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Meeting of Experts on Social and Economic Conditions of Teachers in Primary and Secondary Schools (Geneva, 21 October-1 November 1963): Conclusions and Resolution Adopted

Meeting of Experts on Conditions of Work and Service of Public Servants (Geneva, 25 November-6 December 1963): Conclusions and Resolution Adopted

Supplement

The supplement to this number contains the Seventy-second Report of the Governing Body Committee on Freedom of Association.
The 157th Session of the Governing Body of the International Labour Office was held in Geneva from 12 to 15 November 1963.

The agenda of the session was as follows:

1. Approval of the minutes of the 155th and 156th Sessions.
2. Date of the 48th (1964) Session of the International Labour Conference.
3. Date, place and agenda of the 49th (1965) Session of the International Labour Conference.
5. Inter-American Vocational Training Research and Documentation Centre.

The texts of the reports submitted to the Governing Body, which contain full information on the questions dealt with, will be published subsequently in the appendices to the printed minutes of the session.
11. Questions arising from the resolutions adopted by the Governing Body at its 156th Session concerning South Africa.
13. Reports of the Financial and Administrative Committee.
17. Report of the Committee on Operational Programmes.
18. Composition and agenda of committees and of various meetings.
21. Programme of meetings.
22. Appointment of Governing Body representatives on various bodies.
23. Date and place of the 158th Session of the Governing Body.

The Governing Body was composed as follows:

**Chairman:** Mr. E. Calderón Puig (*Mexico*).

**Government group:**

*Algeria:* Mr. M. Djeghri.
*Australia:* Mr. H. A. Bland.
*Brazil:* Mr. E. M. Hosannah.
*Bulgaria:* Mr. A. Tzankov.
*Canada:* Mr. G. V. Haythorne.
*China:* Mr. Cheng Pao-nan.
*Ecuador:* Mr. R. de Icaza.
*France:* Mr. A. Parodi.
*Gabon:* Mr. A. Boumah.
*Federal Republic of Germany:* Mr. W. Claussen.
*India:* Mr. S. W. Zaman.
*Italy:* Mr. R. Ago.
*Japan:* Mr. M. Aoki.
*Lebanon:* Mr. F. N. Abi Raad.
*Liberia:* Mr. A. D. Wilson.
*Mali:* Mr. N. Keita.
*Mexico:* Mr. E. de Santiago López.
*Pakistan:* Mr. S. H. Raza.
*Peru:* Mr. E. Letts.
*Poland:* Mr. L. Chain.
*Tanganyika:* Mr. J. B. Mwenda.
*U.S.S.R.:* Mr. I. V. Goroshkin.
*United Kingdom:* Mr. G. C. H. Slater.
*United States:* Mr. G. L. P. Weaver.

**Employers' group:**

Mr. G. Bergenström (*Swedish*).
Mr. A. Desmaison (*Peruvian*).
Mr. E. G. Erdmann (*Federal Republic of Germany*).
Mr. F. A. P. Muro de Nadal (Argentinian).
Mr. M. Nasr (Lebanese).
Mr. H. M. Ofurum (Nigerian).
Sir George Pollock (United Kingdom).
Mr. M. A. Rifaat (United Arab Republic).
Mr. N. H. Tata (Indian).
Mr. R. Wagner (United States).
Mr. S. Wajid Ali (Pakistani).
Mr. P. Waline (French).

Workers' group:
Mr. F. Ahmad (Pakistani).
Mr. A. Becker (Israeli).
Mr. H. Beermann (Federal Republic of Germany).
Mr. R. Bothereau (French).
Mr. H. Collison (United Kingdom).
Mr. M. Ben Ezzidine (Tunisian).
Mr. R. Faupl (United States).
Mr. K. Kaplansky (Canadian).
Mr. A. E. Monk (Australian).
Mr. J. Möri (Swiss).
Mr. E. Nielsen (Danish).
Mr. A. Sánchez Madariaga (Mexican).

The following regular representatives were absent:

Government group:
Brazil: Mr. J. de Castro.
Tanganyika: Mr. K. R. Baghdelleh.

Workers' group:
Mr. G. D. Ambekar (Indian).
Mr. L. L. Borha (Nigerian).

The following deputy members were present:

Government group:
Argentina: Mr. A. M. Lescure.
Congo (Leopoldville): Mr. A. Makwambala.
Ethiopia: Mr. Y. Mekuria.
Indonesia: Mr. Godjali.
Morocco: Mr. J. Benjelloun.
Norway: Mr. K. J. Øksnes.
Philippines: Mr. T. de Castro.
Ukraine: Mr. S. A. Slipchenko.
Uruguay: Mr. P. Bosch.
Venezuela: Mr. A. Aguilar.

Employers' group:
Sir Lewis Burne (Australian).
Mr. P. Campanella (Italian).
Mr. C. R. Végh-Garzón (Uruguayan).
Mr. A. Mishiro (Japanese).
Mr. A. G. Fennema (Netherlands).
Mr. C. Kuntschen (Swiss).
Mr. D. Andriantsitohaina (Malagasy Republic).
Mr. T. H. Robinson (Canadian).
Mr. F. Martínez Espino (Venezuelan).
Mr. J. O'Brien (Irish).

Workers' group:
Mr. N. De Bock (Belgian).
Mr. A. Fahim (United Arab Republic).
Mr. Y. Haraguchi (Japanese).
Mr. J. J. Hernandez (Philippines).
Mr. G. Khouri (Lebanese).
Mr. G. Pongault (Congo (Brazzaville)).
Mr. C. Riani (Brazilian).
Mr. S. Shita (Libyan).
Mr. G. Weissenberg (Austrian).
Mr. O. B. Diarra, Minister of Labour, Mali, attended the third sitting.

The following representatives of States Members of the Organisation were present as observers:

Austria : Mr. H.-M. Melas.
Belgium : Mr. J. Denys.
Cuba : Mr. E. Camejo Argudín.
Czechoslovakia : Mr. P. Pavlik.
Denmark : Mr. P. Green.
Hungary : Mr. J. Bényi.
Iraq : Mrs. B. Afnan.
Israel : Mr. E. F. Haran.
Netherlands : Mr. C. E. Sohns.
New Zealand : Miss A. V. Stokes.
Portugal : Mr. F. de Alcambar Pereira.
Rumania : Mr. C. Ungureanu.
Republic of South Africa : Mr. A. J. Oxley.
Turkey : Mr. H. F. Alaçam.
United Arab Republic : Mr. S. B. Nour.
Yugoslavia : Mr. S. Soč.

The following representatives of international governmental organisations were present:

United Nations : Mr. V. Velebit, Mr. M. Hill.
Food and Agriculture Organisation of the United Nations : Mr. N. Crapon de Caprona.
World Health Organisation : Mr. C. Fedele.
General Agreement on Tariffs and Trade : Mr. F. Gundelach.
Office of the High Commissioner for Refugees : Mr. J. Asscher.
Intergovernmental Committee for European Migration : Mr. E. K. Rahardt.
Council of Europe : Mr. F. Sur.
European Economic Community : Mr. J. D. Neirinck.
High Authority for the European Coal and Steel Community : Mr. Ch. Savouillan.
Organisation of American States : Mr. L. O. Delwart.
League of Arab States : Mr. M. El-Wakil.
The following representatives of international non-governmental organisations were present as observers:

**International Confederation of Free Trade Unions**: Mr. A. Heyer.
**International Co-operative Alliance**: Mr. M. Boson.
**International Federation of Christian Trade Unions**: Mr. G. Eggermann.
**International Organisation of Employers**: Mr. R. Lagasse.
**World Federation of Trade Unions**: Mr. G. Boglietti.

**Approval of the Minutes of the 155th and 156th Sessions**

Subject to the changes notified by its members, the Governing Body approved the minutes of the 155th and 156th Sessions.

**Date of the 48th (1964) Session of the International Labour Conference**

The Governing Body at its 153rd (November 1962) Session had decided that the 48th Session of the International Labour Conference should open in Geneva on 3 June 1964. Since then it had been proposed that the United Nations Conference on Trade and Development should be held during a period the end of which would overlap with the beginning of that fixed for the 48th Session of the International Labour Conference. In view of the likelihood that the United Nations Conference would be held at the Palais des Nations in Geneva, where it would require the premises normally occupied by the International Labour Conference under long-standing arrangements entered into, first, with the League of Nations and then with the United Nations, consultations had taken place between the Director-General and the Secretary-General of the United Nations concerning a possible adjustment in the opening date of the International Labour Conference so as to avoid any overlap between the two meetings. In the light of these consultations, and of the assurances given by the Secretary-General, the Governing Body decided that the 48th (1964) Session of the International Labour Conference should open at the Palais des Nations, Geneva, on Wednesday, 17 June 1964.

**Date, Place and Agenda of the 49th (1965) Session of the International Labour Conference**

The Governing Body decided that the 49th Session of the International Labour Conference should be held in Geneva and should open on 2 June 1965. It noted that the Conference would necessarily have before it the following items:

- Report of the Director-General.
- Financial and budgetary questions.
- Information and reports on the application of Conventions and Recommendations.

As regards technical items on the agenda, the Governing Body noted that the following were likely to be carried over for second discussion from the 48th Session:

- The employment of young persons in underground work in mines of all kinds.
- Women workers in a changing world.

With respect to new technical items, the Governing Body at its 155th (May-June 1963) Session had decided that it should at the present session receive law and practice reports, or more detailed proposals, on the following subjects:

- Revision of Conventions Nos. 35, 36, 37, 38, 39 and 40 concerning invalidity, old-age and survivors' pensions.
The role of co-operatives in the economic and social development of developing countries.

Accommodation on board fishing vessels.

In addition, the Governing Body at its 154th Session had authorised the convening of a technical advisory group to make recommendations for its consideration on the manner in which the subject of agrarian reform could be examined by the Conference, if possible in 1965, and on the specific aspects of the question that might be discussed. This group will meet in the early part of 1964.¹

Following exhaustive discussion, a consensus emerged in favour of taking an immediate decision to include an item on agrarian reform in the Conference agenda, with “The role of co-operatives in the economic and social development of developing countries” as a second technical item.

As a result of the decision unanimously taken by the Governing Body, the agenda of the 49th Session of the International Labour Conference therefore stands as follows:

I. Report of the Director-General.
II. Financial and budgetary questions.
III. Information and reports on the application of Conventions and Recommendations.
IV. The employment of young persons in underground work in mines of all kinds (second discussion).
V. Women workers in a changing world (second discussion).
VI. Agrarian reform (the exact wording to be determined in the light of the conclusions of the technical advisory group).
VII. The role of co-operatives in the economic and social development of developing countries.

With respect to the question of accommodation on board fishing vessels, on which a law and practice report was also before the Governing Body, it was understood that consideration would be given, in connection with the discussion on the draft budget for 1965, to the convening during that year of a preparatory meeting which would enable the question to be placed subsequently on the agenda of the International Labour Conference for single discussion, and that such a meeting would deal with all three questions which the Committee on Conditions of Work in the Fishing Industry had recommended should be dealt with by the Conference², namely accommodation on board fishing vessels, fishermen’s vocational training and fishermen’s certificates of competency.

INTERNATIONAL CENTRE FOR ADVANCED TECHNICAL AND VOCATIONAL TRAINING

Pro memoria. No paper was before the Governing Body on this item.

INTER-AMERICAN VOCATIONAL TRAINING RESEARCH AND DOCUMENTATION CENTRE

The Governing Body took note of the report and four resolutions adopted by the Second Preparatory Technical Meeting for the establishment of an Inter-American

¹ See below, p. 24.
Vocational Training Research and Documentation Centre, which had been held in Rio de Janeiro from 24 June to 2 July 1963.

The Governing Body also took note of information submitted by the Director-General concerning recent steps taken by him towards the establishment of the Centre and the commencement of its activities. It noted that negotiations with a view to the establishment of the Centre in Uruguay had been successfully completed and that a formal agreement would be signed on 1 December 1963. Finally, it noted that it would receive at its next session a full report dealing, in particular, with the financing of the project.

