspection or otherwise, for the better implementation of this principle, shall include appropriate measures for examining the application of the above-mentioned Conventions and Recommendation.
2. When determining the future status of dependent territories which on 1 September 1939 were controlled by Axis Powers, the United Nations should specifically require the application thereto of the arrangements provided for in the preceding paragraph.

3. In any negotiations regarding the organisation, control and operation of merchant shipping, and in particular in making international arrangements for the disposal of merchant shipping tonnage, the United Nation concerned should consult the competent bodies of the International Labour Organisation, such as the Joint Maritime Commission, in regard to the possibility of including stipulations concerning the standard of accommodation to be provided for crews and stipulations embodying the provisions of Conventions already adopted by the maritime sessions of the Conference, or of any further such Conventions that may be adopted before the negotiation of such agreement.

4. In making international arrangements concerning transport by air, land, and inland waterway, the United Nations should have due regard to the repercussions of such arrangements on the working and living conditions of persons employed in transport, and should consult the International Labour Organisation in regard to such repercussions and more particularly in regard to the working and living conditions of persons who, in operating such transport systems, work in or under the jurisdiction of more than one country.

5. The International Labour Organisation should make available to the United Nations any information or assistance calculated to facilitate the implementation of the proposals contained in the resolution concerning economic policies for the attainment of social objectives and the present resolution and should be prepared to participate in any international conference which may be considering such proposals.

IV

Believing that the exceptional opportunity of the negotiations of the peace settlement should be taken to secure a concerted advance in the acceptance of binding obligations concerning conditions of labour;

The Conference, reaffirming the principle of the association of management and labour in the framing of such standards;

Recommends:

1. That throughout the peace settlement the United Nations should wherever appropriate include provisions for labour stand-
ards. In a number of cases such provisions might properly be taken from Conventions or Recommendations that have been or may be adopted by the International Labour Conference;

2. That the Governing Body should appoint a consultative committee on labour provisions in the peace settlement. This committee should hold itself in readiness, together with the Director of the International Labour Office, to give advice with reference to such provisions on the request of the United Nations or of particular groups of the United Nations. This committee should have the right to co-opt additional members of special competence with respect to the particular sets of provisions under consideration;

3. That the United Nations should make full use of this committee in any way in which they consider it appropriate to include labour provisions in the peace settlement.

V

The Conference recommends to Governments that a Conference of representatives of the Governments of the United, associated, and other Nations, willing to attend, be called at an early date, in association with the Governing Body of the International Labour Office, to consider an international agreement on domestic policies of employment and unemployment; and this Conference pledges the full co-operation and the assistance of the International Labour Organisation in calling such a conference on employment, and in helping to carry into effect appropriate decisions it might make.

II

Resolution concerning the declaration made to the Conference by the delegations of the occupied countries of Europe.

The Conference having taken note of the declaration made on behalf of the occupied countries:

1. Expresses the conviction that the heroic resistance of the occupied countries is one of the essential factors in the struggle of the United Nations against the common enemy;

2. Shares the preoccupations, anxieties and wishes expressed by the representatives of the occupied countries concerning the special difficulties with which they are confronted in their economic and social reconstruction;

3. Welcomes the decisions already taken by the United Nations to heal the wounds caused by the war;
4. Expresses the hope that the United Nations and the other members of the Conference will unite their efforts to promote in every way the economic and social recovery of all the countries sorely tried by enemy occupation and by the devastation due to the war;

5. Asserts the determination of the International Labour Organisation to associate its endeavours with the concerted will of the oppressed nations for the purpose of rebuilding their social life according to principles of international solidarity and respect for the fundamental spiritual and human values.

ANNEX: DECLARATION MADE TO THE CONFERENCE BY THE DELEGATIONS OF THE OCCUPIED COUNTRIES OF EUROPE.

The delegates of the occupied countries of Europe represented at the Philadelphia Conference—that is, Belgium, Czechoslovakia, France, Greece, Luxemburg, the Netherlands, Norway, Poland, and Yugoslavia,

Having taken note of the declaration concerning the aims and purposes of the International Labour Organisation, the resolution concerning social provisions in the peace settlement, and the resolution concerning economic policies for the attainment of social objectives,

Consider it to be their duty to state their views on the special problems of the economic, financial and social reconstruction of the occupied countries of Europe, once they have been liberated.

I

They desire to stress their complete agreement with the principles and social objectives that should prevail in the reorganisation of the world after the war, as set forth in the draft of the fundamental declaration and in the resolutions before the Conference. In particular, they express their complete conviction that their respective countries will keep these principles and objectives closely in view in their economic policy, and will set as their essential aims the achievement of full employment, rising standards of living for the peoples, and social security. The social ideal that is their goal is thus the same as that which inspires all the members of the Conference, and they will devote all their efforts to its speedy realisation.

II

Unfortunately, by reason of the loss and destruction caused by the war, and of the systematic persecution, devastation and
pillage resulting directly from the actions of the invader, the situation of the occupied countries at the actual moment of liberation will be one bristling with difficulties.

The problem will not merely be how to transform a war economy into a peace economy, but, rather, how to provide for full-scale reconstruction in both the economic and the social fields, and the conditions in which this work of almost total reconstruction must be undertaken will in themselves be particularly difficult.

We shall deliberately confine ourselves here to the economic and social fields. But we would briefly note that before all else, we must reconstruct the free political institutions that our countries formerly enjoyed, and amongst them all those based on the right of free association.

Without claiming to paint a complete picture here of the tragic situation in which the liberated countries will find themselves, we wish, however, to draw attention to certain aspects of the problems that they will have to face.

1. Famine, privation of all kinds, isolation, imprisonments, deportations, executions—these are the marks that the long years of occupation will leave; the population as a whole will be greatly weakened. Many of the prisoners, the deported and the refugees will return home with their health undermined. The ground will be prepared for the spread of epidemics. The first task, and the most urgent, will be to improve nutrition, to provide medical aid and to distribute medicaments.

It seems to all of us highly desirable that, beginning now, and with a view to safeguarding the future of the race, medical supplies and vitamins intended for the children in occupied countries should be assembled for delivery to them, if possible immediately, and, in any case, as soon as delivery can be made without the enemy's obtaining any benefit therefrom.

2. Stocks are completely exhausted. We shall find these countries emptied of their substance. For a long time the essential needs of their populations will far exceed the available quantities of consumption goods.

3. The wear and tear on machines and materials, the exhaustion of reserves, the complete destruction of means of communication and transport, confiscations of all kinds, chaos in finance, currency and securities, all the destruction of buildings, factories, mines and electric power stations due to the campaigns of invasion and to the deliberate policy of an invader faced with indomitable resistance—to all these will be added still further devastation in the course of the campaign of liberation. Under such conditions,
the immediate possibilities of the production of goods will be considerably reduced.

4. Until the emergence of order out of chaos and the restoration of equilibrium between needs and means, as regards both capital goods and consumption goods, the Governments of the liberated countries will doubtless find themselves compelled to maintain or to introduce economic controls similar to those that the United Nations have had to impose on themselves to meet war needs.

5. The dislocation of the entire machinery of production and distribution—including the loss of foreign markets—will of course render it for some considerable time still more difficult to ensure employment for all. Here there is a serious risk of extensive unemployment.

And that is just the very time when the repatriated, the demobilised and the members of the resistance organisations will have to be reincorporated in economic life.

An immense effort will thus have to be made to approach the ideal of employment for all. A Series of special provisional measures will doubtless be required pending a gradual return to less abnormal conditions.

III

The sooner these efforts of economic reconstruction are successful, the sooner will it be possible to achieve the social objectives defined by the Conference.

The liberated countries are minded to undertake themselves, by their own efforts and under their own responsibility, the great work of national reconstruction, which will require gigantic efforts in the fields of labour and finance, but they are aware of the parallel need for a concerted effort in the international domain. In this general effort they will actively participate. They are justified in counting upon the full collaboration of countries less impoverished than they.

They are convinced that the international solidarity forged between the United Nations during the war will continue during the peace, and that the countries that have known neither occupation nor devastation will wish to give them priority in the supply of the essential consumption and capital goods required for their economic and social restoration.

The rapid restoration of the producing and consuming capacity of Europe is, moreover, indispensable to the return of the prosperity of the other countries of the world, and more especially to the prosperity of the great producers of raw materials, industrial products and agricultural produce.
In the general interest, international solidarity must be established both in the economic domain and in the financial domain with a view to the complete and speedy reconstruction of the occupied and devastated countries. To the United Nations falls the task of finding and applying the necessary measures for an equitable distribution of the costs of reconstruction after the war.

IV

Another danger threatens the occupied countries at the present time. The enemy, on the eve of his retreat or rout, may resort to the last excesses in destroying without discrimination both life and wealth. In certain regions this threat has already materialised. The more extensive the destruction, the more difficult will be the reconstruction and the longer will the achievement of social conditions answering the hopes of this Conference be delayed. A last warning to the invaders informing them categorically that the authors of such excesses will answer for them with their persons and with their property might lessen the danger that threatens. In the circumstances, such warning should be given without delay and with the high moral authority of all the nations gathered together at this Conference.

V

The peoples of Europe, at this moment bent under the yoke of the invader, will find in the solicitude of the Conference for their own special problems a measure of comfort and a guarantee that the effective organisation of international solidarity will help them after the war to efface the marks of the tragedy that has weighed them down through these years of hardship.

III

Resolution concerning the Constitution and constitutional practice of the International Labour Organisation and its relationship with other international bodies.

The General Conference resolves that:

1. During periods of emergency when, in the judgment of the Governing Body, the efficient operation of the Organisation or of the Office will be advanced thereby, and the Governing Body so
notifies the Members of the Organisation, it shall provide that, supplementary to the normal procedure, the following communications should be transmitted through the Director:

(a) the communication to Members of certified copies of Recommendations and Conventions in accordance with paragraph 4 of Article 19 of the Constitution of the Organisation;

(b) the communication by Members of the information concerning the action taken in regard to Recommendations required by paragraph 6 of Article 19 of the Constitution;

(c) the communication by Members of the formal ratifications of International Labour Conventions in accordance with paragraph 7 of Article 19 of the Constitution and the relevant provisions of the individual Conventions;

(d) the communication to Members of all notifications required by the terms of International Labour Conventions.

2. The Conference requests the Governing Body:

(a) to take effective steps as promptly as possible to deal with problems common to a region or to a particular industry, with due regard to the Constitution and principles of the Organisation, and its competence; and

(b) to report to the next general session of the Conference the steps taken and plans for the further regionalisation of the Office and of the Organisation and for special consideration of the problems of particular industries.

3. The Conference requests the Governing Body during the period of the deliberations of the committee to be established under the terms of this Resolution and of the development of an overall pattern of international institutions, to take appropriate steps to assure close collaboration and a full exchange of information between the International Labour Organisation and any other public international organisations which now exist or may be established for the promotion of economic and social well-being, and in the furtherance of this objective it may instruct the Director to arrange with such organisations, on conditions mutually agreeable, for

(a) the exchange of information, views, reports, studies and other documents regarding policies and measures of mutual interest and concern at appropriate stages in their formulation and execution; and

(b) the exchange of representatives without vote, at meetings convened by this Organisation and such other organisations; and
(c) the creation and maintenance of such joint committees as may facilitate their effective co-operation.

4. The Conference requests the Governing Body:

(a) to appoint a committee as soon as possible to consider the future constitutional development of the Organisation. The committee shall particularly consider the following matters in active collaboration with the Office, and in the light of the Report on Item I submitted by the Office, the resolutions and amendments submitted to the Conference, the views expressed in the Conference and any suggestions which may be communicated to the Office by Governments—

(i) the relationship of the Organisation to other international bodies;

(ii) the constitutional practice of the Organisation and its clarification and codification;

(iii) the status, immunities and other facilities to be accorded to the Organisation by Governments as necessary to the efficient discharge of the responsibilities of the Organisation;

(iv) the methods of financing the Organisation;

(b) after receiving and considering the report of the committee to bring to the attention of the Conference at its next general session such matters as in its judgment require action by the Conference.

5. The Conference requests the Governing Body to appoint representatives with power to negotiate, if necessary prior to the next general session of the Conference, with international authorities on behalf of the Organisation concerning any constitutional questions which at any time require immediate action, including the matters referred to in paragraph 4.

6. The Conference authorises the Governing Body to decide the place at which the Twenty-seventh Session of the Conference shall be held. In the event of a maritime session being convened in the near future, this authorisation shall apply to the Twenty-seventh and Twenty-eighth Sessions.

IV

Resolution concerning the international character of the responsibilities of the Director and staff of the International Labour Office.

The Conference, desirous of reaffirming the international
character of the responsibilities of the Director and staff of the International Labour Office, adopts the following resolution:

1. The Director of the International Labour Office shall, on appointment, make a solemn declaration before the Governing Body that he will discharge the duties committed to him with the interests of the International Labour Organisation alone in view, will not seek or receive instructions in regard to the discharge thereof from any authority external to the Organisation, and will at all times uphold the provisions of the Constitution of the International Labour Organisation.

2. The responsibilities of the staff of the International Labour Office shall be exclusively international in character. Members of the staff shall on appointment make a solemn declaration in the form and manner approved by the Governing Body that they will not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organisation.

3. The Conference affirms it to be the duty of the Members of the Organisation to respect fully the international character of the responsibilities of the Director and staff of the International Labour Office and not to seek to influence any of their nationals in the discharge of such responsibilities.

V

Resolution concerning industrial committees.

The Conference is of the opinion that the International Labour Office should proceed forthwith with the setting up of industrial sections and invites the Governing Body to elaborate regulations governing the activities of industrial committees.

VI

Resolution concerning economic policies for the attainment of social objectives.

Whereas the prospect of a complete victory of the United Nations makes it possible to prepare a better world order directed towards the achievement of the social objectives which these nations proclaimed in the Atlantic Charter in expressing their desire to bring about the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security; and
Whereas these objectives of the United Nations coincide with the basic principles of the International Labour Organisation, and whereas the Conference which met in New York in 1941 pledged the full collaboration of the International Labour Organisation in their implementation; and

Whereas the International Labour Conference is called upon by Item II on the agenda of the present session to make recommendations to the United Nations for present and post-war social policy concerning more especially the measures required to be taken internationally and nationally to ensure full employment, social security and rising standards of living; and

Whereas the initiative with regard to international policy lies with the United Nations at the present time, and it is desirable in order to attain the objectives referred to that all nations should pursue an appropriate national policy; and

Whereas the attainment of full employment and high productivity by the various nations after the war is essential to the achievement of freedom from want, the attainment of increasing living standards, the realisation of genuine economic security and the continuation of peaceful economic progress; and

Whereas full employment can be achieved and maintained only through the adoption, by Governments, industry and labour, of policies and measures which effectively encourage the continuing expansion of production and improvement of distribution; and

Whereas the speedy achievement of full employment requires the prompt and orderly reconversion, reconstruction and expansion of industry, trade, commerce and agriculture after the war, and the subsequent maintenance of employment and production at high levels requires the creation of an economic and social environment conducive to a progressive and expanding economy;

The Conference adopts the following resolution:

I. INTERNATIONAL POLICY

1. Believing that the relief of war-stricken peoples, repatriation of prisoners and exiles and resumption of agricultural and industrial production are matters which will be of the utmost urgency immediately on the liberation of occupied countries and that on the successful handling of these problems the possibility of achieving the long-range objectives of social and economic well-being will largely depend,

The Conference welcomes the creation of the United Nations Relief and Rehabilitation Administration, urges all States concerned to co-operate actively in the achievement of the tasks en-
trusted to it and assures the Administration of the readiness of the International Labour Organisation to assist it in every appropriate way.

2. In view of the fact that for varying periods after the end of hostilities many essential commodities and transport facilities will be in short supply, and that international arrangements will be needed to ensure a fair allocation of available supplies and prevent excessive price movements,

The Conference considers that the Governments of the United Nations concerned should arrange to continue in operation, for such periods as any serious shortages may persist, the existing machinery of international co-ordination and control subject to such modification, and in particular to such enlargement of the membership of the authorities concerned, as may contribute to the equitable and efficient operation of such machinery in the transition from war to peace.

3. The Conference endorses the declaration of the United Nations Conference on Food and Agriculture held in May 1943, that while the primary responsibility lies with each nation for seeing that its own people have the food needed for life and health, each nation can fully achieve this goal only if all co-operate in appropriate international action, and urges the setting up of a permanent international organisation, as recommended by the Conference on Food and Agriculture, to raise the level of nutrition and improve the efficiency of agricultural production and distribution.

4. Recognising that a satisfactory international monetary system is essential to the full development of mutually advantageous economic relations between nations, and consequently to the raising of standards of living,

The Conference attaches great importance to the establishment at the earliest possible moment of effective international machinery for settling balances arising out of international trade and other transactions and for maintaining stability in rates of exchange, notes with satisfaction that the Governments of the United Nations are giving careful attention to this matter, and urges that they include in any agreement establishing such machinery a provision requiring the authorities responsible for its application to have regard in framing and applying their policies to the effect of their decisions on employment and living standards.

5. Noting that imports of capital will be needed for reconstruction, development and the raising of living standards in many countries, and believing that the provision of such capital will contribute to the maintenance of full employment in the lending countries,

The Conference:

(a) considers that the existing machinery of the international
capital market should be supplemented by the establishment of appropriate international machinery for the purpose of promoting the international movement of capital;

(b) considers that the promotion of full employment and higher living standards should be regarded as a primary objective of any such international machinery;

(c) considers that the authorities responsible for the operation of such international machinery should consult the International Labour Organisation as to the appropriateness of including in the terms under which development works financed in whole or in part through such machinery are to be carried out, provisions regarding the welfare and working conditions of the labour employed; and that such provisions should be framed in consultation with the International Labour Organisation;

(d) affirms the readiness of the International Labour Organisation to render every assistance in its power in determining the appropriateness of the inclusion of such provisions and in their framing and application and in the promotion through the operations of such international machinery of the general objectives of full employment and higher living standards.

6. Recognising the great contribution which the international exchange of goods and services can make to higher living standards and to high levels of employment,

The Conference:

(a) believes that the measures proposed in the foregoing paragraphs for the promotion of exchange stabilisation and international lending will contribute to the expansion of international trade, but considers that the United Nations should also examine wartime changes in industrial capacity, should arrange for exchange of information on post-war industrial programmes and should take vigorous action to promote the expansion of international trade by appropriate commercial policies; and considers that all countries, creditor as well as debtor, should adapt their commercial policy in such a way as to enable them to settle all obligations arising out of international transactions;

(b) considers that the United Nations should initiate measures to facilitate the co-ordination through appropriate international machinery of the commercial policies of all countries for the purpose of promoting a steady expansion in world trade on a multilateral basis;

(c) considers that in such co-ordination special consideration should be given to the need of countries which are highly dependent on returns from exports to take measures to ensure a high degree of stability in the level of their economic activity and observes
that the need for these measures will decrease to the extent that international collaboration proves successful; and

(d) considers that in such co-ordination special account should be taken of the dislocation and the accumulated needs resulting from the devastation caused by war operations and from the prolonged diversion from peacetime production in countries which have been engaged for a long period in a sustained and total war effort.

7. In order to lay the foundation for rising levels of consumption throughout the world and at the same time to ensure more stable and adequate incomes to those primary producers whose services are needed for the production of essential raw materials and foodstuffs,

The Conference considers that the United Nations should initiate concerted action designed to ensure the constant availability to all purchasers of adequate supplies of such commodities at prices which give a reasonable return to the efficient producer and are held sufficiently stable to afford protection against major short-term fluctuations in supply or demand; and that such international arrangements: (a) should provide for adequate representation of consumers as well as producers, representing both importing and exporting countries, in all authorities responsible for the determination and application of policy; and (b) should aim to assure to all workers, including the self-employed, engaged in the production of the commodities concerned, fair remuneration, satisfactory working conditions and adequate social security protection, having regard to the general standards in the countries concerned.

8. Believing that migratory movements may play an important part in the development of a dynamic economy, and that disorderly international migration may create economic and social dislocation in the countries concerned and involve serious individual hardship for the migrants themselves, while desirable migratory movements are often hampered by technical and financial difficulties which can be overcome only through international co-operation,

The Conference considers that:

(a) the United Nations should encourage by appropriate measures, with adequate safeguards for all concerned, the orderly migration of labour and settlers in accordance with the economic needs and social conditions prevailing in the various countries, and in this connection should note the Conclusions adopted by the Conference of Experts on Technical and Financial Co-operation with regard to Migration for Settlement held at the International Labour Office in 1938;

(b) arrangements should be made for close co-operation between
the International Labour Organisation and any public international agency established to deal with migration;

(c) the Governing Body should take steps to bring before an early session of the Conference a report of a representative commission, with such technical assistance as it may require, on the means necessary to protect the interests of labour, on the one hand, against barriers which prevent migration from areas of limited resources, and on the other hand against the lowering of the labour standards that might result from immigration at a rate exceeding the capacity of the receiving countries to absorb immigrants.

9. In order that re-employment may be expedited and healthy living standards established within a period of minimum duration in areas liberated from Axis occupation,

The Conference recommends that arrangements be made by those nations whose productive capacities have been maintained during the war, by all other nations which are in a position to make materials available and by the appropriate international organisations, to give the highest priority consistent with the exigencies of war to immediately supplying the territories liberated from Axis occupation with materials and equipment required for industrial installations, agriculture, transport, public works and utilities of an essential character.

10. Believing that the best possible conditions for a rise in the standard of living and the maintenance of full employment in the world can only be obtained by mutually consistent national economic, financial and social policies and by co-ordination of the activities of the different international institutions in this field,

The Conference considers that appropriate international measures should be taken which guarantee sufficient contact and consultation with regard to such policies between Governments as well as between the different international institutions.

II. NATIONAL POLICY

11. In order that full employment at productive peacetime pursuits, freedom from want, rising standards of living and genuine economic security may be achieved with a minimum of delay after the war,

The Conference urges that Governments and employers' and workers' organisations formulate comprehensive and co-ordinated programmes, suited to the particular needs of their countries, for prompt and orderly reconversion, reconstruction and economic expansion, and that such programmes be prepared and applied simultaneously with the consideration of the international measures referred to in the preceding paragraphs.
12. Recognising that the economic situation will differ markedly among the various countries at the war's end, varying particularly with the degree and type of industrial development, the extent to which the peacetime economy has been disrupted by the war, and whether the country's territory has been occupied by the enemy; and recognising that national post-war economic programmes must vary accordingly, in order to meet most effectively the needs of the country in which they are to be applied,

The Conference urges that, with due allowance for difference in national economic situations, programmes for economic reconvension, reconstruction and expansion include the development of sound policies and procedures to provide:

(a) effective arrangements for the orderly and expeditious demobilisation and repatriation, and for the early absorption in productive peacetime employment, of members of the armed forces, civilian workers, prisoners, persons who have resisted deportation, deported persons and refugees; the prompt termination of contracts and settlement of claims; the prompt determination of policy on the peacetime use of Government-owned war production capacity and equipment and the disposition of surplus materials, with a view to the use of these items to satisfy human needs; and liberal provision for the maintenance, educational training and retraining of persons unavoidably out of employment; as recommended by the Twenty-sixth Session of the International Labour Conference in its Recommendation concerning employment organisation in the transition from war to peace;

(b) retention, as long as shortages exist, of such war-created economic controls—for example, price and exchange controls and rationing—as are necessary to prevent inflation, and the relaxation of such controls as rapidly thereafter as is consistent with the public welfare;

(c) adjustment of tax systems to encourage rapid reconvension, reconstruction and economic expansion, while maintaining an equitable distribution of tax burdens and avoiding financial measures which tend to increase the dangers of inflation or deflation;

(d) development of effective mechanisms for adequate financing of the reconvension, reconstruction and expansion of industry, trade, commerce and agriculture, and particularly to assist the establishment of new and efficient enterprises.

13. The Conference urges that all practicable measures be taken to maintain a high and steady level of employment, to minimise fluctuations in business activity, and to assure a steadily expanding volume of production, more particularly by means of:
(a) fiscal, monetary and other measures, including useful public works, to sustain the volume of demand for goods and services at a high level, while avoiding the dangers of an inflationary spiral of prices and wages; in this connection attention should be paid, among other measures, to such methods as an adequate income security system, and to properly timed public works financed by borrowing in periods of depression, in accordance with the Public Works (National Planning) Recommendation, 1937;

(b) measures to discourage monopolistic practices and to encourage technological progress, to maintain a reasonably flexible system of prices and wages, to encourage the transfer of workers and productive resources from declining to expanding industries, and to attain a high degree of mobility of resources and freedom of access to alternative employments;

(c) measures to provide adequate incentives to engage in and expand constructive economic activity, to encourage private investment and to maintain the rate of investment; among the measures which warrant careful consideration in this connection are the adjustment of tax systems, removal of artificial barriers limiting access to resources and markets, the relaxation of unreasonable restrictions imposed by governmental agencies or by business or by labour organisations, and the maintenance of a high and stable demand for goods;

(d) measures to provide adequate opportunity for workers to engage in productive activity and to obtain advancement; among the measures which warrant careful consideration in this connection are the provision of improved and more generally accessible educational and training facilities, provision of higher nutritional and health standards, improvement of public employment services, increased provision against economic insecurity, the maintenance of wages at a high level, and the protection, extension and improvement of collective bargaining procedures.

VII

Resolution requesting the Governing Body to examine problems involved in labour provisions for internationally-financed development works.

Considering that the International Labour Organisation should be in a position to offer effective assistance in determining the appropriateness of including provisions concerning welfare and working conditions in the terms under which any international
development works are to be carried out, and in framing and applying any such provisions;

The Conference requests the Governing Body to examine the methods which might be adopted for determining the appropriateness in any particular case of the inclusion of such provisions, for framing such provisions, and for ensuring their effective application.

VIII

Resolution concerning measures for the protection of transferred foreign workers and of foreign workers' and employers' organisations.

Whereas the International Labour Conference is called upon by Item II on the agenda of the present session to make recommendations to the United Nations for present and post-war social policy; and

Whereas some of the gravest problems of social policy that will confront the United Nations when they come to occupy certain portions of Axis territory will be those which will arise in connection with the millions of foreign workers who have been transferred to work in Axis countries; and

Whereas the Council of the United Nations Relief and Rehabilitation Administration has assumed responsibility for the measures to be taken to repatriate such workers; and

Whereas it is desirable that provision should be made for the protection of such workers in regard to their health, welfare and general interests pending their repatriation;

The Conference recommends as follows:

1. Precautions should be taken, subject to the removal of all officials identified with the former totalitarian régime, to ensure that the administrative machinery set up by the former régime for handling questions connected with the utilisation of foreign labour power, together with all its records and documents, is for the time being preserved intact. In particular, the United Nations and the occupying authorities should make it clear that the personnel concerned will be held individually responsible for the preservation of such documents and records and that persons convicted of destroying or concealing them will be severely punished.

2. Pending the repatriation of foreign workers, which should be carried out with the greatest possible speed, the competent occupation authority should take appropriate action for the purpose
of protecting such workers in regard to their feeding, accommodation, health, safety, welfare and general interests.

3. All discriminatory treatment in respect of remuneration, the right to employment, conditions of employment, the wearing of distinctive badges, etc., on account of race, national or local origin, or religion, should be immediately abolished.

4. The competent occupation authority should in the matters concerning foreign workers in Axis nations collaborate with the Governments and trade unions of Allied countries.

5. Arrangements should be made, within the framework of general restitution arrangements, for the restitution of funds or property that may have been confiscated in Germany or elsewhere from international and foreign trade union organisations, cooperatives, and employers' organisations by Axis agents.

IX

Resolution concerning the holding of a regional conference of the countries of the Near and Middle East.

Whereas the International Labour Organisation, during the coming years, will have to pay closer attention to the various regions of the world where similar social and economic conditions exist; and

Whereas the raising of the social standards of the workers in town and country will largely depend upon appropriate solutions being sought to the specific problems of the regions concerned; and

Whereas the Near and the Middle East constitute a vast region of particular importance, where similar conditions prevail as regards the working and living conditions of great masses of agricultural workers, whether independent, semi-independent, or wage-paid; and

Whereas these conditions, as well as the problems with which the countries concerned are confronted in their effort towards systematic development of resources and industrialisation, require special study, exchange of experience and joint action; and

Whereas particular attention should be directed to the working and living conditions in the oil producing areas of this region;

The Twenty-sixth Session of the International Labour Conference resolves to invite the Governing Body of the International Labour Office to examine the possibility of convening at an early date a regional conference of the countries of the Near and Middle East, with a view to giving effect to the consideration of the specific problems of that region.
Resolution concerning the Conventions and Recommendations adopted at earlier sessions of the Conference bearing upon the problem of the organisation of employment in the transition from war to peace.

The General Conference of the International Labour Organisation,

Having adopted the Employment (Transition from War to Peace) Recommendation, 1944, the Employment Service Recommendation, 1944, the Public Works (National Planning) Recommendation, 1944,

draws the attention of the Members of the Organisation to the bearing upon the problem of the organisation of employment in the transition from war to peace of the following Conventions and Recommendations—

the Unemployment Convention, 1919,
the Fee-Charging Employment Agencies Convention, 1933,
the Employment Agencies Recommendation, 1933,
the Unemployment Provision Convention, 1934,
the Unemployment Provision Recommendation, 1934,
the Unemployment (Young Persons) Recommendation, 1935,
the Vocational Training Recommendation, 1939,
the Apprenticeship Recommendation, 1939,
the Vocational Education (Building) Recommendation, 1937,
the Minimum Age (Industry) Convention (Revised), 1937,
the Minimum Age (Family Undertakings) Recommendation, 1937,
the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937,
the Minimum Age (Agriculture) Convention, 1921,
the Public Works (National Planning) Recommendation, 1937,
the Public Works (International Co-operation) Recommendation, 1937; and

urges that Members which have not already done so should give consideration to ratifying the said Conventions, and to giving effect, wherever possible, to their provisions pending ratification, and that all Members should give consideration to making effective the provisions of the said Recommendations.
Resolution concerning co-operation in regard to the preparation for plans for public works in countries at present in enemy occupation.

Whereas the Governments of the United Nations, whose territory is still under the occupation of the enemy, are unable to prepare detailed plans for public works in their countries, because they do not possess the data necessary for such a preparation and because they are handicapped either by the lack of trained technical personnel, or by the lack of adequate financial means, or by both;

Whereas the universities and technical colleges in some of the occupied countries have been forcibly closed for years, and laboratories, research institutes and libraries destroyed;

Whereas in most of these countries the number of previously trained technical experts has been, because of persecution, considerably reduced and the remaining experts have been for years without any communication with the outside world and consequently have been unable to keep up with the results and methods of technical progress achieved in non-occupied territories;

And whereas a considerable volume of public works will have to be undertaken upon the liberation of those countries in order to provide the basis for a speedy reconstruction, to organise the transportation network, to provide housing for the great masses of the population, and finally to provide employment;

It is resolved:

(a) that the Members of the International Labour Organisation be invited to exchange the results of their research in the various branches of development works, including public utilities, and their experiences with the technical problems involved in the preparation and carrying out of development works programmes;

(b) that they exchange experiences gained in the planning and organisation of development works and in the maintenance of such works and public utilities; and exchange information on the education of technical experts and on making these matters known to the public;

(c) that the Conference invites the Governing Body to call a meeting of the International Public Works Committee at the earliest practicable moment and include in the agenda of the meeting the study of the exchange of such information as is referred to in clauses (a) and (b).
Réolution concerning social insurance and related questions in the peace settlement.

Whereas the peace settlement must necessarily comprise various clauses intended to solve a number of international problems of a social nature, of capital importance, which will arise as between the Axis and associated countries on the one hand and the United Nations on the other;

Whereas, among these problems the following deserve special attention—

(a) the protection of the social insurance rights of displaced persons;
(b) indemnities for losses and damage suffered, in consequence of the war and occupation, by the social security institutions of members of the United Nations and by their nationals;
(c) the settlement of the social problems resulting from the transfer of territories and the exchange of populations;
(d) the revival of bilateral social treaties and the juridical status under social legislation of nationals of members of the United Nations in the Axis and associated countries;

The Conference approves as a basis for the solution of the problems mentioned above the principles which are submitted in Annexes I to IV of the present Resolution; and

Invites the Governing Body to appoint within six months a special committee constituted in the manner indicated in Annex V, which should be entrusted with the preparation, on the basis of the said principles, of—

(1) precise provisions concerning these questions for submission to the United Nations with a view to their insertion in the peace settlement; and
(2) such executive measures as may appear practical.

ANNEX I

PRINCIPLES CONCERNING THE PROTECTION OF THE SOCIAL INSURANCE RIGHTS OF DISPLACED PERSONS

1. The peace settlement should include the following arrangements to protect the social insurance rights of workers recruited for employment by Axis and associated countries.
2. The arrangements shall apply to any person who, while residing in the territory of a member of the United Nations (hereinafter called "country of residence") has, at any time since 31 August 1939 (since 28 September 1938 in the case of Czechoslovakia) and before the cessation of hostilities, been recruited by or on behalf of an agency of an Axis or associated country (hereinafter called "recruiting country") for employment in its own or in another territory occupied by it, and who in virtue of such employment has been liable to compulsory social insurance as a manual worker, salaried employee or miner, as the case may be, under the laws or regulations of the recruiting country or would have been so liable if a national of such country. Similar arrangements should also apply to workers subjected to forced labour in their country of residence.

**Pension Insurance**

3. A recruited worker shall be deemed to have been affiliated to the pension insurance institution of the recruiting country appropriate to the nature of his employment as from the date of his departure from his country of residence—

(1) until the date of his return thereto; or
(2) until the date of his death or his becoming an invalid, according as (1) or (2) is the earlier.

4. During the whole period for which he is deemed to have been affiliated to an insurance institution of the recruiting country, contributions shall be deemed to have been paid in respect of the recruited worker. Such contributions shall be based on the normal wage of a worker of the recruiting country performing similar work and shall comprise such part of the total of the joint contribution of employed persons and employers, payable in virtue of the social insurance laws or regulations of the recruiting country, as is applied to the financing of the pension insurance scheme administered by the insurance institution to which the recruited worker concerned is deemed to have been affiliated.

5. Where the last employment of a recruited worker in his country of residence was in work of a higher grade than that in which he was employed in the recruiting country, the contributions deemed to have been paid in respect of him shall be based on the earnings corresponding to the work of higher grade and shall be deemed to have been paid to the pension insurance institution of the recruiting country appropriate to the nature of this employment.

6. The total of the contributions deemed to have been paid in respect of a recruited worker, together with a proportionate share
of any State subsidy to the revenue or expenditure of the pension insurance scheme, shall constitute a debt due to the country of residence. The recruiting country accepts full responsibility for the discharge of this debt: provided that such acceptance of responsibility shall not be interpreted as altering the nature of the debt, which remains primarily a joint liability of all the social insurance institutions of the recruiting country. The discharge of the above-mentioned responsibility by the recruiting country shall be effected independently of all other financial obligations which may be incurred as the result of the war by the recruiting country to the country of residence:

Provided that the total of any instalments of a pension or any lump sum in commutation of a pension which have been paid by an insurance institution of the recruiting country to a recruited worker or his survivors up to the date when the arrangements came into force shall be deducted from the total of the contribution debts due by the recruiting country, and, in such proportion as the country of residence may determine, from the proceeds of each debt individually.

7. The debt shall fall due on the date on which its amount is notified to the recruiting country and shall be increased by compound interest at the rate of \( x \) per cent. annually from the date at which the recruited worker is deemed to have ceased to be affiliated to an insurance institution of the recruiting country, until the debt is discharged:

8. Any rules adopted for the conversion, with a view to payment, of the amount of any debts expressed in the currency of the recruiting country into the currency of the country of residence, shall provide equitably for protecting the creditor from the effects of the depreciation of the currency of the recruiting country.

9. On the payment of the debt, the liabilities of the recruiting country in respect of the rights in course of acquisition and rights acquired by a recruited worker while he was deemed to be affiliated to an insurance institution of the recruiting country shall be considered as discharged:

Provided that, where, in the course of five years from the date when these arrangements came into force, the frequency of invalidity and death among recruited workers while in the recruiting country and while insured in their country of residence after their return is found to be significantly greater than that assumed in the actuarial estimates of the scheme under which they are insured, the resultant increase in the pension expenditure shall constitute a debt due by the recruiting country, to be discharged in accordance with the provisions of paragraphs 6 to 8.

10. The country of residence shall use the proceeds of the debt
paid in respect of each recruited worker in order to credit him with rights under its pension insurance laws and regulations, and for this purpose shall affiliate him to an insurance institute appropriate for him in view of the nature of his occupation. If there is no such institution the country of residence shall apply the proceeds for the benefit of the worker concerned in such way as it may deem fit.

11. Where the recruited worker died or became disabled before the date when these arrangements came into force, a pension shall be awarded if the qualifying conditions can be deemed to have been fulfilled, having regard to the period during which he is deemed to have been affiliated to an insurance institution of the recruiting country.

**Accident Insurance**

12. Where a recruited worker became permanently incapacitated or died in consequence of an occupational accident or disease occurring in the recruiting country in respect of which compensation was payable under the laws or regulations of the recruiting country concerning accident insurance, or would have been so payable if he had been a national of the recruiting country, such compensation shall be commuted for a lump sum representing its capital value, calculated in accordance with actuarial tables applied under the accident insurance laws or regulations of the country of residence. Where necessary the rate of the pension shall be recalculated on the basis of the normal wage of a worker of the recruiting country performing similar work, and the provisions of paragraph 5 shall apply correspondingly.

13. Such lump sum shall constitute a debt due by the recruiting country to the country of residence, and paragraph 6 shall apply correspondingly.

14. The debt shall fall due at the date at which its amount is notified to the recruiting country and shall be increased by compound interest at the rate of $x$ per cent. annually from the date when the first instalment, due but not yet paid, became payable, until the debt is discharged; paragraph 8 shall apply correspondingly.

15. The country of residence shall use the proceeds of the debt paid in respect of the recruited worker in order to provide him or his survivors with a pension under its accident insurance laws or regulations.

**Unemployment Insurance**

16. The provisions of these arrangements shall apply correspondingly to the unemployment insurance contributions paid in respect of workers recruited by the recruiting country:
17. Provided that the country of residence shall apply the proceeds of the debts in respect of such contributions on behalf of recruited workers who are unemployed after their return.

**General Provisions**

18. For the purpose of assisting the countries of residence concerned in applying these arrangements, there shall be established in connection with the International Labour Office a commission consisting of one delegate from each such country, together with three persons appointed respectively by the Government, workers' and employers' representatives upon the Governing Body of the International Labour Office.

19. The commission shall be empowered to make regulations for the purpose of giving effect to these arrangements and resolving any difficulties which may arise in connection with the application thereof; it shall establish its own procedure.

20. Without prejudice to the generality of the powers conferred by paragraph 19, the commission is entitled to make regulations designed to:

(a) substitute more summary methods than those specified in paragraphs 4 to 6 for the calculation of debts;

(b) substitute for the present arrangements the general provisions of the Maintenance of Migrants' Pension Rights Convention, 1935, as between certain countries or certain categories of recruited workers;

(c) resolve any doubt whether workers are to be regarded as having been recruited;

(d) determine the rate of the contribution to be deemed to have been paid in respect of a recruited worker;

(e) determine one wage on which the contribution is to be deemed to have been based, taking into consideration typical wages of broad occupational groups and the necessity of ignoring all discrimination based on race, nationality and religion;

(f) determine the propriety of classifying as recruited workers nationals of members of the United Nations recruited while residing in the territory of an Axis or associated country and certain other groups such as deported persons, and, for the purposes of workmen's compensation, prisoners of war.

21. The commission shall accord just consideration to representations and complaints from recruiting countries arising out of the application of these arrangements.
22. Any expenses properly incurred by the commission shall be borne by the recruiting countries.

ANNEX II

PRINCIPLES CONCERNING INDEMNITIES FOR SOCIAL CLAIMS

1. In the peace settlement which will impose financial obligations on the Axis and associated countries, provision should be made for full indemnities in respect of legitimate claims of a social character which result from the events of the present war and from the occupation of the territories of certain members of the United Nations.

2. The above provision relates:

(a) on the one hand, to the satisfaction of claims for indemnity made by social security institutions (social insurance or autonomous welfare funds) of members of the United Nations in respect of all loss and damage which they have suffered as the result of the events mentioned in paragraph 1; the indemnity should include the reconstitution of the reserves of social insurance institutions which are necessary to cover their liabilities as affected by the said events, including the increase of those liabilities resulting from the aggravation of the risks in consequence of the said events;

(b) on the other hand, to the satisfaction of the claims of individual nationals of members of the United Nations in respect of treatment contrary to international law or other inequitable treatment imposed on them by Axis or associated countries in the matter of conditions of employment (including remuneration), loss of social insurance rights not covered by the provisions of Annex I to the present resolution, and of any other claims connected with working conditions and social protection and the like which are the direct or indirect consequence of the events mentioned in paragraph 1 and involve the liability either of Governments and public institutions of the Axis and associated countries or of physical or legal persons belonging to such countries;

(c) in the peace settlement which will impose financial obligations on the Axis and associated countries, provision should be made for priority in favour of the payment of indemnities in respect of the claims mentioned under paragraphs 1 and 2 over all other claims.
ANNEX III

PRINCIPLES CONCERNING THE SETTLEMENT OF THE SOCIAL PROBLEMS RESULTING FROM THE TRANSFER OF TERRITORIES AND THE EXCHANGE OF POPULATIONS

1. Any provisions in the peace settlement on the subject of the transfer of territories should provide for—

(a) the transfer of a clearly defined part of the social insurance liabilities pertaining to the ceded territories from the countries previously competent to the countries subsequently competent, corresponding to the ceded territories;

(b) the immediate transfer by the previously competent countries to the subsequently competent countries of the reserves necessary, according to actuarial calculations, to cover the liabilities which will be assumed and discharged by the latter; this transfer should be effected independently of any payments from the Axis or associated countries to the United Nations on account of war reparations or any other account;

(c) the resumption by the successor countries of the payment of the social insurance benefit for which they become liable, so as to secure the uninterrupted continuation of the payment of current benefits and the award of benefits in respect of rights in course of acquisition which have been assumed;

(d) the application of the principles set out under sub-paragraphs (a) to (c), not only to social insurance but to all similar social security institutions, such as pension funds, unemployment funds, autonomous provident or welfare funds, etc.

2. All arrangements entered into among members of the United Nations for the exchange of populations between different countries should include suitable provisions for the protection of the social rights of workers, including regulations similar to those provided for under paragraph 1.

ANNEX IV

PRINCIPLES RELATING TO THE REVIVAL OF BILATERAL SOCIAL TREATIES AND TO THE JURIDICAL STATUS OF NATIONALS OF MEMBERS OF THE UNITED NATIONS UNDER SOCIAL LEGISLATION IN AXIS AND ASSOCIATED COUNTRIES

1. The peace settlement should, at the request of members of the United Nations concerned, provide for the revival of treaties
and bilateral agreements on the subjects of social insurance, labour, unemployment, public assistance and other related subjects in force on 31 August 1939 (or at any earlier date at which the territory of a member was occupied) between Axis and associated countries on the one hand and these members of the United Nations on the other; it should provide that such treaties and agreements may not thereafter be denounced unilaterally by Axis or associated countries within five years from the date of the peace settlement.

2. The peace settlement should guarantee the nationals of the United Nations the same treatment as Axis and associated countries grant to their own nationals in the application of all branches of social legislation.

ANNEX V

COMPOSITION OF THE PROPOSED COMMISSION

A. Three representatives of the Governing Body appointed from members of the three groups, being nationals of countries other than those directly represented on the committee, in accordance with paragraph B below;

B. Ten experts on social insurance and the international regulation of social questions, appointed in particular by countries directly concerned in this matter;

C. Duly qualified representatives of the international bodies which are competent for related questions.

XIII

Resolution concerning international administrative cooperation to promote social security.

Whereas mutual assistance in social security administration is one of the forms of collaboration between nations calculated to promote the progressive development in all countries of comprehensive social security schemes providing for income security and medical care; and

Whereas the International Labour Office has co-operated with Members of the Organisation in an advisory capacity in the planning and development of social security schemes by means of expert missions, and it is now desirable to take further measures to make the experience of social security administration gained by Members individually available through the International Labour Office to other Members about to introduce social security schemes or to amend their existing schemes; and
Whereas the Inter-American Conference on Social Security adopted at its first session, held at Santiago de Chile in 1942, resolutions favouring co-operation among social security administrations and institutions with a view to the unification of statistics of medical care and the encouragement of research and technical studies;

The Conference requests the International Labour Office:

(a) to take the necessary measures to facilitate the interchange of qualified technicians and experts by means of agreements between Members of the Organisation;

(b) to continue efforts to promote, on an international or regional basis, systematic and direct collaboration among social security administrations or institutions with a view to the regular interchange of information which will facilitate their work and the study of common problems in the application of social security; among these problems the following are enumerated without implying any order of preference—

(i) the comparability of statistics on the working of social security services, and their possible standardisation;
(ii) long-term investment of the reserves of social security institutions;
(iii) simplification of social security administration;
(iv) relations between social security institutions based on assistance and those based on insurance;
(v) the prevention of the risks covered;
(vi) the training and technical improvement of the personnel of social security administration through the organisation of courses of higher study in the actuarial and accounting fields and others related to the application of social security systems;

(c) to study the possibility and appropriateness of international or multilateral agreements which would establish bodies responsible for performing common functions, in the field either of finances or of administration.

XIV

Resolution concerning the definition of terms used in international Conventions and Recommendations concerning social security.

Whereas it would greatly contribute to the clarification of the terms used in Conventions and Recommendations concerning social
security to establish an international nomenclature of social security terms in order to avoid misinterpretation due to differences in the terminology employed in various countries;

The Conference requests the International Labour Office to prepare, in consultation with experts on social security, on sociology, and on economic and legal questions, a list containing definitions of terms occurring in international Conventions or Recommendations on social security, with a view to arriving at international agreement.

XV

Resolution concerning social security in Asiatic countries.

Whereas the proposals for the promotion of social security before the Conference are for the most part inapplicable to Asiatic countries such as India in their present stage of industrial development; and

Whereas the Asiatic Member States constitute a large part of the world with vast populations which should not be excluded from the benefits of the proposed measures for the promotion of social security, having regard to the aims and purposes of the International Labour Organisation;

The Conference recommends that an Asiatic regional conference be held at as early a date as possible and that the question of the organisation of social security be included in the agenda of that conference.

XVI

Resolution including the question of minimum standards of social policy in dependent territories (supplementary provisions) in the agenda of the next general session of the Conference.

In accordance with the provisions of paragraph 3 of Article 16 of the Constitution of the International Labour Organisation, the Twenty-sixth Session of the International Labour Conference decides to include in the agenda of the next general session of the International Labour Conference the question of——

Minimum standards of social policy in dependent territories (supplementary provisions).
XVII

Resolution requesting the Governing Body to set up a committee to advise the International Labour Office on standards of social policy in dependent territories.

The Twenty-sixth Session of the International Labour Conference,

Recognising the value of the work of the Committee of Experts on Native Labour and the necessity of providing the Office with all possible technical advice on social problems in dependent territories,

Requests the Governing Body of the International Labour Office to set up as soon as possible a committee to advise the Office on standards of social policy in dependent territories.

The following are among the questions which the Governing Body may consider should appropriately be laid before the committee, the creation of which is suggested:

1. The status of women in dependent territories;
2. Migratory labour and its protection;
3. Housing standards in dependent territories, including methods to facilitate the interchange of information on progress realised.

XVIII

Resolution to confirm the readmission of Costa Rica to the International Labour Organisation.

The General Conference of the International Labour Organisation,

Taking note of the decision of the Governing Body of the International Labour Office that the Republic of Costa Rica should be entitled to the full rights of membership of the Organisation from 12 November 1942, pending formal confirmation of her readmission to the Organisation by the Conference,

Hereby, confirms the readmission of Costa Rica to the International Labour Organisation with the same rights and obligations as the other Members of the Organisation.

XIX

Resolution concerning the membership of Austria in the International Labour Organisation.

The Conference takes note with satisfaction of the Moscow Declaration expressing the wish of the signatories to see re-estab-
lished a free and independent Austria, recalls the active participation of Austria in the International Labour Organisation from 1919 to 1938 and expresses the hope that a free, independent and democratic Austria will soon resume her participation in the International Labour Organisation.

XX

Resolution concerning the membership of certain American States in the International Labour Organisation.

The International Labour Conference,
Expresses its great satisfaction that Nicaragua and Paraguay are represented at the Twenty-sixth Session of the Conference by observers;
Requests the Governing Body of the International Labour Office to consider, in consultation with those States, as well as other States of the American continent which are not at present Members of the Organisation, how the resumption of active membership of the Organisation by all of the States of the American continent could best be achieved; and
Expresses the earnest hope that all the States of the American continent will be represented at the next session of the International Labour Conference as Members of the Organisation.

XXI

Resolution concerning complete delegations to the Conference.

In view of the growing volume and importance of the work of the International Labour Organisation, and in order to enable the Conference of the Organisation to have full and fruitful discussion of the questions on the agenda of the Conference and also to enable each delegation to participate effectively in the deliberations of the Conference and the several committees, this session of the International Labour Conference earnestly invites the Members of the International Labour Organisation to send complete delegations, including an adequate number of advisers, to each session without regard to cost or distance.
XXII

Resolution concerning the use of Spanish and Portuguese as official languages.

Considering that the nations of Latin America have made a substantial contribution to the development and universalisation of the International Labour Organisation;

Considering that the nations of Latin America have unanimously developed, spontaneously and with exceptional rapidity, a social policy based on the international Conventions and on the generous conceptions of the protection of labour and collective welfare;

Considering that the prominent position attained by the American republics and the special social conditions of the Western Hemisphere have been demonstrated at the labour conferences of the American States which were held in 1936 and 1939, at Santiago de Chile and Havana respectively, and which had far-reaching results;

Considering that the nations of Latin America constitute the great majority of the States of America and number twenty independent Republics, of which thirteen are Members of the International Labour Organisation;

Considering that the ethnical unity, historic traditions and ideals characteristic of the peoples of Latin America demonstrate the existence of an authentic culture, the value of which is all the greater in as much as it extends over the whole of the South American continent and Central America;

Considering that the social development of Latin America springs from the Iberian civilisation, which is both Spanish and Portuguese and is two-fold in its nature, and still maintains this diversity, which so far from being a cause of division, rather serves to bind them more closely together for the preservation of the characteristics they derive from a common historic source;

Considering that the Spanish and Portuguese languages spoken by the nations of Latin America are also the languages of the countries of the Iberian Peninsula, of the peoples of a large part of the continent of Africa, and of various regions of Asia;

Considering also that the Spanish and Portuguese languages are regional transformations and progressive adaptations of Latin and at the same time modern, living languages, with a classical etymology, which can be readily understood and acquired;

Considering that the original root and the manner of develop-
ment of the Portuguese and Spanish idioms, which development has taken place in geo-political conditions presenting substantial similarities, have rendered impossible wide divergences between the two tongues, so that today the peoples who speak them can readily understand one another;

Considering that the Havana Conference of 1939, in resolution XXV, expressed itself unanimously in favour of the publication of legal decisions by the International Labour Organisation in Spanish and Portuguese;

Considering finally that the use of the Spanish language has become an established practice of the International Labour Organisation and that Portuguese has been used for several official publications of the Organisation;

The Conference requests the Governing Body to consider the possibility of making Spanish and Portuguese official languages of the International Labour Organisation and to submit to the next general session of the Conference any necessary amendments of the Standing Orders of the Conference and of its committees.

XXIII

Resolution concerning atrocities in the occupied countries of Europe.

Whereas the Declaration concerning the aims and purposes of the International Labour Organisation, adopted by the Twenty-sixth Session of the International Labour Conference, includes the reaffirmation of the following fundamental principle on which the Organisation is based;

"that all human beings irrespective of race, creed or sex have the right to pursue both their material well-being and their spiritual development under conditions of freedom and dignity";

Whereas Nazi Germany and its satellites are continuing the criminal persecutions of all Axis-occupied countries, aiming particularly at annihilation of the Jews of Europe;

Whereas especially in occupied Poland mass murder of populations is being committed on a scale hitherto unknown in modern history;

The International Labour Conference adopts the following resolution:

The General Conference of the International Labour Organisation, convened in its Twenty-sixth Session at Philadelphia, on 12 May 1944,
1. Protests against Nazi crimes which violate the fundamental principles of humanity and of international law;

2. Welcomes the statement on atrocities signed by President Roosevelt, Prime Minister Churchill and Premier Stalin, announced on 1 November 1943, following the Three-Power Conference in Moscow, and the Joint Declaration against extermination of the Jewish people announced on 17 December 1942, in London, Moscow and Washington by the Governments of Belgium, Czechoslovakia, Greece, Luxemburg, the Netherlands, Norway, Poland, the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and Yugoslavia, and the French National Committee; and expresses its firm conviction that all guilty of such crimes must be tried and punished;

3. Requests that the United Nations take immediately all possible steps to stop mass slaughter of the population of the occupied countries of Europe;

4. Expresses its deepest sympathy for all victims of Nazi terror and its great admiration for the underground fighters of all occupied countries, including the defenders of the Ghettos of Warsaw and other cities, who have been fighting and dying together for the common cause of the United Nations.
Address by the President of the United States of America to the Delegates Attending the Twenty-sixth Session of the International Labour Conference
(White House, Washington, D.C., 17 May 1944)

It is a great pleasure to have you with us here in the White House again. As I pointed out to you when we last met—two and a half years ago—taking part in a Conference of the International Labour Organisation is not a new experience for me. I take pride in the fact that I was permitted to play a part in the first Conference of the Organisation that was held here in Washington in 1919.

Those were indeed trying days when last we met in 1941. The fate of the free peoples of the entire world hung in the balance. Yet with the courage and foresight that have always characterised the International Labour Organisation, you as representatives of Governments, workers and employers had the boldness to come together from all parts of the world to formulate plans for reconstruction.

You have been meeting in Philadelphia where, one hundred sixty-eight years ago, the Fathers of this Republic affirmed certain truths to be self-evident. They declared that among other things all men are endowed by their Creator with certain inalienable rights, among them life, liberty, and the pursuit of happiness. In these words are expressed the abiding purpose of all peoples imbued with the ideals of freedom and democracy.

The Declaration which you have formulated in Philadelphia may well acquire a similar significance. In it you have reaffirmed principles which are the essential bulwarks of any permanent peace. With the expanding use of machinery and the revolution in transportation, it is well that the world should recognise the fundamental principle of your Declaration: “Poverty anywhere constitutes a danger to prosperity everywhere”. This principle is a guide to all of our international economic deliberations.

You have affirmed the right of all human beings to material well-being and spiritual development under conditions of freedom and dignity and under conditions of economic security and opportunity. The attainment of those conditions must constitute a
central aim of national and international policy. Indeed, the worthiness and success of international policies will be measured in the future by the extent to which they promote the achievement of this end.

Your Declaration sums up the aspirations of an epoch which has known two world wars. I confidently believe that future generations will look back upon it as a landmark in world thinking. I am glad to have this opportunity of endorsing its specific terms on behalf of the United States. I trust, also, that within a short time its specific terms will be whole-heartedly endorsed by all of the United Nations.

As I look over the report of your work, I see that you have, for the first time in history, set out in a form which could be adopted as a treaty by the nations, a particular series of social objectives. I note that among other things they include full employment, wages and working conditions calculated to ensure a just share of the fruits of progress to all, the extension of social security, the recognition of the right of collective bargaining, provision for child welfare and the assurance of adequate educational and vocational opportunities. It will be your responsibility to promote these objectives through your own Organisation and through such international agencies as may be created.

With great wisdom you have realised that these social objectives cannot be attained and supported without a high level of useful economic activity. You have recommended a series of economic policies and undertakings designed to bring about a material economy which will make it possible to maintain them.

You have also wisely provided for the further development and reorganisation of the International Labour Organisation itself so that it may be broadened and strengthened for carrying out these social objectives, and at the same time integrated on a co-operative basis with whatever new international agency or agencies are created by the United Nations. This forms an admirable pattern for formulating certain aspects of the peace. I want to assure you that this Government will do everything in its power to see that the provisions for the attainment of these social and labour objectives shall be included.

The people of the occupied countries are in deep suffering. Their representatives have agreed upon the social objectives and economic policies you have set forth. I trust that this marks the beginning of a new and better day, a period of hope for material comfort, for security and for spiritual and personal development, for all those groups now suffering so sorely under the heel of the oppressor. The United Nations will be determined that all the oppressed of the earth shall be included in these social objectives.
I want to offer my congratulations to those of you who have participated in this Conference. You have my gratitude for the programme of mutual helpfulness which you have laid out—a programme which, I am sure, will inspire all of those in our generation who want to build and maintain a just peace.
A systematic arrangement of the Conventions and Recommendations adopted by the International Labour Conference 1919-1939, with appendices embodying other standards of social policy framed by the International Labour Organisation and notes giving full bibliographical references and material relating to the ratification, application and interpretation of the international labour Conventions.

The Code consists of twelve books dealing respectively with: Employment and Unemployment; General Conditions of Employment (wages, hours of work, weekly rest periods, holidays with pay); The Employment of Children and Young Persons; The Employment of Women; Industrial Health, Safety and Welfare; Social Insurance; Industrial Relations; the Administration of Social Legislation; Conditions of Work of Seamen; Standards of Colonial Labour Policy; Migration; and Statistics.

The Appendices include: Selected Resolutions Embodying Standards of Social and Economic Policy Adopted by the International Labour Conference; Selected Standards Approved by Technical Advisory Bodies; Reports of Special Conferences; Asiatic Regional Supplement; American Regional Supplement; Labour Clauses of League of Nations Instruments, etc.

"The publication of a volume of this kind is of inestimable value in furthering the objects which the Organisation has in view and cannot fail to be of considerable importance in stimulating action and facilitating discussions in the problems which lie before the Allied nations."—The Journal of Comparative Legislation and International Law.

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The volume contains a Foreword by the Acting Director of the International Labour Office; an Introduction suggesting some of the considerations which should govern the selection of social objectives; a List of International Declarations and Constitutional Instruments; Texts of International Declarations of Policy; Texts of Constitutional Instruments, including provisions of international instruments relating to particular areas; and a Bibliography and Index.

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The Governing Body of the International Labour Office held its 91st Session from 16 to 20 December 1943 at the Ministry of Labour and National Service, London, under the chairmanship of Mr. Carter Goodrich.

The agenda was as follows:

2. Agenda, date and place of the 26th Session of the International Labour Conference.
3. Relations of the International Labour Organisation with new international bodies.
5. Record of the Meeting of the Inter-American Conference on Social Security (Santiago de Chile, September 1942).
6. Proposals concerning industrial committees.
7. Financial questions.
8. Collective agreements and international labour Conventions.
9. Date and place of the next session.

The Governing Body was composed as follows:

Government group:

*United States of America*: Mr. Carter Goodrich, Chairman.

*Belgium*: Mr. P.-H. Spaak, subsequently replaced by Mr. J. Bondas.
Brazil: Mr. L. Fontes.
Canada: Mr. V. Massey, subsequently replaced by Mr. C. Ritchie.
Chile: Mr. G. Wilson.
China: Mr. Wunsz King.
France: Mr. A. Tixier.
Great Britain: Sir Frederick Leggett.
India: Dewan Bahadur Sir Samuel Runganadhan.
Mexico: Mr. A. de Rosenzweig Díaz.
Netherlands: Mr. J. van den Tempel.
Norway: Mr. S. Støstad.
Poland: Mr. J. Stanczyk.
Yugoslavia: Mr. N. Mirosević Sorgo.

Employers' group:
Sir John Forbes Watson (British).
Mr. D. S. Erulkar (Indian).
Mr. W. Gemmill (South African).
Mr. Philip D. Reed (United States).

Workers' group:
Mr. A. Gazier (French).
Mr. J. Hallsworth (British).
Mr. O. Hindahl (Norwegian).
Mr. J. Kosina (Czechoslovak).
Mr. P. Krier (Luxembourg).
Mr. J. Rens (Belgian).
Mr. W. Schevenels (Belgian).
Mr. Robert J. Watt (United States).

There were two vacant seats in the Government group. Four members of the Employers' group were absent and not replaced by substitutes.

The following deputy members or their substitutes were also present:

Workers' deputy members:
Mr. W. Carrillo Alonso (Spanish).
Mr. J. H. Oldenbroek (Netherlands).
Mr. R. Szumski (Polish).

At the opening sitting Mr. Ernest Bevin, Minister of Labour and National Service of the United Kingdom, gave a general survey of the practical measures for post-war reconstruction planned by the British Government, and of the part that he considered should
be assigned to the International Labour Organisation in planning
and establishing a social order providing a firm foundation for
future peace.

At the closing sitting Mr. Anthony Eden, Secretary of State for
Foreign Affairs of the United Kingdom, gave an address in which
he outlined the part to be played by the Organisation in rebuild-
ing a peaceful world.¹

Mr. John G. Winant, United States Ambassador in London,
attended the closing sitting.

Some of the sittings of the Governing Body were also attended
by various British personalities.

**Composition of the Governing Body**

The Governing Body was informed of the following appoint-
ments:

Mr. Lourival Fontes, Envoy Extraordinary and Minister
Plenipotentiary, appointed as Brazilian Government representa-
tive to replace Mr. F. C. Pontes de Miranda.

Mr. Vincent C. MacDonald, Assistant Deputy Minister of
Labour, appointed as Canadian Government representative to
replace Mr. Bryce M. Stewart.

Dr. Eduardo Grove Vallejos, Chilean Minister to Canada, ap-
pointed as representative of the Chilean Government to replace
Mr. Luis Feliú H.

The Indian Government appointed as its representative on the
Governing Body to replace Sir Firozkhan Noon, first Sir Azizul M.
Huque, and later the latter’s successor in the office of High Com-
missioner in London, Dewan Bahadur Sir Samuel Runganadhan.

Mr. Adrien Tixier, Commissioner for Social Affairs in the French
Committee of National Liberation, was appointed as the representa-
tive of France.

**Report of the Acting Director**

*Membership of the Organisation.*

The Governing Body considered in private sitting the question
of the possible participation of the Union of Soviet Socialist
Republics in the 26th Session of the International Labour Conference
and of the resumption by the U.S.S.R. of its place in the Organi-

¹ The full text of these two speeches is given as an appendix to the present
note on the 91st Session of the Governing Body.
In public sitting the Governing Body took note with lively satisfaction of the arrangements made for the readmission of Costa Rica to the Organisation\(^1\), for the continued participation of Haiti\(^2\), and for the maintenance of the membership of France.\(^3\)

*Appointment of an Advisory Committee on the Economic Conditions of Post-War Reconstruction.*

The Governing Body took note of the explanation given by the Acting Director on the circumstances which had retarded the setting up of this Committee. It was agreed that the question should be postponed until after the 26th Session of the International Labour Conference.

*Activities of the Office since the 5th Session of the Emergency Committee (April 1942).*

The Governing Body took note of the information furnished by the Acting Director concerning the various activities of the Office since the above date.

*Special Problems of South-east Asia.*

The Governing Body postponed until its 92nd Session the question of setting up a small committee to consider the possibility of convening a regional Asiatic conference, with due regard to developments in that region.

On the proposal of Mr. Erulkar (Indian employers' member), the Governing Body requested the Office to study the social and economic causes and consequences of the recent famine in India and to circulate its findings to the members of the Governing Body for consideration at the next session.

*Declaration of Loyalty by Mr. Lindsay Rogers, Assistant Director of the International Labour Office.*

The declaration of loyalty prescribed for the higher officers of the International Labour Office was made before the Governing Body by Mr. Lindsay Rogers.

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\(^1\) See below, p. 144.
\(^2\) Cf. Official Bulletin, Vol. XXV.
\(^3\) See below, p. 149.
1944, proceeded to a detailed discussion of the agenda for that meeting.

The following agenda was laid down for the Conference:

I. Future policy, programme and status of the International Labour Organisation.
II. Recommendations to the United Nations for present and post-war social policy.
III. The organisation of employment in the transition from war to peace.
IV. Social security: principles, and problems arising out of the war.
V. Minimum standards of social policy in dependent territories.
VI. Reports on the application of Conventions (Article 22 of the Constitution).
VII. Report of the Director of the International Labour Office.

It was agreed that the wording of items I to V should not be interpreted restrictively, but that the items should be regarded as general headings under which the Conference would consider a number of problems, some of which were brought up during the Governing Body discussion. The Governing Body requested the Office to provide Governments with a commentary on the scope of the items on the agenda without delay, and to inform them that the groups at the Conference would be required, in accordance with the Constitution, to consider the question of the election of the members of the Governing Body.1

It was agreed, further, that only items III, IV and V should be regarded as items on the agenda for the purpose of fixing the number of advisers who might be appointed to accompany the delegates to the Conference. With regard to the place of meeting, the Governing Body decided unanimously to accept the generous invitation of the United States Government to hold the 26th Session of the International Labour Conference in the United States, if possible at Philadelphia.

The Governing Body decided, lastly, that the 26th Session of the Conference should be convened for 20 April 1944 and should be preceded by a session of the Governing Body.

**Relations of the International Labour Organisation with New International Bodies**

The Governing Body had before it a note prepared by the International Labour Office describing in detail the steps taken or contemplated to give effect to the resolution adopted by the

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1 This commentary will be found in the Memorandum printed below, p 156.
New York Conference (1941) concerning post-war emergency and reconstruction measures, which called for the establishment of collaboration between the Organisation and the government agencies engaged in studies on the same lines as the Organisation, and with agencies whose social and economic activities affect the conditions under which post-war plans will be carried out.

These bodies include the United Nations Interim Commission on Food and Agriculture, set up as the result of the Hot Springs Conference; the Inter-Allied Post-War Requirements Committee; the United Nations Relief and Rehabilitation Administration; and the Allied Military Government of Occupied Territory.

After taking note of the memorandum, which set forth the developments since the New York Conference, the Governing Body noted with satisfaction that, in accordance with the spirit of the resolution mentioned above, the Office had already been associated with the work of several of the new bodies, and that steps had been taken to secure a hearing for the International Labour Organisation during the discussion of any questions having a bearing on the attainment of its social objectives. The Governing Body approved the conclusions and suggestions contained in the Office note concerning the establishment or development of relations with the various international bodies named, and requested the Acting Director to continue action along the same lines.


The Governing Body, which had been informed of the results of the 12th Session of the Joint Maritime Commission by the "Note by the Acting Director for the Information of Members of the Governing Body" of 7 November 1942\(^1\), took note of the steps taken by the Office to give effect to the resolutions adopted by the Joint Maritime Commission on that occasion.

It instructed the Office to pursue its studies of the conditions of service of seafarers with a view to the preparation of the general survey requested by the Joint Maritime Commission, it being agreed that these studies might also form the basis for a future decision on the practicability of preparing an International Maritime Charter laying down general principles for minimum international standards for seamen of all nationalities, as proposed by the Joint Maritime Commission.

The Governing Body requested the Office to continue its efforts to give effect to the various resolutions adopted by the Joint Maritime Commission at its 12th Session.

\(^{1}\) This Note will be printed in Vol. XXV of the *Official Bulletin*.
The Governing Body also decided that a further session of the Joint Maritime Commission should be held. It requested the Office to consult the representatives of the shipowners and seamen with a view to deciding upon the date and place of the meeting, the agenda of which should include the preliminary consideration of the questions to be laid before the International Labour Conference at a session to be devoted wholly to maritime questions. It was agreed that in drawing up an agenda, account should be taken of the considerations and demands embodied in the Resolution concerning the establishment of an International Charter for Seafarers passed by the International Seafarers' Conference in December 1943.

**Record of the First Inter-American Conference on Social Security (Santiago de Chile, September 1942)**

The results of this Conference had been previously reported to the Governing Body in the *Note* of 7 November 1942 already mentioned. The Conference, convened in September 1942 at Santiago de Chile on the initiative of the Chilean Government, was attended by representatives of the social insurance institutions of twenty-one American countries, and by a tripartite delegation from the Governing Body of the International Labour Office. It adopted, in addition to a general declaration laying down a continental programme of social security, fourteen resolutions which completed and gave greater precision to the resolutions on social insurance adopted by the 1st and 2nd Labour Conferences of the American States Members of the International Labour Organisation. The Santiago Conference also adopted the Statute of a new permanent agency for co-operation between the social insurance institutions of the American countries, to be known as the Inter-American Committee on Social Security. This Statute includes a number of provisions designed to secure the collaboration of the International Labour Organisation in the work of the new agency.

The Governing Body, while expressing its cordial gratitude to the Chilean Government for taking the initiative in convening the Inter-American Conference on Social Security and providing it with such generous hospitality, approved the Statute of the Inter-American Committee on Social Security, and decided to appoint a tripartite delegation to the Permanent Committee of the new organisation. It also authorised the Director to accept the seat reserved for him on the Permanent Committee, and to give the Committee any technical help it might require.

Lastly, the Governing Body expressed its high appreciation of the services rendered by the delegation representing it at the
Santiago Conference, and in particular by the representative of the Government group, Mr. Paul van Zeeland.

**PROPOSALS CONCERNING INDUSTRIAL COMMITTEES**

In 1941 the New York Conference had requested the Office to consider plans for the establishment of a World Textile Office and an International Transport Section. At a later date the Office received a detailed memorandum from the International Federation of Textile Workers’ Associations and, more recently, proposals from other trade union organisations suggesting the setting up of a World Coal Office and a permanent organisation for the iron and steel industry and engineering and allied trades.

The Office laid these various proposals before the Governing Body, which also had before it proposals submitted by the representative of the British Government for the establishment of a series of joint industrial committees for various industries.

The Governing Body held a preliminary exchange of views on this item on its agenda. It was agreed that the questions connected with industrial committees were included in the review of the procedure of the Organisation to be made by the 26th Session of the Conference. The Governing Body requested the Office to submit the necessary material on these questions to the Conference, including the views expressed by various members of the Governing Body. It was agreed that the question should be reconsidered by the Governing Body on a later occasion.

**FINANCIAL QUESTIONS**

The Governing Body considered in private sitting the various questions connected with the financial management of the Office. It confirmed its approval, given earlier by telegraphic consultation, of the budget of the Organisation for 1944, amounting to 5,479,000 Swiss francs. It also approved a supplementary credit of 970,000 Swiss francs, for the purpose of enabling the Office to deal with a number of new tasks entrusted to it, and in particular to cover the expenses of the 26th Session of the International Labour Conference.

**DATE AND PLACE OF THE NEXT SESSION**

The Governing Body decided to hold its 92nd Session immediately before the 26th Session of the International Labour Conference at Philadelphia.