**RECORD OF THE PREPARATORY TECHNICAL CONFERENCE ON EMPLOYMENT POLICY**

*(Geneva, 30 September-16 October 1963)*

The Governing Body had before it the record of the Preparatory Technical Conference which, in accordance with the decision taken by the Governing Body at its 152nd (June 1962) Session, had examined the question of employment policy with a view to the adoption of an appropriate instrument by the International Labour Conference in 1964.

In the light of that record, the Governing Body decided to add to the agenda of the 48th (1964) Session of the International Labour Conference, as fixed by the Governing Body at its 153rd (November 1962) Session, the following further item for single discussion:

Employment policy, with particular reference to the employment problems of developing countries.

It was decided that the record of the Preparatory Technical Conference on Employment Policy and the text of its conclusions, together with such details of its proceedings as would be necessary for a clear understanding of the reservations subject to which some of the conclusions were adopted, and a questionnaire, should be communicated to member States without delay. The Governing Body further fixed at two months the period allowed to governments for the preparation of their replies and decided that the final report prepared by the Office should be timed to reach governments by 15 April 1964.

**REPORT OF THE MEETING OF EXPERTS ON SOCIAL AND ECONOMIC CONDITIONS OF TEACHERS IN PRIMARY AND SECONDARY SCHOOLS**

*(Geneva, 21 October-1 November 1963)*

The Governing Body had before it the report of the Meeting of Experts on Social and Economic Conditions of Teachers in Primary and Secondary Schools held in Geneva from 21 October to 1 November 1963, together with a number of proposals submitted by the Director-General on the basis of the report.

While authorising the Director-General in principle to give effect to those of his proposals which were designed to implement the meeting’s recommendations concerning joint action with U.N.E.S.C.O. for the adoption of an appropriate instrument on the social, economic and professional problems and on the training of teaching staff, the Governing Body postponed consideration of this item until its next session.

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REPORT OF THE MEETING OF EXPERTS ON THE MEASUREMENT OF UNDEREMPLOYMENT

(Geneva, 21 October-1 November 1963)

The Governing Body postponed consideration of this item to its 158th Session.

REPORT OF THE WORKING PARTY TO CONSIDER THE REPORT ON THE EXTERNAL SURVEY OF THE ORGANISATION AND STRUCTURE OF THE OFFICE

The Governing Body was informed that its Working Party to Consider the Report on the External Survey of the Organisation and Structure of the Office, which had met on 13 and 14 August 1963, had not completed its work. Provision for a further meeting of the Working Party was made in connection with the programme of meetings for the 158th Session of the Governing Body.¹

REPORT OF THE COMMITTEE ON THE AMENDMENT OF ARTICLE 35 OF THE CONSTITUTION

The Governing Body had before it the report of the Committee which it had set up at its 155th Session ² to explore the possibility of submitting to the Conference a generally agreed proposal for the amendment of article 35 of the Constitution of the International Labour Organisation. The report contained the text of a draft instrument of amendment to the Constitution whereby article 35 would cease to have effect and the following paragraph would be added to article 19:

9. With a view to promoting the universal application of Conventions to all peoples, including those who have not yet attained a full measure of self-government, and without prejudice to the self-governing powers of any territory, Members ratifying Conventions shall accept their provisions so far as practicable in respect of all territories for whose international relations they are responsible.

(a) Where the subject matter of the Convention is within the self-governing powers of any territory, the obligation of the Member responsible for the international relations of that territory shall be to bring the Convention to the notice of the government of the territory as soon as possible with a view to the enactment of legislation or other action by such government; if the government of the territory so agrees, the Member shall communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

(b) A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office:

(i) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or

(ii) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

(c) Acceptance of the obligations of a Convention in virtue of sub-paragraph (a) or sub-paragraph (b) of this paragraph shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions.

(d) Each Member or international authority which has communicated a declaration in virtue of this paragraph may, in accordance with the provisions of the Convention relating to the denunciation thereof, communicate a further declaration terminating the acceptance of the obligations of the Convention on behalf of any territory specified in the declaration.

(e) With a view to encouraging the universality of application envisaged above, the Member or Members or international authority concerned shall, as requested by the Governing Body,

¹ See below, p. 25.
report to the Director-General of the International Labour Office the position of the law and practice of territories for which the Convention is not in force in regard to the matters dealt with in the Convention and the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the acceptance of the Convention.

(f) This transitory paragraph shall cease to be applicable to the peoples of dependent territories as they become independent.

The Governing Body decided to submit to the Conference the proposals embodied in the draft instrument of amendment and, in so doing, placed the following additional item on the agenda of the 48th Session of the International Labour Conference:

Substitution for article 35 of the Constitution of the International Labour Organisation of the proposals referred to the Conference by the Governing Body at its 157th Session.

On the ground that they could not admit the possibility of excluding any territories from the application of a ratified Convention, the Government representatives of Bulgaria and the U.S.S.R. supported a proposal for alternative drafting of the first sentence of the proposed new provision, so that its last part should read: "... Members ratifying so far as practicable Conventions shall accept their provisions in respect of all territories for whose international relations they are responsible." This proposal had been made in the committee by the Government representative of Poland, but the majority of the committee had not been able to accept it.

The Government representatives of Bulgaria and the U.S.S.R. also had reservations concerning the drafting of the preamble of the proposed instrument, which refers to the adoption by the Conference of the proposals submitted to it by the Governing Body, and to the terms of the proposed agenda item; they expressed the view that it was for the Conference to decide the final text of the Constitution.

QUESTIONS ARISING FROM THE RESOLUTIONS ADOPTED BY THE GOVERNING BODY AT ITS 156TH SESSION CONCERNING SOUTH AFRICA

At its 156th Session the Governing Body had taken a number of decisions, which were embodied in three resolutions, concerning action to deal with the problems posed by the Republic of South Africa’s membership of the Organisation.1

Pursuant to these decisions the Director-General, accompanied by a tripartite delegation headed by the Chairman of the Governing Body, had visited the Secretary-General of the United Nations in New York to convey to him the grave concern expressed in the Conference and the Governing Body on the subject of apartheid, and to emphasise, and jointly seek a solution appropriate to each Organisation of, the problems posed by the membership of the Republic of South Africa so long as it would maintain its present policy.

The Governing Body had before it a report on the visit of its delegation to New York and an information paper on recent developments in the United Nations, the specialised agencies and the International Atomic Energy Agency with respect to the question of South Africa. It also heard a statement by the Chairman of the Governing Body on behalf of the delegation which had gone to New York and a statement by the Minister of Labour of Mali on behalf of the African States represented in the Governing Body.

After an extended discussion it unanimously adopted the following resolution, based on a draft originally submitted by the Workers' group:

The Governing Body of the International Labour Office has taken note with gratitude of the information submitted to it by the delegation which it had requested, at its previous session, to acquaint the Secretary-General of the United Nations of the grave concern expressed in the Conference and Governing Body on the subject of the odious policy of apartheid deliberately practised by the Government of the Republic of South Africa. The Governing Body expresses its thanks to the Secretary-General for the reply given to its delegation, of which it has taken due note.

It has also taken note of the proposals submitted to it by the Minister of Labour of Mali on behalf of the Governments of the African countries.

The Governing Body notes that the Republic of South Africa is pursuing its baneful policy, which violates the fundamental principles of the I.L.O. It further notes that the question of the action to be taken in the United Nations is still under discussion.

The Governing Body once again reaffirms its determination to seek in concert with the United Nations a solution appropriate to each Organisation of this crucial problem.

It accordingly undertakes to implement within the framework of the I.L.O. any measures which the United Nations may take on this matter.

The Governing Body decides to appoint from among its members a small committee to consider the question as a whole and to present proposals to it at the forthcoming February 1964 Session for possible submission to the next session of the International Labour Conference.

This committee should endeavour to determine what contribution the I.L.O. could make to the complete elimination of apartheid and to suggest what action should be taken to secure the observance of the principles in the Constitution and to protect human dignity.

It requests the Director-General of the I.L.O., as a matter of urgency, to submit suggestions to the committee on the action which might be contemplated to this end.

The Governing Body further decided by 43 votes to 2, with 1 abstention, that its 158th Session, the dates of which it had provisionally fixed at its 156th Session as part of the over-all programme of meetings, should be brought forward to an earlier date so as to enable the question of a possible amendment to the Constitution to be placed on the agenda of the 48th (1964) Session of the International Labour Conference four months before the opening of the Session, as provided in article 46 of the Conference Standing Orders.

The composition of the Committee referred to in the sixth paragraph of the resolution was fixed as follows:

**Chairman:** Mr. Øksnes (Norway).

**Government group:**

- Mr. Borisov (U.S.S.R.).
- Mr. Weaver (United States).
- Mr. Wilson (Liberia); substitute: Mr. Boumah (Gabon).
- Mr. Zaman (India).

**Employers’ group:**

- Mr. Ofurum (Nigerian).
- Mr. O’Brien (Irish).
- Mr. Wajid Ali (Pakistani).
- Mr. Waline (French).

**Workers’ group:**

- Mr. Ben Ezzedine (Tunisian).
- Mr. Kaplansky (Canadian).
- Mr. Pongault (Congolese (Brazzaville)).
- Mr. Möri (Swiss).

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1 See below, p. 25.
Substitutes:

Mr. HERNANDEZ (Philippines).
Mr. RIANI (Brazilian).
Mr. SÁNCHEZ MADARIAGA (Mexican).

REPORTS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

The Governing Body had before it the 72nd and 73rd Reports of its Committee on Freedom of Association. Having noted that the Government representative of the U.S.S.R. would take part neither in the discussion nor in the decisions on this item, it proceeded to adopt the recommendations contained in the 72nd Report and, in accordance with the procedure laid down in paragraph 12 of the Committee's 29th Report, as amended in paragraph 5 of the 43rd Report, decided to examine the 73rd Report at its 158th Session.

REPORTS OF THE FINANCIAL AND ADMINISTRATIVE COMMITTEE

The Governing Body adopted the recommendations submitted by its Financial and Administrative Committee. In so doing it asked the Director-General, having regard to the critical cash position resulting from delays in the payment of member States' contributions, to supplement the normal procedures for obtaining such payment by making an immediate and urgent appeal to all Members from whom contributions were outstanding, asking them to take immediate and urgent steps to remit such contributions. The Director-General was further asked to remind all Members that their 1964 contributions would be due on 1 January 1964 and to request them to take all necessary action to ensure prompt payment.

The Governing Body also approved certain arrangements for the financing of expenditure not provided for in the 1963 and 1964 budgets; it accepted a number of gifts to the International Institute for Labour Studies; it approved the 1964 income and expenditure estimates for the joint I.L.O.-I.S.S.A. account and the Safety Information Centre account, and the 1964 budget of the International Vocational Information and Research Centre; and it confirmed action taken and proposed by the Director-General with respect to the funding of compensation annuities payable to I.L.O. officials or their survivors. These decisions were taken subject to the reservations expressed by the Government representatives of Bulgaria, Poland and the U.S.S.R. in respect of all proposals involving possible withdrawals from the Working Capital Fund.

The Governing Body further approved the application of the Statute of the I.L.O. Administrative Tribunal to the United International Bureaux for Intellectual Property; the regrading of certain General Service Category posts within the Office; several amendments to the Staff Regulations; and the recommendations of the Administrative Committee on Co-ordination concerning enlargement of the responsibilities of the International Civil Service Advisory Board.

REPORT OF THE COMMITTEE ON STANDING ORDERS
AND THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

On the recommendation of its Committee on Standing Orders and the Application of Conventions and Recommendations, the Governing Body approved forms for the

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1 For the text of the report see the supplement to this issue.
3 Ibid., pp. 264-265.
submission of reports under article 22 of the Constitution on the application of the Social Policy (Basic Aims and Standards) Convention, 1962, and the Equality of Treatment (Social Security) Convention, 1962. A number of formal amendments in the Standing Orders of the Conference consequential on the coming into force of the Constitution of the International Labour Organisation Instrument of Amendment, 1962, were also recommended to the Conference for adoption.

**Report of the International Organisations Committee**

On the basis of the report of its International Organisations Committee the Governing Body took the action described below.