The Governing Body postponed consideration of the following item on its agenda: Collective agreements and international labour Conventions.
APPENDIX

ADDRESS BY THE RT. HON. ERNEST BEVIN, M.P., MINISTER OF LABOUR AND NATIONAL SERVICE OF THE UNITED KINGDOM

I extend to you on behalf of the Government and the people of Britain a very hearty welcome and I trust that this meeting will be a historic one in the life of the International Labour Organisation.

It is two years since the Governing Body last met, and in that time fundamental changes have taken place in the world situation. Then, we were struggling for existence. Today, the military position is very different, so that without letting up in the fight for complete victory over the enemies of democracy, we can find some moments to look ahead to reconstruction and the course which humanity must follow. This is so necessary, for the journey ahead of us lies through uncharted economic seas with hidden rocks, which will require very careful navigation by those responsible for the ships of State, and there will be many unsuspected storms, the riding of which will call for sound judgment, cool brains, and great courage.

Therefore, while the strategists work out their plans for war and the soldiers, the sailors, the airmen, and the men of the mercantile marine fight for victory, it is for us to be engaged in planning the reconstruction that must follow victory.

Many things have happened since we last met, and it is unnecessary for me to recount them in detail. But the fact that Japan has been held, that Russia is driving the enemy from her soil, that North Africa has been cleared, the Mediterranean opened, and the mastery of the air established, together with the battle now raging in Italy, is an augury of what is to come in the freeing of the occupied countries from tyranny and oppression.

You will join with me, I am sure, in deep thankfulness for the courage of our fighting men, the amazing will to victory of our peoples, and the undying faith of those who have been oppressed that liberty will be restored to them.

It is in this atmosphere of courage and faith that your Governing Body, with its splendid past and such great potentialities for the future, meets. The transition from war to peace is going on while
the actual battles are being fought. The meetings which have already taken place between the leading statesmen, culminating in the Conferences in Cairo and Persia, are evidence that not only are plans for completion of the struggle being made, but that friendship and understanding between the nations are being forged and the ground is being cleared for the laying of the foundation of the new world order that must follow.

Every inch of territory that is cleared, and every group of people that is freed, makes it imperative that there should be the opportunity for ordered civil government to develop, and for confidence and stability to be restored as quickly as possible. The International Labour Office is, therefore, performing a great service in carrying on its work and preparing to assist the liberated peoples to return to their democratic way of life, bringing to them as the moment arrives succour and advice, and using its influence so that the needs of the common man, who has suffered so much, shall be met.

There is a second stage, however, in the transition from war to peace. As I have said, when we met in this country nearly two years ago we were so much immersed in the immediate necessities of the struggle that it was difficult to visualise peace; we had not even passed to the offensive, and the whole of our energies were being devoted to the struggle without any other thought.

But time moves so quickly. As our forces press on and the dawn of victory rises steadily on the horizon, we must take steps to meet the needs of the transitional period between victory and the settled conditions of peace. But all we do in the period of transition must contribute towards a lasting peace.

This war has been a people's struggle. On the one side, masses have been struggling for the preservation of their souls and the rights of man. On the other, the tyrant has sought to dominate, to enslave, and to crush. From the homes of the common people over wide areas of the world, the sons of liberty have marched into battle. They have suffered frustration and reverses, and the odds seemed overwhelming. But today they are gradually strengthening their grip on the monster that would have destroyed them.

I have said it is a people's war—total war. It has meant the utilisation of every ounce of energy that the manpower of the nations could pour out. It has meant privation and sacrifice. Victory, when it comes, will be a victory won by all the people; and the peace that is made must be a peace for the peoples—one which has predominantly in mind the needs and hopes of the masses.

In the past the mainspring of policy in the western world, as could be seen from the national budgets, has been finance. Our prosperity has been measured by accumulation of wealth in terms
of money without due regard to the real wealth of a nation—the well-being of the whole of its people.

Unemployment had fallen upon us, not because we have not had the ability to produce—that exists as never before, and commodities, which are another and better form of wealth, can now be turned out like water. It was in the sphere of distribution that we had failed. Humanity had been caught up in a vortex of speculation and maldistribution, so that the efforts and ability of the producer were not turned into happiness and well-being for the consumer.

I believe that the essential need for the future is not a financial budget but a human one.

Year by year the Governments should study prospective demand taking into account failures of harvests, and anything that can be foreseen which would dislocate the world. With this an ordered economy could be planned, so that if the trade of individual countries contracted at home, it could expand abroad, or, if it contracted abroad, capital development could be turned on at home and so keep the measure of consumption stable.

It is not impossible to deal with cycles of boom and depression if Governments have the facts before them in advance, just as they have had the financial facts in front of them hitherto. In other words, we must make our statistical forecasts in the form of the right use of manpower and not only of money. This may be difficult in areas with large peasant populations; but if the more highly developed countries do this, then they are bound to take into account what is happening among primary producers. In other words, information will flow from the ends of the earth, and Governments should be in possession of it and be able to shape their policy accordingly to help to lift the backward and maintain stability among themselves.

I am aware that the International Labour Office has conducted many enquiries in the past, but if the International Labour Organisation is to be effective, enquiries and knowledge must be collected at the source and forwarded to a central organisation, so that a world picture can be obtained.

I want to congratulate the Office on continuing to issue the excellent International Labour Review, the Legislative Series, which has been an indispensable source of information, and the valuable Studies and Reports. I am glad you have continued to issue these publications, and the work you have undertaken in research will now enable you to play a very active part in post-war reconstruction.

May I at this stage be permitted to refer to our own country?

I am glad to be able to say that the British Government has decided to ratify the Maritime Convention relating to sickness
insurance (No. 56), while in our collective agreements we have more than given effect to all the other decisions of Geneva in 1936. It will be remembered that at that time, I promised—not then as a member of the Government, but speaking for the workers' group—the other maritime countries that, if the Convention was adopted, we in this country would see to it that it was carried into effect here. Now I am happy to say that in the actual collective agreements we have more than surpassed what was recommended in Geneva in 1936. Also the application of draft Conventions Nos. 50 (Recruiting of Indigenous Workers) and 65 (Penal Sanctions, Indigenous Workers) has been extended, and we have applied those Conventions now over the whole British Empire.

The British Government has recently done a great deal to improve labour conditions in the British Empire. In many colonies there is at present no real organisation amongst the workers of a protective character, and the Government recognises that it must act as trustee for the peoples concerned until they have the necessary experience and organisation in the industrial field to look after themselves. In the meantime, the Secretary of State for the Colonies, in consultation with my Ministry and the Trades Union Congress, has appointed labour officers to assist in this work in the various colonies. Some, I am glad to say, have come from the trade unions and some from my own Ministry.

To come nearer home. In this war we are talking not of "homes for heroes", as we did in the last war, but of "food, work, and homes for all". I must confess I have little use for high-sounding phrases which are mere slogans. What is needed is something real which can be translated into action.

On the whole, I think we are making much better preparation for peace in Great Britain than in the last war, and we are profiting from our experience and our mistakes on that occasion.

One of the things I would put foremost, if we are to build a right peace, is the maintenance of stability when the war ends so that the Government can reach sound decisions for the economic life of the nation. And what applies to us applies equally to other nations.

Of course, I am aware, as you must all be, that the desire for profit is very great, and that there is a cry for the removal of controls—sometimes, I am afraid, from those who want to take advantage of a nerve-racked people. On the other hand, the nation as a whole is determined that there shall be an orderly transition from war to peace, and the people will not easily be deceived by mischievous slogans. Because of this our policy is being devised on a practical basis; and although this is an international body, I may perhaps be forgiven for enumerating some of the provisions we are making in Great Britain.
The men who have fought this war will not be content with unemployment after it. One of the fundamentals must be the maintenance of full employment, and everything—whether it is exchanges, currency, or economic organisation—must be designed to achieve that end: the British people will be satisfied with nothing less.

Statesmen will not, on this occasion, as they did on the last, succeed in deluding the people with fine words which they fail to translate into the economic system afterwards. We are dealing with an entirely different generation, and if order and stability are to be maintained, both Parliament and the Government must be honest and straightforward in what they promise.

Of course, there are great opportunities. In agriculture we are determined to maintain a high standard. Already we are highly mechanised. It may surprise this meeting to know that ours is the most highly mechanised agriculture in the world. No country in the world can equal the amount of mechanical power used per man that is being used at present in Great Britain. Consideration has been given to hours of labour, and an improved standard of living has been achieved. This must be maintained, for the rural worker in this country has made a tremendous contribution to the victories we have achieved.

We shall have to rebuild all our damaged cities. But not only must we replace what has been only damaged by the enemy; we must wipe out the terrible legacy of the nineteenth century—the mean streets and the slum dwellings which have done so much damage to our citizens. You cannot get a demand for the better-quality goods which industry can provide unless you build homes in which people can enjoy and appreciate them.

Mining, too, is an industry which must be reorganised. It has been striking recently to see the general recognition of the danger which the miner faces, now that it is no longer limited to the miner himself. The need for coal has caused us to place the obligation of winning it on all classes. No-one who has heard the controversy that has gone on in this country can doubt that almost every home now has some realisation of the conditions of the miner's work. The mines are now the concern of every class, and the importance of coal to the nation is realised as never before. If, as I believe, the miner with his risky and arduous work is now better understood than ever before, we may hope for some solution of a most difficult problem.

It is striking that some of the greatest scientific successes of this war, which have put us in advance of the enemy, have come from industries which cater for our leisure and amenities. In the light of this the organisation of leisure and the improvement of our
amenities is not a loss but an economic gain. It stimulates invention and scientific research, and indeed it might be said that every advance in leisure produces almost a new industry.

We shall no longer be able to afford not to employ our disabled people. People handicapped by accident, whether in war or industry, who are not allowed to work are a liability. It is vital that they should be allowed to produce to the limit of their capacity. In fact, however, with proper training and with the great developments that have taken place in artificial limbs, rehabilitation, and medical treatment, the majority of such people can be restored to 100 per cent. capacity.

A bill is now before Parliament which will make it an obligation on employers to employ disabled persons.

Then, too, we are thinking about the men who are serving in the armed forces, and we propose to amend the law to facilitate their reinstatement in civil employment. The question of social security for these men is very vital; for if they have fought for us, they have an undeniable claim that the community should look after them.

We have been impressed with the need for reconstruction in our national system of education—both in the cultural and in the technical field. Much has been done in these fields in the last hundred years, but we have not done nearly enough to care for the adolescent. We intend in future to look upon the adolescent not so much as an employee but as a charge of the State, who is allowed to work for an employer only if there is proper provision for his training and development.

We have accepted the principle that there shall be a comprehensive national health service, from which everyone in the State will be entitled to the very best medical treatment that can be obtained. We believe that health is a great asset that must not be allowed to deteriorate.

In fact, these things are to be our new national assets. We have lost foreign investments, but these need not concern us if we have a strong, virile nation with great creative impulses and opportunities. Nature is bounteous in her provision of raw material and her harvests, and it only needs the application of a healthy, virile nation to these gifts to turn them into real wealth for the benefit of the community.

We are determined to redevelop those areas which have become overcrowded and which have been blitzed through enemy action, and to develop them on a planned basis. It used to be said that we had an Empire on which the sun never set; but unfortunately there were far too many homes into which it never shone. That has now to be remedied, and if war, with all its hideousness, has turned the
nation's mind along the right lines, that is some compensation. But to do this we must be guided by what is right for the people, who in the end will impose their own discipline voluntarily upon themselves. *Laissez faire*, as we understood it in the past, will not do, nor must vested interests be allowed to stand in the way.

Preconceived notions of economic doctrine cannot be allowed to hamper us—the needs of the present age cannot be met with nineteenth century economics.

Of course, these needs are not limited to Great Britain. If civil war and more bloodshed are to be avoided in those countries that have suffered invasion during this war, it is imperative that the United Nations should take resolute action and assist in the establishment of a good social foundation for the people as speedily as possible.

I am glad to know that the United Nations Relief and Rehabilitation Administration has now been set up. It will pay us to use it to the full. It will not be a gift if we restore these countries. It will be an insurance against future disasters.

I am glad that the International Labour Office was invited to send observers to the meeting at Atlantic City, and thus place at the disposal of the organisation for relief its wide experience and knowledge of migration and standards of living. I cannot, of course, visualise what the final settlement of Europe and the other occupied countries will be, but I am certain that some movement of population will be necessary, and no one can lend greater assistance in this task than the International Labour Organisation.

I am sure that we are all grateful to the Office for giving its services to the Interim Food Commission, and I can speak on behalf of the whole of my colleagues in His Majesty's Government when I say that we desire to be associated with the I.L.O. wherever possible for post-war reconstruction work. But while I attach great importance to securing the association of the International Labour Organisation with all the bodies set up by the United Nations to deal with all these problems, I attach even greater importance to what the I.L.O. itself must do in the field where it is primarily responsible.

I look upon it as the body which will be charged with the duty of assisting Governments through its advice to give effect to Article 5 of the Atlantic Charter.

The Constitution of the I.L.O. lends itself to this purpose. After all, the I.L.O. sprang largely from the brain of a workman—our great and now departed friend George Barnes. He saw in such a body the chance to bring the great occupational groups of the world together and through their association to make a useful contribution to the peace of the world: in other words, by their
association in industrial relations, labour legislation, and social security measures, to constitute a moral force behind international law itself.

International law as we have known it hitherto has rested upon a very narrow basis. It can be said to have been the code of heads of States, soldiers, sailors, and diplomats. It is perfectly true that it has been a vital code in international conduct, but it was limited. Today, however, if the moral law behind international law is to be strengthened it must become the concern of the ordinary citizen, and it must rest upon sound knowledge and the acceptance of responsibility for it by the peoples as a whole.

Diplomacy has often been secret. It has been handled by a very narrow circle, and even members of Governments have very often not been fully aware of what has been done in their name.

The world is changing; communication and travel have made this planet so small that the whole people have been brought into the discussion regarding relationships with other peoples. A greater responsibility now rests, therefore, on the individual voter and the citizen in his democratic capacity than has ever rested before.

I am a great believer in what I call the value of the "occupational groups". Let miners meet, whatever their race or language, and they will be bound together by coal and their common interests; let railwaymen meet, or seamen; textile workers or workers in the metal trades, or any of the great occupational groups that enter into international trade. Once they are brought together in a room and have discussed common problems, the racial distinction sinks into the background and the common interest of their trade rises uppermost. With the world so small as it is and the development of the conception of the United Nations, I would urge the I.L.O. to give, through the Governing Body, the most serious consideration to bringing together those great occupational or technical groups in order that they may not only discuss comparison between their wages, conditions, output, and things of that kind, but other matters of wide common interest, so that their trades may be so organised as to supply the peoples with their requirements without commercial rivalry or war.

In this the I.L.O. will need the advice of experts. In the field of national government I am a great believer in the value of advisory committees or boards composed of experts and representatives of the employers and the trade unions. Since I took office as Minister of Labour and National Service I have set up many committees and boards, and I have found their collective advice of the greatest possible value in this greatest of all struggles with which the world has been faced.

I am, of course, aware that the I.L.O. made considerable use
before the war of the advice of bodies of experts, but I hope it will greatly develop this side of its work.

When I welcomed the Emergency Committee in London over eighteen months ago, it was a great satisfaction to all the friends of social progress throughout the world that the I.L.O. had succeeded in surviving the disruption of a world war. The mere fact that it was alive was a matter for great rejoicing. But why was it alive? For the very reason I mentioned just now. Because it represents an occupational combination and is bound together by matters of common interest and the desire for social progress. Even the war, therefore, has been unable to kill it.

I am glad to find it has not merely been kept alive but that it has taken advantage of the opportunities for activity open to it and has gone further and made more opportunities.

The I.L.O. can never be a servant of any party or any individual Government. It must be international in its outlook; progressive in its approach to world problems of labour and sociology; independent in its approach, but clear in its decisions, so that its work will tend to bring nations together on a common platform and in a common endeavour to raise the standard of life throughout the world.

Unparalleled opportunities are now opening out before the I.L.O. A clear social objective has been formulated in the Atlantic Charter, which I have already referred to. Let me read Clause 5 of that Charter again. The words are familiar to you but they are so important that they bear repetition:

They desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labour standards, economic advancement and social security.

What does this mean? It means that the way to peace is advancement in the economic field, the raising of standards of living for everybody, and the placing of social security on a universal basis.

I claim that such a declaration as this reveals an outlook very different from that which prevailed in the last war. The main consideration then was the political aspects of the future: power politics. Now labour and industrial aspects assume their rightful place. This at once constitutes an opportunity but equally a responsibility for the International Labour Organisation.

This meeting of the Governing Body is both a symptom and a symbol.

It is a symptom of the growing desire that the I.L.O. should bring together Governments, employers, and workers to plan for the future; that it should give tangible evidence to the world that it is conscious of its responsibility and confident in its power.

It is a symbol of the co-ordinated and co-operative action that
will be necessary in the labour and industrial sphere to ensure that after the war has been won, the peace shall be really won. We are winning the people's war, and we must make sure of winning the people's peace.

ADDRESS BY THE RT. HON. ANTHONY EDEN, M.P., SECRETARY OF STATE FOR FOREIGN AFFAIRS OF THE UNITED KINGDOM

My first word must be to thank you for allowing me to come to speak to you this afternoon. I think that His Majesty's Government have already shown evidence of the importance which we attach to this meeting of the Governing Body of the International Labour Organisation by the quite tangible presence of my right honourable friend the Minister of Labour. I am sure you felt that there was something there! For my part, I wanted to come this afternoon as an unworthy substitute for him because of the importance which I attach to your Organisation as a factor in international relationships. I take this opportunity to repeat to you what I said in the House of Commons just over a year ago, that I should like to see the International Labour Organisation become the main international instrument to give effect to Article 5 of the Atlantic Charter—improved labour standards, economic advancement, and social security. Here in eight words, it seems to me, is epitomised the social objective of the United Nations.

It is good to set an objective, but we have to work together to give effect to it. If—and this is a big "if"—the International Labour Organisation had not existed, we should find it necessary to try to create it now, because it is only a tripartite organisation like this, which represents Governments, employers, and workers, which can help us to give effect to this social objective which I have described.

I think that we must all be conscious, if we use our imaginations a little, of the dangers as well as of the opportunities that are going to face the world during the transition from the disruption of war—far more utter and complete than anything that the human race has ever experienced before in recorded history—to the settled conditions of peace that we want to establish; and therefore it is good that this Organisation not only exists but continues to enjoy the confidence of the organised workers and the organised employers of freedom-loving peoples all over the world.

In the years between the wars, your Organisation had a difficult experience. So did all international organisations, and so did all foreign secretaries, or at any rate those who belonged to peace-loving countries; the others had all the fun then, the Ribbentrops and so on, but it is not going to be so easy for them in the next instalment! But, difficult as our times were—yours and ours—then,
we did lay certain foundations which will endure. Some people may have said of your Organisation that it moved too slowly; others may have said that it moved too fast; but it did succeed in winning and in keeping the confidence and support of the parties concerned. There is proof of that to be found here today, because if you had not achieved that you could not have survived for long the onset of war. But you have survived it; you have acquired sufficient vigour, and you are now actively preparing to play your part in the rebuilding of a shattered world.

So here we have, in this Organisation, a tried instrument ready to hand through which, by consultation with Governments, managements, and operatives, a comprehensive programme of labour and industrial reconstruction can be worked out. A quarter of a century ago, when first this Organisation was established, it was a daring innovation. It was daring in its aims, daring in its constitution, and daring in its machinery. It was an experiment, but it is an experiment which has worked, and that simply because throughout its existence it has shown itself capable of adapting itself to meet changing conditions and to satisfy changing needs. It has shown, like our friend the American Ambassador, the resilience and elasticity of perennial youth.

I read the other day the Preamble to your Constitution, and I found these words in it:

Whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled . . .

Those words are an expression of one of the fundamental lessons of history, namely, that potent causes of war are to be found in economic and social conditions. In the inter-war period, as I have said, your Organisation struggled manfully by international action to raise standards of living, to improve industrial relations, and to develop social security.

Now a new chapter has opened. At this, the 91st Session of the Governing Body, you are looking to the future. You are planning, as your Chairman has just said, an early session of the Conference. You are selecting a comprehensive series of questions to consider at the Conference. Your aim, if I understand it right, is not only to reconstruct but to revive; you wish not only to help to rebuild the world but to inspire it with a new spirit.

This Organisation is in a very real sense an organisation of the peoples, in its tripartite character, and that is without doubt a main reason for its strength and success. It has also kept largely and happily clear of political controversy—and there speaks the politician; "happily clear", I tell you—working all the time in the field of social betterment. There you have an unrivalled expert
experience and expert knowledge. What continues to be required from us—the Governments—is our goodwill and our determination to make co-operation with you a reality; and that is why I wanted to come here this afternoon.

It seems to me that your Organisation has been fortunate in the support which it has received, but it is fair to recognise that that support has been given to your Organisation because it has dealt with problems which every country has to face at home within its own borders, and has dealt with them in a manner which has earned the confidence and the respect of all those concerned. The cruel events of war, as we know only too well, have faced the world with problems greater than those created by the last war, and we have learned by the heavy sacrifice of the two wars certain lessons which I pray we may never forget. Our aim, our country's aim, the aim of the countries here assembled, must be to work together to ensure happiness and a higher standard of life for all our people; and, without waiting for the end of the war, we have begun to establish machinery through which international co-operation can achieve that end. In the political sphere, the groundwork has begun to be laid; and nobody, I should like to say in all seriousness, is helping us more at this time in that work than the United States Ambassador who is at my side at this moment.

It is surely a happy augury that we have pledged ourselves to this great work, all of us—the three great Powers in the first instance, and the others with us—and that none of the United Nations is standing aside. We all know that the tasks which face us will not be easy. We all know that the aim of all men of goodwill must be to make sure that this time victory is a prelude to a lasting peace. Your Organisation has always proclaimed that peace can be established only if it is based upon social justice. There is no short cut—not even you can find it—to the solution of our formidable problems. First must come an objective examination of our difficulties, and then a joint approach on the general lines of policy agreed between us.

As we make progress—and now I speak not only of your work, but of the wider field of international policy—we shall find which organisation is best adapted to deal with each particular set of problems; and amongst these your own Organisation must always play, in my judgment, a prominent part. No single organisation can by itself cover the whole field; each organisation must have its special sphere; but their work must be interrelated and truly and accurately co-ordinated. We, the Governments, are at work already, as I have said, on this problem, and you, I am happy to say, are already associated with some of the organisations doing this work, such as the U.N.R.R.A. and the Food Commission and so on. No
doubt as this work develops there will be other organisations and other international bodies with which you will be associated and with whom you will work; but your main task, I repeat, must surely be to help in the formulation of policy in accordance with Article 5 of the Atlantic Charter. Your Organisation will no doubt scrutinise plans for economic and financial reconstruction from the point of view of the social objectives at which you aim, and in doing this you will help to make sure that we steadily pursue the road which the United Nations have chosen to travel.

Our united objective may be simply stated: it is that the world shall be so organised that there shall be employment for all, that it shall be so developed in the interests of the many and not of the few, that on this basis nations will join together to pursue peace and to rid future generations of the threat that has shadowed our own time.

This preliminary meeting of yours is one with which we have been proud to be associated, and I express my good wishes and the good wishes of the Government that I represent to the Conference that you are going to hold, a Conference of the first importance, in the country of our great ally.

We have passed now from the period of general aspirations and general hopes to the actual active organisation for the future. I know that your Organisation will approach that work with a full understanding of the hard facts and with a determination to deal with them in such a way as to provide practical policies which the nations can adopt, and which will enable a peaceful world to be built on a far sounder foundation.

Let me say a final word as Foreign Secretary. In that capacity, I think that I do understand how great is the contribution that you can make to world peace, and I want to assure you that I am at all times ready, if it lies within my power, to help to make your work successful. Sometimes—not often—the Ambassador and I have leisure, and sometimes one tries to look into the future. Mankind has made a pretty sorry mess of things in these last thirty years, with two great wars. There must be moments when we think that, with the developments of science, were there to be a third war, what could there be left? There must be times when we think that it is the duty of all of us in this room to see to it that our children and our children's children do not suffer as our generation has suffered. It seems to me that we have just this last chance after our victory. An immense responsibility rests on those in whose hands the power lies in the coming years. If I may say so, an immense responsibility rests upon you and upon your Organisation. I know that you will play your part in the cause which we all have at heart, and so I wish you in all sincerity good luck and God speed.
Costa Rica and the International Labour Organisation

The Republic of Costa Rica, which had ceased to be a Member of the International Labour Organisation after giving notice of withdrawal on 1 January 1927, was finally readmitted to the Organisation with the same rights and obligations as other Members by a decision taken by the 26th Session of the International Labour Conference on 21 April 1944.

The documents concerning the readmission of Costa Rica to membership of the Organisation are given below.


(Translation)

Santiago de Chile, 17 September 1942.

On the occasion of the Inter-American Conference on Social Security, convened under the auspices of the Inter-American Committee, the International Labour Office and the Chilean Government, Mr. Guillermo Padilla Castro, Delegate of the Government of Costa Rica, being thereto duly empowered, has come to an agreement with Mr. Osvald Stein on the following points relating to the admission of Costa Rica to the International Labour Organisation:

(1) The Government of Costa Rica expresses formally its desire to become again a Member of the International Labour Organisation.

(2) Mr. Osvald Stein, Assistant Director of the International Labour Office, in taking note of this decision, declares that measures to ensure the readmission of Costa Rica will be immediately taken.

(3) The representative of Costa Rica declares that his country will, of its own initiative, fulfil the financial obligations of a State Member of the International Labour Organisation; at the same time, he expresses his desire that, having regard to the resources of Costa Rica, these obligations should be fixed at the minimum contribution of a Member; Mr. Stein expresses his agreement.

It is understood that the further formalities concerning the admission of Costa Rica to the International Labour Organisation will be carried out as quickly as possible.
It is placed on record that Mr. Poblete Troncoso, who countersigns the present statement, done in three copies, acted as intermediary in the negotiations for the readmission of Costa Rica to the International Labour Organisation.

(Signed) OSVALD STEIN, (Signed) GUILLERMO PADILLA CASTRO,
Assistant Director of the Delegate of Costa Rica.
International Labour Office.

(Signed) MOISÉS POBLETE TRONCOSO.

2. Telegram from the Secretary to the Presidency of the Republic of Costa Rica to the International Labour Office.

San José de Costa Rica, 17 October 1942.

Government wholly confirms agreements made by Social Security delegate, Dr. Padilla Castro, concerning Costa Rica re-entry International Labour Organisation.

(Signed) EDGAR ODIO,
Secretary, Presidency Republic.

3. Telegram from the Acting Director of the International Labour Office to regular members of the Governing Body.

Montreal, 20 October 1942.

Costa Rican Government has applied for immediate readmission Organisation and undertaken discharge duties membership including payment contribution basis one unit. Recalling welcome Conference New York to declaration made by Costa Rican representative propose regarding Costa Rica entitled full rights membership pending formal confirmation readmission next session Conference. Please cable your approval. This cable despatched all members Governing Body.

(Signed) E. J. PHELAN.

4. Telegram from the Acting Director of the International Labour Office to Mr. Edgar Odio, Secretary to the Presidency of the Republic, San José de Costa Rica.

(Translation)

Montreal, 12 November 1942.

Am very glad to be able to inform your Government that Governing Body has unanimously approved proposal mentioned in my telegram of 22 October regarding readmission of Costa Rica to International Labour Organisation. Consequently your Government is entitled immediately to all rights of Member of Organisation and will henceforth receive all communications and documents addressed to Member States. I am informing Governments of all Members of International Labour Organisation of the result of the consultation of the Governing Body. Letter follows.

(Signed) E. J. PHELAN.
5. Letter from Acting Director of the International Labour Office to regular members of the Governing Body.

Montreal, 21 November 1942.

With reference to my letter of 20 October concerning the readmission of Costa Rica to the International Labour Organisation, I have the honour to communicate to you the text of the following message which is being sent by telegram to regular members of the Governing Body of the International Labour Office who cannot be reached easily by mail:

Twenty-nine affirmative votes Costa Rica admission received none negative no abstentions.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director.

6. Letter from the Acting Director of the International Labour Office to Governments of States Members of the Organisation.

Montreal, 31 December 1942.

Sir,

During the Conference of the International Labour Organisation held in New York and Washington from 27 October to 6 November 1941, Dr. Hector Beeche, observer from the Republic of Costa Rica, expressed the hope that his country might before long become a Member of the International Labour Organisation and would then be able to take a more active part in its work.

This statement was warmly welcomed by the Conference, and the President, Miss Frances Perkins, Secretary of Labor of the United States of America, voiced as follows the unanimous feeling of the delegates from the 34 States Members of the Organisation represented at the Conference:

We are all delighted to know of Costa Rica’s determination to make application for membership, and we shall hope to greet you later, next year perhaps, in that capacity.

I now have the honour to inform you that the Government of Costa Rica, giving effect to the intention communicated by its representative to the Conference of the International Labour Organisation, recently confirmed officially its desire that Costa Rica should resume full participation in the International Labour Organisation, at the same time indicating that it undertook to discharge the duties resulting from membership, including the obligation to make a regular contribution to the budget of the Organisation.

Confirming the welcome extended by the New York Conference to the above statement of the representative of Costa Rica, the Governing Body of the International Labour Office, the members of which were informed by telegram of the desire expressed by the Costa Rican Government, unanimously decided that Costa Rica would be entitled immediately (that is to say, from 12 November 1942) to the full rights resulting from membership of the Organisation, it being understood that the International Labour Conference would have, at its next session, to give formal confirmation to the readmission of Costa Rica to the Organisation.
I am confident that Members of the Organisation, remembering the participation of Costa Rica in the Conferences of American States Members of the International Labour Organisation (Santiago de Chile, 1936, and Havana, 1939) and in the recent Inter-American Conference on Social Security (Santiago de Chile, September 1942), will welcome the decision taken by the Costa Rican Government and the direct resumption of international collaboration in the social field by a State which has always shown such a keen and active interest in social problems.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director.

7. Letter from the Acting Director of the International Labour Office to Mr. Edgar Odio, Secretary to the Presidency of the Republic, San José de Costa Rica.

(Translation)

Montreal, 15 January 1943.

Sir,

I have the honour to refer to my telegram of 12 November 1942 regarding the readmission of Costa Rica to the International Labour Organisation, the text of which was as follows:

Am very glad to be able to inform your Government that Governing Body has unanimously approved proposal mentioned in my telegram of 22 October regarding readmission of Costa Rica to International Labour Organisation. Consequently your Government is entitled immediately to all rights of Member of Organisation and will henceforth receive all communications and documents addressed to Member States. I am informing Governments of all Members of International Labour Organisation of the result of the consultation of the Governing Body. Letter follows.

In accordance with the statement contained in this telegram, I have informed the Governments of the States Members of the Organisation that Costa Rica has resumed its place in the Organisation. This communication was made by a letter of 31 December 1942, a copy of which I have the honour to enclose.

In confirming that, from 12 November 1942, Costa Rica is entitled to all the rights of a Member of the International Labour Organisation, I beg to express to the Government of Costa Rica, on behalf of the International Labour Office, my lively satisfaction that Costa Rica should again be directly associated with the work of the Organisation and my conviction that this association will greatly contribute to the advancement of the world tasks of the Organisation. I would add that it is my firm hope that this decision will also contribute to social progress in Costa Rica, by facilitating the carrying out of the great reform scheme initiated by Mr. R. A. Calderón Guardia, President of the Republic, and his Government.

I have the honour to enclose herewith the text of the Constitution of the International Labour Organisation. In a separate communication, I propose to forward to you certain information and various publications regarding the work of the Organisation, and at the same time to make several practical suggestions relating to the collaboration of your Government with the International Labour Office.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director.

The Committee, on consideration of the documents submitted to the Conference concerning the readmission of Costa Rica to membership of the Organisation, unanimously agreed to recommend to the Conference that the provisional decision taken by the Governing Body should be confirmed. The Committee accordingly suggests to the Conference that the decision of the Governing Body might be confirmed in the following terms:

Proposed Resolution to Confirm the Readmission of Costa Rica to the International Labour Organisation

The General Conference of the International Labour Organisation,

Taking note of the decision of the Governing Body of the International Labour Office that the Republic of Costa Rica should be entitled to the full rights of membership of the Organisation from 12 November 1942, pending formal confirmation of her readmission to the Organisation by the Conference,

Hereby confirms the readmission of Costa Rica to the International Labour Organisation with the same rights and obligations as the other Members of the Organisation.

(Signed) S. E. RUNGANADHAN.

9. Adoption by the Conference of a resolution to confirm the readmission of Costa Rica to the International Labour Organisation.

At the third sitting of its 26th Session (Friday, 21 April 1944) the International Labour Conference unanimously adopted the report of the Selection Committee printed above, together with the resolution contained therein.1

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France and the International Labour Organisation

1. Notification by the French Government of its intention to withdraw from the League of Nations.

On 19 April 1941 the Acting Secretary-General of the League of Nations received the following telegram from Admiral Darlan, Secretary of State for Foreign Affairs of France:

(Translation)

Vichy, 19 April 1941.

I have the honour to inform you that the French Government, availing itself of the right which it is entitled to exercise under Article 1, paragraph 3, of the Covenant, has decided to withdraw from the League of Nations. The French Government reserves the right to take a decision later as to whether it will continue its participation in the International Labour Organisation and the institutions of a purely technical character connected with the League of Nations.

I have the honour to be, etc.,

F. DARLAN.

On 19 April 1941 the Acting Secretary-General replied to the above telegram in the following terms:

(Translation)

Geneva, 19 April 1941.

His Excellency Admiral Darlan, Vichy.

I have the honour to acknowledge the receipt of your Excellency's telegram dated April 19th, giving notice of withdrawal in accordance with Article 1, paragraph 3, of the Covenant.

I am communicating this telegram to the Members of the League of Nations.

I have the honour to be, etc.,

LESTER,
Acting Secretary-General.

On 21 April 1941 the Acting Secretary-General communicated the text of the telegram from Admiral Darlan and of his reply to the International Labour Office.
2. **Telegrams from General Giraud and General de Gaulle.**

On 15 April 1943 the following telegram was sent by General Giraud to the Chairman of the Supervisory Commission of the League of Nations:

*(Translation)*

Algiers, 15 April 1943.

With reference my public pronouncement March 14th and in agreement with General de Gaulle I have the honour to inform you that the French who are at present free to express their will cannot regard as effective the notification which was made to you April 19th 1941 when French people were not in a position to express through the medium of lawful representatives their views on the position of France in relation to the League. I accordingly request you be good enough to consider that said notification made under foreign pressure can have no effect and that consequently France continues to be a Member of the League.

On 16 April 1943 the following telegram was sent to the Secretary-General of the League of Nations by General de Gaulle:

*(Translation)*

London, 16 April 1943.

With reference my public pronouncement 27 October 1940 and in agreement with General Giraud I have the honour to inform you that the French who are at present free to express their will cannot regard as effective the notification which was made to you April 19th 1941 when the French people were not in a position to express through the medium of lawful representatives their views on the position of France in relation to the League. I accordingly request you be good enough to consider that said notification made under foreign pressure can have no effect and that consequently France continues to be a Member of the League.

The National Committee for their part have always considered that France remained bound by her engagements and retained her prerogatives as a Member of the League. It is in this spirit that you were kept informed of measures taken in virtue and within the framework of the mandate entrusted to France in the territories of the Cameroons and the Levant States.