**Conclusion of the Partial Nuclear Test Ban Treaty**

The Governing Body asked the Director-General to inform the Secretary-General of the United Nations of the deep satisfaction with which it had noted the Treaty signed on 5 August 1963 leading to a partial nuclear test ban, and the statement made by the parties to the Treaty proclaiming "as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations", describing the Treaty as "an important initial step towards the lessening of international tension and the strengthening of peace", and expressing "their hope that further progress will be achieved towards that end".

**Twenty-eighth Report of the Administrative Committee on Co-ordination**

The Governing Body took note of the 28th Report of the Administrative Committee on Co-ordination, and in so doing noted in particular that the arrangements suggested in paragraphs 40 and 41 of that document concerning inter-agency co-operation in the field of science and technology met the desiderata expressed in the report of the International Organisations Committee to the 154th Session of the Governing Body.

*Joint I.L.O.-W.H.O. Working Group on a Draft International Scheme for Medical Advice to Ships at Sea*

The Governing Body approved arrangements for the convening in 1964 of a small group of experts jointly with W.H.O. to examine a draft for a model ships' medical guide.


The Governing Body had before it the findings of the Joint I.A.E.A.-I.L.O.-W.H.O. Symposium on Radiological Health and Safety in Nuclear Materials Mining and Milling, which had been held in Vienna from 26 to 31 August 1963, and invited the Director-General to take them into account in preparing the Office's future programme of work in the field of occupational safety and health.

*Report of the Fourth Session of the Joint I.L.O.-W.H.O. Committee on Occupational Health*

The Governing Body took note of the report of the Fourth Session of the Joint I.L.O.-W.H.O. Committee on Occupational Health (Geneva, 9-16 April 1962) and
authorised its dissemination. It also authorised the Director-General to communicate the report to governments, with the request that it be transmitted to the organisations and agencies concerned.

**REPORT OF THE COMMITTEE ON INDUSTRIAL COMMITTEES**

On the basis of the Report of its Committee on Industrial Committees the Governing Body took the following action.

**Textiles Committee: Effect Given to the Conclusions of the Seventh Session**¹

The Governing Body authorised the Director-General to communicate the reports, conclusions and resolutions adopted by the Textiles Committee at its Seventh Session to governments, drawing their special attention to the report and conclusions (No. 48) concerning problems of apprenticeship, vocational training and retraining and to the report and conclusions (No. 49) concerning conditions of employment and related problems in the textile industry in countries in the course of industrialisation, informing them that the Governing Body had not expressed any view on the contents thereof and inviting them to transmit these documents to the employers’ and workers’ organisations concerned.

**Problems of Apprenticeship, Vocational Training and Retraining in the Textile Industry.**

The Governing Body authorised the Director-General to take into account paragraph 32² of the Textiles Committee’s conclusions (No. 48) on this subject in the general examination of problems arising from technological changes and in framing proposals to investigate the effects of technological change on the occupational structure and training requirements of the labour force in the textile industry and to convene meetings of experts to deal with training problems in the industry.

The Director-General was further authorised to take into account the suggestions in paragraph 34 of conclusions No. 48 in his examination of the general work of the Office concerning the collection and dissemination of information on vocational training and of the future activities undertaken by the International Vocational Training Information and Research Centre (C.I.R.F.).

**Conditions of Employment and Related Problems in the Textile Industry in Countries in the Course of Industrialisation.**

The Governing Body requested the Director-General to give effect to the suggestion in paragraph 46³ of the Textiles Committee’s conclusions (No. 49) on this subject by continuing the policy of expanding technical assistance in the sphere of labour administration, including labour inspection. With respect to paragraph 47 of conclusions No. 49, the Governing Body requested the Director-General to give attention to the matter in accordance with the policy outlined in the report of the Committee on Industrial Committees.

**Effect Given to the Conclusions and Resolutions Adopted by the Textiles Committee at Its Previous Sessions.**

The Governing Body authorised the Director-General to express its thanks to the governments which had provided information on the effect given in their countries

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² Ibid., p. 407.
³ Ibid., p. 422.
to conclusions and resolutions adopted by the Textiles Committee. It also drew the attention of governments, and through them of the employers' and workers' organisations concerned, to the report 1 of the Working Party on the Effect Given to the Conclusions and Resolutions Adopted by the Textiles Committee at Its Previous Sessions, and to the conclusions and resolutions enumerated under section I, group C of the classification appended to that report.

**Tripartite Action regarding Technical Assistance in the Textile Industry.**

The Governing Body decided to refer the suggestions contained in the resolution (No. 50) concerning tripartite action regarding technical assistance in the textile industry 2 to its Committee on Operational Programmes.

**Social Aspects of International Trade in Textiles.**

The Governing Body requested the Director-General to urge all governments concerned to supply information required for the study referred to in operative paragraph (b) of the resolution (No. 51) concerning the social aspects of international trade in textiles3, and postponed consideration of the remainder of this section of the report to its 158th Session.

**Expanded Trade and the Social Effects of Technological Developments.**

The Governing Body authorised the Director-General to urge governments to undertake the steps suggested by the Textiles Committee in resolution No. 52 4 and to take such other measures as would be deemed proper to achieve the objects indicated in the resolution.

**Social Consequences of the Instability of Textile Raw Material Prices.**

The Governing Body requested the Director-General to continue to study this question and to co-operate with other international organisations competent to deal with the problem.

**Future Work of the Textiles Committee.**

The Governing Body deferred to a later session the consideration of the proposals of the Textiles Committee concerning its future work, as set out in resolution No. 54.5

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2 Ibid., pp. 458-459.
3 Ibid., pp. 459-460.
4 Ibid., p. 460.
5 Ibid., p. 461.
Meetings of Industrial and Analogous Committees in 1965

Selection of Meetings.

The Governing Body fixed the following order of priority for the convening of Industrial Committees and analogous meetings in 1965:

Metal Trades Committee (Eighth Session).
Tripartite Technical Meeting for Hotels, Restaurants and Similar Establishments.
Petroleum Committee (Seventh Session).

It also endorsed the suggestion that a small meeting of experts on conditions of work in urban transport services should be convened in 1965.

Agenda of the Eighth Session of the Metal Trades Committee.

The Governing Body decided that the first two items to be included in the agenda of the Eighth Session of the Metal Trades Committee should be as follows:

I. General Report, dealing particularly with—
   (a) action taken in the various countries in the light of the conclusions adopted at previous sessions of the Committee;
   (b) steps taken by the Office to follow up the studies and inquiries proposed by the Committee; and
   (c) recent events and developments in the metal trades.

II. International co-operation in dealing with social and labour problems in the metal trades in the developing countries.

The Governing Body noted that the Committee on Industrial Committees would make recommendations concerning the third item on the agenda at its meeting to be held in conjunction with the 158th Session of the Governing Body.

Agenda of the Tripartite Technical Meeting on Hotels, Restaurants and Similar Establishments.

The Governing Body fixed the agenda of the Tripartite Technical Meeting on Hotels, Restaurants and Similar Establishments as follows:

I. Review of the social and economic problems of employees in hotels, restaurants and similar establishments (General Report).

II. Methods of remuneration.

III. Organisation of work schedules and paid holidays.

Tripartite Technical Meeting for the Clothing Industry: Membership

The Governing Body decided that the following countries should be invited to be represented at the Tripartite Technical Meeting for the Clothing Industry: Argentina, Australia, Brazil, Canada, Czechoslovakia, France, the Federal Republic of Germany, India, Italy, Japan, Mexico, the Netherlands, Nigeria, Pakistan, Sweden, Switzerland, the U.S.S.R., the United Arab Republic, the United Kingdom and the United States.

Review of the Membership of Industrial and Analogous Committees

The Governing Body decided to proceed at its session in November 1964 with a new general review of the membership of Industrial and analogous Committees.
To that end it decided to invite member States applying for such membership to supply statistical data concerning their national industries covered by the Committees of which they desired membership and the existence, importance and status of national employers' and workers' organisations in those industries, with a view to determining the membership of the Committees in the light of the criteria set out in paragraph 11 of the document concerning the purposes and functions of Industrial and analogous Committees.

The Director-General was requested to forward to States Members of the Organisation a letter inviting them to submit before 30 June 1964 their applications for seats in the ten Industrial and analogous Committees, indicating also an order of preference, and to supply in support of their applications, within the same time limit, the data specified above.

REPORT OF THE COMMITTEE ON OPERATIONAL PROGRAMMES

Subject to the comments made during the discussion, the Governing Body took note of the report of its Committee on Operational Programmes, and in particular the sections dealing with the magnitude and balance of the programme of operational activities in 1965 under the I.L.O. ordinary budget and with the fellowship and worker trainee programmes, both of which topics had been extensively discussed by the Committee.

The Governing Body also requested the Director-General to proceed with the implementation of certain arrangements with U.N.I.C.E.F. and expressed its appreciation to the Executive Board of U.N.I.C.E.F. for the substantial contribution which it was prepared to make to the implementation of programmes on behalf of children and young persons in technical fields of I.L.O. concern.

The agenda of the Committee's meeting to be held in connection with the 158th Session of the Governing Body was fixed as follows:

I. Over-all evaluation of the various technical assistance programmes of the I.L.O. in 1963.

II. I.L.O. regional and inter-regional programmes.

III. Evaluation of training methods and techniques.

COMPOSITION AND AGENDA OF COMMITTEES AND OF VARIOUS MEETINGS

Committee of Experts on the Application of Conventions and Recommendations

The Governing Body reappointed the following members of the Committee for a period of three years:

Sir Grantley ADAMS (Barbadian).
Mr. Henri BATIFFOL (French).
Begum Liaquat Ali KHAN (Pakistani).
Mr. H. S. KIRKALDY (United Kingdom).

Panel of Consultants on the Problems of Women Workers

The Governing Body, having been informed that Mr. R. Lévy-Bruhl, a member of the Panel of Consultants on the Problems of Women Workers appointed after consultation with the French Government, and Mr. J. L. Edwards, a member of the Panel appointed after consultation with the United Kingdom Government, would
no longer be able to serve on the Panel, appointed the following persons to fill the resulting vacancies:

Mr. J. R. Davies (United Kingdom), Assistant Secretary, Ministry of Labour, London.

Miss Betty Piguet (France), Assistant Director, Social Status of Workers and Labour Regulations Branch, Ministry of Labour, Paris.

On the basis of a nomination submitted by the Director-General after consultation with the Government of Burma, the Governing Body further appointed the following person as a member of the Panel, thereby completing its membership:

U Sein (Burma), Chief Inspector of Factories and General Labour Laws, Rangoon.

All of these appointments were made for a period expiring in June 1964.

**Panel of Consultants on the Problems of Young Workers**

The Governing Body, having been informed that Mr. J. Namfua (Tanganyikan), a member of the Panel of Consultants on the Problems of Young Workers appointed after consultation with the Workers' group of the Governing Body, was unable to continue to serve on the Panel, appointed the following person to replace Mr. Namfua during the unexpired portion of his term of appointment, i.e. until March 1966:

Mr. Ray Odhuno (Kenyan), Assistant Staff Relations Officer, East African P.T.T. Administration, Nairobi.

**Proposal to Establish a Committee to Study the Social Consequences of Colonialism**

The Governing Body decided to postpone until its 158th Session a proposal by the Government representative of Poland to establish a Governing Body Committee to study the social consequences of colonialism.

**Technical Advisory Group on Agrarian Reform**

At its 156th Session the Governing Body had authorised the Director-General to invite four experts to participate in the meeting of the Technical Advisory Group on Agrarian Reform, the convening of which it had approved at its 154th Session, and had authorised its Officers to approve on its behalf the names of three further experts.¹ It noted that pursuant to this decision the Officers had authorised the Director-General to issue invitations to the following two persons:

Professor Roberto Barrios (Mexican), Head of the Department of Agrarian Affairs, Cabinet of the President of the Republic, Mexico City.

Mr. Sergei Cheremushkin (U.S.S.R.), Chief, Agricultural Development and Land Utilisation Division, Institute of Rural Economy, Moscow.

The Officers had further been informed that consultations were under way with a view to the nomination of a third expert. These consultations had now been completed, and the Governing Body accordingly endorsed the following nomination which was submitted to it directly by the Director-General:

Mr. H. A. Oluwasanmi (Nigerian), Professor of Agricultural Economics and Head of Department of Agricultural Organisation, University of Ibadan.