3. **Establishment of the budget estimates of the International Labour Organisation for 1944.**

In July 1943 the Office had to submit to the Governing Body for approval the estimates of the receipts and expenditure of the Organisation for 1944. As no early meeting of the Governing Body was contemplated at the time, the members of the Governing Body were consulted by telegram with regard to the approval of the estimates.

In drawing up the budget estimates for 1944 the Office was obliged to enquire into the position of France in relation to the International Labour Organisation. As has been seen above, the notice of withdrawal from the League of Nations given on behalf
of France by Admiral Darlan, which was due to expire on 19 April 1943, contained the following reservation: “The French Government reserves the right to decide later whether it will continue its participation in the International Labour Organisation”. No communication concerning this reservation was received by the Office during the two years' period of notice. Consequently, when submitting the budget estimates for 1944, the Acting Director, taking into account the telegrams of 15 April and 16 April 1943 from Generals Giraud and de Gaulle reproduced above, made the following proposal to the Governing Body:

Am of the opinion French I.L.O. membership should not be regarded as lapsed and it is desirable to take no action interpretable as breaking the continuity of French membership. Therefore propose to include French units in receipts side of budget.

As the budget proposals as a whole were adopted by 25 votes to 0 with two abstentions, the status of France as a Member of the Organisation was maintained. One effect of this decision was that the 40 units constituting France's contribution were included in the normal receipts of the Organisation's budget for 1944.


On 3 December 1943, the Acting Director addressed the following cable to Mr. Adrien Tixier, Commissioner for Labour in the French Committee of National Liberation, relating to the representation of the Committee at the 91st Session of the Governing Body, convened in London on 16 December 1943:

Montreal, 3 December 1943.

91st Session Governing Body International Labour Office convened at London 16 December with following agenda: (1) Report of the Acting Director; (2) Agenda, date and place of the 26th Session of the International Labour Conference; (3) Relations of the International Labour Organisation with new international bodies; (4) Report on the 12th Session of the Joint Maritime Commission and on the Meeting of its Subcommittee (London, June 1942 and May 1943); (5) Record of the meeting of the Inter-American Conference on Social Security (Santiago de Chile, September 1942); (6) Proposals concerning industrial committees; (7) Financial questions; (8) Collective agreements and international labour Conventions; (9) Date and place of the next session. In spite of actions of Vichy régime and even though great majority of French people are still in position which prevents them from exercising their free will in choice of their Government the Governing Body has taken the view that France has not ceased to be Member of the International Labour Organisation. It therefore seems appropriate that there should be a French representative on the Governing Body. In circumstances am confident that the Governing Body would welcome designation of French representative by Committee of National Liberation to London meeting of
Governing Body. If Committee shares this view would you be good enough to communicate to me name of Committee’s appointee.

In reply to this cable General de Gaulle, President of the French Committee of National Liberation, sent the following cable to the Acting Director of the International Labour Organisation on 6 December 1943:

(Translation)

Algiers, 6 December 1943.

In response to your cable of 3 December the French Committee of Liberation has designated as French representative on the Governing Body of the Office Mr. Adrien Tixier, Commissioner for Social Affairs.

5. Extract from the Minutes of the Third Sitting of the 91st Session of the Governing Body.

On 17 December 1943 Mr. Adrien Tixier took the seat allotted to the French Government on the Governing Body. The passage in the minutes of the third sitting relating to the welcome accorded to Mr. Tixier runs as follows:

*The Chairman* was happy to welcome Mr. Adrien Tixier as representative of the French Committee of National Liberation. All who knew and cared for the work of the Organisation felt that there must be no interruption in the participation of the country which had given the Organisation Albert Thomas and Arthur Fontaine, Justin Godart and Léon Jouhaux; and all the members of the Governing Body were particularly happy that the representative of the French Committee of National Liberation was Mr. Adrien Tixier, a friend of such long standing.

He thought that every member of the Governing Body would feel that in present circumstances, and until there was a true Government of France, the place of France should be filled by a representative of the French Committee of National Liberation, as had been done at the Conferences at Hot Springs and Atlantic City. It was a very great pleasure to welcome as representative of the French Committee a man who in his own person had done, and in his present position would continue to do, so much for the Organisation.

The Acting Director wished to associate himself with what the Chairman had said. The International Labour Organisation realised more fully than ever, because of the experience of the last two years, that there could be no world without Europe, and waited with impatience, like all the United Nations, for the day when Europe would be liberated. The members of the Governing Body were also equally keenly conscious of the fact that there could be no Europe without France, and he therefore wished to add his own word of welcome to the representative of the French Committee of National Liberation.

*Mr. Tixier* thanked the Chairman and the Acting Director for their words of welcome. He was deeply moved to find himself back among the members of the Governing Body. They all knew through what severe trials France had passed, and what terrible sufferings the French people were still enduring. The French Committee of National Liberation, working under very difficult conditions, was making a stubborn effort to restore the situation in France, and it welcomed with gratitude and pride any expressions of sympathy shown to it in this trying task. The Committee believed, with the Acting Director, that it was impossible to contemplate world reconstruction without France, and that France would have its part to play and would play that part as in the past.
The Committee of National Liberation had bent all its efforts towards establishing steady contact with the French people. Representatives of the Committee had gone to France and representatives of the French people had come to London and later to Algiers. Between these Frenchmen agreement existed. The Committee knew that it represented that France which endured, which was fighting and had never ceased, under General de Gaulle, to take part in the struggle, at first side by side with the heroic British people and later with all the Allied Nations. The Committee had pledged itself to carry on the struggle until victory with all the forces at its disposal. It would try, with every confidence in success, to rebuild a new France worthy of the old France which had never capitulated. This new France which was fighting and resisting would remain true to the ideal of the International Labour Organisation—the ideal of peace founded on social justice.

Sir John Forbes Watson wished to add his welcome to that addressed to Mr. Tixier by the Chairman and the Acting Director. The members of the Governing Body knew that Mr. Tixier's heart was in the right place and were sure that his participation in their work would be most helpful.
Convocation of the 26th Session of the International Labour Conference

1. Telegraphic notification concerning the 26th Session of the International Labour Conference.

On 20 December 1943 the Acting Director of the International Labour Office, in accordance with the decisions taken by the Governing Body at its 91st Session, sent the following cable to the Governments of States Members of the Organisation concerning the agenda, date and place of the 26th Session of the International Labour Conference:

London, 20 December 1943.

Have honour inform you Governing Body International Labour Office has convened 26th Session International Labour Conference to meet in United States, probably at Philadelphia, on 20 April 1944 with following agenda: one, Future policy, programme and status of the International Labour Organisation; two, Recommendations to United Nations for present and post-war social policy; three, The organisation of employment in the transition from war to peace; four, Social security: principles, and problems arising out of the war; five, Minimum standards of social policy in dependent territories; six, Reports on the application of Conventions; seven, Director’s Report. Items three, four and five have been placed on agenda under Articles 14 and 19 of Constitution of Organisation. Letter follows.

EDWARD PHELAN,
Acting Director,
International Labour Office.

2. Letter of convocation to the 26th Session of the International Labour Conference and accompanying memorandum.

On 19 January 1944 the following letter of convocation was sent to the Governments of States Members of the Organisation, together with a memorandum which is also reproduced below:

Montreal, 19 January 1944.

Sir,

1. I have the honour to confirm my telegram, despatched from London on 20 December 1943, by which I communicated to you the decision of the Governing Body of the International Labour Office, at its 91st Session (London, December 1943), to convene the 26th Session of the International Labour Conference on 20 April 1944.
2. Agenda of the Conference.

I have also to confirm that the agenda of the Conference adopted by the Governing Body, as communicated to you by my aforesaid telegram, is as follows:

I. Future policy, programme and status of the International Labour Organisation.
II. Recommendations to the United Nations for present and post-war social policy.
III. The organisation of employment in the transition from war to peace.
IV. Social security: Principles, and problems arising out of the war.
V. Minimum standards of social policy in dependent territories.
VI. Reports on the application of Conventions (Article 22 of the Constitution).
VII. Director's Report.

I have the honour to enclose a number of copies of an explanatory memorandum which the International Labour Office has prepared, in the light of the discussions in the Governing Body, in order to provide some preliminary information on the scope and purport of the several items on the agenda of the Conference, in regard to which reports will be forwarded to you as soon as possible.

It should be noted that the Governing Body decided that the questions numbered III, IV, and V should be placed on the agenda under the provisions of Articles 3 and 19 of the Constitution of the Organisation. In virtue of these provisions, each delegate to the Conference may be accompanied by two advisers for each of these three questions. Moreover, should the Conference decide on the adoption of proposals with regard to any one of these three items, it will rest with the Conference to decide whether these proposals should take the form of Recommendations or draft Conventions; it is, however, the intention of the Office, as explained in the enclosed memorandum, to include in the reports on the various items on the agenda proposals for several Recommendations but only one draft for a Convention, dealing with a special aspect of the problem of social insurance, which from its nature can only be appropriately dealt with in a Convention.

3. Place of the session of the Conference.

The Governing Body decided, on the invitation of the Government of the United States of America, that the session of the Conference should be held in the United States, probably in Philadelphia; a further communication will be made to you on this subject. In coming to this decision the Governing Body was guided by the resolution unanimously adopted by the Conference of the International Labour Organisation in New York (October-November 1941), which runs as follows:

The Conference of the International Labour Organisation places it on record for the information of the Governing Body that the members of the present Conference advise that the next session of the International Labour Conference may be held outside of Geneva if circumstances should so require.


In addition to explanation about the agenda of the Conference, the enclosed memorandum also contains information on certain decisions of the Governing Body and of the Conference respecting the composition of delegations, and on various provisions of the Standing Orders.
5. Credentials and draft resolutions.

I venture to draw your attention to the importance for the efficient working of the Conference of the observation of the statutory time limits for the communication of credentials of members of delegations (not later than 6 April 1944) and of draft resolutions other than those relating to a question on the agenda (not later than 13 April 1944).

6. Documents of the Conference.

The International Labour Office is preparing reports on the several points enumerated in the second paragraph above. Every effort will be made to ensure that those reports are communicated to you as soon as possible.


Finally, I have to remind you that the Governing Body, which was last appointed for a period of three years in 1937, decided at its 90th Session (New York, October-November 1941) that it should continue in office as last constituted, until a regular session of the International Labour Conference could be held at which a new election of members of the Governing Body could take place. It will therefore be for the Government delegates to the 26th Session of the Conference, other than those representing the eight States of chief industrial importance, and for the delegates representing the employers and workers respectively to take the necessary decisions concerning their representatives on the Governing Body at the forthcoming session of the Conference.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director.

MEMORANDUM ON THE 26th SESSION OF THE
INTERNATIONAL LABOUR CONFERENCE
(20 April 1944)

A. Agenda of the Conference

The agenda of the Conference is as follows:

I. Future policy, programme and status of the International Labour Organisation.
II. Recommendations to the United Nations for present and post-war social policy.
III. The organisation of employment in the transition from war to peace.
IV. Social security; principles, and problems arising out of the war.
V. Minimum standards of social policy in dependent territories.
VI. Reports on the application of Conventions (Article 22 of the Constitution).
VII. Director's Report.
B. INFORMATION ON THE ITEMS ON THE AGENDA OF THE CONFERENCE

The Governing Body of the International Labour Office, at its 91st Session (London, December 1943), gave very careful consideration to the choice of the items to be placed on the agenda of the 26th Session of the Conference.

The Governing Body came to the conclusion that the profound change in the whole war situation—though a hard and costly struggle may still lie ahead—and the beginning of concerted international action to deal with post-war problems, as in the Food Conference at Hot Springs and the First Meeting of the Council of the United Nations Relief and Rehabilitation Administration at Atlantic City, made it imperative, on the one hand, that international consideration should be given to the social problems that will arise during the last period of the war and after the close of hostilities, and, on the other hand, that the International Labour Organisation should define its own future policy, its programme and its place and status.

The Governing Body considered that it was of the greatest importance, in present circumstances, that the International Labour Conference should be able to discuss these problems and to take decisions concerning them at the earliest possible moment. It was for this reason that it decided to convene the 26th Session of the Conference at the earliest date permissible under the Constitution, namely 20 April 1944. The Governing Body did not lose sight of the fact that this period of four months was exceptionally short and that, accordingly, the reports on the items on the agenda to be prepared by the International Labour Office could only reach Governments a short time before the opening of the session. With this situation in mind, the Governing Body instructed the Office to furnish Governments with preliminary information on the nature of the questions which will be dealt with in the reports to be submitted to the Conference as the basis for its discussions. This information is contained in the present memorandum. It is not intended to be exhaustive but merely to furnish Governments with a general indication of the kind of questions which will come up for discussion under each item on the agenda by giving as illustrations some of the more important points with which the reports will deal.

Item I—Future Policy, Programme and Status of the International Labour Organisation.

As mentioned above, the Governing Body considered that it was necessary for the Conference to examine the future policy of the Organisation, its programme and its status in the post-war world, more particularly in relation to other international institutions, and to take decisions on these questions.

The Office report on the first item on the agenda will deal inter alia with the following points:

(a) Policy and programme of the International Labour Organisation (proposals will be placed before the Conference for the purpose of restating the essential aims of the Organisation by the adoption of a new Declaration of General Principles—on the lines of those contained in Article 41 of the Constitution of the Organisation—or a "social mandate", to use the term employed by the Conference of the Organisation held in New York in 1941);

(b) Place of the International Labour Organisation in economic and social reconstruction and its relations with other international institutions;

(c) Measures to render the functioning of the International Labour Organisation more effective (regional activities, mutual supervision of the application of international standards, competence of the Organisation to deal
with economic questions, acceleration of the procedure of adoption of draft Conventions and Recommendations, rendering of reports by the Governments on Conventions the ratification of which has not been approved by their competent authorities, etc.);

(d) Status of the International Labour Organisation (financial autonomy, right to take cognisance officially of all decisions of an international character relating to economic and financial matters and to formulate observations and suggestions regarding their social effects, etc.).

Item II—Recommendations to the United Nations for Present and Post-War Social Policy.

Experience after the war of 1914-1918 shows that Governments will feel the need for defining their social policies, and, unless preliminary international discussion takes place, unco-ordinated and possibly conflicting policies may lead to a dangerous state of confusion. The Governing Body therefore considered that the Conference should be asked to proceed immediately to a general examination of social policy, and that the discussions should not be confined to generalities but should deal courageously with the practical problems which are certain to arise and on which Governments are entitled to look to the International Labour Organisation for advice and guidance.

The form of words adopted by the Governing Body for item II differs in an important respect from that originally contemplated—namely, "Recommendations for post-war social policy". This change was made on the proposal of the representative of the Government of the United States and obtained the unanimous approval of the members of the Governing Body, including the representatives of the other United Nations who were present. It manifests the willingness of those members of the United Nations who participated in the decision to submit their future international policies in the social field to free discussion and decision by all Members of the International Labour Organisation including those countries which are not members of the United Nations. Naturally the United Nations represented on the Governing Body do not bind themselves, at this stage, any more than the other Members of the International Labour Organisation, to accept in advance any conclusions at which the Conference may arrive. The change made in the wording of the agenda is, however, a manifestation of their clear desire to apply the principles of democracy to the future ordering of the world. While some of the recommendations which the Conference may make will have a particular application to special situations with which the United Nations may have to deal, the general recommendations for post-war social policy will of course apply equally to all Members of the International Labour Organisation.

The report which will be prepared by the Office on the second item on the agenda will deal more particularly with the following points:

(a) Social objectives of economic policy (more especially the measures required to be taken internationally and nationally to ensure full employment, social security and rising standards of living);

(b) The general principles of social policy in its various fields, e.g., conditions of work, social security, child labour, paid holidays, prevention of accidents, industrial relations, industrial hygiene, labour welfare, etc., which should be applied by the Members of the International Labour Organisation;

(c) The social provisions to be inscribed in any peace settlement or the clauses of a long-term armistice, including measures to be taken for re-establishing free trade union movements and to ensure to trade union organisations
the restitution of confiscated property and funds, and the participation of employers' and workers' organisations in the work of reconstruction in their own countries;

(d) Social policy in the territories of Axis countries occupied by the forces of the United Nations.

It is not proposed that the Conference should aim at the adoption of Conventions or Recommendations in regard to items I and II, but that it should formulate its conclusions in a series of resolutions. However, as regards the social mandate, whereby the International Labour Organisation will define its future programme, it would seem appropriate that it should take the special form of a solemn Declaration.

* * *

The Governing Body considered that there were some questions on which the Conference might take more detailed and technical decisions in the form of draft Conventions or Recommendations, as provided for in Article 19 of the Constitution.

**Item III—The Organisation of Employment in the Transition from War to Peace.**

The first of these technical questions is that of the organisation of employment, by which is to be understood not so much the question of the motive and general inspiration of economic activity (with which the Conference will deal under item II), but rather the whole technique of the transfer of manpower from war activity to peace activity, the short-term measures required, the problems of training, of public works, etc.

The Office in its report will therefore submit proposals concerning such matters as the re-employment of members of the armed forces and war workers, measures to deal with such special employment problems as will arise after the war in regard to special categories of workers (young persons, disabled workers, women workers), measures to deal with short-term unemployment, the machinery of employment organisation, etc.

On several of these points the proposals will take the form of drafts for Recommendations, the purpose of which will be to guide the various countries in the elaboration of the necessary measures.

**Item IV—Social Security: Principles, and Problems Arising Out of the War.**

Under this item a report will be submitted dealing with the question of providing for income maintenance and medical care and containing drafts for Recommendations based on the new tendencies to regard social security as a single problem, requiring comprehensive and rational treatment by preventive and remedial measures, and according equality of treatment as far as possible to urban and rural workers.

In addition to this general question, the Conference will also be asked to consider three questions of more immediate importance for post-war reconstruction, i.e., the maintenance of the social insurance rights of members of the armed forces, the re-establishment of the financial position of insurance institutions in occupied countries, and mutual aid in social security administration.

Further, it will be remembered that, in the Peace Treaties which ended the last war, special provisions asked the International Labour Organisation to deal
with the question of the insurance rights of certain populations which had been affected by the drawing of new frontiers. Whether or not a similar problem will have to be faced at the end of the present war, it is already certain that emergency measures concerning the pension rights of displaced persons in Europe are required, and that from the nature of the problem an international decision is necessary. The Office proposes, therefore, to submit to the Conference a draft for an international Convention on this subject.

Item V—Minimum Standards of Social Policy in Dependent Territories.

The Governing Body considered that it would be appropriate and indeed necessary that the International Labour Organisation, in restating its general policy and objectives, should undertake a parallel operation as regards dependent territories. In its report on this subject the Office will suggest that the Conference should lay down the social purposes of economic development in dependent territories, that the Conference should affirm the desirability of the general ratification of the existing indigenous labour Conventions, and that it should adopt a Recommendation formulating certain standards governing general conditions of labour, as, for example, the minimum age for admission to employment, protection of women, general principles of remuneration and wage fixing, protection of wages, general principles of social insurance, freedom of association and encouragement of labour organisations, etc.

Item VI—Reports on the Application of Conventions (Article 22 of the Constitution).

Article 22 of the Constitution provides that the Director shall lay before the Conference a summary of the annual reports made by the Governments on the measures taken to give effect to the provisions of Conventions to which they are parties. Under the regular procedure followed, these reports were first examined by a Committee of Experts, whose observations were submitted to the Conference at the same time as the summary of annual reports.

The circumstances of the war have made it impossible since 1939 to apply this procedure. Nevertheless the Office has continued to request Governments to furnish annual reports on the application of Conventions which they have ratified and a number of these reports have been received. The Conference will therefore receive a summary of the reports rendered between 1940 and 1943.

Item VII—The Director's Report.

In accordance with the Standing Orders, a Report by the Director of the International Labour Office will be submitted to the Conference.

Election of Members of the Governing Body.

This question will be dealt with in a subsequent communication.

C. COMPOSITION OF DELEGATIONS

Full Delegations.

In accordance with Article 3, paragraph 1, of the Constitution of the Organisation, delegations to a session of the International Labour Conference shall be
composed of four delegates, i.e., two Government delegates, and one delegate representing employers and one delegate representing workers.

Further, in accordance with the provisions of paragraph 2 of Article 3 of the Constitution, each delegate may be accompanied by two advisers for each separate item on the agenda. As the Governing Body decided that each of items III, IV and V should be considered a separate "item on the agenda of the meeting", each Government, Employers' and Workers' delegate may be accompanied by not more than six advisers.

In view of the importance of the agenda with which the Conference is to deal and the influence which its decisions may be expected to have on the whole future of post-war social policy, Governments will no doubt take the necessary steps to ensure that the delegations attending the Conference are complete and that they shall include the technical advisers necessary for dealing adequately with the technical questions on the agenda.

Women Delegates and Advisers.

It will be noted that the items on the agenda of the 26th Session affect women as much as men and that item III (employment) has special aspects affecting women. Therefore, the attention of Governments is drawn to the importance of including women, either as delegates or as advisers, in their delegations to the Conference, in accordance with Article 3, paragraph 2, of the Constitution of the Organisation.

Representation of Dependent Territories.

When, in the past, questions of primary interest to the peoples of dependent territories were on the agenda of the Conference, the Director, in accordance with the instructions of the Governing Body, brought to the notice of the Governments various Conference resolutions calling the attention of the Members concerned to the desirability of including in their delegations representatives of the workers in such territories. The Office fully realises the difficulties, material and other, of providing for the direct representation of dependent territories at the present Conference. Nevertheless, the importance of item V on the agenda is such that it would be most desirable that States with colonial responsibilities should, wherever possible, make provision for the inclusion among their Government, Employers' and Workers' delegates or advisers of representatives of dependent territories. To meet the difficulty arising from the restriction of the numbers of delegates and advisers, attention may be drawn to the possibilities afforded by Article 18 of the Constitution, which empowers the Conference to "add to any committees which it appoints technical experts, who shall be assessors without power to vote".

D. TIME LIMITS

Time Limit for the Submission of Credentials of Delegates and Advisers.

The date of the opening of the 26th Session having been fixed for 20 April 1944, the credentials of delegates to the Conference and their advisers should, in conformity with the provisions of Article 3, paragraph 1, of the Standing Orders, be deposited with the International Labour Office at Montreal not later than 6 April 1944. This may be done by letter or telegram provided that the delegates transmit their credentials in due form to the Secretariat of the Conference not later than the day before the opening of the session.
**Time Limit for Deposit of Draft Resolutions.**

The texts of draft resolutions submitted to the Conference, other than those dealing with the items on the agenda, should, in accordance with Article 14, paragraph 7, of the Standing Orders, be deposited with the International Labour Office in Montreal, or with the Secretariat of the Conference at the place where it will meet, not later than 13 April 1944.

**E. Place of the Conference**

The 26th Session of the International Labour Conference will take place in the United States of America, probably at Philadelphia. The exact place will be confirmed by a later communication.

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**3. Confirmation of place of meeting.**

On 20 February the following telegram was addressed to the Governments of States Members:

Montreal, 26 February 1944.

Reference my message cabled from London 20 December and my letter 19 January, have honour confirm that 26th Session International Labour Conference will open 11 a.m. Thursday, 20 April 1944 in Mitten Hall, Temple University, at Philadelphia, United States.

PHELAN,
Acting Director, International Labour Office.

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**4. Communication relating to the election of the Governing Body.**

On 25 March 1944 the Acting Director addressed the following letter to the States Members of the International Labour Organisation, together with an explanatory note which is also reproduced below:

Montreal, 25 March 1944.

Sir,

I have the honour to refer to my letter D. 626/100 of 19 January 1944 relating to the 26th Session of the International Labour Conference, in which I drew attention to the fact that the Government delegates (other than those of the eight States of chief industrial importance) and also the Employers' delegates and Workers' delegates to the Conference will have to take decisions at that session concerning their representatives on the Governing Body of the International Labour Office for the coming years.

I now have the honour to give you the following information on this subject.

As you are aware, the composition of the Governing Body is determined by the provisions of Article 7 of the Constitution of the International Labour Organisation. These provisions are as follows:

**Article 7**

1. The International Labour Office shall be under the control of a Governing Body consisting of thirty-two persons:
Sixteen representing Governments,
Eight representing the Employers, and
Eight representing the Workers.

2. Of the sixteen persons representing Governments, eight shall be appointed by the Members of chief industrial importance, and eight shall be appointed by the Members selected for that purpose by the Government delegates to the Conference, excluding the delegates of the eight Members mentioned above. Of the sixteen Members represented six shall be non-European States.

4. The persons representing the Employers and the persons representing the Workers shall be elected respectively by the Employers' delegates and the Workers' delegates to the Conference. Two Employers' representatives and two Workers' representatives shall belong to non-European States.

5. The period of office of the Governing Body shall be three years.

Furthermore, the Standing Orders of the Governing Body contain provisions governing the appointment of deputy members. The last elections of members of the Governing Body were held on the occasion of the 23rd Session of the Conference (1937). The period of office of the Governing Body would normally have come to an end in 1940. However, the session of the Conference convened for that year had by force of circumstances to be adjourned. The Governing Body, at its first meeting held after that date, i.e., at its 90th Session (New York, October-November 1941), decided that it would continue to function as then constituted until the next regular session of the International Labour Conference, when a new election of members of the Governing Body could be held.

Accordingly, once the Conference meets in regular session, it is incumbent on the three electoral colleges to take what decisions they see fit in regard to their representatives in the three groups of the Governing Body. The three electoral colleges will therefore be called upon to perform this task during the 26th Session of the Conference, convened at Philadelphia for 20 April 1944.

In order that the delegates of your country may make their decisions with full knowledge of the circumstances, I am enclosing herewith a note containing information designed to facilitate the working of the electoral colleges at the Conference.

I shall be obliged if you will kindly bring these matters to the attention of the Government, Employers' and Workers' delegates of your country. For your convenience, I am forwarding herewith four copies of the text of my letter and of the enclosed note of information.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director.
A. Information regarding the regular members of the Governing Body

The regular members of the Governing Body consist of representatives of:
(1) Governments, (2) Employers, and (3) Workers.


The regular members of the Governing Body representing Governments are divided into two categories:

(a) Representatives of the eight Members of chief industrial importance; and
(b) Representatives of the eight elected Members.

The Government electoral college at the Conference has no decision to take regarding the allocation of the seats of category (a), as these are held as of permanent right. The eight elected Members are appointed by the Government delegates other than those of the eight Members of chief industrial importance. Each State, therefore, entitled to take part in the proceedings of the electoral college and having a full delegation at the Conference exercises two votes.

The eight Members elected in 1937 were: Brazil, Chile, China, Spain, Mexico, Norway, Poland, Yugoslavia.

2. Employers' Group.

The Employers' regular members are elected as individuals by the Employers' delegates at the Conference.

The eight persons elected in 1937 were: Mr. G. Ćurčin (Yugoslav), Mr. D. S. Erulkar (Indian), Sir John Forbes Watson (British), Mr. W. Gemmill (South African), Mr. Henry I. Harriman (United States of America), Mr. A. Lambert-Ribot (French), Mr. H. C. Oersted (Danish), Mr. G. Olivetti (Italian).

3. Workers' Group.

The Workers' regular members are elected as individuals by the Workers' delegates at the Conference.

The seats of the eight Members of chief industrial importance are at present held by the following States: United States of America, Belgium, Canada, France, Great Britain, India, Netherlands. One seat vacant.

The seat held by Spain is at present vacant, owing to the expiry of the notice of withdrawal from the League of Nations given by that State.

Messrs. Ćurčin, Gérard and Lambert-Ribot cannot be reached at the present time. Under Article 4, paragraph 4, of the Standing Orders of the Governing Body, the Employers' group has appointed the following persons to hold their seats temporarily: Mr. L. Lamuraglia (Argentine), Mr. H. Macdonnell (Canadian), Mr. C. Tzaut (Swiss).

Resigned. Replaced by Mr. G. L. Gérard (Belgian) (see note 3 above).
The eight persons elected in 1937 were: Mr. G. Andersson (Swedish), Mr. J. Hallsworth (British), Mr. N. M. Joshi (Indian), Mr. L. Jouhaux (French), Mr. F. Largo Caballero (Spanish), Mr. C. Mertens (Belgian), Mr. Robert J. Watt (United States of America), Mr. Yonekubo (Japanese).

B. Information regarding the deputy members of the Governing Body

The mode of appointment and functions of the deputy members of the Governing Body are defined by Article 3 of the Standing Orders of the Governing Body, which reads as follows:

1. Each of the Governments represented on the Governing Body may appoint for their regular delegate a deputy member of a different nationality. This deputy member shall be appointed by the Government of the regular member or by the regular member if duly authorised to do so by his Government.

2. The Employers' and Workers' groups may each appoint eight deputy members, the travelling and subsistence expenses of four of whom from each group shall be paid out of the funds of the International Labour Organisation. Full freedom is left to each group, Employers or Workers, as to the manner of appointing these deputy members.

3. Deputy members have the right to be present at the sittings of the Governing Body and to speak with the permission of the Chairman asked for in writing.

4. They have not the right to vote.

5. In the absence of the regular member and of his substitute if he has one, the deputy member has all the rights of the regular member.

Government Deputy Members.

The Government electoral college at the Conference has no decision to take regarding the appointment of the Government deputy members.

Employers' Deputy Members.

The eight Employers' deputy members are appointed as individuals by the Employers' delegates at the Conference.

In 1937 the Employers' group appointed as deputy members the following persons: Mr. K. Zen (Japanese), Mr. C. Tzaut (Swiss), Mr. G. L. Gérard (Belgian), Mr. J. Vaněk (Czech), Mr. A. N. Molenaar (Netherlands), Mr. M. Szydlowski (Polish), Mr. F. Junoy Rabat (Spanish), Mr. S. Camuzzi (Austrian), Mr. A. Knob (Hungarian), Mr. L. Lamuraglia (Argentine), Mr. K. H. Ling (Chinese).

1 Messrs. Jouhaux, Largo Caballero and Mertens cannot be reached at the present time. Under Article 4, paragraph 4, of the Standing Orders of the Governing Body, the Workers' group has appointed the following persons to hold their seats temporarily: Mr. C. Crofts (Australian), Mr. O. Hindahl (Norwegian), Mr. Tom Moore (Canadian).

2 Resigned. Replaced by Mr. C. Schürch (Swiss).

3 When communicating these appointments to the Conference, the Employers' group intimated that "it is understood that in no case will more than eight employers' deputy members, to be chosen from the list of deputy members, sit at the same time".

4 Resigned. Replaced by Mr. Erlandsen (Norwegian).

5 Has since been appointed a regular member.

6 Deceased. Replaced by Mr. Trepka (Polish).

7 Resigned. Replaced by Mr. J. Lecocq (Belgian).
Workers' Deputy Members.

The eight Workers' deputy members are appointed as individuals by the Workers' delegates at the Conference.

In 1937 the Workers' group appointed as deputy members the following persons: Mr. C. Schürch (Swiss), Mr. V. Němček (Czech), Mr. C. Jensen (Danish), Mr. Z. Zulawski (Polish), Mr. C. Crofts (Australian), Mr. B. Krekitch (Yugoslav), Mr. A. Kupers (Netherlands), Mr. P. M. Draper (Canadian).

When communicating these appointments to the Conference, the Workers' group announced that in addition "in order to ensure the presence of eight regular and four deputy members, should replacements be necessary, the Workers' group has nominated eight substitute deputy members: Mr. Chu Hsueh-fan (Chinese), Mr. Cerutti (Argentine), Mr. A. Downes (South African), Mr. O. Hindahl (Norwegian), Mr. P. Krier (Luxembourg), Mr. C. Peyer (Hungarian), Mr. J. Roberts (New Zealand), Mr. V. Lombardo Toledano (Mexican)."

5. Invitation to various international organisations to send representatives to the Conference.

In accordance with established custom, the Acting Secretary-General of the League of Nations was invited to be represented at the 26th Session of the International Labour Conference.

In pursuance of the decision taken by the Governing Body concerning the liaison to be established with various international organisations, the Acting Director invited the organisations concerned to be represented at the 26th Session of the Conference.

A letter of invitation in the following terms was addressed to the chief officers of the United Nations Relief and Rehabilitation Administration, the United Nations Interim Commission on Food and Agriculture, the Pan American Union, and the Pan American Sanitary Bureau:

Montreal, 1 April 1944.

Sir,

I have the honour to convey to you a formal invitation to attend the opening sitting of the 26th Session of the International Labour Conference, which will be held at Mitten Hall, Temple University, Philadelphia, Pa., on 20 April 1944, as the guest of the Conference. It would certainly give great satisfaction to the Conference if you should be able to attend on this occasion.

1 Appointed to be a regular member and replaced as deputy member by Mr. C. Peyer (Hungarian).
2 Deceased. Replaced by Mr. O. Hindahl (Norwegian).
3 Deceased.
4 Has since been appointed a deputy member.
5 Furthermore, the Workers' group of the Governing Body has decided, under Article 4, paragraph 4, of the Standing Orders of the Governing Body, that in case of unforeseen vacancies the seats of the deputy members who cannot be reached shall be filled by the following persons, in the order of naming: Mr. J. Domenech (Argentine), Mr. Chu Hsueh-fan (Chinese), Mr. A. Downes (South African), Mr. P. Krier (Luxembourg), Mr. J. Roberts (New Zealand), Mr. W. Schevenels (Belgian), Mr. J. Rens (Belgian).
The Conference will have before it a proposed resolution concerning the constitutional practice of the International Labour Organisation, one of the objects of which is to make provision for the participation in the proceedings of the Conference of representatives of such other public international organisations as the Conference may think fit to invite to send representatives for this purpose. The Report containing the text of this proposed resolution (Report I, Future Policy, Programme and Status of the International Labour Organisation) has already been communicated to you.

Pending a decision by the Conference in regard to this proposed resolution, I shall be glad to direct the Secretariat of the Conference to give every possible facility to any official representative whom you may care to designate to attend the sittings of the Conference.

I should be much obliged if you would let me know as soon as possible whether you expect to be able to attend the opening sitting and would communicate to me the name of any official representative whom you may wish to designate to attend the sittings of the Conference.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director.

Corresponding messages were addressed through the London Office of the International Labour Office to the Conference of Allied Ministers of Education and to the Inter-governmental Committee on Refugees.

6. Invitation to the Governments of Guatemala, Honduras, Nicaragua, Paraguay and Salvador to send observers to the Conference.

In accordance with decisions taken previously by the Governing Body, the Office addressed to the American States which are not Members of the International Labour Organisation the following invitation to send observers to the 26th Session of the International Labour Conference:

(Translation)

Montreal, 17 March 1944.

Sir,

The 26th Session of the International Labour Conference, convened to meet on 20 April 1944 in Philadelphia, will be the first regular meeting of the Conference since the outbreak of war. The session will be of exceptional interest from every point of view. Its agenda, particulars of which are contained in the attached memorandum, lays upon the Conference the important task of pronouncing upon the principles of social policy which should be incorporated in the peace settlement. In this respect, following on the Conference on Food and Agriculture at Hot Springs in May 1943 and on the Conference of the United Nations Relief and Rehabilitation Administration at Atlantic City in November 1943, it will mark a new and important step forward along the path of post-war reconstruction.

The Standing Orders of the Conference make provision for States which are not Members of the International Labour Organisation to be represented by observers, and the delegates to the Philadelphia Conference would undoubtedly
welcome with special satisfaction the presence of an observer from your Government.