Meeting of Experts on Conditions of Work and Service of Public Servants

The Governing Body was informed that Mr. Pierre Juvigny (French), one of the experts whom it had at its 156th Session authorised the Director-General to invite to the Meeting of Experts on Conditions of Work and Service of Public Servants was no longer able to accept the invitation. It accordingly authorised the Director-General to invite the following expert in Mr. Juvigny's place:

Mr. Roger Grégoire (French), Conseiller d'Etat, former Director of the Public Service, former Director-General of the European Productivity Agency.

Meeting of Experts on the Maximum Permissible Weight to Be Carried by One Worker

The Governing Body authorised the Director-General to invite the following experts to participate in the Meeting of Experts on the Maximum Permissible Weight to Be Carried by One Worker, the convening of which it had approved at its 155th Session:

Government experts:

Dr. A. H. Baynes (United Kingdom), Deputy Senior Medical Inspector of Factories, London.
Dr. L. Brouha (United States), Director, Haskell Laboratory for Toxicology and Industrial Medicine, Wilmington, Delaware.
Mr. Evio Santos Bustamante (Brazil), Director, Labour Hygiene and Safety Division, Ministry of Labour, Rio de Janeiro.
Dr. G. Zuev (U.S.S.R.), Assistant, Medical Institute of Hygiene and Sanitation, Leningrad.

Employer experts:

Mr. L. A. Sugars (Australian), General Manager, Queensland Chamber of Manufactures, Brisbane.
Mr. P. V. Thacker (Indian), Senior Industrial Health Adviser, Department of Industrial Health, Tata Services Limited, Bombay.
Mr. A. Tschumi (Swiss), Contractor, Prilly (Vaud).
Mr. N. Viviani (Italian), Chief, Labour Relations Service, Montecatini Company, Milan.

Worker experts:

Mr. A. Charlot (French), Federation of Food Workers (Force ouvrière).
Mr. E. Jallow (Gambian), General Secretary, Gambia Workers' Union, Bathurst.
Mr. O. Gale (Honduran), General Secretary, Tela Railroad Employees.
Mr. T. O'Leary (United Kingdom), Transport and General Workers' Union.

Medical experts:

Professor E. A. Müller (Federal Republic of Germany), Max Planck Institute of Labour Physiology, Dortmund.

2 Ibid., p. 305.
Professor L. Noro (Finnish), Director, Institute of Occupational Health, Helsinki.

*Meeting of Experts on Automation*

The Governing Body authorised the Director-General to invite the following experts to participate in the Meeting of Experts on Automation, the convening of which it had approved at its 155th Session:

- Mr. J. P. Francis (Canadian), Director, Economics and Research Branch, Department of Labour.
- Mr. G. Friedreichs (Federal Republic of Germany), Assistant for Automation and Nuclear Energy, German Metal Workers’ Union.
- Mr. L. Greenberg (United States), Assistant Commissioner for Productivity and Technological Developments, Bureau of Labor Statistics, Department of Labor.
- Dr. U. Jaeggi (Swiss), Institute of Sociology, University of Berne.
- Mr. W. M. Larké (United Kingdom), General Manager, Stewarts and Lloyds Limited; member of the Council of the British Employers’ Confederation.
- Mr. N. S. Mankiker (Indian), Chief Adviser, Factories, Ministry of Labour and Employment.
- Mr. P. Naville (French), Director at the National Centre for Scientific Research; Deputy Director of the Centre for Sociological Studies.
- Professor K. Okochi (Japanese), Faculty of Economics, Tokyo University.
- Mr. E. Pettersson (Swedish), Research Department, Swedish Trade Union Federation.
- Mr. H. Reinooud (Netherlands), Chief Director of Postal Services (Post, Telegraph and Telephone).

It noted that consultations were in progress with a view to the nomination of two further experts—one from the U.S.S.R. and one from a developing country—and authorised its Officers to approve on its behalf the names which the Director-General would in due course put forward.

Finally, it authorised the Director-General to invite the Council of Europe and the United Nations Educational, Scientific and Cultural Organisation to be represented by observers at the meeting, in addition to the organisations in respect of which it had already given such authorisation at its 155th Session.

*Meeting of Experts on Occupational Safety and Health in Agriculture*

The Governing Body had before it proposals concerning the composition of the Meeting of Experts on Occupational Safety and Health in Agriculture, the convening of which it had approved at its 155th Session. It decided to consider these proposals at its 158th Session.

*Meeting of Experts on Statistics of Wages and Labour Costs*

The Governing Body authorised the Director-General to convene a meeting of experts on statistics of wages and labour costs, provision for which exists in the 1964 budget.

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2 Ibid., pp. 305-306.
Terms of Reference.

The terms of reference of the meeting were fixed as follows:

To identify and describe the several components of wages and labour costs and to advise the Office in the preparation of proposals for international standards for statistics on the subject, with particular reference to definitions, methodology and classification and tabulation of the data.

Composition.

The Director-General was authorised to open consultations with a view to the nomination of experts from the following six countries: France, Japan, Panama, U.S.S.R., United Kingdom, United States.

The Director-General was further authorised to invite the Statistical Office of the European Communities and the Organisation for Economic Co-operation and Development to be represented by observers at the meeting.

Meeting of Experts on Certain Aspects of Labour-Management Relations

The Governing Body authorised the Director-General to invite the following persons to attend the Meeting of Experts on Certain Aspects of Labour-Management Relations, the convening of which it had approved at its 155th Session ¹:

Mr. C. Thomas CLIFTON (United States), President, Clifton Corporation, Management and Personnel Consultants, Washington, D.C.

Mr. Otto ESSER (Federal Republic of Germany), Director, Kelsterbach Plant, Vereinigte Glanzstoffwerke A.G., Kelsterbach.

Mr. Rolf S. U. von EULER (Swedish), Personnel Manager, A.B. Scania-Vabis, Södertälje.

Mr. John GARNETT (United Kingdom), Director, Industrial Welfare Society, London.

Mr. Jean DE HULSTER (French), Director of Labour Relations, Société Idéal-Standard, Paris.

Mr. Mohammed Habib BEN MILAD (Tunisian), Secretary-General of the Regional Union of Tunis, Tunisian General Labour Union (U.G.T.T.); member of the Central Commission of Works Committees, Tunis.

Mr. Charles A. MYERS (United States), Professor of Industrial Relations, Director, Industrial Relations Section, Massachusetts Institute of Technology, Cambridge, Mass.

Mr. Hussein Aly ORPHY (United Arab Republic), Chairman and Managing Director, El Nasr Tobacco and Cigarette Company, Alexandria.

Mr. Jay Yanai TABB (Israeli), Professor, Department of Industrial and Management Engineering, Technion—Israel Institute of Technology, Haifa.

Mr. Fernando YLLANES RAMOS (Mexican), member of Board of Directors, Mexican Confederation of Chambers of Industry, Mexico City.

Mr. Ko YOSHINO (Japanese), Director of Personnel Department, Asahi Glass Co., Ltd., Tokyo.

The remaining names will be submitted to the Governing Body for approval at a forthcoming session.

Meeting of Experts on Welfare Facilities for Industrial Workers

The Governing Body authorised the Director-General to convene a meeting of experts on welfare facilities for industrial workers, provision for which exists in the 1964 budget.

Agenda.

It was agreed that the meeting should specifically examine and advise on the following matters:

1. the scope and content of the welfare facilities for industrial workers in the different countries, with special reference to the needs and problems of countries in the early stages of industrialisation;
2. the methods of organising, financing and administering such welfare facilities and the types of personnel needed for administering them;
3. the ways in which the I.L.O. can help in promoting such facilities, as also suitable training programmes for persons responsible for their administration.

Composition.

The Governing Body noted that it was proposed that the Meeting should be composed of 15 experts, and that regard would be had, in selecting experts, to the desirability of assembling experience both in industrialised and in developing countries and in different approaches to the organisation, administration and financing of workers’ welfare facilities. The experts would be invited in their personal capacities and care would be taken to ensure that they had practical experience and first-hand knowledge of welfare needs, and of the methods of meeting workers’ welfare problems. Some experts would be drawn from outside the ranks of government, from among those who had practical experience of the administration of welfare facilities either from the management or the workers’ side.

The Director-General was invited to submit to the Governing Body at a forthcoming session the names of the experts and international organisations to be invited.

Meeting of Selected Consultants on the Problems of Women Workers

The Director-General was authorised to convene in 1964 a small and brief meeting of consultants on the problems of women workers for the purpose of reviewing the text of a report prepared by the Office on the vocational guidance and preparation of girls and women, and giving advice on its orientation and content.

International Institute for Labour Studies

Pro Memoria. No paper was before the Governing Body on this item of its agenda.

Report of the Director-General

Obituary

The Governing Body was informed of the deaths of Mr. James D. Zellerbach (United States), an Employer member of the Governing Body from 1945 to 1949 and Employers’ Vice-Chairman from 1945 to 1948; Mr. Walter Riddell, who had represented the Canadian Government on the Governing Body from 1925 to 1937, including a term as Chairman of the Governing Body in 1935-36; Mr. J. P. S. Serrarens (Netherlands), former General Secretary of the International Federation of Christian Trade Unions and a deputy Worker member of the Governing Body in 1935-37, 1939-46 and 1948-51; Mr. Francisco del Río y Cañedo, a Mexican diplomat who had represented his Government at several Governing Body sessions between 1945 and 1948; and Mr. Jože Potrč, President of the Yugoslav National Committee
for the International Labour Organisation, who had regularly attended the International Labour Conference as Yugoslav Government delegate and leader of the Yugoslav delegation from 1951 to 1960.

The Governing Body asked the Director-General to convey its sympathy to the families of the deceased and to the governments concerned.

**Composition of the Governing Body**

Note was taken of the following appointments of Government representatives on the Governing Body: Mr. H. A. Bland, C.B.E., Secretary of the Department of Labour and National Service, as regular representative of the Government of Australia, and Mr. R. W. Furlonger, Ambassador and Permanent Representative of Australia to the European Office of the United Nations, as substitute representative of the Government of Australia; Mr. Josué de Castro, Ambassador and Permanent Representative of Brazil to the European Office of the United Nations, as regular representative of the Government of Brazil; Mr. Edwin Leits, Ambassador and Permanent Representative of Peru to the European Office of the United Nations and other international organisations in Geneva, as regular representative of the Government of Peru; Mr. Leon Chajn, Member of Parliament and Member of the Council of State, as regular representative of the Government of Poland, and Mr. Jerzy Licki, Director, Labour and Wages Committee, as substitute representative of the Government of Poland; Mr. K. R. Bagdellieh, M.P., Parliamentary Secretary to the Ministry of Labour, as regular representative of the Government of Tanganyika; Mr. Alphonse Makwambala, Secretary-General of the Ministry of Labour and Social Welfare as regular representative of the Government of Congo (Leopoldville); Mr. K. J. Øknes, Permanent Secretary of the Ministry of Social Affairs, as regular representative of the Government of Norway, and Mr. Halldor Heldal, Counsellor in the Ministry of Social Affairs, as substitute representative of the Government of Norway; Mr. Pablo Bosch, Consul-General in Geneva, as regular representative of the Government of Uruguay; and Mr. Andrés Aguiar, Ambassador and Permanent Delegate of Venezuela to the European Office of the United Nations and other international organisations in Geneva, as regular representative of the Government of Venezuela, and Mr. A. F. Luján, Counsellor in the Permanent Delegation of Venezuela in Geneva, as substitute representative of the Government of Venezuela.

**Progress of International Labour Legislation**

**Internal Administration**

**Publications**

The Governing Body took note of the information submitted to it under these headings.