It will be remembered that the Second Labour Conference of the American States which are Members of the International Labour Organisation, which met at Havana from 20 November to 2 December 1939, adopted the attached Resolution expressing the hope that the American States which had ceased to take part in the work of the International Labour Organisation might see their way to returning to it.

Should your Government consider it practicable to respond to this hope, a declaration to this effect by its observer at the Philadelphia Conference would be assured of a favourable reception by all delegations, which would welcome with especial satisfaction the resumption of the active participation of your Government in the International Labour Organisation. At the same time, such action would afford the Organisation the opportunity of strengthening its co-operation with your country.

I should be very glad to know your Government's decision with regard to the suggestions I have put forward in the present letter.

I have the honour to be, etc.,

(Signed) E. J. PHelan,
Acting Director.

APPENDIX

SECOND LABOUR CONFERENCE OF THE AMERICAN STATES WHICH ARE MEMBERS OF THE INTERNATIONAL LABOUR ORGANISATION

(Havana, 21 November-2 December 1939)

Resolution concerning Membership in the International Labour Organisation by Certain American States.

Whereas certain American States have ceased to be active Members of the International Labour Organisation; and

Whereas it is desirable, in order to achieve continental solidarity in the effort to promote social justice by co-operation between Governments, employers, and workers that all the States of the American Continent should be active Members of the Organisation; and

Whereas certain American States which are not at present active Members of the Organisation are represented at the present Conference by observers;

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

1. Expresses its great satisfaction that Costa Rica, Guatemala, and Nicaragua are represented at the present Conference by observers;
2. Requests the Governing Body of the International Labour Office to consider, in consultation with the States concerned, how the resumption of active Membership of the Organisation by all the States of the American continent could best be achieved; and
3. Formulates the earnest hope that all the States of the American continent will be represented by tripartite delegations at the next Labour Conference of American States as Members of the International Labour Organisation.

As a result of this invitation, Nicaragua and Paraguay were represented at the Philadelphia Conference by observers.

7. Invitation to Iceland and the Philippines to send observers to the Conference.

By letters to the Minister for Iceland at Washington, dated 7 April 1944, and to the President of the Commonwealth of the Philippines, dated 8 April 1944, the Acting Director invited the Governments of these two countries to send observers to the 26th Session of the Conference.

The text of these communications which, mutatis mutandis, were identical is given below.

Montreal, 7-8 April 1944.

Sir,

I have the honour to inform you that the 26th Session of the International Labour Conference has been convened to meet at Philadelphia, Pa., opening on 20 April 1944, for the consideration of the agenda indicated in the enclosed memorandum.

This will be the first regular session of the Conference to be held since the beginning of the war and its proceedings will be of exceptional interest and importance. As will be seen from the details given in the accompanying memorandum and from the reports prepared for the consideration of the Conference, of which copies are being sent to you under separate cover, the Conference will be called upon to pronounce upon a number of highly important issues such as the principles of social policy which should be incorporated in the peace settlement, the measures to be taken to regulate the transition from war to peace economy, and the future of international organisation for concerted action on social and economic problems. These problems of post-war reconstruction came under preliminary discussion at a special Conference of the International Labour Organisation held at New York and in the White House, Washington, in October and November 1941, and certain aspects of them were the subject of the United Nations Conference on Food and Agriculture at Hot Springs in May 1943 and the meeting of the Council of the United Nations Relief and Rehabilitation Administration at Atlantic City in November 1943. The decisions of the International Labour Conference at Philadelphia, which will be attended by delegations from between thirty and forty States Members of the International Labour Organisation including not only eminent statesmen and public servants but also leaders of industry and labour, may be expected to exercise an important influence on national and international policies.

The Standing Orders of the Conference include a provision which makes possible the participation in its proceedings of observers representing countries
that are not at the time Members of the Organisation, and every facility is of course accorded to observers so that they may effectively follow the proceedings. There is no doubt that the delegates to the Conference would very warmly welcome the presence among them of an observer representing the Government of your country.

I have the honour, therefore, to invite the attention of the Government of your country to the holding of this session of the International Labour Conference in Philadelphia and to the possibility of participation in its proceedings through an observer.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director, International Labour Office.

As a result of this invitation, Iceland was represented at the Philadelphia Conference by an observer.
Relations of the International Labour Organisation with New International Bodies

1. UNITED NATIONS CONFERENCE ON FOOD AND AGRICULTURE AND CONNECTED BODIES

The United Nations Conference on Food and Agriculture, which met at Hot Springs, Virginia, from 18 May to 3 June 1943, was attended by representatives of 44 Governments and authorities and adopted 33 resolutions concerning the attainment of the goal of freedom from want of food suitable and adequate for the health and strength of all peoples.

The Office took steps to establish suitable liaison between the International Labour Organisation and the Hot Springs Conference and also with the Interim Commission on Food and Agriculture which was set up as a result of the Conference.

The correspondence exchanged on this subject is printed below:

(a) Letter from the Acting Director of the International Labour Office to the United States Government representative on the Governing Body of the International Labour Office.

Montreal, 13 April 1943.

Dear Mr. Goodrich,

I am becoming increasingly concerned over the question of the relation between the I.L.O. and the United Nations Food Conference about which we talked on the occasion of recent meetings. I had understood that it was to deal with questions in a somewhat narrow and very technical way and that those aspects of the world food problem which are of special interest to the International Labour Organisation would not come up for discussion.

Recent references in the press would seem to suggest, however, that the discussions may cover a much wider range, and if this is so the question of liaison between the I.L.O. and the Conference would seem to call for consideration.

I do not need to remind you of the resolution adopted by the New York-Washington Conference on the initiative of the United States delegation, which specifically suggested that the International Labour Organisation should be represented in any peace or reconstruction conference following the war and drew attention to the fact that the Organisation was peculiarly fitted to take a part in the work of reconstruction in such way as to minimise misunderstandings; nor do I need to recall the discussions at the meeting of the Emergency Committee in London last year when, in order to give effect to this principle, effective liaison was established between the I.L.O. and the Leith-Ross Committee.
The members of the Governing Body, and more particularly the workers, will in my judgment expect that the policy laid down at the meetings in New York and London should find almost automatic application in the case of a United Nations Food Conference if such Conference is to deal in any general way with the future organisation of the world’s food supply, a subject which has clearly a direct relation with “the raising of standards of living throughout the world”.

I would therefore venture to suggest that the Government of the United States, which is taking the initiative in convening the United Nations Food Conference, should consider addressing an invitation to the International Labour Organisation to be represented thereat. The I.L.O. might be represented by a tripartite delegation and/or by an expert who might follow the proceedings. This would enable the Governing Body or the Emergency Committee to be fully informed of the decisions taken, and thereby make it possible for the Organisation to use its influence on public opinion to aid in securing their effective implementation. Alternatively, if your Government considers that such an invitation could not be issued without consultation with the other United Nations, I would venture to suggest that the delegation of the United States might raise the question in the Conference itself at its opening meeting.

I may add that in one article dealing with the forthcoming Food Conference which appeared in the Canadian paper Saturday Night of 10 April, detailed reference is made to an exhaustive confidential report prepared in Washington. The article indicates that it is proposed to set up an intergovernmental authority which would deal, inter alia, with “the social problems of farm labour”. If this report has any foundation and if future agricultural production is to be discussed in all its aspects even in a preliminary way, some form of liaison with the I.L.O. would seem to be desirable and indeed essential.

(Signed) E. J. PHelan.

(b) Reply from the United States representative on the Governing Body.

19 July 1943.

My dear Mr. Phelan,

I beg to refer to your letter of April 13 in which, after referring to the interest of the International Labour Organisation in the range of problems to be considered by the United Nations Conference on Food and Agriculture, you wrote as follows:

I would therefore venture to suggest that the Government of the United States, which is taking the initiative in convening the United Nations Food Conference, should consider addressing an invitation to the International Labour Organisation to be represented thereat . . .

This suggestion was referred to the appropriate authorities.

I am instructed to reply on behalf of the United States Government that this proposal was given sympathetic consideration, in view of the great services which the International Labour Organisation has performed in the past and which we expect it to perform in the future, but to express regret that, under the particular circumstances under which the Conference was held, it appeared advisable to confine representation strictly to Governments and national authorities.

On the opening day of the Conference, the Secretary-General sent you the following telegram:
The Executive Committee of the United Nations Conference on Food and Agriculture in view of the study which the International Labour Office has devoted to these subjects has directed me to advise you that the Conference would be glad to receive any pertinent documentation which you may wish to present.

May I take this opportunity to express appreciation of the admirable documentation furnished by the International Labour Office in response to this request?

Conference Resolution XXVII, a copy of which I am enclosing, instructs the permanent organisation provided for by the Conference to collaborate with the I.L.O. in the important question of "Special International Measures for Wider Food Distribution".

Because of the interest of the International Labour Organisation in this and other problems which have aspects that are common to the two organisations, I believe that the I.L.O. could perform a great service in commenting on the results of the Conference from the point of view of their relation to the raising of the standard of living of workers throughout the world and in interpreting these results to the organisations of employers and workers which form so important a part of the structure of the International Labour Organisation.

May I add that it would be entirely appropriate for you to present to the Interim Committee created by the United Nations Conference on Food and Agriculture any proposals you might wish to submit as to the manner in which co-operation should best be established and maintained between the International Labour Organisation and the temporary and permanent organisations in the field of food and agriculture.

(Signed) CARTER GOODRICH

(c) Telegram from the Secretary-General of the United Nations Conference on Food and Agriculture.

Hot Springs, Virginia, 18 May 1943.

Acting Director, I.L.O., Montreal.

The Executive Committee of the United Nations Conference on Food and Agriculture in view of the study which the I.L.O. has devoted to these subjects has directed me to advise you that the Conference would be glad to receive any pertinent documentation which you may wish to present.

WARREN KELCHNER,
Secretary-General.

(d) Reply from the Acting Director of the International Labour Office.

Warren Kelchner,
Secretary-General United Nations Conference on Food and Agriculture, Hot Springs, Virginia.

In accordance with your request shall be glad to present memorandum and documentation for Conference.

E. J. PHELAN,
Acting Director,
International Labour Office.
(e) Interim Commission on Food and Agriculture.

The United Nations Conference on Food and Agriculture adopted a resolution providing for the setting up of a United Nations Interim Commission on Food and Agriculture, the principal functions of which would be to formulate and recommend for consideration by each Member Government or authority:

(a) A specific plan for a permanent organisation in the field of food and agriculture;

(b) A formal declaration or agreement in which each participant should recognise its obligation: (i) to raise the levels of nutrition and standards of living of its own people; (ii) to improve the efficiency of agricultural production and distribution; (iii) to co-operate, so far as might be possible, with other nations for the achievement of these ends; (iv) to undertake to submit periodically to the other participants, through the permanent organisation, reports on the action taken and the progress achieved towards these ends;

(c) Such proposals or reports as should be necessary to give effect to the recommendations of the Conference.

The Office established informal contact with the Interim Commission shortly after it was set up.

On 23 September 1943 the Office received from Sir Girja Bajpai, Chairman of the Constitutional Committee of the Interim Commission, a communication stating that this Committee was examining the question of the constitution and powers of the Permanent Organisation which would in due course replace the Commission, and felt that it would be of the utmost assistance to the Committee in this task if the International Labour Office could place at the disposal of the Committee a senior member of its staff qualified by knowledge and experience to advise the Committee on this subject. On 27 September the Acting Director informed the Chairman of the Constitutional Committee of the Interim Commission that he had nominated the Legal Adviser of the I.L.O. to be available for consultation by the Committee.

The Office subsequently received from the Chairman of Committee “C” of the Interim Commission, which was formulating a programme of preliminary statistical investigation and research into the problems with which the Food and Agriculture Organisation will deal, an invitation to nominate an expert to participate in the work of the Committee. This invitation was accepted and the Chief of the Agricultural Service of the Office was nominated to participate in the work of the Committee.
2. INTER-ALLIED POST-WAR REQUIREMENTS BUREAU

The arrangements made during 1942 to maintain liaison between the International Labour Organisation and the Inter-Allied Post-War Requirements Bureau were indicated in the Note for the information of the members of the Governing Body of 7 November 1942.¹

During the summer of 1943 conversations concerning the possible extension of the collaboration between the I.L.O. and the Inter-Allied Committee took place in London.

On 1 October 1943 the Chairman of the Inter-Allied Committee addressed the following communication to the I.L.O. observer nominated to attend the meetings of the Committee:

London, 1 October 1943.

Dear Robbins,

At its last meeting held on September 23rd, the Committee on Co-ordination of Estimates and Requirements had before it your proposal to extend the collaboration between the International Labour Office and the committees of the Inter-Allied Committee. The main points which emerged from the discussion which took place between you and the Bureau were:

(a) that information regarding subjects of future study by Allied Technical Committees should be indicated to the I.L.O.;
(b) that the London representative of the I.L.O. should be invited to attend meetings of the Co-ordination Committee as observer; and
(c) that if I.L.O. experts were available in London they might be invited to attend meetings of the Allied Technical Committees at the discretion of the Chairmen.

I am glad to be able to inform you that the Co-ordination Committee unanimously adopted these suggestions. When you inform your Acting Director of this decision will you convey to him my satisfaction that this step should have been taken.

The Secretary of the Co-ordination Committee will notify you of the Committee's future meetings and arrange for you to receive its papers. I am informing the Chairmen of the Technical Committees of the proposal made above in subparagraph (c) and the Bureau will get in touch with you to discover what I.L.O. experts are likely to be available in London in the near future.

(Signed) F. W. LEITH-ROSS.

On the same date the Acting Director addressed the following letter to the Chairman of the Inter-Allied Post-War Requirements Committee:

Montreal, 1 October 1943.

Sir,

The International Labour Office has received from Mr. Clifton Robbins, its observer at the Inter-Allied Committee on Post-War Requirements, a copy of the Draft Report to Allied Governments recently adopted by the Committee.

¹ See Official Bulletin, Vol. XXV.
This most valuable report has been read with the greatest interest at the International Labour Office and has suggested a number of observations arising from past decisions of the International Labour Organisation and from studies undertaken by the I.L.O. which I am venturing to draw to your attention and to request you to communicate to the Governments represented on the Committee.

Paragraph 10 of the Report, and the annexed report of the Nutrition Committee, contain findings regarding the food imports required during the period immediately following liberation based on the lowest rate of nutritional needs which the Nutrition Committee consider practicable, viz., an average of 2,000 calories a day. The I.L.O. ventures to suggest that as the operation of industrial undertakings is resumed, a valuable contribution towards the economic utilisation of the available food supplies could be made by the organisation of industrial canteens and by other measures designed to improve the level of nutrition and thus the well-being and efficiency of industrial workers. In considering this matter, members of the Committee may find it helpful to have before them the accounts of British, Canadian and United States action in this field, which have been given in three recent publications of the I.L.O.: Food Control in Great Britain (1943), pages 139-40; Nutrition in Canadian Industry, by Lionel Bradley Pett (1943); and The Nutrition Programme for Industry in the United States, by Robert S. Goodhart (1943). I am therefore having copies of these publications sent to the members of the Committee and shall be glad to supply them with future publications of the Office dealing with this subject.

The Report on Medical Supplies and Services, referred to in paragraph 21, appears to make adequate provision for the emergency period, and will no doubt afford valuable guidance when the time comes, as well the recommendations regarding the control of epidemic diseases and maternity care, hospital equipment and general medical requirements.

In this connection, I venture to put on record the part played in most of the occupied countries by the medical care services of the several social insurance schemes. Those services were and still are directly responsible for organising medical care, including hospital accommodation and pharmaceutical provision for the vast majority of the medically needy population, for wage earners in industry, commerce, agriculture, and their dependants. The exigencies of war and enemy occupation contributed to increase the responsibility of those services and to enlarge, far beyond their original coverage, the groups of the population to be attended to by the social insurance institutions: families of men inducted into the armed forces and the war industries of the enemy; war disabled and civilian victims of bombardments; evacuees and refugees to be cared for by the insurance institutions at the direction of the occupying authorities. In many of the territories which await liberation the regional sickness insurance funds became the main suppliers of medical care and medicines, working hand in hand with the public health authorities in many fields, especially in the prevention of epidemic diseases.

Social insurance institutions are continuing to function more or less normally under the German occupation (with the sole exception of parts of Poland). It should therefore be possible to enlist their aid in the liberated territories for the distribution of medicines and the provision of emergency medical and maternity care. Since the late 'twenties the social insurance institutions of practically all the European countries (except Italy) were on their own initiative affiliated with a special agency of co-operation, “The International Conference of Health Insurance Institutions” (Conférence internationale des sociétés de secours mutuels et d’assurance-maladie), which worked in close contact with the International Labour Office. Many of the administrators and chief medical officers of health insurance funds who used to serve as delegates to the Conference and its technical
committees are still holding their positions and an appeal addressed to them on behalf of the Conference Secretariat (which remains entrusted to the International Labour Office) would probably elicit the most sympathetic response and contribute to securing promptly their effective co-operation. Such co-operation could be of special importance during the emergency period, with a view to securing a better distribution of available supplies and skills and directing them where they are most urgently needed.

Paragraph 22 of the Report, and the annexed memorandum, prepared by the Inland Transport Committee, suggests the creation of an Inland Transport Section of the European Relief Organisation with certain general powers to organise transport for relief purposes in conjunction with the other authorities concerned; this section would be equipped with a general pool of equipment which it could allocate according to the urgency of the need. In this connection, I should like to draw your attention to the desirability of associating the workers organised in the International Transport Workers' Federation with the suggested Inland Transport Section of the Relief Organisation. It should be possible to enlist their aid, and by so doing to make available to this section of the Relief Organisation the technical knowledge, ability and goodwill of millions of European transport workers.

The problem of displaced population, to which reference is made in paragraph 23 of the Report, has been of special concern to the International Labour Office by reason of its relationship to the problems of employment and international migration. The Office has been engaged during the last eighteen months in assembling and analysing all the available data on wartime population movements in Europe. In this task, it obtained the collaboration of an expert on the subject who, in consultation with the Migration Service of the Office, has brought together and analysed all reliable information which it was possible to obtain from European publications, European information centres in the United States, and various other sources. The result of this study has just been published by the Office under the title The Displacement of Population in Europe, and I trust that the members of the special committee set up by the Inter-Allied Committee to study problems relating to population displacement will find this report valuable in supplementing the material already in their possession. Copies of this report have already been supplied to the Inter-Allied Post-War Requirements Bureau. Despite the mass of documentation assembled, the results of the study should, in present circumstances, be considered as provisional only. Their particular value is in showing the wide dimensions and the character of the problems that will have to be met.

I have noted, in paragraph 23 of the Committee's report, that before the committee on the displacement of population began its work, various aspects of the problem had been considered by the Technical Advisory Committees on Nutrition, Medical Supplies and Services, Inland Transport and Agriculture, as well as by the panel of experts on building materials. There are two further aspects of the problem to which I venture to call your attention.

The first is the opportunity to co-ordinate the resettlement of displaced persons with the organisation of employment for them. In many cases, repatriation will be the obvious solution. The vast majority of the people concerned will ask nothing better than to go back to the homes which they were compelled to leave and to leave the "enemy" country in which they have been forced to work under conditions of inferiority. Their services will be necessary for the reconstruction of their countries. The return of skilled workers and farm owners and workers, in particular, will be indispensable in the rebuilding of the economy. It is nevertheless possible, however, that certain countries may be unable to offer immediate employment opportunities to the whole of these expatriated workers and also that other liberated countries will be short of labour. At the same time,
special consideration will be needed to solve the problems of the many workers who had emigrated before the war and who during the war have been transferred to Germany or elsewhere. Several alternative solutions will be possible—repatriation to their countries of origin, return to the countries where they lived before the war, or placement or settlement elsewhere. In deciding which of these solutions would be the most practical, the available employment opportunities may well be the decisive factor. The establishment of close co-operation between the Relief Organisation and the employment services could doubtless render valuable assistance in solving such problems.

Finally, among the displaced populations will be persons who do not wish to be repatriated. It is certainly to be hoped that the persecutions and discriminations which gave rise to the refugee problem will come to an end with the end of the war. Nevertheless, after the suffering endured and the loss of their belongings, many victims of pre-war persecutions will seek an opportunity to leave Europe and to begin a new life elsewhere. The position of these people is different from that of persons whose repatriation must be organised immediately following the liberation of their countries. It should be dealt with in close relation with the problem of persons who though not displaced from their countries during the war, will be anxious, for one reason or another, to emigrate when this is again possible. It was partly as a result of consideration of this problem that the Emergency Committee of the Governing Body of the International Labour Office, at its meeting of April 1942, urged the Office to study the bases on which an international migration organisation could be created. It would appear that an organisation of this kind, if established, could, in consultation with the repatriation organisations, hasten the solution of the problem of the displaced populations and at the same time, by facilitating the resumption of migration, would prevent the rise of fresh and disorderly movements of refugees.

The International Labour Office has taken note with great satisfaction of paragraph 40 of the Committee's report which points out that "it will, moreover, be essential to keep in mind, even throughout the first period of most acute relief needs, the urgent need to provide employment in the industrial areas of the liberated territories as early as possible. For this purpose, not only the A Priority requirements included in the Minimum Imports Programme, but important items in the B Priority requirements should be taken into account as soon as practicable. The Committee regards this as an essential part of any relief action in that, unless effective action is taken on these lines, there will be grave risk of social disorder and civil disturbance." Questions of employment policy have been under continuous review by the International Labour Office throughout the period of the war and it is anticipated that recommendations on the subject may be adopted at the next session of the International Labour Conference, the date of which is at present under discussion. Such recommendations would be complementary in character to the measures for assigning high priority rating to items required for the resumption of industrial production which are contemplated in the Report of the Committee. I shall therefore be happy to keep you informed in due course of the further steps taken by the International Labour Organisation in regard to this matter.

(Signed) E. J. PHelan,
Acting Director.

3. United Nations Relief and Rehabilitation Administration

On 11 June 1943 the Department of State of the United States released for publication the text of a Draft Agreement for a United
Nations Relief and Rehabilitation Administration which had been drawn up in consultation with the British Government, the Soviet Government and the Chinese Government and placed before the Governments of all the United Nations and Nations associated with them in the war.

On 13 July 1943 the Acting Director addressed the following communication to the representative of the Government of the United States on the Governing Body:

Montreal, 13 July 1943.

Dear Mr. Goodrich,

I understand that arrangements are being made to hold in the course of the summer a Conference for the signature of the proposed Agreement for a United Nations Relief and Rehabilitation Administration at present being discussed between Governments, and that shortly after the signature of that Agreement a meeting of the Council of the United Nations Relief and Rehabilitation Administration is likely to be held.

You will, I am confident, agree that the members of the Governing Body will unanimously desire that the International Labour Organisation should give every possible assistance to the proposed United Nations Relief and Rehabilitation Administration in the discharge of the important responsibilities which are to be confided to it, and will be most anxious that appropriate arrangements should be made to this end. The Office is already, at Governor Lehman's request, giving such assistance as is within its power to the Office of Foreign Relief and Rehabilitation Operations of the Department of State in the preparation of plans for the proposed United Nations Administration, but this assistance is not of course a substitute for the co-operation between policy-making authorities which the Governing Body will wish to arrange with the Council of the Relief and Rehabilitation Administration. You will remember that the question of relief and rehabilitation is specifically mentioned in the resolution on post-war emergency and reconstruction measures adopted by the New York Conference and that at the last session of the Emergency Committee of the Governing Body, prior to the formation of the plans for a United Nations Administration, liaison arrangements were made between the Governing Body and the Inter-Allied Post-War Requirements Committee in London.

In these circumstances it would, I think, be appropriate that the Government of the United States should address to the International Labour Organisation an invitation to be represented at the proposed Conference. On behalf of the Governing Body, I therefore have the honour to request that such an invitation should be issued. If the proceedings of the Conference are to be purely formal, it would suffice to convey to it a statement, which I should be happy to communicate to you, of the willingness of the International Labour Organisation to give all possible co-operation to the Relief and Rehabilitation Administration. In that event, I would suggest that the question of relationships between the International Labour Organisation and the Relief and Rehabilitation Administration should be included in the agenda of the first session of the Council of the Administration and that a delegation of the Governing Body should be invited to meet representatives of the Council in the course of that session to discuss methods of co-operation between the two organisations.

(Signed) E. J. PHELAN.

On 25 October the following telegram was sent to all the members of the Governing Body:
Montreal, 25 October 1943.

Understand that agreement for establishment United Nations Relief and Rehabilitation Administration will be signed in Washington on 9 November and that first meeting Council new Administration will be held 10 November. Office proposed on 13 July to Government of United States in its capacity as Government conducting negotiations for establishment Relief Administration that appropriate arrangements should be made for association International Labour Organisation with Relief Administration. Understand that matter will come before meeting of Council Relief Administration. Propose to communicate officially with Director-General Relief Administration immediately on his election offering fullest co-operation I.L.O. and suggesting meeting between delegation Governing Body and representatives of Relief Council. Suggest members of Governing Body should inform Governments of their respective countries with a view to appropriate action at the meeting.

On 4 November 1943 the following reply was received by the Office from the Representative of the United States on the Governing Body:

1 November 1943.

Dear Mr. Phelan,

With respect to the meeting of the Council of the United Nations Relief and Rehabilitation Administration, I am instructed to say that it would, in the opinion of the United States Government, be wholly appropriate and desirable for you to communicate with the Council, once it has been established, offering co-operation on behalf of the International Labour Organisation and making proposals with regard to the relationships between the two bodies. It would seem safe to assume that this matter will be of direct interest to the Council and will receive early consideration by it. It does not appear appropriate for this Government, which will be only one member of the Council, to make any preliminary arrangements for the presence as an observer at the meeting of the Council of a representative of the International Labour Organisation. It might, however, be well for the International Labour Office to be prepared to send such an observer in case the Council should decide to send an invitation to this effect.

(Signed) CARTER GOODRICH,
U.S. Labor Commissioner,

On 9 November 1943 the following telegram was addressed by the Acting Director to the Chairman of the Council of the United Nations Relief and Rehabilitation Administration:

I have the honour to request you to convey to the Council of the United Nations Relief and Rehabilitation Administration the most earnest wishes of the International Labour Organisation for the successful accomplishment by the Administration of the tasks confided to it by the United Nations. The relief of war-stricken peoples, repatriation of prisoners and exiles and resumption of agricultural and industrial production are matters which will be of the utmost urgency immediately on the liberation of occupied territories. On the successful handling of these problems the possibility of achieving the longer range objectives of social
and economic well-being pursued by the International Labour Organisation will largely depend. The International Labour Organisation is accordingly most desirous of assisting the United Nations Relief and Rehabilitation Administration in the discharge of the important responsibilities confided to it in every appropriate way.

On 12 November, following the election of former Governor Herbert H. Lehman by the Council of the United Nations Relief and Rehabilitation Administration as Director-General of the Administration, the following telegram was addressed by the Acting Director to Governor Lehman as Director-General:

Montreal, 12 November 1943.

I have the honour to extend the cordial congratulations of the International Labour Office on your unanimous election as Director-General of the United Nations Relief and Rehabilitation Administration. The I.L.O. attaches the greatest importance to the work with which U.N.R.R.A. has been entrusted and will be glad at any time to give any assistance in its power. The International Labour Office would accordingly welcome the establishment of a close relationship of mutual co-operation with the United Nations Relief and Rehabilitation Administration and I would be glad if you would so inform the Council. I would appreciate an opportunity to attend personally an early sitting of the Council to indicate the nature of the contribution which I believe the I.L.O. could make towards the success of its work and how such collaboration could effectively be instituted. I would also suggest that the desirability of a meeting at an appropriate date between a delegation of the Governing Body of the International Labour Office and representatives of the Council of U.N.R.R.A. should receive consideration.

On 14 November 1943 the Office received from the Chairman of the Council of the United Nations Relief and Rehabilitation Administration the following invitation to be represented by observers at the meeting of the Council:

Under the authority conferred upon me by the Council of the United Nations Relief and Rehabilitation Administration, I have the honour to invite the International Labour Office to participate, by sending two observers, in the first session of the Council of the United Nations Relief and Rehabilitation Administration now being held at Atlantic City. The Council will be pleased to have these observers attend its plenary sessions and such meetings of its committees and subcommittees as may be arranged through the Secretariat with the committees and subcommittees concerned. The Council and its committees and subcommittees will look forward to receiving the benefit of the experience and advice which these observers will be able to offer on behalf of the International Labour Office. It will, of course, be understood that these observers are guests of the Council and its committees and not members.

This invitation was accepted by the Office on the same date in the following terms:

Montreal, 14 November 1943.

I have the honour to thank you for the invitation which you have extended to the International Labour Office on behalf of the Council of the United Nations
Relief and Rehabilitation Administration to participate in the first session of the Council by sending two observers. The International Labour Office will be glad to accept this invitation and to make available to the Council its experience and advice in accordance with your request. Edward J. Phelan, Acting Director, and Osvald Stein, Assistant Director, will attend as observers with Pierre Waelbroeck, Chief of the Employment and Migration Section, and C. Wilfred Jenks, Legal Adviser, as alternates, not more than two of the above attending the Council simultaneously.

The Office received on 18 November 1943 the following reply from the Chairman of the Council to the telegram addressed to the Council by the Office at its opening meeting:

13 November 1943.

My dear Mr. Phelan,

On behalf of the Council of the United Nations Relief and Rehabilitation Administration, I take pleasure in acknowledging the receipt of your telegram of November 9 extending the greetings and offer of co-operation of the International Labour Organisation upon the inauguration of this new international undertaking. Your cordial message was read to the Members of the Council and their staffs and guests at the Plenary Meeting held on November 11 and has been incorporated in the minutes of the Meeting.

The Council of U.N.R.R.A. deeply appreciates the friendly offer of assistance and will be most happy to co-operate with the I.L.O. in matters of mutual interest and concern.

(Signed) DEAN ACHESON,
Chairman of the Council of U.N.R.R.A.

During the discussions of the Committee of the Council which dealt with the relations of the United Nations Relief and Rehabilitation Administration with other international bodies, the Acting Director urged the desirability of a meeting at an appropriate time between representatives of the Governing Body and representatives of the United Nations Relief and Rehabilitation Administration Council. This suggestion was recorded in the minutes of the meeting.

The Council subsequently adopted the following resolution submitted by its competent committee concerning future relations between the United Nations Relief and Rehabilitation Administration and other international bodies, including the International Labour Organisation:

**Resolution No. 5**

A Resolution relating to the relations of the Administration with intergovernmental agencies other than those established to deal with supplies, shipping and related questions

Resolved:

1. That the Council reaffirms the principle of co-operation between the Administration and other intergovernmental agencies as set forth in the
Report of the Temporary Committee on Admission of Observers adopted by the Council on November 12, 1943.

2. That the Council invite representatives of the League of Nations Technical Organisations, the International Labour Organisation, the Intergovernmental Committee on Refugees and the United Nations Interim Commission on Food and Agriculture (or representatives of the Permanent Organisation for Food and Agriculture now represented by the Interim Commission), to attend as observers and to participate in the meetings of the Council, its committees, and subcommittees, and in the meetings of regional committees and technical standing committees, in accordance with appropriate provisions in the Permanent Rules of Procedure.

3. That the Director-General avail himself of the organisations mentioned in paragraph 2 above as the nature of the work and other circumstances make appropriate.

4. That the Director-General, in pursuance of the principle set forth in paragraph 1 above, co-operate to such a degree and to such extent as he may deem desirable in the interests of the Administration with all other intergovernmental agencies whose operations and specialised services may be of value to the Administration, including the sending of his representatives as observers to the meetings of other intergovernmental agencies, as well as those mentioned in paragraph 2 above.

The provisions of the Permanent Rules of Procedure referred to in the above resolution are in the following terms:

**Rules of Procedure of the Council**

**ARTICLE VII. ATTENDANCE OF OBSERVERS**

1. The Council and the Central Committee may invite observers, or may invite public international organisations, non-member Governments or authorities, relief and welfare agencies or others to send observers, to attend all or any of their meetings or parts thereof, or to participate in such meetings or parts thereof, without vote, under such conditions as the Council or the Central Committee, respectively, shall determine. All such invitations shall be transmitted by the Director-General.

**Rules of Standing Committees of the Council**

**ARTICLE II. MEETINGS OF STANDING COMMITTEES OF THE COUNCIL**

3. The meetings of each standing committee shall be private unless the committee shall decide by a two thirds vote of the members present that any meeting shall be public. Any standing committee may invite observers, or may invite other public international organisations, non-member Governments or authorities, relief and welfare agencies or others to send observers, to attend all or any of its meetings or parts thereof, or to participate in such meetings or parts thereof, without vote, under such conditions as the committee shall determine.

The representatives of the Office at the meeting of the Council co-operated in the work of a number of the committees of the Council, particularly those relating to displaced persons, industrial rehabilitation, welfare and personnel policies.
The Office also made available for distribution to the Council copies of *The Displacement of Population in Europe* and of *The Health of Children in Occupied Europe* and specially prepared memoranda on *Immediate Re-employment Policies in Liberated Territories* and *The Role of Social Insurance in the Distribution of Relief*.

4. **ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY**

On 30 August 1943 the Office addressed a communication concerning changes in social legislation being introduced in Sicily by the Allied Military Government of Occupied Territory to the Governments of the United Kingdom and the United States as the Governments jointly responsible for the organisation of the Allied Military Government. A copy of this communication was also addressed to the Canadian Government in view of Canadian participation in the military operations in Sicily.

The communication addressed to the Government of the United Kingdom was in the following terms:

Montreal, 30 August 1943.

Sir,

According to recent press reports, the accuracy of which I am not in a position to verify, the legislative reforms at present being introduced in Sicily by the Allied Military Government of Occupied Territory include certain changes in the social legislation hitherto in force there.

The International Labour Office is anxious to have accurate information regarding these measures, both in order to enable it to answer satisfactorily any enquiries on the subject which it may receive from other Governments or from employers' and workers' organisations, and in order to enable it to give adequate attention to these measures in its standard publications, more particularly in the *Legislative Series* and the *International Labour Review*. I would therefore appreciate it if you would be so good as to request the Allied Military Government of Occupied Territory to communicate to the International Labour Office copies of all legislative measures of a social or economic character as rapidly as possible after their promulgation. If these texts are published systematically in some periodical official publication, it will of course suffice to arrange for the regular despatch of such publication to the International Labour Office.

I venture to presume that in considering modifications in the social legislation in force in Sicily to be introduced by the Allied Military Government of Occupied Territory, His Majesty's Government have taken fully into account the fact that Italy is a party to twenty-one international labour Conventions which define international standards of social legislation binding upon all the States which have ratified them. Some of these Conventions have been ratified by a substantial number of other States, including the United Kingdom. A list of the Conventions in question, and of the States which have ratified each of them, is enclosed herewith for your convenience. In the opinion of the International Labour Office the obligations accepted by Italy by the ratification of these Conventions continue to subsist. I do not doubt that this view is shared by His Majesty's Government and that the provisions of the Conventions ratified by Italy will be scrupulously
respected when modifying the social legislation in force in Sicily, but I would welcome any assurance on the subject which you may be able to communicate to me, for transmission to the Governing Body of the International Labour Office, that appropriate instructions covering this matter have been received by the Allied Military Government of Occupied Territory.