**Proposed Meeting of Experts on Occupational Diseases**

At the 47th (1963) Session of the International Labour Conference the Committee dealing with the agenda item on benefits in the case of industrial accidents and occupational diseases had suggested that a meeting of experts might be held to assist with the revision of the list of occupational diseases which forms a schedule to the Workmen’s Compensation (Occupational Diseases) Convention, 1925, and the Workmen’s Compensation (Occupational Diseases) Convention (Revised), 1934, and thereby facilitate the task of the Conference at its 48th (1964) Session, when it would have the question before it for second discussion. The paper before the Governing Body explained the difficulties which this suggestion raised and indicated alternative courses of action. Subject to the comments made by various speakers, the Governing Body took note of the paper before it.
African and Asian Advisory Committees

The Governing Body had before it an information paper comparing the structure and activities of the African and Asian Advisory Committees. Subject to the comments made by various members, it took note of the information before it on the understanding that, as indicated by the Director-General in his reply to the discussion on his Report at the 47th (1963) Session of the International Labour Conference and in the letter to Members convening the 48th Session of the Conference, full attention could be given to the question of arrangements for regional action in the course of the discussion on the Director-General's Report at the 48th Session.

Sixth Progress Report on Action Taken as Regards the Discrimination (Employment and Occupation) Convention, 1958

The Governing Body took note of the sixth bi-annual progress report on the Ratification of the Discrimination (Employment and Occupation) Convention, 1958, submitted in accordance with the decision which it had taken at its 147th (November 1960) Session.1

Activities of the International Occupational Safety and Health Information Centre (C.I.S.) During the Period 1 October 1962-30 September 1963

The Governing Body postponed consideration of this report to its 158th Session.

Report of the Officers of the Governing Body

The Governing Body endorsed its Officers' recommendation that the International Council of Nurses should be invited to be represented by observers at the Meeting of Experts on Conditions of Work and Service of Public Servants due to be held in Geneva from 25 November to 6 December 1963. Consideration of the remainder of the Officers' report, including proposals for the granting of a special form of consultative status to regional employers' and workers' organisations, was postponed to the 158th Session.

Programme of Meetings

Programme for 1963

The Governing Body confirmed the following programme of meetings for 1963:

<table>
<thead>
<tr>
<th>Date</th>
<th>Title of meeting</th>
<th>Place</th>
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<tbody>
<tr>
<td>25 November- 6 December</td>
<td>Meeting of Experts on Conditions of Work and Service of Public Servants</td>
<td>Geneva</td>
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<tr>
<td>25 November- 6 December</td>
<td>Latin American Regional Technical Meeting on Co-operatives</td>
<td>Santiago de Chile</td>
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<tr>
<td>9-20 December</td>
<td>Tripartite Technical Meeting for the Food Products and Drink Industries</td>
<td>Geneva</td>
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**Programme for 1964**

The Governing Body approved the following programme of meetings for 1964:

<table>
<thead>
<tr>
<th>Date</th>
<th>Title of meeting</th>
<th>Place</th>
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<tbody>
<tr>
<td>14-20 January</td>
<td>Committee on Questions concerning South Africa</td>
<td>Geneva</td>
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<tr>
<td>4-21 February</td>
<td>158th Session of the Governing Body and its Committees</td>
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<tr>
<td>24 February-7 March</td>
<td>Technical Advisory Group on Agrarian Reform</td>
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<tr>
<td>9-17 March</td>
<td>Meeting of Experts on the Maximum Permissible Weight to Be Carried by One Worker</td>
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<tr>
<td>13-25 March</td>
<td>Committee of Experts on the Application of Conventions and Recommendations (34th</td>
<td>&quot;</td>
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<tr>
<td>16-25 March</td>
<td>Meeting of Experts on Automation</td>
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<tr>
<td>20 April-2 May</td>
<td>Meeting of Experts on Safety and Health in Agriculture</td>
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<tr>
<td>4-15 May</td>
<td>Building, Civil Engineering and Public Works Committee (Seventh Session)</td>
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<tr>
<td>18-29 May</td>
<td>Actuarial Subcommittee of the Committee of Social Security Experts</td>
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<tr>
<td>29 May-2 June</td>
<td>Asian Advisory Committee (12th Session)</td>
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<tr>
<td>3-13 June and</td>
<td>159th Session of the Governing Body and its Committees</td>
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<tr>
<td>10 July</td>
<td>159th Session of the Governing Body and its Committees</td>
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<tr>
<td>17 June-9 July</td>
<td>48th Session of the International Labour Conference</td>
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<tr>
<td>7-16 September</td>
<td>Meeting of Experts on Statistics of Wages and Labour Costs</td>
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<tr>
<td>21 September-2 October</td>
<td>Tripartite Technical Meeting for the Clothing Industry</td>
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<tr>
<td>5-14 October</td>
<td>Technical Meeting concerning Certain Aspects of Labour-Management Relations</td>
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<tr>
<td>12-23 October</td>
<td>Meeting of Experts on Welfare Facilities for Industrial Workers</td>
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<tr>
<td>9-20 November</td>
<td>160th Session of the Governing Body and its Committees</td>
<td>&quot;</td>
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<tr>
<td>30 November-11 December</td>
<td>Coal Mines Committee (Eighth Session)</td>
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<tr>
<td>End of Year</td>
<td>Joint I.L.O.-I.M.C.O. Committee on the Training of Seafarers in the Use of Safety</td>
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<td>Devices on Board Ship</td>
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1 Provisional.
APPOINTMENT OF GOVERNMENT REPRESENTATIVES ON VARIOUS BODIES

Technical Advisory Group on Agrarian Reform

The Governing Body appointed the following of its members to serve on the Technical Advisory Group on Agrarian Reform:

Chairman: Mr. CALDERÓN PUIG (Mexico), Chairman of the Governing Body.

Government group:
- Mr. CHAJN (Poland).
- Mr. RAZA (Pakistan).

Employers' group:
- Mr. WAJID ALI (Pakistani).
- Mr. VÉGH-GARZÓN (Uruguayan).

Substitutes:
- Mr. MARTÍNEZ ESPINO (Venezuelan).
- Mr. RIFAAT (United Arab Republic).

Workers' group:
- Mr. COLLISON (United Kingdom).
- Mr. RIANI (Brazilian).

Substitute:
- Mr. AMBEKAR (Indian).

DATE AND PLACE OF THE 158TH SESSION OF THE GOVERNING BODY

The Governing Body decided that its 158th Session should be held in Geneva in accordance with the following schedule.

The Committee on Questions concerning South Africa¹ will meet from Tuesday, 14 to Monday, 20 January 1964, and the Working Party to Consider the Report on the External Survey of the Organisation and Structure of the Office from Wednesday, 22 to Friday, 24 January 1964. The standing Governing Body committees will meet from Tuesday, 4 to Tuesday, 11 February and from Tuesday, 18 to Friday, 21 February. The group meetings will be held on Wednesday, 12 February; and the Governing Body itself will meet from Thursday, 13 to Monday, 17 February.

REPORT OF THE ALLOCATIONS COMMITTEE

The Governing Body took note of this report.

¹ See above, p. 10.
Preparatory Technical Conference on Employment Policy

(Geneva, 30 September-16 October 1963)

A Preparatory Technical Conference on Employment Policy convened in accordance with a decision of the Governing Body at its 152nd Session (June 1962) was held in Geneva from 30 September to 16 October 1963.

The agenda of the Conference was:

Employment policy, with particular reference to the employment problems of developing countries, with a view to the formulation of an appropriate instrument for possible adoption by the International Labour Conference.

The Conference was attended by 269 delegates and advisers from 56 countries, including 56 Government delegates, 43 Employers’ delegates and 44 Workers’ delegates. Two countries were represented by observers.

The Conference elected as its President Mr. Léon-Eli TRÖCLET (Belgium) and as its Vice-Presidents: Government group, Mr. VAVRÍČKA (Czechoslovakia); Employers’ group, Mr. LANDER MÁRQUEZ (Venezuelan); Workers’ group, Sir Alfred ROBERTS (United Kingdom).

The texts adopted by the Conference relate to:

- Objectives and general principles of employment policy.
- General and selective measures of employment policy.
- Employment problems associated with economic underdevelopment.
- Action by employers and workers and their organisations.
- Action in the international field to promote employment objectives.

The Conference adopted a proposed draft international Convention and a proposed draft international Recommendation (relating to objectives and general principles of employment policy), four sets of Conclusions (relating to general and selective measures of employment policy, employment problems associated with economic underdevelopment, action by employers and workers and their organisations, and action in the international field to promote employment objectives), and two resolutions (a resolution concerning the United Nations Conference on Trade and Development and a resolution on action to be taken to give effect to the conclusions of the Conference). These texts were incorporated in Report VIII (1) which was sent in December 1963 to the governments of member States and which also included a questionnaire relating to the proposed draft Convention and Recommendation and the Conclusions, asking the governments for their comments. As the final draft texts will be based on the governments' comments and submitted to the next session of the International Labour Conference (1964), the drafts as adopted by the Preparatory Technical Conference are not reproduced in this issue of the Official Bulletin, which however contains the text of the two resolutions.¹

¹ See below, p. 43.
² See below, Documents section, p. 44.
Meeting of Experts on Social and Economic Conditions of Teachers in Primary and Secondary Schools

(Geneva, 21 October-1 November 1963)

In pursuance of a decision taken by the Governing Body at its 153rd Session (November 1962), this Meeting of Experts was held at the I.L.O. in Geneva from 21 October to 1 November 1963.

Twenty-four experts, selected in a number of countries, participated in the meeting. The United Nations Educational, Scientific and Cultural Organisation also took part. The International Bureau of Education was represented. Representatives of eleven non-governmental international organisations attended the meeting as observers.

In accordance with a decision taken by the Governing Body at its 153rd Session the agenda of the meeting was as follows:

I. General review of social and economic problems affecting teachers.
II. Principles underlying the determination of teachers’ salaries.
III. Principles underlying social security for teachers.

A report on each of these items was prepared by the I.L.O. A report on the training of primary and secondary teachers was prepared by the United Nations Educational, Scientific and Cultural Organisation.

It will be recalled that, following a general study of teachers’ problems carried out by the Advisory Committee on Salaried Employees and Professional Workers, in 1952 and 1954, a Meeting of Experts on the problems of teachers in official primary and secondary general schools, to the exclusion of teaching staff in private and in technical and vocational training schools, was held in Geneva, in October 1958.

With a view to ensuring continued I.L.O. action in this field as well as closest collaboration with U.N.E.S.C.O., the present Meeting of Experts was invited to survey the problems considered by the 1958 experts as well as social and economic conditions of teachers in private general schools and in official and private technical and vocational training schools, at the primary and secondary level.

Mr. Srinavasa NATARAJAN (Indian) was unanimously elected Chairman of the Meeting and Mr. M. VAN DE MOORTEL (Belgian) and Mr. A. SHUSTOV (U.S.S.R.) Vice-Chairmen. Mr. E. HOMBOURGER (French) and Mr. A. W. S. HUTCHINGS

1 Austria, Belgium, Canada, China, Congo (Brazzaville), France, Federal Republic of Germany, India, Israel, Italy, Japan, Malaya, Mexico, Netherlands, New Zealand, Poland, Senegal, Tanganyika, Tunisia, U.S.S.R., United Arab Republic, United Kingdom, United States and Venezuela.
(United Kingdom) were unanimously elected Reporters. The Drafting Committee included the Officers of the meeting as well as Mr. W. R. GORDON (Canadian), Canon J. MOERMAN (residing in Congo (Brazzaville)), Mr. F. J. POLEO (Venezuelan) and Mr. T. TRIKI (Tunisian).

In his opening address Mr. Abbas AMMAR, Assistant Director-General, emphasised the contribution of U.N.E.S.C.O. to the preparatory work for the meeting and the importance of the co-operation between the I.L.O. and U.N.E.S.C.O. in respect of teachers' social, economic and professional problems which had led the two Organisations to think in terms of fully joint action with a view to the establishment of appropriate international standards. Mr. Abbas Ammar also stressed the basic importance of education, which was an essential condition of progress and was among the factors determining economic growth and the rise in living standards. He also recalled the need for adequate measures which would mitigate the striking disproportion which existed in a great many countries between the demand for and the supply of teachers and, in particular, fully qualified teachers.

As a result of its work the Meeting of Experts unanimously adopted a report, a detailed set of conclusions on the different items on its agenda and a resolution concerning future action on teachers' problems.

The text of the Conclusions and of the resolution will be found in the Documents section of the present issue.1

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1 See below, pp. 46-58.
Meeting of Experts on the Measurement of Underemployment

(Geneva, 21 October-1 November 1963)

In accordance with decisions of the Governing Body of the I.L.O. at its 155th and 156th Sessions (May-June 1963), a Meeting of Experts on the Measurement of Underemployment was held in Geneva from 21 October to 1 November 1963. Mr. EL-SHAFIE (United Arab Republic) was elected Chairman of the meeting. The experts who participated in the meeting were as follows:

- Mr. J. CAUSSE (French);
- Mr. C. CLAVEL (Chilean);
- Mr. G. G. DELL’ANGELO (Italian);
- Mr. M. EL-SHAFIE (United Arab Republic);
- Mr. M. MACURA (Yugoslav);
- Mr. R. MYERS (United States);
- Mr. B. PEREZ (Philippine);
- Mr. M. TELANG (Indian);
- Mr. M. UMEMURA (Japanese).

The major functions of the meeting, as determined by the Governing Body, were as follows:

(a) to review the concepts, methods of measurement and the results of the various national studies and surveys of underemployment;

(b) to review the relevant international statistical recommendations, including, in particular, the resolution concerning the measurement of underemployment adopted by the Ninth International Conference of Labour Statisticians (1957)\(^1\);

(c) to review the special problems of definition and measurement of unemployment in the conditions of the less developed countries to be examined in the context of underemployment and in the light of the results of the relevant field surveys;

(d) to review the nature and scope of statistical data on underemployment needed for the formulation and appraisal of employment policy;

(e) in the light of the review under (a)-(d) above, to make recommendations concerning the concepts, the definition of terms, methods of collecting and analysing data and related matters concerning the measurement of underemployment.

In its deliberations the meeting laid special emphasis on the problems of underemployment measurement in developing countries.

The meeting of experts considered the uses of underemployment data. A primary object was to identify the size and characteristics of the part of the labour force that was under-utilised. Stress was laid on studying underemployment by sector of the national economy and for various regions of the country. Underemployment data were required for various policy measures such as in relation to conditions of employment, training and income of the underemployed groups. The data were also needed for estimating the future supply of and demand for labour, as in manpower planning.

The meeting stressed that underemployment was a complex phenomenon which required a many-sided approach in its measurement and analysis. Further, there was no unique method of underemployment assessment which could be internationally recommended at the present time. The meeting examined the conceptual and measurement problems under approaches based on the following four criteria:

(1) time worked:
(2) income;

(3) productivity;
(4) time required (for a given production).

The meeting also discussed some of the conceptual and measurement problems of unemployment in developing countries. It drew attention to the reservations attaching to the usefulness of the current international definition of unemployment as applied to the traditional sector where there was no organised labour market. It further made several suggestions as to how some of the problems of unemployment measurement in developing countries might be dealt with and the results be made more comparable.

The meeting stressed the value of labour force sample surveys in developing countries as a feasible means of obtaining basic data on the labour force required for various purposes. At the same time, such surveys provided useful estimates of unemployment and visible underemployment. Attention was also drawn to special surveys, such as farm-management and time-utilisation surveys, for the contribution they could make in the assessment of underemployment. The meeting urged that fuller use should be made of various types of existing statistics such as censuses, establishment data, family living studies, etc., for the purposes of underemployment measurement and analysis. Finally, it emphasised that statistical survey programmes in this field should be supplemented by action-oriented programmes of research and analysis.

As to action by the I.L.O., the meeting urged that the I.L.O. should assist the developing countries to the fullest extent possible, through technical assistance and otherwise, in setting up or improving systems of labour force sample surveys. It suggested that the I.L.O. might undertake demonstration projects in a few selected countries to bring out the problems and possibilities in developing labour force statistics and analysing the employment situation. It further recommended that the I.L.O. should publish relevant materials and continue its efforts towards promoting international comparability in the statistics, and that the subject of underemployment analysis should be included as an item on the agenda of a future International Conference of Labour Statisticians.

The report of the meeting is being submitted to the Governing Body for consideration at its 158th Session (February 1964).
Meeting of Experts on Conditions of Work and Service of Public Servants

(Geneva, 25 November-6 December 1963)

The Meeting of Experts on Conditions of Work and Service of Public Servants, the convening of which was approved by the Governing Body at its 153rd Session (November 1962), took place in Geneva from 25 November-6 December 1963. Its agenda was as follows:

I. Methods of staff representation and consultation in public administrations.

II. Non-established staff, its conditions of work and service.

The Office had prepared a report on each item of the agenda.¹

Fifteen experts took part in the work of the meeting; they were appointed not only because of their personal experience of the problems under discussion but also so as to ensure a geographic distribution as balanced as possible,² as well as appropriate representation of the different interests concerned. Representatives of the United Nations and the United Nations Educational, Scientific and Cultural Organisation were present and followed the progress of the experts’ work. Observers from seven non-governmental organisations also attended.³

The meeting unanimously appointed Mr. Roger GRÉGIOIRE (French) Chairman; Messrs. Mario HIKL (Canadian) and Evgeni VASSILIEV (U.S.S.R.) were elected Vice-Chairmen; Mr. Julien BUYENS (Belgian) acted as Reporter.

Welcoming the participants on behalf of the Director-General of the I.L.O., Mr. Abbas AMMAR pointed out that for the first time the Office was asking experts from the world of public service to examine the problems arising from conditions of work, which, though not applicable solely to public servants, nevertheless had special features deriving from the legal and sociological background of public administration, and often called for solutions adapted accordingly.

At the close of the meeting the experts unanimously adopted a report, conclusions concerning the two items on the agenda and a resolution on future action to be undertaken by the Office in relation to the conditions of work and service of public servants.⁴ The text of the conclusions and the resolution are reproduced in the Documents section of this number.⁵


² The experts came from the following countries: Belgium, Brazil, Canada, Chile, France, Federal Republic of Germany, Kenya, India, Japan, Norway, Tunisia, U.S.S.R., United Arab Republic, United Kingdom, United States.

³ These were: International Confederation of Senior Officials; International Council of Nurses; International Federation of Free Teachers’ Unions; International Federation of Christian Trade Unions of Employees in Public Service and P.T.T.; Postal, Telegraph and Telephone International; Public Services International; World Federation of Trade Unions.

⁴ The Governing Body will be requested to formulate a decision on these texts at its 158th Session (February 1964).

⁵ See pp. 59-65.
Membership of the International Labour Organisation

Kenya

On 13 January 1964 the Director-General of the International Labour Office received the following communication: 

Nairobi, 20th December, 1963.

Sir,

On behalf of the people and the Government of Kenya I, Jomo Kenyatta, the Prime Minister and Minister for External Affairs, have the honour to inform you that Kenya, having attained full independent status on 12th December, 1963, and having been admitted as a member of the United Nations Organisation on 16th December, 1963, hereby formally accepts the obligations of the Constitution of the International Labour Organisation, in accordance with paragraph 3 of article 1 of the Constitution of the Organisation, and solemnly undertakes fully and faithfully to perform each and every of the provisions thereof.

The Government of Kenya will bear its share of the expenses of the International Labour Organisation in accordance with the provisions of the Constitution of the Organisation and will make the necessary arrangements concerning the financial contribution with the Governing Body.

The Government of Kenya recognises that it continues to be bound by the obligations entered into on behalf of the territory of Kenya by the British Government in respect of the following Conventions:

No. 2 — Unemployment, 1919;
No. 5 — Minimum Age (Industry, 1919);
No. 11 — Right of Association (Agriculture), 1921;
No. 12 — Workmen's Compensation (Agriculture), 1921;
No. 14 — Weekly Rest (Industry), 1921;
No. 15 — Minimum Age (Trimmers and Stokers), 1921;
No. 17 — Workmen's Compensation (Accidents), 1925;
No. 19 — Equality of Treatment (Accident Compensation), 1925;
No. 26 — Minimum Wage-Fixing Machinery, 1928;
No. 29 — Forced Labour, 1930;
No. 32 — Protection against Accidents (Dockers) (Revised), 1932;
No. 45 — Underground Work (Women), 1935;
No. 50 — Recruiting of Indigenous Workers, 1936;
No. 58 — Minimum Age (Sea) (Revised), 1936;
No. 59 — Minimum Age (Industry) (Revised), 1937;
No. 63 — Statistics of Wages and Hours of Work, 1938;
No. 64 — Contracts of Employment (Indigenous Workers), 1939;
No. 65 — Penal Sanctions (Indigenous Workers), 1939;
No. 81 — Labour Inspection, 1947 (and including Part II);
No. 86 — Contracts of Employment (Indigenous Workers), 1947;
No. 88 — Employment Service, 1948;
No. 94 — Labour Clauses (Public Contracts), 1949;
No. 98 — Right to Organise and Collective Bargaining, 1949;

I have the honour to be, Sir, etc.,

(Signed) JOMO KENYATTA,
Prime Minister
and Minister for External Affairs.

This communication was acknowledged by the Director-General on 24 January 1964.

As appears from the information given above, Kenya, which is a Member of the United Nations, became a Member of the International Labour Organisation on 13 January 1964 by virtue of article 1, paragraph 3, of the Constitution of the International Labour Organisation.
Implementation of Instruments Adopted by the International Labour Conference


Ratifications or Acceptances

The following ratifications or acceptances of the Constitution of the International Labour Organisation Instrument of Amendment, 1962, have been communicated to the Director-General of the International Labour Office in accordance with article 5 of the above-mentioned Instrument.

PARAGUAY

The ratification by Paraguay of the Constitution of the International Labour Organisation Instrument of Amendment, 1962, was received by the Director-General of the International Labour Office on 5 December 1963.

The text of the instrument of ratification is as follows:

(Translation)

I, Alfredo STROESSNER,
President of the Republic of Paraguay,
To all whom the present may concern,
Make known:

That the Republic of Paraguay accepts the amendment to article 7, paragraph 4, of the Constitution of the International Labour Organisation, adopted at its 46th Session, held in Geneva, Switzerland, on 22 June 1962.

And, the aforesaid amendment having been approved and ratified by Law No. 875, and sanctioned by the Honourable Chamber of Representatives on the twenty-eighth day of June, nineteen hundred and sixty-three; and the same having been promulgated by the Executive Power on the tenth day of July, nineteen hundred and sixty-three. I do by this present accept, confirm and ratify the same in all its sections, thereby binding myself on behalf of the nation to faithfully observe and ensure its observation.

In faith whereof the present instrument of ratification is signed and sealed with the heraldic seal of the Republic and authenticated by the Minister, Secretary of State, in the Department of External Relations, Doctor Raúl Sapena PASTOR, in the City of Asunción, capital of the Republic of Paraguay, on the second day of October nineteen hundred and sixty-three.

(Signed) Alfredo STROESSNER.
(Countersigned) Raúl SAPENA PASTOR.

SWITZERLAND

The ratification by Switzerland of the Constitution of the International Labour Organisation Instrument of Amendment, 1962, was received by the Director-General of the International Labour Office on 14 October 1963.

The text of the instrument of ratification is as follows:

Report III (Part III), which has been laid before every session of the Conference since 1950, contains a summary of the information supplied by governments in accordance with article 19 of the Constitution of the International Labour Organisation on the measures taken by member States to bring Conventions and Recommendations before the competent authorities and on relevant action taken by these authorities.

The Swiss Federal Council,

Having seen and examined the Amendment of the Constitution of the International Labour Organisation which was adopted by the International Labour Conference on 22 June 1962 and approved by the Federal Parliament on 16 September 1963,

Declares the said Amendment to be ratified.

In faith whereof the present instrument of ratification has been signed by the President and the Chancellor of the Swiss Confederation and the federal seal has been affixed to it.

Done at Berne on the twenty-seventh day of September in the year nineteen hundred and sixty-three (27 September 1963).

In the name of the Swiss Federal Council:

(Signed) Spühler,
President of the Confederation.
(Signed) Ch. Oser,
Chancellor of the Confederation.

Ratifications of International Labour Conventions and Declarations concerning the Application of Conventions to Non-Metropolitan Territories

[Note. The publication of information concerning the ratification and application of international labour Conventions does not imply any expression of view by the International Labour Office on the legal status of the State having communicated a ratification or declaration, or on its authority over the territories in respect of which such ratification or declaration is made; in certain cases these may present problems on which the International Labour Office is not competent to express an opinion.]