Consideration is no doubt also being given by the Allied Military Government of Occupied Territory to matters not dealt with in the Conventions ratified by Italy which form the subject of other Conventions or Recommendations adopted by the International Labour Conference. It would appear to be clearly desirable that regulations introduced by the Allied Military Government of Occupied Territory should be based to the greatest possible extent on principles which have secured widespread acceptance in official international conferences and in the legislation of a substantial number of States rather than upon precedents drawn from the experience of any one State or group of States. The standards laid down in the Conventions and Recommendations adopted by the International Labour Conference have been approved, after the most thorough and prolonged investigation and discussion, by a world industrial parliament representative of Governments, employers and workers, and during two decades they have been one of the most formative influences upon the development of social legislation in many countries. They are therefore uniquely fitted to serve as the basis for any new regulations relating to the matters covered by them which may be introduced in Sicily during the period of occupation. I therefore venture to suggest that the existence of those standards, and their uniquely authoritative character, should be drawn to the attention of the Allied Military Government of Occupied Territory.

The standards of legislation and policy framed by the International Labour Organisation are conveniently available in the volume entitled The International Labour Code, copies of which have already been supplied to His Majesty's Government. Further copies of this publication can be supplied if so desired.

If the International Labour Office can be of any assistance in connection with the preparation of measures based on decisions of the International Labour Conference, it will be happy to give the fullest co-operation in the matter.

I am addressing a similar communication to the Government of the United States of America and am informing the Canadian Government that I have communicated with the British Government and the Government of the United States on the subject.

(Signed) E. J. PHELAN,
Acting Director.

5. PROPOSED AGENCY FOR THE INTERNATIONAL REGULATION OF EXCHANGE RATES

On 22 June 1943 the British Government communicated to the Office for information a report presented by the Chancellor of the Exchequer to Parliament relating to proposals for an International Clearing Union.

On 19 July 1943 the representative of the United States on the Governing Body communicated to the Office, on behalf of the Secretary of the Treasury of the United States, copies of the proposal for a United and Associated Nations Stabilisation Fund prepared by United States experts.
On 28 August 1943 the Under-Secretary of State for External Affairs of Canada communicated to the Office a copy of the "Tentative Draft Proposals of Canadian Experts for an International Exchange Union" and intimated that he would be glad to receive any comments which the Office might care to offer on the plans for an International Exchange Union developed by Canadian Experts.

On 12 August 1943 the Office addressed the following letter to the British Government suggesting that the international plan adopted as the outcome of the present discussions should explicitly place upon the body established to deal with the question of exchange stabilisation a specific obligation to have regard, when taking currency decisions, to their effect on standards of living and employment.

Montreal, 12 August 1943.

Sir,

I have to thank you for your letter I.L. 119/43 of 22 June 1943 forwarding for information a copy of a report presented by the Chancellor of the Exchequer to Parliament in April 1943 relating to Proposals for an International Clearing Union. The Office has also received for information from the Government of the United States a copy of the United States proposal for a United and Associated Nations Stabilisation Fund.

I understand that these proposals are designed as a step towards the implementation of the general principles outlined in the Atlantic Charter and the Lend-Lease Agreements and am certain that the members of the Governing Body of the International Labour Office will take cognisance of them with the greatest interest.

The resolutions concerning economic policy which have been adopted by the International Labour Conference on a number of occasions, and more particularly the resolution addressed by the Conference to the Monetary and Economic Conference of 1933, stress the importance of the restoration of stable monetary conditions as the indispensable foundation of all measures designed to assure to the worker a minimum of security and to enable him to reach a reasonable standard of living. These resolutions have consistently emphasised the importance of directing currency policy towards increasing the purchasing power of the community and the development of adequate standards of life.

In view of the consistent attitude which the International Labour Conference has taken towards this subject, I venture to take this opportunity of expressing the hope that during the currency discussions which are in progress the fullest consideration is being given to the social repercussions which the working of any arrangements for exchange stabilisation must necessarily have. It would appear to be highly desirable that the international plan adopted as the outcome of these discussions should explicitly place upon the body established to deal with the question of exchange stabilisation a specific obligation to have regard, when taking currency decisions, to their effect on standards of living and employment. I would appreciate it if you would transmit the suggestion for consideration to the appropriate authorities of His Majesty's Government and inform them that I am making the same suggestion to the Government of the United States and to His Majesty's Government in Canada.

General confidence in the machinery for international exchange stabilisation will clearly be an indispensable condition of the successful attainment of the objectives of the currency plan. The degree of confidence which the machinery
established will secure from the organisations of employers and workers represented in the International Labour Organisation will inevitably be determined by the degree in which they are convinced that the repercussions of currency decisions upon the expansion of industry and employment and upon standards of living are accorded due weight by the authorities responsible for international exchange stabilisation, and I venture to think that the inclusion in the plan of some such provision as I have suggested would contribute to securing this result.

You may be interested to know that the International Labour Office has recently published in the *International Labour Review* an analysis of this and other current proposals for exchange stabilisation which is designed to contribute to a wider understanding of these proposals, especially on the part of the employers' and workers' organisations represented in the International Labour Organisation. I have pleasure in enclosing herewith a copy of this analysis for your information.

If at any stage in the exploration of the possible repercussions of the proposed stabilisation arrangements it should appear that the International Labour Office might be able to render any assistance, it will be very glad to do so.

I have the honour to be, etc.,

(Signed) E. J. PHelan.

Corresponding letters were also despatched to the Government of the United States and to the Canadian Government.

On 5 April 1944 the Office addressed the following further communication on the subject to the United States Secretary of Labor and addressed similar communications to the British and Canadian Governments:

Montreal, 5 April 1944.

Madam,

I have the honour to refer further to my letter of 18 August 1943 relating to the proposals for the international regulation of exchange rates which you communicated to me on behalf of the Secretary of the Treasury.

The International Labour Office has recently been giving consideration to some of the problems involved in the administration of the financial arrangements of international institutions and in the light of the survey which the Office has made of the problems which are likely to confront the International Labour Organisation and which will no doubt also be of concern to other public international organisations as they are created, I venture to draw the following suggestion to your attention and to request you to transmit it to the appropriate authorities of the Government of the United States.

It would be a substantial convenience to the International Labour Organisation if the Organisation could maintain with any international Stabilisation Fund or Clearing or Exchange Union which may be established some appropriate type of account into which Governments could, if desired, make payments due by them to the Organisation, and if the Organisation could, subject to any necessary conditions or understandings, use the machinery of the Fund or Union for the purpose of converting funds held on its behalf from one currency into another, in order to enable it to make, in the different countries in which its operations are conducted, the disbursements necessary for the effective discharge of the responsibilities entrusted to it. Some of the language used in the published proposals,

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and more particularly paragraph 16 of Part V of the United States preliminary
draft outline of a proposal of 10 July 1943, would appear to preclude this possi-
bility, but it would seem reasonable to assume that this language was selected
without giving special consideration to the position of public international organi-
sations which, by reason of their public and international character, are not
subject to the jurisdiction of any one Government and ought therefore, I venture
to submit, to be afforded appropriate facilities for dealing directly with bodies
such as the proposed Stabilisation Fund or Clearing or Exchange Union without
having to request some one Government to act as an intermediary on their behalf
as a matter of courtesy.

During the inter-war period arrangements were made by the International
Labour Organisation with the Bank for International Settlements, which nor-
mally dealt only with central banks or Governments, for the handling of certain
accounts by the Bank on behalf of the International Labour Organisation. The
principle underlying these arrangements of extending to public international
organisations certain of the facilities afforded to Governments and central banks
by international financial institutions would appear to be equally applicable in
the case of the proposed Stabilisation Fund or Clearing or Exchange Union.

So far as the International Labour Office is in a position to judge, this sug-
gestion would not appear to be inconsistent with any of the essential principles
on which the plans now under discussion are based or to involve the attribution
to the suggested machinery of functions which could be in any way prejudicial to
the proper discharge of its primary responsibilities. I therefore venture to request
that the matter should receive thorough consideration during the further exami-
nation of the proposals for the international regulation of exchange rates. If the
International Labour Office can be of any assistance at any stage in the further
examination of this proposal, or of any modalities or conditions concerning its
practical application, it will be glad to give the fullest cooperation in the matter.

I am addressing letters in terms equivalent to those of the present communication
to the British and Canadian Governments which have also communicated to
the International Labour Office the proposals for the international regulation of
exchange rates prepared by their experts.

I have the honour to be, etc.,

(Signed) E. J. PHelan,
Acting Director.

6. PROPOSED BANK FOR RECONSTRUCTION AND DEVELOPMENT

As a result of the communication by the United States Government of the Guiding Principles for a United Nations Bank for
Reconstruction and Development prepared by the experts of the United States Treasury, the Acting Director sent the following
communication to the United States Secretary of Labor on 5
February 1944:

Montreal, 5 February 1944.

Madam,

I have the honour to acknowledge the receipt of the “Preliminary Draft Out-
line of a Proposal for a Bank for Reconstruction and Development of the United
and Associated Nations” which the Secretary of the Treasury sent to you for the
use of the International Labour Office and which you were good enough to have
transmitted to me by the representative of the United States Government on the Governing Body. I should be obliged if you would inform the Secretary of the Treasury that the International Labour Office much appreciates his action in thus making available to it the document in question.

The Governing Body will, I am confident, examine the proposals contained in the Draft Outline with keen interest and will warmly welcome the action of the United States Government in initiating international consideration of proposals designed to ensure the revival of the international capital movements necessary to promote economic development and higher living standards throughout the world. In view of the close concern of the International Labour Organisation with all proposals which have a bearing on the attainment of full employment and higher living standards, I am venturing to communicate to you herewith a Memorandum containing certain observations on the Proposal for a Bank for Reconstruction and Development which may be of interest in connection with such further consideration as the proposal may receive.

I should appreciate it if you would be so good as to keep the International Labour Office informed of further developments as they occur, and if at any stage it should appear that the International Labour Office might be able to render assistance, the Office will be very glad to do so.

I have the honour to be, etc.,

(Signed) EDWARD J. PHELAN,
Acting Director.

The memorandum enclosed with the letter was as follows:

PRELIMINARY DRAFT OUTLINE OF A PROPOSAL FOR A BANK FOR RECONSTRUCTION AND DEVELOPMENT OF THE UNITED AND ASSOCIATED NATIONS

Memorandum by the International Labour Office

The Proposal for a Bank for Reconstruction and Development, like the proposals concerning exchange stabilisation communicated earlier to the International Labour Office, looks to the creation of an international agency designed to help attain and maintain worldwide prosperity after the war. Its general purpose thus coincides closely with the central objectives of the International Labour Organisation, which has been concerned since its inception with the promotion of international collaboration to raise living standards and to prevent unemployment by developing productive resources and by eliminating recurring economic crises. This concern has found expression in Recommendations and resolutions adopted on a number of occasions by the International Labour Conference, in the establishment of the International Public Works Committee and other special organs, in numerous publications and in studies now under way. In a general resolution on post-war emergency and reconstruction measures, the Conference of the International Labour Organisation held in New York and Washington in 1941 made special reference to the need for international collaboration for the reconstruction of devastated countries, for the provision and transportation of raw materials and capital equipment necessary for the restoration of economic activity and for the re-opening of trade outlets, and stressed the desirability of associating the International Labour Organisation with the planning and application of measures of reconstruction.

The general character of the benefits to be derived from the operations of the proposed Bank is implied by the terms of the Preamble and statement of pur-
poses in the Draft Outline. It is noted, however, that the Outline makes no mention of higher living standards or full employment as being among the objects to be promoted by the operations of the Bank. While readers familiar with economic terms will recognise that those objects are implied in the references to development, the raising of productivity and the promotion of a balanced growth of international trade, it may be suggested that the inclusion of specific references to higher living standards and full employment would contribute to a wider understanding of the results which might be achieved and to securing a greater measure of enlightened public support for the Proposal.

The extent to which the benefits referred to will be promoted by the operations of the proposed Bank will depend in considerable measure on the extent to which these operations result in an increase in the volume of international lending for reconstruction and development over what it would otherwise be; and the amount of such increase will presumably depend on the extent to which the Bank is willing to underwrite or to assume directly risks which private lenders are not prepared to bear unaided. Particular interest therefore attaches to the provisions in the Draft Outline to the effect that the Bank is to provide capital for reconstruction and development when such capital cannot be obtained from private financial agencies on reasonable terms and that loans guaranteed, participated in or made by the Bank are to be at reasonable rates of interest with a schedule of repayment appropriate to the character of the project and the balance of payments prospects of the country of the borrower. The Bank is thus given powers of discretion which should enable it to contribute effectively to sound development, not only in those countries which from the point of view of the private lender constitute good risks, but also in those countries which by reason of poverty or the uncertainty of their balance of payments have at once the greatest need of capital and the greatest difficulty in securing it.

Among the references in the Draft Outline to the objective of raising productivity is the requirement in Article 1 (c) of Part IV that the competent committee should have concluded that "the loan would serve directly or indirectly to raise the productivity of the borrowing country". In many of the countries in which the operations of the Bank are likely to prove most valuable productivity can undoubtedly be raised, not only directly by the provision of capital equipment, but also indirectly by measures calculated to improve the health, welfare and technical skill of the working population. It might accordingly be made a condition that loans guaranteed, participated in or made by the Bank should require that the terms of contracts for development works financed by such loans should contain such provisions regarding the training, remuneration, conditions of employment, health, nutrition and housing of the labour employed as experience and expert advice obtained from the most authoritative sources might indicate to be appropriate. Provisions of this type have been found to contribute to the efficient conduct of certain wartime development works; and it has long been the practice in many countries to require the observance of fair wages and conditions of employment on all works carried out by or on the responsibility of public authorities. Consideration might also be given to the advantage of the inclusion in the Constitution of the proposed Bank of a requirement of this kind which, like the references already suggested as regards living standards and full employment, would, it is believed, prove valuable in obtaining a wider understanding of the Proposal and greater support for it.

Finally, in view of the close relation between the sound economic development which it is the purpose of the proposed Bank to promote through international investment and the social objectives of the International Labour Organisation, close contact and co-operation between the Organisation and the Bank would seem to be desirable. Consideration might therefore be given at an appro-
appropriate stage to the advisability of making provision for such contact and cooperation in the manner judged most effective, and most likely to be of practical value.

7. Conference of Ministers of Education of Allied Governments

At its 91st Session the Governing Body was informed by the representative of the British Government that the Office might expect to receive an invitation to be represented by an observer at the meetings of the Conference of Allied Ministers of Education.

The passage in the minutes of the Second Sitting of the 91st Session relating to the observations of the British Government representative is as follows:

Sir Frederick Leggett . . . said that he had in his possession a letter from the President of the Board of Education of Great Britain, suggesting that the International Labour Organisation should be represented at the conferences of the Ministers of Education of Allied Governments in London, to which reference was made in the document submitted to the Governing Body by the Office. This suggestion was put to the Conference, and the following reply was received:

"The Conference welcomed this suggestion and agreed that a representative of the International Labour Office should be invited to attend meetings of the Conference as an observer. In this capacity he will receive all the Conference papers. This, I think, will be quite satisfactory as a beginning, and we hope that as time goes on closer links between the two organisations may be formed."

The Conference also raised the question of reciprocity in its relations with the I.L.O., and he intended to discuss this subject with the Acting Director.

The Office subsequently received the following communication from the Secretariat of the Conference of Allied Ministers of Education:

London, 16 March 1944.

Dear Sir,

I am directed to refer to correspondence between the Minister of Labour and the President of the Board of Education on the subject of the association of the Conference of Allied Ministers of Education with the International Labour Organisation. The Conference decided that the I.L.O. should be invited to nominate an observer who would attend meetings of the Conference and receive the papers. The Conference raised the question of reciprocal arrangements by which they for their part might be made acquainted with the proceedings of the International Labour Office so far as such proceedings might be of concern to them. I am to suggest that the question of establishing such reciprocal relations might conveniently be deferred until the I.L.O. have nominated an observer to the Conference with whom the question can be discussed. I am to ask therefore that the Conference may be informed of the name and address of the observer from the International Labour Office so that the current papers of the Conference can be sent to him together with an invitation to attend the next meeting.

Yours very truly,

(Signed) N. B. PARKINSON.
The Acting Director sent the following reply to this communication:

Montreal, 29 March 1944.

Sir,

I have the honour to thank you for your communication of 16 March stating that the Conference of Allied Ministers of Education has invited the International Labour Office to nominate an observer who would attend meetings of the Conference and receive its papers. It is a great pleasure to accept this invitation.

Your communication will be drawn to the attention of the Governing Body of the International Labour Office which will certainly wish me to request you to convey to the Conference of Allied Ministers its appreciation of the arrangements proposed by the Conference.

The representative of the International Labour Office attending meetings of the Conference of Allied Ministers will be in a position to make a more useful contribution to the proceedings of the Conference if it is possible for him to seek any necessary information or instructions from the Office in the light of the papers to be considered by successive meetings of the Conference, and it would therefore be a great convenience if the agenda for each meeting and any relevant papers could be communicated to the London Office of the International Labour Office for this purpose as much in advance of the date of each meeting as circumstances allow. While it is hoped that it may be possible to make arrangements for the attendance at meetings at which matters in respect of which the International Labour Organisation may be in a position to make a substantial contribution to the proceedings are under consideration of a representative specially qualified to discuss the questions on the agenda of the meeting, Mr. Clifton Robbins, Acting Director of the London Office of the International Labour Office, will act as permanent liaison officer with the Secretariat of the Conference and will normally attend meetings of the Conference as observer for the Office.

I have duly noted that the Conference of Allied Ministers of Education have raised the question of reciprocal arrangements by which they for their part might be made acquainted with the proceedings of the International Labour Organisation in so far as such proceedings might be of concern to them, and that you are to suggest that the question of establishing such reciprocal relations might conveniently be deferred until the International Labour Office has nominated an observer to the Conference with whom the question can be discussed. The 26th Session of the International Labour Conference is due to meet at Philadelphia on 20 April 1944 and the question of the facilities to be granted by the International Labour Organisation to other public international organisations to participate in I.L.O. meetings is one of the matters to be considered in the course of the session. The Secretary-General of the League of Nations, the Director-General of the United Nations Relief and Rehabilitation Administration and the Chairman of the United Nations Interim Commission on Food and Agriculture have been invited to attend the opening session of the Philadelphia Conference, the question of their participation in the further proceedings of the Conference being a matter for decision by the Conference itself. I should be happy to extend a similar invitation to the President of the Conference of Allied Ministers of Education if he would care to attend in person or to designate a representative to attend on his behalf.

The reports which are being submitted to the Philadelphia Conference are already being communicated to you as they appear and it is proposed to continue this practice. I venture to draw your special attention to Report I on the Future Policy, Programme and Status of the International Labour Organisation which contains, notably at pp. 22-46 and 123-124 of the English edition, certain pro-
posals in regard to future co-operation between the International Labour Organisation and other international bodies. You will observe that the proposals being laid before the International Labour Conference contemplate that in appropriate cases joint committees may be established to assure effective co-operation between the International Labour Organisation and other bodies.

The Conference of Allied Ministers of Education may also be particularly interested in the proposals in regard to vocational guidance, training and re-training programmes, and the employment of young workers, contained at pp. 150-156 of the English edition of Report III, in the proposals concerning survivors' benefit and social assistance for children contained at pp. 44-54 of the English edition of Report IV (1), and in the provisions concerning the employment of children and young persons in dependent territories contained at pp. 80-84 of the English edition of Report V.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director.

On 10 April 1944 the Acting Director received the following reply to the above communication from the Secretariat of the Conference of Allied Ministers of Education:

Mr. R. A. Butler, Chairman Conference Allied Ministers of Education, greatly appreciates invitation and would have himself liked to renew contact with I.L.O. Regrets impossible to send representative at this short notice to Philadelphia meeting April 20th but hopes it will be possible to establish close reciprocal arrangements between Conference and I.L.O. as a result of meeting.

(Signed) PARKINSON.
Relations of the International Labour Organisation with the Permanent Court of International Justice

On 13 April 1944 the Acting Director sent the following communication to the Governments of States Members of the Organisation concerning the situation of the International Labour Organisation in post-war international judicial arrangements:

Montreal, 13 April 1944.

Sir,

I have the honour to draw your attention on behalf of the Governing Body of the International Labour Office to certain considerations relating to the jurisdiction vested in the Permanent Court of International Justice by the Constitution of the International Labour Organisation, and to request that these considerations should be borne in mind by the Governments of the Members of the Organisation when making plans and taking decisions in regard to the future of international judicial arrangements.

At the present time it appears to be uncertain whether the historical continuity of the Permanent Court of International Justice will be maintained after the war or whether some new international court will be created. In view of this situation I am to draw your attention to the importance which the Governing Body of the International Labour Office attaches to the maintenance of arrangements at least equivalent to the provisions of the Statute of the Permanent Court, as at present in force, which give the International Labour Office the right of furnishing the Court with all relevant information in labour cases and which permit international organisations, including the international organisations of employers and of trade unions which play so important a role in the International Labour Organisation, to submit written and oral statements to the Court. Experience has demonstrated that these arrangements have been of great practical value in facilitating the exercise by the Court of the jurisdiction entrusted to it by the Constitution of the International Labour Organisation and making possible for the Court to play a major role in the development of the constitutional law of the Organisation with the full confidence and support of all elements in the Organisation.

The Governing Body has authorised me to suggest for your consideration the desirability of one major change in the present arrangements. The Statute of the Permanent Court, as at present in force, does not give the Governing Body or the International Labour Conference any right of direct access to the Court to secure an advisory opinion, the right to request such opinions being reserved to the Council and Assembly of the League of Nations. It has frequently been suggested that it would be desirable that the International Labour Organisation should be entitled to submit directly to the Court requests for advisory opinions concerning questions involving the interpretation of the Constitution of the Organisation, of international labour Conventions, or of other instruments
adopted under the auspices of the Organisation. The arrangements in regard to
the reference of questions to the Court for its advisory opinion now seem likely
to be reconsidered, and such reconsideration would appear to afford an appro-
priate opportunity for granting the International Labour Organisation the right
direct access to the Court. I am therefore to request that your Government
should give favourable consideration to this possibility.

Subject to the foregoing observations, the continued exercise of the jurisdic-
tion entrusted to the Permanent Court by the Constitution of the Inter-
national Labour Organisation will, if the historical continuity of the Court is
maintained, present no special difficulty. If, on the other hand, a new inter-
national court should be created in substitution for the Permanent Court of
International Justice, questions will arise in regard to the manner in which the
jurisdiction entrusted to the Permanent Court of International Justice by the
Constitution of the Organisation is to be transferred to the new court and the
International Labour Organisation would therefore wish to be associated with
the consideration of any measures which might be proposed for the transfer to
the new court of the jurisdiction vested in the Permanent Court by existing
instruments.

I venture to enclose herewith a memorandum mentioning certain further
questions in regard to the jurisdiction and procedure of the Court in relation to
matters of interest to the International Labour Organisation which, though of a
less urgent character, might also usefully receive consideration during the exami-
nation of future international judicial arrangements if an appropriate oppor-
tunity should occur.

It is appreciated that in regard to all these questions the relationship of the
International Labour Organisation to future international judicial arrangements
must necessarily be considered as a part of a more general problem, and I am
therefore to suggest that this result could most conveniently be achieved by asso-
ciating the International Labour Organisation in an appropriate manner with
the consideration of such arrangements. In this connection the Governing Body
has authorised me to inform you that the International Labour Office will be
glad to give the fullest co-operation at any stage in the consideration of these
questions at which it may be able to be of any assistance.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director.

MEMORANDUM

In addition to the questions raised in the letter to which this memorandum is
annexed, the following points might usefully receive consideration during the
examination of future international judicial arrangements if an appropriate
opportunity should occur.

One of the purposes of international labour Conventions is to secure a measure
of uniformity in the social legislation of different countries. In many cases, the
provisions of the Conventions are designed to be incorporated (either textually or
more frequently in substance) in the municipal law of the countries which are
parties to them. Municipal courts are accordingly called upon from time to time
to determine questions involving the interpretation of the provisions of inter-
national labour Conventions. If the decisions of such courts are based on diver-
gent principles, as in a few cases they already are, the measure of uniformity
achieved by international Conventions will be progressively destroyed as judicial
interpretation in different countries proceeds on different lines. It is therefore
important that there should be arrangements of a practically satisfactory char-
acter which make it possible to avoid such divergencies, or eliminate them as they occur without undue delay, by recourse to an international tribunal for an authoritative decision. Under the Statute of the Permanent Court of International Justice as at present in force there are only two methods by which such matters can be brought before the Court: the institution by one State of contentious proceedings in which another State is named as defendant and a request for the advisory opinion of the Court on behalf of the Council or Assembly of the League of Nations. Neither of these procedures is entirely appropriate for the purpose in view. The disadvantages of the existence of divergent views regarding the interpretation of an international labour Convention are unlikely to be regarded by those responsible for the foreign policy of a State as a sufficient reason for accepting the political responsibility involved in the institution of contentious proceedings by one State against another State. Nor is the advisory procedure an altogether satisfactory substitute in such cases. There would therefore appear to be substantial advantages in a procedure whereby a municipal court called upon to give a decision involving the interpretation of an international labour Convention could submit the international questions at issue for decision to the Permanent Court or any new court which may be established, the International Labour Office and the parties to the Convention being entitled to participate in the proceedings in accordance with established practice. Since the Permanent Court has compulsory jurisdiction to determine questions relating to the interpretation of international labour Conventions in virtue of Article 37 of the Constitution of the Organisation, the acceptance of the suggested procedure would not involve extending the principle of compulsory jurisdiction to matters which in the absence of such a procedure could be referred to an international tribunal for decision only by special agreement between the States concerned.

Article 34 of the Statute of the Permanent Court as at present in force provides that "Only States or Members of the League of Nations can be parties in cases before the Court". In view of the tendency to create a number of public international organisations with specialised functional responsibilities enjoying varying degrees of independence and likely to enter into agreements with each other analogous to treaties between States, it would seem desirable that the Permanent Court or any new court which may be established should be empowered to assume jurisdiction of any dispute between two or more such organisations which the parties thereto may refer to it or in respect of which it may be granted jurisdiction by treaties or Conventions binding upon the organisations concerned. The effect of such a provision would be to give the Permanent Court or its successor a jurisdiction in disputes between public international organisations equivalent to the jurisdiction in disputes between States conferred by the first paragraph of Article 36 of the Statute of the Permanent Court as at present in force.

Article 62 of the Statute of the Permanent Court as at present in force provides that "Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party" and that "It will be for the Court to decide upon this request". It would seem appropriate that there should be some similar provision permitting the participation in proceedings before the Court, or any new court which may be established, of a public international organisation having an interest of a legal nature in matters arising for decision. Such participation need not necessarily take the technical form of intervention as a third party. In like manner, where a public international organisation has rights or obligations under an instrument the construction of which is in question, it would seem desirable that it should be entitled to participate in the proceedings as of right on the analogy of Article 63 of the Statute as at present in force.
92nd Session of the Governing Body of the International Labour Office

The Governing Body of the International Labour Office held its 92nd Session at Temple University, Philadelphia, from Saturday 22 April to Thursday 4 May 1944, under the chairmanship of Mr. Carter Goodrich.

The agenda of the session was as follows:

1. Approval of minutes of the 91st Session.
4. Proposals concerning Industrial Committees.
5. Relations of the International Labour Organisation with new international bodies.
6. Proposed meeting of the Correspondence Committee on Accident Prevention.
7. Arrangements for the next ordinary session of the International Labour Conference.
8. Date and place of the 93rd Session.

The Governing Body was composed as follows:

Government group:

United States of America: Mr. Carter Goodrich, Chairman
Belgium: Mr. P. van Zeeland
Brazil: Mr. L. Fontes
Canada: Mr. V. Macdonald
Chile: Mr. M. Bustos Lagos
China: Mr. Li Ping-heng
France: Mr. A. Tixier
Great Britain: Sir Frederick Leggett
India: Sir Samuel Runganadhan
Mexico: Mr. F. Trujillo Gurría
Netherlands: Mr. J. van den Tempel
Norway: Mr. C. J. Hambro
Poland: Mr. J. Stanczyk
Yugoslavia: Mr. I. Soubbotitch
Employers' group:

Sir John Forbes Watson (British)
Mr. Henry I. Harriman (United States)
Mr. R. Lamuraglia (Argentine)
Mr. D. G. Mulherkar (Indian)
Mr. Hugh W. MacDonnell (Canadian)
Mr. W. R. Skeeles (South African)

Workers' group:

Mr. J. Hallsworth (British)
Mr. Robert J. Watt (United States)
Mr. G. Andersson (Swedish)
Mr. K. Nordahl (Norwegian)
Mr. C. Laurent (French)
Mr. Chu Hsueh-fan (Chinese)
Mr. W. Schevenels (Belgian)
Mr. Percy R. Bengough (Canadian)

There were two vacant seats in the Government group.
Two members of the Employers' group were absent without substitutes.
The following deputy members or their substitutes were also present:

Workers' deputy members:

Mr. J. Rens (Belgian)
Mr. Jamnadas Mehta (Indian)
Mr. J. Kosina (Czechoslovak)
Mr. J. Oldenbroek (Netherlands)

Mr. W. Nash, President of the 26th Session of the International Labour Conference, Mr. G. Tomlinson, Parliamentary Secretary to the Ministry of Labour and National Service of the United Kingdom, and Mr. S. Jacklin, Treasurer of the League of Nations, also attended some sittings.

Report of the Acting Director

Obituary: Osvald Stein.

The Governing Body paid a tribute to the memory of Osvald Stein, Assistant Director of the International Labour Office, whose untimely death was due to a tragic accident.

Composition of the Governing Body.

A number of decisions concerning the composition of the Governing Body were taken in private session. In particular, it was decided
to allocate to China the seat vacant among the eight States of chief industrial importance represented in the Government group. In taking this decision without attempting to make the usual statistical calculations, the Governing Body specified that it would be necessary to revise the whole list of the eight States on the basis of appropriate criteria as soon as circumstances allowed. It was also decided that the whole position should be reconsidered in the event of the re-entry into the Organisation of any State having a claim to be included among the eight States of chief industrial importance.

*Communication from the Head of the Italian Government.*

The Governing Body took note of the communication addressed to the Chairman by the head of the Italian Government, making application for the readmission of Italy to the International Labour Organisation in view of the importance of labour problems in Italy at the present time and of that country's desire to co-operate in international action in labour matters.

It was decided that the Governing Body should consider at a later session the action to be taken on this communication.

**FINANCIAL QUESTIONS, INCLUDING BUDGET ESTIMATES FOR 1945**

The Governing Body proceeded in private session to a general discussion of the financial questions arising out of the activities of the International Labour Organisation. It was decided to postpone consideration of the budget estimates for 1945 until the 93rd Session.

**DATE AND PLACE OF THE 93RD SESSION**

The Governing Body decided to hold its 93rd Session in Philadelphia at the conclusion of the 26th Session of the Conference, after the elections which the Electoral Colleges would be required to hold during the session of the Conference.

The Governing Body adjourned the following items on its agenda:

- Proposals concerning Industrial Committees.
- Relations of the International Labour Organisation with new international bodies.
- Proposed meeting of the Correspondence Committee on Accident Prevention.
- Arrangements for the next ordinary session of the International Labour Conference.
Italy and the International Labour Organisation

The Chairman of the Governing Body of the International Labour Office received the following communication from the head of the Italian Government:

(Translation)

Chief of the Government.
Seat of the Italian Government,
21 March 1944.

Mr. Chairman,

In Italy, a country which has come through a war the like of which has never before been suffered by its people, which has now entered the military struggle on the side of the Allies, and which is daily making efforts, in spite of the continuing tragedy which has befallen it, to reconstruct its own life, recent events have especially drawn the attention of the Royal Government to labour problems.

The tasks of reconstruction, material and moral, which face us make it even more indispensable and urgent that the Italian working masses, kept informed of the international activity of labour, should adapt their programme to new objectives, to the requirements of the struggle of the United Nations against the common enemy and to the subsequent necessities of the post-war period.

The Italian Government, therefore, feeling convinced that the authorities of the International Labour Office and the States Members of the International Labour Organisation will appreciate the motives mentioned above and the spirit of international co-operation which inspires the present request, herewith makes formal application that Italy should be readmitted to the International Labour Organisation.

I have the honour to be, etc.,

(Signed) BADOGLIO.

In reply to this communication the Chairman of the Governing Body sent the following letter to the President of the Council of Ministers in Rome:

(Translation)

Montreal, 13 June 1944.

Sir,

I have the honour to acknowledge receipt of the letter of 21 March 1944 in which the Head of the Government submitted a formal request, on behalf of the Italian Government, for the readmission of Italy to the International Labour Organisation.
I have the honour to inform you that this letter was laid before the Governing Body of the International Labour Office at its 92nd Session on 27 April 1944, and that the Governing Body will give further consideration to the matter in due course.

Meanwhile, the Acting Director of the International Labour Office will make the necessary arrangements to communicate for your information the Record of the proceedings and decisions of the 26th Session of the Conference and to transmit the publications of the International Labour Office to you regularly in future.

I have the honour to be, etc.,

(Signed) CARTER GOODRICH,
Chairman of the Governing Body.
The 26th Session of the General Conference of the International Labour Organisation took place in Philadelphia, United States, from 20 April to 12 May 1944.

The texts adopted by the Conference at its 26th Session (Declaration of Philadelphia, Recommendations and resolutions) were published in the *Official Bulletin*, Vol. XXVI, No. 1, 1 June 1944.

The International Labour Office will shortly publish the Record of the Proceedings of the 26th Session of the Conference, containing lists of the members of the delegations, the committees, officers and secretariat of the Conference, the stenographic record of the proceedings, and appendices containing the documents and reports of the Conference committees together with the text of the Declaration, Recommendations and resolutions adopted.

The letters communicating to the States Members of the Organisation the texts of the Declaration of Philadelphia and of the Recommendations adopted by the Conference are reproduced below, together with a Memorandum submitted to the Conference concerning the nature of the competent authority contemplated by Article 19 of the Constitution of the International Labour Organisation.

1. **Communication to the Governments of States Members of the International Labour Organisation of the text of the Declaration of Philadelphia.**

   Montreal, 26 June 1944.

   Sir,

   I have the honour to communicate to you herewith a certified copy of the text of the Declaration¹ concerning the Aims and Purposes of the International Labour Organisation, which was adopted unanimously by the International Labour Conference on 10 May 1944 in the course of its 26th Session.

   When addressing the delegations to the 26th Session of the Conference at the White House, Washington, D.C., on Wednesday, 17 May 1944, the President of the United States made the following reference to this Declaration:

You have been meeting in Philadelphia where, 168 years ago, the fathers of this Republic affirmed certain truths to be self-evident. They declared that among other things all men are endowed by their creator with certain inalienable rights, among them life, liberty and the pursuit of happiness. In these words are expressed the abiding purpose of all peoples imbued with the ideals of freedom and democracy.

The Declaration which you have formulated in Philadelphia may well acquire a similar significance. In it you have reaffirmed principles which are the essential bulwarks of any permanent peace. With the expanding use of machinery and the revolution in transportation, it is well that the world should recognise the fundamental principle of your Declaration: 'Poverty anywhere constitutes a danger to prosperity everywhere'. This principle is a guide to all of our international economic deliberations.

You have affirmed the right of all human beings to material well-being and spiritual development under conditions of freedom and dignity and under conditions of economic security and opportunity. The attainment of those conditions must constitute a central aim of national and international policy. Indeed, the worthiness and success of international policies will be measured in the future by the extent to which they promote the achievement of this end.

Your declaration sums up the aspirations of an epoch which has known two world wars. I confidently believe that future generations will look back upon it as a landmark in world thinking. I am glad to have this opportunity of endorsing its specific terms on behalf of the United States. I trust, also, that within a short time its specific terms will be wholeheartedly endorsed by all of the United Nations.