Australia

Ratification of the Final Articles Revision Convention, 1961 (No. 116).

The ratification by Australia of Convention No. 116 was registered by the Director-General of the International Labour Office on 29 October 1963.

The text of the instrument of ratification is as follows:

Whereas the General Conference of the International Labour Organisation at its Forty-fifth Session held at Geneva adopted on the twenty-sixth day of June, One thousand nine hundred and sixty-one, a Convention entitled "Convention concerning the partial revision of the Conventions adopted by the General Conference of the International Labour Organisation at its first thirty-two sessions for the purpose of standardising the provisions regarding the preparation of reports by the Governing Body of the International Labour Office on the working of Conventions"; and

Whereas the Government of the Commonwealth of Australia desires that the Convention be ratified for Australia,

The Government of the Commonwealth of Australia having considered the said Convention hereby confirms and ratifies the same for Australia and undertakes faithfully to carry out all the stipulations therein contained.

In witness whereof, I, John Grey Gorton, Minister of State for the Navy, acting for and on behalf of the Minister of State for External Affairs for the Commonwealth of Australia, have hereunto set my hand and affixed the seal of the Minister of State for External Affairs.

Dated the eleventh day of October, One thousand nine hundred and sixty-three.

(Signed) J. G. Gorton,
for and on behalf of the Minister of State for External Affairs for the Commonwealth of Australia.

Austria

Ratification of the Final Articles Revision Convention, 1961 (No. 116).

The ratification by Austria of Convention No. 116 was registered by the Director-General of the International Labour Office on 14 November 1963.

The text of the instrument of ratification is as follows:
Whereas the Convention concerning the partial revision of the Conventions adopted by the General Conference of the International Labour Organisation at its first thirty-two sessions for the purpose of standardising the provisions regarding the preparation of reports by the Governing Body of the International Labour Office on the working of Conventions, No. 116, which was adopted by the International Labour Conference at its Forty-fifth Session in Geneva on 26 June 1961, and of which the text is as follows:

[Here follows the text of the Convention.]

has received the constitutional approval of the National Council,

The Federal President hereby declares the said Convention to be ratified and undertakes in the name of the Republic of Austria that the provisions therein contained shall be conscientiously applied.

In faith whereof the present instrument of ratification has been signed by the Federal President and countersigned by the Federal Prime Minister, the Federal Minister of Social Administration and the Federal Minister of Foreign Affairs, and the seal of State of the Republic of Austria has been affixed to it.

Done at Vienna this twenty-second day of August 1963.

(Signed) SCFIARF,
Federal President.

(Countersigned) PROKSCH,
Federal Minister of Social Administration.

(Countersigned) KREISKY,
Federal Minister of Foreign Affairs.

BRAZIL

Ratification of the Seafarers' Identity Documents Convention, 1958 (No. 108).

The ratification by Brazil of Convention No. 108 was registered by the Director-General of the International Labour Office on 5 November 1963.

The text of the instrument of ratification is as follows:

(Translation)

I, João GOULART,
President of the Republic of the United States of Brazil,

Make known by the present instrument of ratification that on the occasion of the Forty-first Session of the General Conference of the International Labour Organisation, meeting in Geneva, Brazil and other countries adopted on 13 May 1958 a Convention (No. 108) concerning seafarers' national identity documents in the following terms:

[Here follows the text of the Convention.]

And that, the National Congress having approved the said Convention in the terms reproduced above, I hereby ratify it and declare it effective and promise that it will be unremittingly applied.

In faith whereof, I have ordered delivery of the present instrument, which is signed by my hand and sealed with the seal of the Republic and countersigned by the Minister of Foreign Affairs.

Given in the Presidential Palace at Brasilia on the sixth day of June nineteen hundred and sixty-three, the hundred and forty-second year of Independence and the seventy-fifth of the Republic.

(Signed) João GOULART.

(Countersigned) Hermes LIMA.

COSTA RICA

Ratification of the Right of Association (Agriculture) Convention, 1921 (No. 11).

The ratification by Costa Rica of Convention No. 11 was registered by the Director-General of the International Labour Office on 16 September 1963.

The text of the instrument of ratification of this Convention is as follows:

(Translation)

I, Francisco J. ORLICH,
President of the Republic of Costa Rica,

Whereas the Legislative Assembly of the Republic of Costa Rica, by Decree No. 3172 of 9 August 1963, has approved the Convention concerning the rights of association and combination of agricultural workers, which was adopted by the International Labour Conference at its Third Session,
And whereas the Convention so approved tends to grant to agricultural workers rights and guarantees in respect of organisation which will place them on the same footing as other workers,

And whereas it is of substantial benefit for Costa Rica to be able to rely on international legal instruments ensuring the stability of agricultural workers,

Decide in accordance with paragraph 10 of article 140 of the Constitution of the Republic to accept and ratify the said Convention, which will henceforth be considered as the law of this country and the national honour will be engaged in its observance.

In faith whereof I have delivered the present instrument, which is signed by my hand and authenticated by the seal of the nation, and countersigned by the Minister of External Relations, at the Presidential Palace in the City of San José, on this twenty-ninth day of August in the year 1963.

(Signed) F. J. ORLICH.
(Countersigned) Daniel ODUBER,
Minister of Foreign Affairs.

FEDERAL REPUBLIC OF GERMANY

Ratification of the Final Articles Revision Convention, 1961 (No. 116).

The ratification by the Federal Republic of Germany of Convention No. 116 was registered by the Director-General of the International Labour Office on 7 October 1963.

The instrument of ratification of this Convention is in terms similar to those of the instrument of ratification of the Minimum Age (Fishermen) Convention, 1959 (No. 112).

In depositing this instrument of ratification, the Delegate of the Federal Republic of Germany to the International Organisations in Geneva communicated to the Director-General of the International Labour Office a separate letter in which it is declared that Convention No. 116 is also applicable in Land Berlin.

GREECE

Ratification of the Minimum Age (Sea) Convention (Revised), 1936 (No. 58); the Certification of Ships' Cooks Convention, 1946 (No. 69); and the Seafarers' Identity Documents Convention, 1958 (No. 108).

The ratification by Greece of Conventions Nos. 58, 69 and 108 was registered by the Director-General of the International Labour Office on 9 October 1963.

The instruments of ratification of these Conventions are in terms similar to those of the instrument of ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

GUATEMALA

Ratification of the Equality of Treatment (Social Security) Convention, 1962 (No. 118).

The ratification by Guatemala of Convention No. 118 was registered by the Director-General of the International Labour Office on 4 November 1963.

The text of the letter from the Minister of External Relations, which constitutes the instrument of ratification of the above-mentioned Convention, is as follows:

(Translation) Guatemala City, 26 October 1963.

Sir,

I have the honour to inform you that on the twenty-first of the present month of October the Government of the Republic of Guatemala ratified the Equality of Treatment (Social Security)
Convention (No. 118), which was adopted by the General Conference of the International Labour Organisation at Geneva on 28 June 1962, and accepts the obligations arising therefrom only in respect of the branch of social security specified in Article 2, paragraph 1, of the said Convention in item (c), namely maternity benefit.

In accordance with Article 14 of the Convention, I hereby communicate the present ratification to you for registration.

I am, Sir, etc.,

(Signed) Alberto Herrarte G.,
Minister of Foreign Affairs.

MAURITANIA

Ratification of the Maternity Protection Convention, 1919 (No. 3); the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15); the Workmen’s Compensation (Accidents) Convention, 1925 (No. 17); the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); the Seamen’s Articles of Agreement Convention, 1926 (No. 22); the Repatriation of Seamen Convention, 1926 (No. 23); the Holidays with Pay Convention, 1936 (No. 52); the Officers’ Competency Certificates Convention, 1936 (No. 53); the Minimum Age (Sea) Convention (Revised), 1936 (No. 58); the Safety Provisions (Building) Convention, 1937 (No. 62); the Labour Inspection Convention, 1947 (No. 81); the Night Work (Women) Convention (Revised), 1948 (No. 89); the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90); the Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91); the Labour Clauses (Public Contracts) Convention, 1949 (No. 94); the Holidays with Pay (Agriculture) Convention, 1952 (No. 101); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Minimum Age (Fishermen) Convention, 1959 (No. 112); the Fishermen’s Articles of Agreement Convention, 1959 (No. 114); and the Final Articles Revision Convention, 1961 (No. 116).

The ratification by the Islamic Republic of Mauritania of Conventions Nos. 3, 15, 17, 19, 22, 23, 52, 53, 58, 62, 81, 89, 90, 91, 94, 101, 111, 112, 114 and 116 was registered by the Director-General of the International Labour Office on 8 November 1963.

The communication from the Ministry of Health, Labour and Social Affairs, which constitutes the instrument of ratification of these Conventions is as follows:

(Translation)

Nouakchott, 31 October 1963.

Sir,

I have the honour to inform you of the ratification by the Islamic Republic of Mauritania of 20 international labour Conventions as set out below:

Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15).
Seamen’s Articles of Agreement Convention, 1926 (No. 22).
Repatriation of Seamen Convention, 1926 (No. 23).
Officers’ Competency Certificates Convention, 1936 (No. 53).
Minimum Age (Sea) Convention (Revised), 1936 (No. 58).
Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91).
Minimum Age (Fishermen) Convention, 1959 (No. 112).
Fishermen’s Articles of Agreement Convention, 1959 (No. 114).
Maternity Protection Convention, 1919 (No. 3).
Workmen’s Compensation (Accidents) Convention, 1925 (No. 17).
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19).
Holidays with Pay Convention, 1936 (No. 52).
Labour Inspection Convention, 1947 (No. 81).
Night Work (Women) Convention (Revised), 1948 (No. 89).
Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90).
Holidays with Pay (Agriculture) Convention, 1952 (No. 101).
Labour Clauses (Public Contracts) Convention, 1949 (No. 94).
Final Articles Revision Convention, 1961 (No. 116).
We have the honour to enclose herewith a copy of the Law No. 63/126 dated 17 July 1963 to authorize the ratification of the Conventions in question.

Please accept, Sir, the assurance of my high esteem.

(Signed) Doctor Ba Bocar ALPHA,
Ministry of Health, Labour and Social Affairs.

The text of the following Act was attached to this communication:

(Translation)

Law No. 63/126 dated 17 July 1963 To Authorise the Ratification of 20 international labour Conventions

The National Assembly has deliberated and adopted, and

The President of the Republic promulgates the law which reads thus:

Article 1. The ratification by the President of the Republic of the international Conventions hereunder specified is authorised:

[Conventions Nos. 15, 22, 23, 53, 58, 91, 112, 114, 3, 17, 19, 52, 81, 89, 111, 90, 101, 62, 94, 116.]

Article 2. The present law shall be applied as a law of the State.

Done at Nouakchott, 17 July 1963.

(Signed) Moktar OULD DADDAH,
President of the Republic.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Declarations concerning the Unemployment Convention, 1919 (No. 2); Minimum Age (Industry) Convention, 1919 (No. 5); Minimum Age (Sea) Convention, 1920 (No. 7); Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8); Minimum Age (Agriculture) Convention, 1921 (No. 10); Right of Association (Agriculture) Convention, 1921 (No. 11); Workmen's Compensation (Agriculture) Convention, 1921 (No. 12); Seamen's Articles of Agreement Convention, 1926 (No. 22); Sickness Insurance (Industry) Convention, 1927 (No. 24); Sickness Insurance (Agriculture) Convention, 1927 (No. 25); Minimum Wage-Fixing Machinery Convention, 1928 (No. 26); Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32); Unemployment Provision Convention, 1934 (No. 44); Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63); Labour Inspection Convention, 1947 (No. 81); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Labour Clauses (Public Contracts) Convention, 1949 (No. 94); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99).

The Director-General of the International Labour Office registered, on the dates indicated below, the following declarations communicated under article 35 of the Constitution of the International Labour Organisation, concerning the application to certain non-metropolitan territories of the international labour Conventions mentioned below:


Convention No. 8. Applicable with the following modifications: British Guiana—15 October 1963: Article 1: The expression "ship" is limited to: (a) any ship of less than 200 tons gross registered tonnage engaged solely in voyages between the Colony and the West Indian Islands or between any of those Islands; (b) ships engaged solely in the coastal trade of the Colony. Decision reserved: Gilbert and Ellice Islands—15 October 1963.