The provisions of the Constitution of the International Labour Organisation requiring the submission to competent authorities of draft Conventions and Recommendations adopted by the International Labour Conference are not applicable to this Declaration, but I venture to think that you will agree that it is highly desirable that the terms of the Declaration should be made widely known and accordingly suggest that consideration might be given to the possibility of bringing it to public attention either by communicating it to the legislative authorities of the Members of the Organisation or in such other manner as may be deemed appropriate.

Additional copies of the text of the Declaration are being sent to you under separate cover and further copies can be supplied on application to the International Labour Office.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,

Acting Director.

2. Communication to the Governments of States Members of the International Labour Organisation of the texts of the Recommendations adopted at the 26th Session of the International Labour Conference.

Montreal, 26 June 1944.

Sir,

I have the honour to communicate to you herewith a certified copy of the texts of the Recommendations which were adopted by the International Labour Conference at its 26th Session, held at Philadelphia from 20 April to 12 May 1944.

1 Ibid., p. 4.
I am communicating this certified copy to you in pursuance of the resolution concerning the Constitution and constitutional practice of the International Labour Organisation adopted by the 26th Session of the Conference on 12 May 1944, a copy of the relevant paragraph of which is annexed hereto. On 13 May 1944 the Governing Body of the International Labour Office, acting in accordance with paragraph 1 of the Conference resolution, decided to put into effect the emergency arrangements provided for therein. Additional copies of the text of the Recommendations are being sent to you under separate cover and further copies can be supplied on application to the International Labour Office.

In communicating those texts to you, I have the honour to draw your attention to the fact that under paragraph 5 of Article 19 of the Constitution of the International Labour Organisation,

Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

The 26th Session of the International Labour Conference was declared closed on 12 May 1944. The period of one year provided for in the above quoted paragraph of Article 19 will therefore expire on 11 May 1945 and the exceptional period of eighteen months provided for in the same paragraph will expire on 11 November 1945.

I appreciate that there may be cases of force majeure in which the inability of legislative bodies to meet owing to wartime conditions may make it impossible to submit the Recommendations adopted at the 26th Session of the Conference to the authority or authorities within whose competence the matter lies within the limits of time provided for in the Constitution. It is, however, my duty to recall that the submission of draft Conventions and Recommendations to the competent authorities, within the period fixed by paragraph 5 of Article 19 of the Constitution of the Organisation, constitutes the essential act of the procedure provided for by the Constitution. As has been indicated in previous communications concerning the draft Conventions and Recommendations adopted at earlier sessions of the Conference, Article 19 does not impose on Governments any obligation to recommend the competent authorities to adopt the decisions of the Conference. In submitting these decisions to the competent authorities Governments are fully at liberty to make any observations as to the desirability or otherwise of adopting them, and the competent authorities are equally at liberty to decide on their adoption or rejection. It is, however, essential to the working of the Organisation as a whole that wherever conditions of force majeure do not render this impossible the decisions of the Conference should be laid before the competent authorities within the prescribed period.

At the same time, I venture to hope that your Government may see its way to recommend the acceptance of the Recommendations adopted at the 26th Session of the International Labour Conference.

I should be much obliged if you would be so good as to inform the International Labour Office of the measures taken in accordance with paragraph 5 of Article 19 of the Constitution of the Organisation to bring these Recommendations before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action. In this connection, I have the honour to draw your attention to paragraph 1 (b) of the resolution concerning the Constitution and constitutional practice of the International Labour Organi-
sation adopted at the 26th Session of the Conference which recommends that, during periods of emergency, Members of the Organisation should, in addition to following the normal procedure provided for in the Constitution, communicate directly to the International Labour Office the information concerning the action taken in regard to Recommendations which they are required by paragraph 6 of Article 19 of the Constitution to communicate to the Secretary-General.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director.

APPENDIX

INTERNATIONAL LABOUR CONFERENCE
26TH SESSION—PHILADELPHIA—APRIL-MAY 1944

Resolution concerning the Constitution and constitutional practice of the International Labour Organisation and its relationship with other international bodies

(Extract)

The General Conference resolves that:

1. During periods of emergency when, in the judgment of the Governing Body, the efficient operation of the Organisation or of the Office will be advanced thereby, and the Governing Body so notifies the Members of the Organisation, it shall provide that, supplementary to the normal procedure, the following communications should be transmitted through the Director:

(a) the communication to Members of certified copies of Recommendations and Conventions in accordance with paragraph 4 of Article 19 of the Constitution of the Organisation;
(b) the communication by Members of the information concerning the action taken in regard to Recommendations required by paragraph 6 of Article 19 of the Constitution.

....................
Memorandum on the Nature of the Competent Authority Contemplated by Article 19 of the Constitution of the International Labour Organisation

The following memorandum by the Legal Adviser of the International Labour Office was submitted to the 26th Session of the Conference as an appendix to the Report on the Future Policy, Programme and Status of the International Labour Organisation.

I. INTRODUCTION

1. The purpose of this memorandum is to consider the nature of the "competent authority" contemplated by paragraphs 5, 7 and 8 of Article 19 of the Constitution of the International Labour Organisation. The provisions of this Article create problems of some difficulty in that their application to any particular set of national facts involves problems of both international and constitutional law. The general questions which arise in connection with the meaning of the term are questions of international law which can be settled in the last resort only by the Permanent Court of International Justice, whereas the question which municipal bodies are in fact the competent authority on the proper international interpretation of that term can be determined only by reference to the municipal law of each Member. The scope of this memorandum is necessarily confined to the questions of international law involved. These questions centre upon one issue of major principle, that of whether in the case of a draft Convention the competent authority is the authority competent to ratify or the authority competent to give effect to a Convention. In the case of certain Members no problem can arise because the ratifying authority and the implementing authority coincide. There are however certain Members in the case of which one authority is competent to accept an engagement internationally and another authority is competent to implement that engagement nationally. It is the position in the case of such Members that this memorandum is intended to discuss.
II. THE TEXT OF ARTICLE 19

2. The relevant paragraphs of Article 19, the English and French texts of which should be read together, are as follows:

5. Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

Chacun des Membres s'engage à soumettre dans le délai d'un an à partir de la clôture de la session de la Conférence (ou, si par suite de circonstances exceptionnelles, il est impossible de procéder dans un délai d'un an, dès qu'il sera possible, mais jamais plus de dix-huit mois après la clôture de la session de la Conférence) la recommandation ou le projet de convention à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de la transformer en loi ou de prendre des mesures d'un autre ordre.

6. In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

S'il s'agit d'une recommandation, les Membres informeront le Secrétaire général des mesures prises.

7. In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

S'il s'agit d'un projet de convention, le Membre qui aura obtenu le consentement de l'autorité ou des autorités compétentes, communiquera sa ratification formelle de la convention au Secrétaire général et prendra telles mesures qui seront nécessaires pour rendre effectives les dispositions de ladite convention.

8. If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

Si une recommandation n'est pas suivie d'un acte législatif ou d'autres mesures de nature à rendre effective cette recommandation ou bien si un projet de convention ne rencontre pas l'assentiment de l'autorité ou des autorités dans la compétence desquelles rentre la matière, le Membre ne sera soumis à aucune autre obligation.

3. The problem for consideration may be summarised as being that of whether the expression "the authority or authorities within whose competence the matter lies" refers to the ratifying or implementing authority in cases in which one authority, normally the executive, is competent to enter into an international engagement, whereas action by another authority, normally the legislature, is required to implement that engagement.

4. Paragraph 5 clearly suggests that the implementing authority is meant. The purpose for which draft Conventions are to be brought before the "authority or authorities within whose com-
petence the matter lies" is the enactment of legislation or other action. On the principle of *ejusdem generis* the other action contemplated must be action which, from the standpoint from which the matter is being considered, is of a like nature to legislation. It must therefore be other implementary action, and cannot be action so entirely different in character from legislation as the acceptance of an obligation internationally. But if the purpose for which Conventions are to be brought before the competent authority is the enactment of legislation or other implementary action, the authority must be the authority competent to give effect to that purpose. It must therefore be an authority with power to implement nationally the provisions of the Convention.

5. Paragraph 7 also presents insuperable difficulties on the view that the competent authority is a ratifying authority. It is clear from the text that the Member is to obtain the consent of some authority which can be distinguished from the Member as such. Now although in law there is a distinction between a Member, which is the State, and the ratifying authority of that Member, which is normally the executive, subject or not as the case may be to a requirement of parliamentary approval, no reasonable man would purport to place a Member, which can only act for international purposes through the authority responsible for its international relations, under an obligation to do something if that one authority through which the Member can act can obtain its own consent to so doing. The text clearly contemplates that the Member will obtain the consent of some authority other than the authority through which it acts for international purposes, and that once that consent is obtained the Member "will communicate the formal ratification".

6. The most plausible reply to the above line of argument is that the term "consent" suggests an operation associated with the acceptance of an engagement rather than an operation associated with implementing a body of proposals requiring legislative or similar action. In certain countries the legislature has no standing to accord any formal consent to the acceptance of an international engagement which would have any effect under the law of those countries. It is therefore argued that as the competent authority can only be determined by reference to the law of each country that authority must, in cases in which the legislature has no formal standing in relation to the acceptance of international engagements, be the ratifying authority which alone can do anything which can be described as the giving of consent. But as the term "consent" does not appear to be used in a technical sense, approval of the Convention by the implementing authority in a manner which has no effect under the law of the country concerned amounts to the
required consent. It is immaterial that the consent of the authority has no effect under the law of the Member concerned; such consent, however given, amounts to the fulfilment of a condition subject to which an international obligation becomes operative, and the obligation being international in character the fact that the consent has had no municipal effect is quite irrelevant. Once the consent of the competent authority has been given, there is an international obligation resting upon the Member to take any steps which may still be necessary under its own law to permit of the communication of a formal ratification or to make effective the provisions of the Convention. If the term "consent" is read as implying that the authority required to consent must be the ratifying authority it is impossible to give any reasonable effect to the words "for the enactment of legislation or other action" in paragraph 5. The Permanent Court of International Justice has already said, with reference to the Constitution of the Organisation, that "in considering the question before the Court upon the language of the Treaty, it is obvious that the Treaty must be read as a whole, and that its meaning is not to be determined merely upon particular phrases which, if deducted from the context, may be interpreted in more than one sense".1 Read in its context the term "the consent of the competent authority" must be understood in a sense compatible with the fact that the purpose of submission to that authority is "legislation or other action"; this suffices to establish that an implementing authority is meant even if, under the law of a particular Member, that authority would not normally consent to a Convention as such in any technical sense.

III. THE RATIO LEGIS OF ARTICLE 19

7. The conclusion which has been reached by a textual analysis of Article 19 is also supported by consideration of the ratio legis of this Article of the Constitution. It is a matter of public notoriety that the Constitution of the International Labour Organisation represents a compromise between the traditional procedure for the preparation and bringing into force of international Conventions and the establishment of a genuine international legislature to deal with labour questions. The traditional procedure, as adapted in view of the technical character of industrial problems, is illustrated by the history of the Berne Conventions of 1906. These Conventions, which were based upon preliminary work undertaken by the International Association for Labour Legislation, were drafted in the form of resolutions at a technical conference held at Berne in 1905; it was then necessary to hold a diplomatic conference for the

1 P.C.I.J., Series B, Nos. 2 and 3, p. 23.
purpose of transforming these resolutions into instruments in the form of Conventions and opening the Conventions to signature; no signatory was then under any further obligation unless and until it chose to ratify, and ratification was entirely discretionary. From the standpoint of those who were attempting to create adequate machinery for handling labour problems internationally, this traditional procedure suffered from twograve defects. The formality of signature, which had clearly become a merely traditional stage intermediate between the adoption by a technical conference of resolutions fixing the substance of a Convention and the creation of binding engagements by the subsequent deposit of ratifications, was cumbersome, useless, and calculated to slow down the whole procedure. Hence the substitution for it in the Constitution of the Organisation of adoption by a two thirds majority of a tripartite conference, a change which had the further advantage of giving the interested parties a direct part to play in the formulation of Conventions. In the second place, a procedure under which signatories were under no kind of obligation to perfect their signatures by ratification did not even ensure that proposed international engagements should not fail of definitive acceptance for lack of adequate support from public opinion. There was nothing to prevent a Convention from being completely shelved without public opinion having any opportunity to assert itself upon the matter. It was to remedy this situation that Article 19 was devised. The only completely satisfactory way of removing the fetter upon international action represented by the requirement of ratification would have been to invest direct legislative authority in some international body. It is a matter of common knowledge that a strong body of opinion favoured this course in 1919 and that the Commission on International Labour Legislation of the Peace Conference adopted a resolution expressing the hope "that as soon as it may be possible an agreement will be arrived at between the High Contracting Parties with a view to endowing the International Labour Conference under the auspices of the League of Nations with power to take, under conditions to be determined, resolutions possessing the force of international law". Article 19 of the Constitution of the Organisation was not intended to go this far, but it most certainly was intended to be an important step in this direction and to represent a considerable advance in international legislative technique as compared with the pre-war position. If, as textual analysis has suggested to be the case, the term "competent authority" refers to a legislative authority, the Constitution of the Organisation does represent such an advance. Though the Conference is not invested by the Constitution with any direct legislative power, the Constitution does require Conventions to be submitted
to the legislative authority of each Member and to be ratified if they are approved by that authority. This is a result which is consistent with the seriousness of the proceedings of the Peace Conference. If on the other hand the term "competent authority" is to be taken to refer to a ratifying authority, paragraphs 5, 7 and 8 of Article 19 effect no substantial modification of the pre-war position and achieve no result commensurate with the importance which has always been attached to them as an essential feature of the Constitution of the Organisation and one of the principal innovations which it embodies. It was unnecessary to draft these elaborate provisions for the purpose of providing that the executive should submit Conventions to itself and in the event of obtaining its own consent should take certain further action. Certainly a provision of this kind would have involved no real compromise with the views of those who wished to create a real international legislature, and it is impossible to imagine that it would have been acceptable to them, or would have been accepted by them. It is a general principle of law which is universally accepted that when interpreting a written instrument full effect must be given to all the various provisions of the instrument. The view that the competent authority is a ratifying authority deprives of any real effect paragraphs 5 and 7 of Article 19 of the Constitution of the Organisation.

IV. THE PREPARATORY WORK OF ARTICLE 19

8. The value of preparatory work for the interpretation of international Conventions has been the subject of considerable discussion among international lawyers, but the Permanent Court of International Justice now appears to have adopted a definite attitude upon the subject. It will not normally refuse to allow the preparatory work to be drawn to its attention; in any case in which it reaches the conclusion that the text to be interpreted is clear

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1 The origin of this discussion appears to have been a belief that there is a sharp divergence between Anglo-American and Continental practice in respect of the admissibility of preparatory work for the interpretation of treaties. This view is entirely without foundation as regards the United States. See Nielson v. Johnson in which the Supreme Court said of treaties "When their meaning is uncertain, recourse may be had to the negotiations and diplomatic correspondence of the contracting parties relating to the subject matter . . . ", American Journal of International Law, 1929, p. 424; Cook v. United States in which case the Supreme Court said "In construing the Treaty its history should be consulted" and proceeded to consider the preparatory work in detail, American Journal of International Law, 1933, p. 563; and Factor v. Laubenheimer in which case the Supreme Court said "In ascertaining the meaning of a treaty we may look beyond its written words to the negotiations and diplomatic correspondence of the contracting parties relating to the subject matter . . . ", American Journal of International Law, 1934, p. 155. It would also seem that the British courts have, in cases relating to treaties, recognised the admissibility of preparatory work more frequently than has generally been supposed. See LAUTERPACHT in Harvard Law Review, Vol. XLVIII, No. 4, especially at pp. 563-568.
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apart from the preparatory work it will only rely upon the preparatory work for the purpose of confirming conclusions which it has already reached, but will not hesitate to discuss it at length for this purpose; if, on the other hand, it reaches the conclusion that the text is not clear it will take the preparatory work into consideration before forming its view. The application of these principles in the present case would seem to give the following results. There is certainly no reason why the preparatory work of Article 19 should not be examined with a view to seeing what light it throws upon the intended meaning of the term "competent authority". In view of the text of the Article and the ratio legis thereof, however, the expression can reasonably be regarded as clearly referring to an implementing authority even apart from anything which the preparatory work may contain. Per contra, it cannot reasonably be maintained that the text clearly means by "competent authority" a ratifying authority. Anyone wishing to support this view must therefore give definite proof of an intention which is not apparent on the face of the text and for this purpose must, in the light of the principles adopted by the Permanent Court of International Justice, be able to support his view by reference to the preparatory work. On examining the preparatory work he will find that it strongly supports the view that the competent authority is the authority competent to give effect to a Convention.

9. The first complete draft in treaty form of the British plan for a Labour Convention, of date 26 January 1919, included the following provision:

Each of the High Contracting Parties undertakes that it will within the period of one year from the end of each meeting of the Conference make for the House of its national Parliament or other legislative authority an opportunity to consider the Conventions adopted by the Conference, and if its national Parliament or other legislative authority pronounces in favour of the Convention it shall communicate its formal ratification of the Convention to the Director and shall forthwith take all steps necessary to put the Convention into operation.

10. In the text of the British plan as submitted to the Commission on International Labour Legislation of the Peace Conference on 2 February 1919, this provision had been modified and read as follows:

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Each of the High Contracting Parties undertakes that it will within the period of one year from the end of the meeting of the Conference communicate its formal ratification of the Convention to the Director, and will forthwith take all steps necessary to put the Convention into operation, unless such Convention is disapproved by its legislature.¹

11. When adopting this provision on second reading, the Commission on International Labour Legislation made only two changes in this text. It was decided to make it clear that the period of one year provided for in the text was a maximum period, the words “at most” being added for this purpose, and there was substituted for the phrase “unless such Convention is disapproved by its legislature” the phrase “unless such Convention fails to obtain the consent of the competent authorities”. The following extracts from the minutes indicate how this last change came to be made:

1. Extract from Minutes of Proceedings No. 16—27 February 1919.

On the motion of the President, the debate was then opened on the last paragraph of Article XVIII.

Mr. Barnes proposed the following amendment:

(a) Instead of the words “unless such Convention is disapproved by its legislature”, insert the words “unless the Convention fails to obtain the consent of the national authorities concerned”.

(b) Add the following paragraph:

“In the case of a Federal State, if the power of legislation on any matter dealt with in any Convention rests with the legislatures of the constituent States, the High Contracting Party shall communicate the Convention to the constituent States and each State may adhere separately to the Convention. Notification of the adhesion of any such State through the Federal Government to the Director shall be deemed to be the ratification of the Convention in respect of that State.”

Mr. Barnes explained that the proposals which he now put forward involved the principle that a Federal State was a unit. That principle had already been previously recognised by the vote on Article IV, and the discussion on that Article could not be reopened, at any rate before the third reading. On the other hand, inasmuch as the final ratification rested with the local legislatures, it appeared to him that their autonomy was sufficiently safeguarded...

In Mr. Vandervelde’s opinion the following dilemma presented itself: either the forty-eight States must take part individually, or else a hybrid system would have to be adopted, namely, that the United States would be represented by the Federal Executive in respect of the signature of a Convention, but that the ratification would have to be obtained by the central authority from the different legislatures. As the difficulty had not yet been met, it seemed desirable to vote at once on the proposals before them, and to reopen the discussion on the third reading if necessary. (I.L.O.: Official Bulletin, Vol. I, p. 81, and James T. Shotwell: The Origins of the International Labour Organisation, Vol. II, pp. 204-205.)

2. Extract from Minutes of Proceedings No. 17—28 February 1919.

Mr. Robinson. . . . The first suggested amendment is paragraph 4 to be added to Section XVIII. In paragraph 4, Section XVIII, instead of the words

“unless such Convention is disapproved by its legislature”, insert the words “unless the Convention fails to obtain the consent of their national authorities concerned”. I said last night that it had a distinct objection from the standpoint of constitutional States which have organisations similar to that of the United States, because it was conceivable that the national authorities might approve, and the separate States decline to approve, and the nation be held up to the contumely of the world at large. (I.L.O.: Official Bulletin, Vol. I, pp. 86-87, and James T. Shotwell: op. cit., Vol. II, p. 210.)

3. Extract from Minutes of Proceedings No. 18—28 February 1919.

Sir Malcolm Delevingne summarised the difficulties which had been raised as regards the United States as follows:

(b) The possibility that the State legislatures would not pass the measures required to fulfil the obligations assumed under an international Convention...

In order to meet the second point, the British delegation proposed to provide in general terms at the end of the fourth paragraph that the consent required should be that of the “national authorities”. If this wording was not suitable, “the consent of the competent authorities” could be substituted. (I.L.O.: Official Bulletin, Vol. I, p. 91, and James T. Shotwell: op. cit., pp. 213-214.)

It is thus perfectly clear that the British delegation, when proposing as a compromise the text adopted on second reading, had not the slightest intention, and was not regarded by anyone in the Commission as having the slightest intention, of abandoning the fundamental principle of its original plan—the principle that national legislative authorities were to be integrated into the constitutional structure of the International Labour Organisation. The amendment proposed was not intended to substitute a ratifying for an implementing authority. It was simply a recognition that there might be cases in which the power to give effect to Conventions would be vested not in a single legislature, as was assumed in the draft submitted to the Commission on 2 February, but in a number of authorities which were described first as “national” and then as “competent” authorities.

12. It is equally clear that the substitution for the term “competent authorities”, which had been adopted in the second reading text, of the expression “the authority or authorities within whose competence the matter lies for the enactment of legislation or other action” was not intended to modify the nature of the intended competent authority. This expression did indeed reintroduce the emphasis of the original text upon a legislative authority, but it recognised that more than one legislative authority might be concerned within a particular State, and that the action required to implement a Convention might sometimes not be of a legislative character. If it is thought necessary to have any other proof than the wording finally adopted that no important change in the nature of the competent authority was intended at this stage, reference
may be made to the report submitted to the Commission by Sir Malcolm Delevingne on behalf of the Subcommittee responsible for the text of Article 19 as finally adopted by the Commission. In this report Sir Malcolm pointed out that the task of the Subcommittee was "to find, if possible, some compromise which would meet the difficulties of the United States and some other States and make it possible for them to become parties to the Convention¹, while preserving the substance of the scheme as already adopted by the Commission".² They could not have preserved the substance of the scheme and modified the nature of the intended competent authority. And in point of fact Sir Malcolm categorically declared that "the new articles would make two modifications of importance, and only two, in the provisions of the scheme as approved on the second reading";³ neither of these modifications related to the nature of the competent authority.

13. There is also abundant evidence subsequent in date to the adoption by the Commission on International Labour Legislation of its final text, that it was common ground among all concerned that the changes made in that text had not modified the nature of the competent authority which was in view and that it was a legislative authority which was still intended. No document could be of higher evidential value in this connection than the report of the Commission to the Peace Conference, adopted by the Commission at its 35th Sitting on 24 March 1919. In this report only two subjects are discussed at length, the relative strength to be accorded in the International Labour Conference to Governments, employers and workpeople, and the effect of the adoption of draft Conventions by the Conference. The passages in the report devoted to both these subjects are based entirely upon the assumption that a competent authority will be a legislative authority. Thus the following account is given of the decisions taken by the Commission concerning the relative strength in the International Labour Conference of Governments, employers and workpeople:

Some difference of opinion made itself felt on the Commission as to the relative numbers of the delegates representing the Governments, the employers and the workpeople respectively. The French, American, Italian and Cuban delegations contended that each of these three parties should have equal voting power. They maintained that the working classes would never be satisfied with a representation which left the Government and the employers combined in a majority of three to their one. In other words, the proposal amounted to giving the States a veto on the proceedings of the Conference which would create so much distrust of it among the workers that its influence would be seriously prejudiced from the start. This view was contested by the British, Belgian and other delegations, who

¹ The Constitution of the Organisation was known during the proceedings of the Peace Conference as the proposed Labour Convention.
³ Ibid.
pointed out that as the Conference was not simply an assembly for the purpose of passing resolutions, but would draw up draft Conventions which the States would have to present to their legislative authorities, it was essential that the Governments should have at least an equal vote. Otherwise, it might often happen that Conventions adopted by a two-thirds majority of the Conference would be rejected by the legislatures of the various States, which would have the effect of rendering the proceedings of the Conference nugatory and would quickly destroy its influence and prestige. The adoption of a proposal to which the majority of the Governments were opposed would not lead to any practical result, as the legislative authorities of the Governments whose delegates were in the minority would in all probability refuse to accept it. (I.L.O.: Official Bulletin, Vol. I, p. 261, and James T. Shotwell: op. cit., Vol. II, p. 371.)

The whole argument is based upon the assumption that draft Conventions adopted by the Conference will be instruments which States will be under an obligation to submit to their legislative authorities. The passage discussing the effect of the adoption of Conventions by the Conference is equally clear cut, the more important paragraphs being as follows:

This portion of the Convention contains one article of vital importance, namely, Article 19, which treats of the obligations of the States concerned in regard to the adoption and ratification of draft Conventions agreed upon by the International Conference.

The original draft proposed that any draft Convention adopted by the Conference by a two-thirds majority must be ratified by every State participating unless within one year the national legislature should have expressed its disapproval of the draft Convention. This implied an obligation on every State to submit any draft Convention approved by the Conference to its national legislature within one year, whether its own Government representatives had voted in favour of its adoption or not. This provision was inspired by the belief that, although the time had not yet come when anything in the nature of an international legislature, whose decisions should be binding on the different States, was possible, yet it was essential for the progress of international labour legislation to require the Governments to give their national legislatures the opportunity of expressing their opinion on the measures favoured by a two-thirds majority of the Labour Conference.

The French and Italian delegations, on the other hand, desired that States should be under an obligation to ratify Conventions so adopted, whether their legislative authorities approved them or not, subject to a right of appeal to the Executive Council of the League of Nations. The Council might invite the Conference to reconsider its decision, and in the event of its being reaffirmed there would be no further right of appeal.

Other delegations, though not unsympathetic to the hope expressed in the first resolution printed at the end of the draft Convention, that in course of time the Labour Conference might, through the growth of the spirit of internationality, acquire the powers of a truly legislative international assembly, felt that the time for such a development was not yet ripe. If an attempt were made at this stage to deprive States of a large measure of their sovereignty in regard to labour legislation, the result would be that a considerable number of States would either refuse to accept the present Convention altogether, or, if they accepted it, would subsequently denounce it, and might even prefer to resign their membership of the League of Nations rather than jeopardise their national economic position.
by being obliged to carry out the decisions of the International Labour Conference. The majority of the Commission therefore decided in favour of making ratification of a Convention subject to the approval of the national legislatures or other competent authorities.

The American delegation, however, found themselves unable to accept the obligations implied in the British draft on account of the limitations imposed on the central executive and legislative powers by the constitution of certain Federal States, and notably of the United States themselves. They pointed out that the Federal Government could not accept the obligation to ratify Conventions dealing with matters within the competence of the forty-eight States of the Union, with which the power of labour legislation for the most part rested. Further, the Federal Government could not guarantee that the constituent States, even if they passed the necessary legislation to give effect to a Convention, would put it into effective operation, nor could it provide against the possibility of such legislation being declared unconstitutional by the Supreme Judicial Authorities. The Government could not therefore engage to do something which was not within their power to perform, and the non-performance of which would render them liable to complaint.

The Commission felt that they were here faced by a serious dilemma, which threatened to make the establishment of any real system of international labour legislation impossible. On the one hand, its range and effectiveness would be almost fatally limited if a country of such industrial importance as the United States did not participate. On the other hand, if the scheme were so weakened as to impose no obligation on States to give effect to, or even to bring before their legislative authorities, the decisions of the Labour Conference, it was clear that its work would tend to be confined to the mere passage of resolutions instead of resulting in the promotion of social reforms with the sanction of law behind them.

The Commission spent a considerable amount of time in attempting to devise a way out of this dilemma, and is glad to be able to record that it ultimately succeeded in doing so. Article 19 as now drafted represents a solution found by a Subcommission consisting of representatives of the American, British and Belgian delegations specially appointed to consider the question. It provides that the decisions of the Labour Conference may take the form either of Recommendations or of draft Conventions. Either must be deposited with the Secretary-General of the League of Nations and each State undertakes to bring it within one year before its competent authorities for the enactment of legislation or other action. If no legislation or other action to make a Recommendation effective follows, or if a draft Convention fails to obtain the consent of the competent authorities concerned, no further obligation will rest on the State in question. In the case of a Federal State, however, whose power to enter into Conventions on labour matters is subject to limitations, its Government may treat a draft Convention to which such limitations apply as a Recommendation only. (I.L.O.: Official Bulletin, Vol. I, pp. 262-264, and James T. Shotwell: op. cit., pp. 372-374.)

Again, it is assumed throughout that the essential feature of the whole scheme was the submission of Conventions to national legislatures, that the fatal objection to the United States counterproposals was that they imposed “no obligation on States to give effect to, or even to bring before their legislative authorities, the decisions of the Labour Conference”, and that this essential feature of the scheme was preserved in the final compromise.

14. Further evidence that the term “competent” authority in the text finally adopted by the Commission on International
Labour Legislation was generally understood to refer to a legislative authority, is furnished by the proceedings at the Fourth Plenary Session of the Peace Conference at which the report of the Commission was approved. During the proceedings of the Commission, the Japanese delegate, Mr. Otchiai, had stated that the period of one year for the submission of draft Conventions, "appeared too short, in view of the fact that the Japanese Parliament met ordinarily once a year, and that its sessions only lasted about three months".¹ No action had been taken upon this proposal at the time but at the plenary session Mr. Barnes, after consultation with other delegations, made a proposal designed to avoid this difficulty and suggested the inclusion in the text of the words "or if it is impossible owing to exceptional circumstances to do so within a period of one year, then at the earliest possible moment and in no case later than 18 months from the end of the Conference". In explanation of this proposal he said: "It will be remembered that I said a State was under obligation to put a Convention or Recommendation to its competent authorities within 12 months' time from the end of the Conference. It has been pointed out to us that there might be unforeseen and exceptional circumstances and, in fact, a general election was mentioned as one which might occupy several months. It does in some countries, I believe: and we must provide against that particular contingency."² There could hardly be stronger proof that the term "competent authority" was still understood as meaning a legislative authority than the fact that an amendment was adopted in plenary session on the ground that it was necessary to extend the period for submission in view of the fact that a general election might make submission within 12 months impossible.

15. The same view of the nature of the competent authority was assumed by Mr. Vandervelde in his speech at the plenary session. In the course of his speech he pointed out that "by the terms of the draft, a Convention, if it is to be submitted by the Governments to their legislatures for ratification, must obtain a two-thirds majority of votes".³ In a later passage he observed that "in point of fact these Conferences will be, in spite of everything, Conferences of plenipotentiaries: they will not be able to vote for anything except Recommendations or Conventions which must necessarily be submitted for ratification to the different legislatures".⁴

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16. The conclusion to be deduced from the preparatory work may therefore be summarised as being that it was universally understood at the Peace Conference that the term "competent authority" was intended to refer to a legislative and not to a ratifying authority. The keying in of the work of the proposed International Labour Conference with that of national legislatures was, and was well understood to be, the essential feature of the original British plan; the whole object of the long negotiations with the United States was to achieve a compromise which would preserve this feature of the British plan; the Report of the Commission on International Labour Legislation, presented to the Conference on behalf of a Commission on which were represented the United States of America, the British Empire, France, Italy, Japan, Belgium, Cuba, Poland and Czechoslovakia, presupposed in its two most important passages that this feature of the plan had been maintained; speeches resting upon the same assumption were made at the Plenary Session of the Peace Conference on behalf of the British, Belgian and Indian delegations; and, with a view to giving satisfaction to the Japanese delegation, there was adopted at the Plenary Session at which the proposals of the Commission were approved an amendment the argument for which depended entirely upon the assumption that the competent authorities would normally be legislatures.

V. SOME SPECIAL CASES

17. It is believed that Parts II, III and IV of this Memorandum establish the general principle that the term "competent authority" is intended to refer, not to the authority competent to accept an international Convention on behalf of the Member, but to the authority competent to implement a Convention by legislation or other action. It has also been shown in Part IV that this implementing authority was conceived of by the authors of the Constitution as being normally a legislature. There are however a number of special cases in which the application of this general principle presents some difficulty, and it is now proposed to consider the more important of these.

18. The provisions of a Convention may be of such a nature that effect can be given to them by action of a purely executive character, independently of either prior or subsequent legislation. Where the provisions of a Convention are of this nature, the obligation to submit Conventions to the competent authority would seem to be satisfied, as a matter of strict law, by submission to the executive authority entitled to direct that the Convention be implemented. On the other hand, such submission will not fulfil the main
object which the authors of the Constitution had in mind, which was that all Conventions should be made an issue before public opinion by submission to a body of a parliamentary character. It would therefore seem that, at any rate in cases in which the exercise of the executive powers by means of which the Convention can be implemented is subject to some kind of parliamentary control, it would be more in accordance with the spirit of the Constitution of the Organisation to afford an opportunity for the consideration of the Convention in question to a parliamentary body.

19. A similar position exists in cases in which existing legislation delegates to the executive subordinate legislative powers by the exercise of which effect can be given to the provisions of a Convention. In such cases the executive is competent to implement and to that extent can fairly be regarded as the competent authority, but reference to the executive does not fulfil either of the essential purposes for which Conventions are required to be submitted to the competent authority. It does not direct public opinion to the Convention, and the legislature might well be prepared for the purpose of implementing an international Convention to make matters of statutory obligation questions which it has hitherto been content to leave to possible regulation by delegated legislation. Nor does it ensure the keying in of the international machinery with the national implementing machinery, for though the executive has power to give effect to a Convention it derives its powers from delegation and they are subject to revocation. Upon a broad view, therefore, it will generally be unsatisfactory to regard as the competent authority a body which is in a position to give effect to a Convention by the exercise of delegated legislative powers.

20. A rather different case is that in which legislative powers are vested in the executive not by delegation from the legislature but by virtue of the Constitution or constitutional arrangements of the Member. It is clear that in a case in which the Constitution of a Member vests legislative powers exclusively in the executive, whether it be a case in which no representative body distinct from the executive exists or a case in which legislative power in respect of the subject matter of the Convention is vested in an executive which in this respect is not subject to the control of any other organ, the executive must necessarily be regarded as the competent authority. There are however more complicated cases. The Constitution or constitutional arrangements of a Member may vest legislative power in respect of the subject matter of a Convention in the executive but subject the exercise by the executive of its constitutional legislative power to some degree of parliamentary control. In other cases existing constitutional arrangements may vest legislative power in respect of particular matters in the exe-
execute, but the exercise of such power may be subject to the political control of the legislature and the existing constitutional arrangements may be subject to modification at any time by ordinary legislation. In all such cases the submission of Conventions to the executive as competent authority seems to amount to compliance with the strict requirements of the Constitution of the Organisation, but submission in some form to the legislature would certainly be more in accordance with its general purpose and spirit.

21. Another case which should be mentioned in passing is that in which no action by the legislature is necessary for the purpose of implementing a Convention because the necessary legislation already exists prior to the reference of the Convention to the competent authority. Although in such a case executive action alone may be necessary to implement the Convention, this fact would not seem to make the executive the competent authority. The ratio legis of Article 19 still requires an opportunity for public discussion of the requirements of the Convention and it still remains desirable that the legislature, which presumably has power to repeal the existing legislation, should have given some kind of approval to a Convention which will be binding for a considerable period, even if such approval has no special effect at municipal law.

VI. CONCLUSIONS

22. It is submitted that the preceding review leaves no doubt that the competent authority was intended to be an implementing authority and was conceived of as being normally a legislature. Upon any other assumption the text of Article 19 of the Constitution is hardly intelligible; no other view is consistent with the ratio legis of the Article which is a matter of general notoriety; and the preparatory work leaves no shadow of doubt upon the question. There may be certain cases in which executive authorities which have power to implement Conventions can on that account be regarded as competent authorities within the meaning of the Constitution; but even in such cases it would be more in accordance with the spirit of the Constitution to afford an opportunity for the consideration of the Conventions to the legislative authorities of the Member, where such exist.
Renewal of the Composition of the Governing Body

On 5 May 1944, during the 26th Session of the International Labour Conference, the Government delegates (with the exception of the delegates of the eight States of chief industrial importance), the employers' delegates, and the workers' delegates, meeting as electoral colleges, renewed the composition of the Governing Body of the International Labour Office whose outgoing members had been elected during the 23rd Session of the Conference in 1937.

The three colleges agreed that the term of office of the new members should expire at the next ordinary session of the Conference.

The Government electoral college unanimously decided to confirm the mandate of the six States which had held elective seats on the Governing Body prior to the election. These States are Brazil, Chile, Mexico, Norway, Poland, and Yugoslavia.

The electoral college then held elections for the two vacant seats, which were allotted to the following States: Peru and Greece.

The employers' delegates, meeting as an electoral college, elected the following representatives (in alphabetical order):

- Mr. Antoine (French)
- Mr. Chapa (Mexican)
- Mr. Erulkar (Indian)
- Sir John Forbes Watson (British)
- Mr. Gemmill (South African)
- Mr. Harriman (United States)
- Mr. Joassart (Belgian)
- Mr. Morawetz (Czechoslovak)

They also elected as employers' deputy members the following persons (in order of priority):

- Mr. Li Ming (Chinese)
- Mr. Dahl (Norwegian)
- Mr. Macdonnell (Canadian)
- Mr. Cowley Hernandez (Cuban)
Mr. FALTER (Polish)
Mr. KULUKUNDIS (Greek)
Mr. WARNING (Netherlands)
Mr. BANAC (Yugoslav)

The workers' delegates, meeting as an electoral college, elected the following representatives:

Mr. HALLSWORTH (British)
Mr. WATT (United States)
Mr. ANDERSSON (Swedish)
Mr. LAURENT (French)
Mr. RENS (Belgian)
Mr. CHU Hsueh-fan (Chinese)
Mr. LOMBARDO TOLEDANO (Mexican)
Mr. BENGOUGH (Canadian)

They also elected as workers' deputy members the following persons (in order of priority):

Mr. CROFTS (Australian)
Mr. OLDENBROEK (Netherlands)
Mr. KOSINA (Czechoslovak)
Mr. IBAÑEZ (Chilean)
Mr. DOWNES (South African)
Mr. ADAMCZYK (Polish)
Mr. NORDAHL (Norwegian)
Mr. MEHTA (Indian)
93rd Session of the Governing Body of the International Labour Office

The Governing Body of the International Labour Office held its 93rd Session on Saturday and Sunday, 13 and 14 May 1944, at Temple University, Philadelphia, under the chairmanship of Mr. Carter Goodrich.

The agenda of the Session was as follows:

3. Financial questions, including budget estimates for 1945.
5. Effect to be given to the resolution of the 26th Session of the International Labour Conference concerning the Constitution and constitutional practice of the Organisation and its relationship with other international bodies.
7. Convening of a technical preparatory conference to discuss a draft model code of safety provisions for factories.
8. Date and place of the 94th Session of the Governing Body.

As a result of the elections held by the several electoral colleges during the 26th Session of the Conference, the Governing Body was composed as follows:

Government representatives:

United States of America: Mr. Carter Goodrich, Chairman
Belgium: Mr. P. van Zeeland
Brazil: Mr. L. Fontes
Canada: Mr. V. MacDonald
Chile: Mr. M. Bustos Lagos
China: Mr. Li Ping-heng
France: Mr. A. Tixier
Great Britain: Sir Frederick Leggett
Greece: Mr. C. Diamantopoulos, subsequently replaced by Mr. J. Zarras
India: Sir Samuel Runganadh
Mexico: Mr. F. Trujillo Gurría
Netherlands: Mr. J. van den Tempel
Norway: Mr. C. J. Hambro
Peru: Mr. J. Elguerra
Poland: Mr. J. Stanczyk
Yugoslavia: Mr. I. Soubbotitch

Employers' representatives:
Mr. A. Antoine (French)
Mr. P. Chapa (Mexican)
Sir John Forbes Watson (British)
Mr. Henry I. Harriman (United States)
Mr. G. Joassart (Belgian)
Mr. R. Morawetz (Czechoslovak)
Mr. D. G. Mulherkar (Indian)
Mr. W. R. Skeeles (South African)

Workers' representatives:
Mr. G. Andersson (Swedish)
Mr. Percy R. Bengough (Canadian)
Mr. Chu Hsueh-fan (Chinese)
Mr. J. Hallsworth (British)
Mr. C. Laurent (French)
Mr. V. Lombardo Toledano (Mexican)
Mr. J. Rens (Belgian)
Mr. Robert J. Watt (United States)

The following deputy members were present:

Employers' representatives:
Mr. Li Ming (Chinese)
Mr. F. Dahl (Norwegian)
Mr. I. Cowley Hernández (Cuban)
Mr. J. H. Warning (Netherlands)
Mr. A. Falter (Polish)
Mr. M. Kulukundis (Greek)

Workers' representatives:
Mr. J. Oldenbroek (Netherlands)
Mr. J. Kosina (Czechoslovak)
Mr. A. Adamczyk (Polish)
Mr. Jamnadas Mehta (Indian)

Mr. S. Jacklin, Treasurer of the League of Nations, also attended some sittings.
OPENING OF THE SESSION

The Chairman of the Governing Body welcomed the new representatives who had been elected to the Governing Body during the 26th Session of the Conference.

ELECTION OF OFFICERS OF THE GOVERNING BODY

Mr. Carter Goodrich, United States Government representative, was unanimously elected Chairman of the Governing Body.

Sir John Forbes Watson and Mr. J. Hallsworth were unanimously elected Employers' Vice-Chairman and Workers' Vice-Chairman respectively.

APPOINTMENT OF COMMITTEES

The Governing Body proceeded to appoint the members of the various committees and the representatives of the Governing Body on various other bodies.

Finance Committee.

The Finance Committee was constituted as follows¹:

**Government group:**
- Great Britain
- France
- Mexico
- China
- Canada
- India

*Substitutes:*
- Netherlands
- Belgium
- Brazil
- Poland

**Employers' group:**
- Mr. Antoine *(French)*
- Mr. Chapa *(Mexican)*
- Mr. Erulkar *(Indian)*
- Sir John Forbes Watson *(British)*
- Mr. Harriman *(United States)*
- Mr. Joassart *(Belgian)*

*Substitutes:*
- Mr. Gemmill *(South African)*
- Mr. Morawetz *(Czechoslovak)*

¹ The Chairman of the Governing Body is a member *ex officio* of the Finance Committee.
Workers' group:

Mr. Hallsworth (British)
Mr. Andersson (Swedish)
Mr. Bengough (Canadian)
Mr. Oldenbroek (Netherlands)
Mr. Laurent (French)
Mr. Lombardo Toledano (Mexican)

Substitutes:
Mr. Kosina (Czechoslovak)
Mr. Adamczyk (Polish)

Standing Orders Committee.

The Standing Orders Committee was constituted as follows:

Government group:

Peru
United States
Great Britain
Netherlands
Canada

Substitutes:
Poland
Chile
France

Employers' group:

Mr. Chapa (Mexican)
Mr. Erulkar (Indian)
Sir John Forbes Watson (British)
Mr. Harriman (United States)
Mr. Macdonnell (Canadian)

Substitutes:
Mr. Dahl (Norwegian)
Mr. Li Ming (Chinese)
Mr. Warning (Netherlands)

Workers' group:

Mr. Hallsworth (British)
Mr. Rens (Belgian)
Mr. Andersson (Swedish)
Mr. Chu Hsueh-fan (Chinese)
Mr. Ibañez (Chilean)
Substitutes:
Mr. Laurent (French)
Mr. Lombardo Toledano (Mexican)

Representatives of the Governing Body on the Permanent Agricultural Committee.
The Governing Body made the following appointments:

Government group:
India
Poland

Substitutes:
Greece
Brazil

Employers' group:
(Appointments to be made later)

Workers' group:
Mr. Laurent (French)
Mr. Bengough (Canadian)

Substitute:
Mr. Kosina (Czechoslovak)

Governing Body Delegation on the Permanent Inter-American Committee on Social Security.
The Governing Body made the following appointments:

Government group:
Belgium

Substitute:
Greece

Employers' group:
Mr. Harriman (United States)

Substitute:
Mr. Chapa (Mexican)

Workers' group:
Mr. Watt (United States)

Substitute:
Mr. Ibañez (Chilean)
Representatives of the Governing Body on the Correspondence Committee on Accident Prevention.

The Governing Body made the following appointments:

**Government group:**
Great Britain

*Substitute:*
Norway

**Employers' group:**
Mr. Gemmill (*South African*)

*Substitute:*
Sir John Forbes Watson (*British*)

**Workers' group:**
Mr. Nordahl (*Norwegian*)

*Substitute:*
Mr. Mehta (*Indian*).

Representatives of the Governing Body on the Correspondence Committee on Industrial Hygiene.

The Governing Body made the following appointments:

**Government group:**
Brazil

*Substitute:*
Canada

**Employers' group:**
Mr. Joassart (*Belgian*)

*Substitute:*
Mr. Dahl (*Norwegian*)

**Workers' group:**
Mr. Andersson (*Swedish*)

*Substitute:*
Mr. Crofts (*Australian*)

The Governing Body made the following appointments:

**Employers' group:**
- Mr. Chapa (Mexican)
- Mr. Harriman (United States)
- Mr. Macdonnell (Canadian)

*Substitutes:*
- Mr. Antoine (French)
- Sir John Forbes Watson (British)

**Workers' group:**
- Mr. Kosina (Czechoslovak)
- Mr. Chu Hsueh-fan (Chinese)
- Mr. Adamczyk (Polish)

*Substitutes:*
- Mr. Laurent (French)
- Mr. Oldenbroek (Netherlands)

Representatives of the Governing Body on the Permanent Committee on Migration for Settlement.

The Governing Body made the following appointments:

**Government group:**
- Belgium

**Employers' group:**
- Mr. Falter (Polish)

*Substitutes:*
- Mr. Cowley Hernández (Cuban)
- Mr. Warning (Netherlands)

**Workers' group:**
- Mr. Adamczyk (Polish)

*Substitutes:*
- Mr. Bengough (Canadian)
- Mr. Downes (South African)
Delegation from the Governing Body to the Supervisory Commission.

The Governing Body appointed its officers as its representatives to accompany the Acting Director to negotiate with the Supervisory Commission on financial matters.

Financial Questions, including Budget Estimates for 1945

The Governing Body considered in private session a number of questions connected with the finances of the International Labour Organisation.

It unanimously approved the report of the Finance Committee, including the budget estimates of the International Labour Office for 1945, amounting to a total of 11,635,505 Swiss francs.

Report on the Meeting of the Consultative Subcommittee of the Joint Maritime Commission

The Consultative Subcommittee, set up by the Joint Maritime Commission to facilitate contact between the Office and the Commission between sessions, met in London on 9 February 1944 to decide the date and agenda of a meeting of the Joint Maritime Commission which the Governing Body, at its 91st Session, had decided to call. The Consultative Subcommittee was unanimously of the opinion that a further session of the Joint Maritime Commission should be held and presented a tentative agenda of 11 points. The Subcommittee also proposed that the Commission should meet in September 1944, or as near that time as possible.

After considering the Consultative Subcommittee's report, the Governing Body authorised the calling of a session of the Joint Maritime Commission in London in September 1944, and decided that its agenda should comprise a report of the Acting Director on the action of the Office on maritime questions, and the following 11 points suggested by the Consultative Subcommittee:

(1) Wages, increments, allowances, bonuses, overtime;
(2) Contracts of continuous employment;
(3) Entry, training, promotion;
(4) Working hours and manning;
(5) Annual leave, voyage leave, subsistence allowances;
(6) Accommodation, bed and bedding, linen, utensils, laundry;
(7) Safety;
(8) Hygiene, food and medical service;
(9) Social insurance: unemployment, sickness, incapacitation, widows' and orphans' pensions, old-age pensions, loss of effects, repatriation, legal position of Merchant Navy prisoners of war;
(10) Full recognition of seafarers' organisations;
(11) Rights and obligations of seafarers.

It was agreed that the Joint Maritime Commission should be consulted if necessary in connection with any negotiations affecting the shipping industry.

**Effect to be given to the Resolution adopted by the 26th Session of the International Labour Conference concerning the Constitution and Constitutional Practice of the Organisation**

*Delegation to negotiate with International Authorities on behalf of the Organisation and Committee on Constitutional Questions.*

The Resolution mentioned above requested the Governing Body on the one hand to set up as soon as possible a committee to study the future constitutional development of the Organisation, and on the other hand to appoint representatives with power to negotiate on behalf of the Organisation on constitutional questions which might call for immediate action. After a thorough examination of the position the Governing Body came to the conclusion that it would be desirable to co-ordinate the work of the two bodies which the Conference had suggested should be set up. It was therefore decided to appoint a delegation of 9 members with power to negotiate with international authorities on behalf of the Organisation, and also to set up a Committee on Constitutional Questions consisting of 18 members, including the 9 members of the negotiating delegation.

The Governing Body made the following appointments:

**Government group:**
- United States
- France
- China

**Employers’ group:**
- Mr. Antoine (*French*)
- Sir John Forbes Watson (*British*)
- Mr. Harriman (*United States*)

**Workers’ group:**
- Mr. Hallsworth (*British*)
- Mr. Watt (*United States*)
- Mr. Rens (*Belgian*)
It was agreed that the Director of the International Labour Office would be an *ex officio* member of the negotiating delegation.

The Governing Body also appointed the following members to form, together with the members of the delegation, the Committee on Constitutional Questions:

**Government group:**
- Great Britain
- Canada
- Chile

**Employers' group:**
- Mr. Chapa (*Mexican*)
- Mr. Dahl (*Norwegian*)
- Mr. Li Ming (*Chinese*)

**Workers' group:**
- Mr. Andersson (*Swedish*)
- Mr. Laurent (*French*)
- Mr. Lombardo Toledano (*Mexican*)

*Supplementary Procedure for the Transmission of the Authentic Texts adopted by the Conference.*

Paragraph 1 of the Resolution passed by the Conference concerning the Constitution and constitutional practice of the Organisation provided that, supplementary to the normal procedure, certain communications might be transmitted through the Director during periods of emergency when, in the judgment of the Governing Body, the efficient operation of the Organisation would be advanced thereby.

The Governing Body authorised the Director to apply this supplementary procedure immediately.

**REPRESENTATION OF OTHER INTERNATIONAL BODIES AT MEETINGS CONVENED BY THE OFFICE**

The Governing Body took note of the fact that, while the whole question of the relationship between the Organisation and other international bodies was to be considered by the Committee on Constitutional Questions, relations had already been established between the Organisation and a number of international bodies already in existence, and that it was accordingly necessary to ensure the continuance of these relations on a reciprocal basis.

For this purpose the Governing Body authorised the Acting Director, after consulting its Officers and on condition of recipro-
city, to invite the organisations concerned to be represented at all meetings convened under the auspices of the International Labour Organisation at which matters of common interest were likely to be considered.

Report of the Acting Director

Appointment of an Employment Committee.

The Governing Body had before it a proposal by the International Labour Office that a Governing Body committee should be set up to keep the question of employment under constant review. The function of the committee would be to co-ordinate the varied measures that would have to be taken in the field of employment after the war.

The Governing Body accepted the proposals of the Office and decided that the committee should include 18 ordinary members appointed by the three groups of the Governing Body (six for each group), advisory members representing various other interested bodies, and if necessary experts to advise on special aspects of employment problems. The functions of the committee would be to exchange views on the various national and international aspects of employment policy on the basis of an agenda approved by the Governing Body, to make reports to the Governing Body for transmission to the Members of the Organisation or to other public international organisations, to co-ordinate the work of other committees concerned with special aspects of employment policy, and to undertake such other duties as might be entrusted to it by the Governing Body.

The Governing Body made the following appointments to the Employment Committee:

Government group:

Mexico
India
United States
Great Britain
Belgium
Greece

Substitutes:

China
Canada
Chile
Yugoslavia
Employers' group:

Mr. Dahl (Norwegian)
Sir John Forbes Watson (British)
Mr. Harriman (United States)
Mr. Joassart (Belgian)
Mr. Li Ming (Chinese)
Mr. Morawetz (Czechoslovak)

Substitutes:

Mr. Antoine (French)
Mr. Chapa (Mexican)
Mr. Gemmill (South African)
Mr. Macdonnell (Canadian)
Mr. Warning (Netherlands)

Workers' group:

Mr. Hallsworth (British)
Mr. Watt (United States)
Mr. Rens (Belgian)
Mr. Bengough (Canadian)
Mr. Chu Hsueh-fan (Chinese)
Mr. Oldenbroek (Netherlands)

Substitutes:

Mr. Andersson (Swedish)
Mr. Lombardo Toledano (Mexican)
Mr. Laurent (French)
Mr. Adamczyk (Polish)

It was agreed that the Employment Committee should meet for the first time in connection with the 94th Session of the Governing Body and that the Office should lay before it a document prepared by the Office in the light of the discussion on employment which had taken place at the 26th Session of the International Labour Conference.

International Public Works Committee.

The International Labour Office had been requested to examine what amendments to the Statute of the International Public Works Committee might be required to enable the Committee to contribute most usefully to the carrying out of a post-war international public works policy. The Committee consisted of ordinary members, advisory members and assessors. The ordinary members were, besides three persons nominated by the Employers' group and three persons nominated by the Workers' group of the Governing Body, one representative of every State, whether a Member of
the Organisation or not, which had expressed its intention of giving effect to the 1937 Recommendation concerning international collaboration in public works. The advisory members were representatives of various organs of the League of Nations and the assessors were representatives of any international body which had been invited to attend meetings of the Committee, and experts invited to participate in certain definite aspects of the Committee's work.

In 1938 the Committee had adopted a uniform plan for the supply of information on public works, which was subsequently criticised as being too complicated and likely to impose an excessive burden on Governments. This was one reason for holding a meeting of the Committee as soon as possible; the meeting would also consider other questions of immediate interest.

On the basis of the proposals made by the Office, the Governing Body decided that the International Public Works Committee should in future be known as the "International Development Works Committee". It also decided that the clause of the Statute of the Committee referring to three agencies of the League of Nations, which had now been concentrated in a single department, should be replaced by a wider provision authorising the Governing Body to invite any public international organisation to be represented on the Committee by an advisory member. It was decided to invite the Economic, Financial and Transit Department of the League of Nations immediately to appoint an advisory member to the Committee.

Finally, the Governing Body decided to convene the Committee as soon as circumstances permitted in order:

(a) to draw up a new uniform plan for the supply of information on public works;
(b) to consider certain difficulties that might arise in the application of the Public Works (National Planning) Recommendation, 1937;
(c) to draw up, in consultation with the Governments concerned, a list of proposed works which could be undertaken only in co-operation with other countries or with international organisations;
(d) to consider questions connected with the organisation of an exchange of information on the results of research work and on the technical experience gained in the planning and execution of development works programmes.

Permanent Committee on Migration for Settlement.

The International Labour Office had been requested to consider what amendments it might be desirable to make in the composition
and functions of the Permanent Committee on Migration for Settlement in order to enable the Committee to operate most effectively as an organ for co-ordination and consultation between emigration countries and immigration countries.

This Committee, which comprises representatives of the countries concerned, experts, and one representative of each of the Governing Body groups, has the function of promoting the co-ordination of the policy of emigration and immigration countries, furthering the study of international financial problems involved in the development of migration for settlement, and carrying out whatever tasks may be assigned to it in connection with international credit operations designed to assist the development of migration for settlement.

The Governing Body decided not to change the composition of the Committee, but to broaden its scope to cover all forms of migration, including migration of industrial workers. This entailed changing the name of the Committee, which will in future be known as the Permanent Migration Committee.

The Governing Body authorised the Office to convene the Committee as soon as circumstances permitted, with the following agenda:

(a) Exchange of views on post-war migration prospects;
(b) Forms of international co-operation capable of facilitating an organised resumption of migration movements after the war;
(c) Racial discrimination in connection with migration.

**DECLARATION OF LOYALTY BY MR. WAELBROECK, ASSISTANT DIRECTOR OF THE INTERNATIONAL LABOUR OFFICE**

The declaration of loyalty prescribed for the higher officers of the International Labour Office was made before the Governing Body by Mr. Pierre Waelbroeck.

**FAMINE IN INDIA**

The Governing Body approved the procedure followed by the Office, which had communicated with the Government of India on the subject of the causes of the recent famine, in pursuance of the decision taken by the Governing Body at its 91st Session.

**DATE AND PLACE OF THE 94TH SESSION OF THE GOVERNING BODY**

The Governing Body contemplated calling its 94th Session in London following the meeting of the Joint Maritime Commission
which it was proposed to hold in the autumn of 1944. The exact place and date were, however, to be fixed by the Chairman after the necessary consultations had been held.

It was agreed in principle that the next session of the Governing Body to be held on the American continent should be convened in Canada.

The Governing Body adjourned consideration of the following item on its agenda:

Convening of a Technical Preparatory Conference to discuss a model code of safety provisions for factories.
International Development Works Committee

At its 93rd Session (Philadelphia, May 1944) the Governing Body considered the position of the International Public Works Committee which had been set up in 1938 and provided by the Governing Body with an appropriate Statute.

The Governing Body decided to convene this Committee as soon as circumstances should permit, and considered that the Committee should be known in future as the International Development Works Committee. Some amendments were also made to the Statute of the Committee.

The revised text of the Statute of the International Development Works Committee is given below.

STATUTE OF THE INTERNATIONAL DEVELOPMENT WORKS COMMITTEE

Whereas the Public Works (International Co-operation) Recommendation, 1937, contemplates the establishment by the Governing Body of the International Labour Office of an international public works committee, and

Whereas, by a resolution unanimously adopted on 22 June 1937, the International Labour Conference has invited the Governing Body to appoint such a committee without delay;

The Governing Body, having met at Geneva in its 82nd Session on 3 February 1938, hereby establishes a committee which shall be known as the International Development Works Committee and which shall operate in accordance with the terms of the present Statute:

Article 1. Composition of the Committee

1. The International Development Works Committee consists of ordinary members, advisory members and assessors.

2. The following shall be ordinary members of the Committee:

(a) One representative of each Member which, when informing the Secretary-General in accordance with Article 19 (6) of the Constitution of the Organisation of the action taken upon the Public Works (International Co-operation) Recommendation,
1937, has indicated its willingness to give effect to the said Recommendation;

(b) 3 persons nominated by the members of the Governing Body representing the employers and 3 persons nominated by the members of the Governing Body representing the workers; and

(c) One representative of any State which is not a Member of the Organisation the Government of which has notified the Director that it is prepared to give effect to the Public Works (International Co-operation) Recommendation, 1937, and desires to participate in the work of the Committee.

3. The Governing Body may invite any public international organisation to be represented on the Committee by an advisory member.

4. The following may participate in the work of the Committee as assessors:

(a) A representative of any international body which the Committee, with the approval of the Governing Body, has invited to be represented;

(b) Any person whom the Chairman of the Committee, with the approval of the officers of the Governing Body, has invited to attend the Committee on account of his special knowledge of the questions under consideration.

**Article 2. Rights of Ordinary Members, Advisory Members and Assessors Respectively**

1. Ordinary members have the full rights of members of the Committee.

2. Advisory members are entitled to be present at all meetings of the Committee and to take part in all discussions but are not entitled to vote.

3. Assessors may take part in the discussions of the Committee when invited to do so by the Chairman.

4. Ordinary and advisory members of the Committee may be assisted by advisers and an ordinary or advisory member may when absent nominate his adviser to act as his substitute.

**Article 3. Duties of the Committee**

The duties of the International Development Works Committee shall be:

(a) To prepare the uniform plan referred to in paragraph 2 of the Public Works (International Co-operation) Recommendation, 1937, and to revise the said plan as occasion may require;
(b) To study every year the information gathered by the International Labour Office as a result of the said Recommendation or in any other way;

(c) To make reports to the Governing Body of the International Labour Office with a view to their transmission to the Members of the Organisation; and

(d) To undertake any other duties relating to public works which may be entrusted to it by the Governing Body either upon its own initiative or at the request of any States or organisations concerned.

Article 4. Periodicity of Meetings

1. The International Development Works Committee shall meet at least once each year on a date or dates approved by the Governing Body of the International Labour Office.

2. An emergency meeting of the Committee may be held at any time with the approval of the officers of the Governing Body if such a meeting is requested by at least one fifth of the ordinary members of the Committee on the ground that changes in the economic situation make it desirable for the Committee to report thereon as a matter of urgency.

Article 5. Secretariat of the Committee

1. The secretary and staff of the International Public Works Committee shall be appointed by the Director of the International Labour Office.

2. Subject to obtaining the approval of the Governing Body for any proposal involving expenditure, the Committee may request the Director to give it any technical assistance which it regards as necessary for the proper discharge of its duties.

Article 6. Rules of Procedure

Subject to the provisions of the present Statute, the Committee may adopt its own Rules of Procedure.

Article 7. Amendment of Statute

1. The provisions of the present Statute may be amended at any time by the Governing Body of the International Labour Office.

2. The International Development Works Committee may, at any time after the expiration of two years from the adoption of this Statute by the Governing Body, submit to the Governing Body proposals for the amendment of the Statute.
Ratification by Belgium of the Forced Labour Convention, 1930 (No. 29)

By letter dated 19 November 1943 the Belgian Minister of Foreign Affairs and Foreign Trade communicated to the Acting Secretary-General of the League of Nations, in accordance with Article 19 of the Constitution of the International Labour Organisation, the formal ratification by the Belgian Government of the Forced Labour Convention, 1930 (No. 29).

In accordance with Article 20 of the Constitution of the International Labour Organisation, this ratification was registered by the Secretariat on 20 January 1944.

The letter from the Minister of Foreign Affairs and Foreign Trade communicating the ratification to the Secretary-General is in the following terms:

(Translation)

19 November 1943.

Sir,

I have the honour to transmit herewith the instrument of ratification for Belgium of the international Convention concerning forced or compulsory labour adopted on 28 June 1930 in Geneva by the International Labour Conference at its Fourteenth Session.

In depositing this ratification, the Belgian Government, availing itself of the provisions of Article 421 of the Treaty of Versailles and the corresponding Articles of the other treaties of peace, desires to make the following statement:

The Convention will be applied to the territories of the Belgian Congo and Ruanda-Urundi, subject to the following amendments:

I. The following text shall be substituted for paragraphs (a) and (c) of Article 2:

(a) Any work or service exacted in virtue of compulsory military service laws for work of a purely military character, or for public works in pursuance of a decision of the competent authorities;

(c) Any work or service exacted from any person as a consequence of a conviction in a court of law, of whatsoever nature, or from any person imprisoned in pursuance of a decision of the administrative authority acting in conformity with the law, provided that the said work or service is carried out under the supervision and control of a public authority.
II. The following text shall be added to Article 19:

Notwithstanding the provisions of the first paragraph, the competent authorities may authorise recourse to compulsory cultivation as a method of agricultural education if such a measure is justified by the indolence or improvidence of the population, provided, however, that:

(a) The compulsion so imposed shall be temporary and shall cease as soon as the communities concerned have acquired the habit of the said cultivation;
(b) Compulsion shall be applied only for the cultivation of lands over which the communities or persons concerned have beneficial rights;
(c) The produce of the compulsory cultivation and all profits accruing from the sale thereof shall remain the property of the persons or communities concerned;
(d) All necessary measures shall be taken to ensure the sale of such produce under the most favourable conditions;
(e) All necessary measures shall be taken to protect the communities and persons concerned against fraud on the part of the purchasers of the produce, in particular by the fixing of a minimum purchase price and by regulations concerning the weighing of and payment for produce.

Notwithstanding the same provisions, the competent authorities may authorise recourse to the compulsory planting of trees for the purposes of re-afforestation.

I have the honour to be, etc.,

(Signed) (illegible)

For the Minister,
Secretary-General.
Correspondence with the Indian Government concerning the Suspension of the Application of the Underground Work (Women) Convention, 1935 (No. 45)

At the beginning of 1944 an exchange of correspondence took place between the Office and the Government of India concerning the suspension in India, on account of current circumstances, of the Underground Work (Women) Convention, 1935 (No. 45). This correspondence is reproduced below.

1. Letter from the High Commissioner for India, London, to the Acting Director of the International Labour Office.

London, 18 January 1944.

Sir,

1. In his letter dated 22nd March 1938, Lord Zetland communicated to the Secretary-General of the League of Nations the ratification by the Governor-General of India in Council of the Underground Work (Women) Convention adopted by the International Labour Conference at its 19th Session in 1935. With that letter was enclosed a copy of the notification of 1st February 1937, in which the Governor-General in Council published regulations prohibiting the employment of women underground. The Government of India have now, with the utmost regret, found it necessary as a temporary measure to remove that prohibition in respect of coal mines in the Central Provinces, Bengal, Bihar and Orissa.

2. This step is entirely due to the exigencies of the war. For the maintenance of Indian war production and to prevent railway communications being interrupted, adequate supplies of coal are absolutely vital to India. But in recent months coal production in India has seriously fallen. One of the chief reasons for this is that the mine workers, who are agriculturalists and who work in the mines intermittently, have tended to drift away from the coal fields. They like to have their womenfolk alongside them and during the food scarcity they tended to return to their villages out of anxiety for their families. They were also attracted by other well-paid employment in military works, etc., which is open to husbands and wives together. The reintroduction of female labour in the coalfields underground will have a double effect. Firstly it increases the labour forces available, the women working as loaders and thus releasing more men for coal cutting. Secondly it acts as a stabilising factor counteracting the tendency of labour to move to other employment. No alternative measure is likely to produce the immediate results which are regarded as imperatively required.

3. In announcing their decision the Government of India made it clear that they had lifted the ban on the employment of women underground with great
reluctance and that it will be reimposed as soon as the present emergency is over. Their intention is to review the position after six months.

4. The Government of India have also attached the following conditions to the lifting of the ban:

   (1) All women employed underground will be paid the same rates of wages as men on similar work.

   (2) No women will be employed underground in galleries less than six feet in height.

   (3) Women working underground will draw the same rations as men.

They are furthermore accompanying their decision by steps for the general betterment of conditions of labour in the coalfields. The owners are being required to make grain rations available at concession rates; cash wages and allowances to meet the higher cost of living have been improved and the rates in the majority of collieries are now 50 per cent. above those prevailing before the war; an increase in the supply of consumer goods in the coalfields has been made; Government labour welfare officers, including one woman, are being employed; and an Ordinance has been made imposing a welfare cess on coal despatched, the proceeds of which will be devoted to improvements in public health measures, education and general amenities, including motor transport for workers.

5. Measures are also under consideration to reduce the competition for labour from defence works, and so to improve production in other ways.

I am, etc.,

(Signed) RUNGANADHAN,
High Commissioner for India.

2. Letter from the Acting Director to the High Commissioner for India, London.

Montreal, 15 March 1944.

Sir,

I have the honour to acknowledge receipt of your letter of 18 January 1944 stating that the Government of India have, with the utmost regret, found it necessary as a temporary measure to remove, in respect of coal mines in the Central Provinces, Bengal, Bihar and Orissa, the prohibition of the employment of women underground required by the Underground Work (Women) Convention, 1935, which was ratified on behalf of India on 25 March 1938.

I have noted that the present step is entirely due to the exigencies of the war and that in announcing their decision the Government of India have made it clear that they have lifted the ban on the employment of women underground with great reluctance and that it will be reimposed as soon as the present emergency is over, their intention being to review the position after six months. I have also noted with appreciation that the Government of India have attached certain conditions to the lifting of the ban and are accompanying their decision by the further steps for the general betterment of conditions of labour in the coal fields indicated in your letter of 18 January.

I do not doubt that the Government of India will continue to keep the International Labour Office fully informed of developments in regard to this matter as they occur. Pending such developments it would appear to suffice for me to communicate your letter of 18 January, together with this reply, to the Governing Body of the International Labour Office for their information.

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director.
Annual Reports on the Application of Conventions covering the Period 1943-1944

On 24 September 1943 a circular letter was addressed to the Governments of States Members of the International Labour Organisation requesting them to submit the reports provided for under Article 22 of the Constitution of the Organisation concerning the application of Conventions which have been ratified by States Members and have come into force in their regard. The text of the letter is as follows:

Montreal, 24 September 1943.

Sir,

I have the honour to refer to the furnishing of annual reports, in accordance with Article 22 of the Constitution of the International Labour Organisation, on the application of Conventions which have been ratified by Members of the Organisation and have come into force in their regard.

The International Labour Office has not considered it to be expedient at present to ask the Governments to furnish such reports in the same manner and in respect of the same periods as in normal circumstances. Nevertheless, I feel that it is desirable to maintain the greatest possible measure of continuity in the rendering of annual reports, which constitute a continuous record of progress in the application of labour legislation and a whole system of mutual information, assistance and supervision between the Members of the Organisation. I venture therefore to suggest that those Governments which did not report on the period 1941-1942 should now furnish reports covering the period 1 October 1941 to 30 September 1943, while the Governments which did report on the period 1941-1942 should furnish reports on the last one-year period 1 October 1942 to 30 September 1943, in accordance with the following procedure:

I. That those Governments which are in a position to do so will furnish full reports, using for the purpose the report forms supplied to them in previous years, but calling express attention to any changes in legislation or administrative practice or other matters affecting the application of Conventions which have occurred during the period under review, in such a way that these changes will be evident without the necessity for comparison with previous reports.

II. That those Governments which find themselves unable to furnish full reports at the present time will make at least a brief report for each Convention, mentioning expressly any new legislation or regulations issued during the period under review.

III. That, in the case of Conventions which have newly come into force, i.e., No. 50, Recruiting of Indigenous Workers, 1936; No. 52, Holidays with
Pay, 1936; No. 55, Shipowners' Liability (Sick and Injured Seamen) 1933; No. 63, Statistics of Wages and Hours of Work, 1938; No. 59, Minimum Age (Industry) (Revised), 1937; No. 62, Safety Provisions (Building), 1937, the Governments concerned will furnish reports giving the minimum information necessary to describe the application of the Convention. As the Governing Body has not been able to adopt forms of report on these Conventions, it is suggested that reports should be prepared on the same general lines as those on other Conventions.

IV. The above suggestions apply also to the information to be given in the reports concerning the application of Conventions to colonies, protectorates and possessions (Article 35 of the Constitution).

I have the honour to be, etc.,

(Signed) E. J. PHELAN,
Acting Director.
THE INTERNATIONAL LABOUR CODE

A systematic arrangement of the Conventions and Recommendations adopted by the International Labour Conference 1919-1939, with appendices embodying other standards of social policy framed by the International Labour Organisation and notes giving full bibliographical references and material relating to the ratification, application and interpretation of the international labour Conventions.

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