Decision reserved: Zanzibar—15 October 1963.


Convention No. 32. Decision reserved: Barbados, British Honduras, Dominica—15 October 1963.

Convention No. 44. Decision reserved: Barbados, British Honduras, Dominica, Zanzibar—15 October 1963.


Convention No. 81. Applicable without modification (with the exclusion of Part II): British Honduras—20 November 1963.


Applicable with the following modifications: Hong Kong, Malta—15 October 1963: Article 3: All officers of a trade union are required to be habitually engaged or employed in the same trade or industry, and membership of federations of trade unions is restricted to registered trade unions engaged in the same trade or industry as the component trade unions comprising such trade union federations;

Article 5. The consent of the public authority is required for affiliation of trade unions with international organisations. Federations of trade unions may be established only by registered trade unions engaged in the same trade or industry, and membership of federations of trade unions is restricted to registered trade unions engaged in the same trade or industry as the component trade unions comprising such trade union federations;

Article 6. The modifications on Article 3 relating to primary trade unions apply also to federations of trade unions, except that the consent of the public authority is required for a person to be at the same time an officer of a trade union and an officer of a federation of which the union is a member only if he is not habitually engaged in a trade or occupation with which the union is directly concerned.

Convention No. 94. Applicable without modification: British Honduras—20 November 1963.

Convention No. 98. Applicable without modification: Swaziland—20 November 1963.


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1 With the exclusion of Part II.

2 This declaration supersedes the declaration of 22 March 1958.

3 This declaration supersedes the declaration of 17 March 1959.

4 This declaration supersedes the declaration of 29 December 1958.

5 This declaration supersedes the declaration of 19 June 1958.
Agreement concerning the Social Security of Rhine Boatmen (Revised)
(Signed at Geneva on 13 February 1961 ¹ )

RATIFICATION BY BELGIUM AND LUXEMBOURG

The Director-General of the International Labour Office has registered on 4 June 1963 and 25 November 1963, respectively, the ratifications by Belgium and Luxembourg of the Agreement concerning the social security of Rhine boatmen (revised) signed at Geneva on 13 February 1961.

The text of the instrument of ratification by Belgium is as follows:

(Translation)

BAUDOUIN,
King of the Belgians

To all present and to come, greeting,

Having seen and examined the Final Act and the Agreement with annexes adopted in Geneva on 13 February 1961 by the Governmental Conference convened to revise the Agreement of 27 July 1950 concerning the social security of Rhine boatmen, which read as follows:

[Here follows the text of the Agreement.]

We, being in agreement with the preceding texts, hereby approve, ratify and confirm them, promising to enforce them according to their form and tenor and not to permit them to be contravened in any manner whatsoever.

In faith whereof we have signed the present letters of ratification and have caused the Government seal to be affixed thereto.

Done at Brussels on 2 April 1963.

(Signed) Baudouin,
By the King:

(Signed) P. H. Spaak,
Minister of Foreign Affairs.

The text of the instrument of ratification by Luxembourg is as follows:

(Translation)

We, CHARLOTTE,
by the Grace of God Grand Duchess of Luxembourg, Duchess of Nassau, etc.,

Having seen and examined the Agreement concerning the social security of Rhine boatmen (revised), adopted in Geneva on 13 February 1961, by the Governmental Conference convened to revise the Agreement of 27 July 1950 concerning the social security of Rhine boatmen, the text of which is given below:

[Here follows the text of the Agreement.]

Have approved and do approve the aforesaid Agreement, and declare that it is accepted, ratified and confirmed, and promise that it shall be executed and observed in the Grand-Duchy of Luxembourg according to its form and tenor.

In faith whereof we have signed the present papers and have caused our Grand Ducal Seal to be affixed thereto.

Palais de Luxembourg, 28 October 1963.

(Signed) Jean,
Hereditary Grand Duke.

(Signed) E. Schaus,
Minister of Foreign Affairs.

The following, in addition to the regular section "Information" and the Bibliography, are the contents of recent issues of the International Labour Review.

December 1963:
The Development of the Andean Programme and Its Future, by Jef RENS.
Employment Prospects of Children and Young People in Asia.
Oilworkers' Housing and Community Integration in Isolated Areas, by A. D. SHEA.

January 1964:
Factory Agreements and National Bargaining in the British Engineering Industry, by Shirley W. LERNER.
Tribal Customary Law and Modern Law in Iraq, by Ibrahim AL-WAHAB.
Experiments in Vocational Education in a Developing Country, by P. F. HARBURGER.
Judicial Decisions in the Field of Labour Law.

The statistical supplements to these issues contain tables of unemployment statistics and consumer price indices. The supplement to the December issue also gives statistics of employment; unemployment; levels of wages; and hours of work.

LEGISLATIVE SERIES

The September-October 1963 issue of the Legislative Series contains texts promulgated in 1962 dealing with the following subjects.

Labour Legislation:
- Argentina 1: Labour Disputes.
- Austria 1: Child Labour; 2: Domestic Workers.
- Belgium 1: Co-operation with Developing Countries.
- Republic of China 1: Seafarers.
- Spain 4: Inspection.
- United States of America 2: Employee-Management Co-operation.

Social Security:
- Belgium 2: Unemployment; 3: Sickness and Invalidity Insurance.

This number also contains a supplement giving indexes and a chronological list of labour legislation enacted in 1961.

The November-December 1963 issue contains texts promulgated in 1962 and 1963 dealing with the following subjects.

Labour Legislation:
- Cuba 1: Administration of Justice in Labour Matters.
- Denmark 1: Co-operation with Developing Countries.
- Finland 1: Labour Disputes.
Luxembourg 1: Contract of Employment (Salaried Employees).
Malagasy Republic 1: Weekly Rest: Public Holidays;
2: Employment of Women and Children;
3: Seafarers.
Mexico 1: Constitution.
Netherlands 1: Hours of Work.
Pakistan 1: Agricultural Workers.
United Arab Republic 1: Disciplinary Penalties.

Social Security Legislation:
Greece 1: Sickness Insurance (Seafarers).
Netherlands 2: Children’s Allowances.
Both issues contain a list of recent labour legislation.

DOCUMENTS OF THE INTERNATIONAL LABOUR CONFERENCE (47TH SESSION)

Record of Proceedings 1

The Record of Proceedings of the 47th Session of the International Labour Conference is divided as follows: Introduction, reproducing the letter addressed by the Director-General of the International Labour Office to the Governments of the member States regarding the convocation of the Conference, the agenda, the place and date of the session and the composition and attendance of delegations, and enclosing a Memorandum giving further details; First Part, setting out the list of members of delegations, etc., comprising the names of all persons who took part in the Conference, classified according to the functions they performed; Second Part, containing a verbatim report of the proceedings, in plenary sitting; and Third Part, consisting of Appendices, including the reports and documents submitted by the various Conference committees and the texts (Conventions, Recommendations, resolutions, etc.) adopted by the Conference. The Record of Proceedings terminates with an alphabetical index to the Second and Third Parts.

Reports Prepared for the International Labour Conference (48th Session)

In preparation for the 48th Session of the International Labour Conference (1964) the Office has published the following reports:

Women Workers in a Changing World 2

This report contains the replies of Governments to a questionnaire sent to them by the Office in a preliminary report (VI (1)) and Proposed Conclusions for discussion by the Conference at its 48th Session (1964).

The Employment of Young Persons in Underground Work in Mines of All Kinds 3

This report contains the replies of Governments to a questionnaire on the above subject sent to them by the Office in a preliminary report (VII (1)) and Proposed Conclusions for a first discussion by the Conference at its 48th Session (1964).

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EMPLOYMENT POLICY, WITH PARTICULAR REFERENCE TO THE EMPLOYMENT PROBLEMS OF DEVELOPING COUNTRIES

This report contains a brief record of the Preparatory Technical Conference on Employment Policy, the texts adopted by the Conference, the reports of the drafting groups set up by the Conference, a summary of the proceedings at the 21st, 22nd, 23rd and 24th plenary sittings (at which the various texts were discussed and adopted) and a questionnaire, accompanied by an explanatory note setting out the nature of the different instruments or other forms of conclusions that may be adopted by the International Labour Conference.

The report will be following by a second report based on the replies received from Governments to the questionnaire, for submission to the International Labour Conference at its 48th Session for a single discussion of the subject, with a view to the possible adoption of an appropriate instrument or instruments on this question.

SUBSTITUTION FOR ARTICLE 35 OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION OF THE PROPOSALS REFERRED TO THE CONFERENCE BY THE GOVERNING BODY AT ITS 157th SESSION

This report contains (following preliminary explanatory matter) the proposed text of a draft Instrument for the Amendment of the Constitution of the International Labour Organisation, which would have the effect of amending article 19 of the Constitution by the addition of a new paragraph drawn up "with a view to promoting the universal application of Conventions to all peoples, including those who have not yet attained a full measure of self-government" and of rendering article 35 of the Constitution without effect.

MIMEOGRAPHED DOCUMENTS

Reports for Various Meetings


Report I: Methods of Staff Representation and Consultation in Public Administrations. iii+126 pp.

RESOLUTIONS ADOPTED

Resolution concerning the United Nations Conference on Trade and Development

The Preparatory Technical Conference on Employment Policy, convened by the Governing Body of the International Labour Office, and meeting in Geneva from 30 September to 16 October 1963,

Having had a thorough exchange of views on various aspects of employment policy,

Aware of the importance of economic growth in all countries, particularly developing countries, as a basic condition for promoting an effective employment policy,

Convinced that the development of international trade through equitable and mutually advantageous exchanges may contribute to a rise in the standard of living, full employment and rapid economic progress in all countries,

Noting with satisfaction the convening of the United Nations Conference on Trade and Development,

Requests the Governing Body of the International Labour Office to examine the possibility of transmitting to the United Nations Conference on Trade and Development all or part of the Conclusions proposed by Drafting Group II in its second report.

Resolution on Action to Be Taken to Give Effect to the Conclusions of the Conference

The Preparatory Technical Conference on Employment Policy, convened at Geneva from 30 September to 16 October 1963,

Decides to submit to the Governing Body for possible transmittal to member States for their observations, and to the International Labour Conference in 1964 for decision, the following Conclusions:

(a) a proposed draft international Convention concerning employment policy (based on the Conclusions proposed by Drafting Group I in its first report);

(b) a proposed draft international Recommendation concerning employment policy (based on the Conclusions proposed by Drafting Group I in its second report);

(c) Conclusions relating to—

(i) general and selective measures of employment policy (based on the Conclusions proposed by Drafting Group III in its report);

(ii) employment problems associated with economic underdevelopment (based on the Conclusions proposed by Drafting Group II in its first report);

(iii) action by employers and workers and their organisations (based on the Conclusions proposed by Drafting Group IV in its report);
(iv) action in the international field to promote employment objectives (based on the Conclusions proposed by Drafting Group II in its second report); with the suggestion that the International Labour Conference should determine which provisions of these four series of Conclusions might form the basis of an international Recommendation. The substance of such provisions might, if appropriate, be incorporated in the Recommendation envisaged in subparagraph (b) above. The other provisions could be drafted in the form of Methods of Application, on the understanding that it would also be for the International Labour Conference itself to decide on their final form (for example, Methods of Application annexed to a text or texts of international Recommendations, or separate Conclusions). It is suggested that those Conclusions which call for action by international organisations, including the International Labour Organisation, would take the form of resolutions.
Meeting of Experts on Social and Economic Conditions of Teachers in Primary and Secondary Schools

(Geneva, 21 October-1 November 1963)

CONCLUSIONS AND RESOLUTION ADOPTED

Conclusions concerning Social and Economic Conditions of Teachers in Primary and Secondary Schools

The Meeting of Experts on Social and Economic Conditions of Teachers in Primary and Secondary Schools,

Having been convened by the Governing Body of the International Labour Office, and having met in Geneva from 21 October to 1 November 1963 with a view to following up the work accomplished by the I.L.O. Meeting of Experts on Teachers’ Problems, held in Geneva in October 1958,

Having noted, with particular satisfaction, that the I.L.O. and U.N.E.S.C.O. were thinking in terms of joint action in this field with a view to the setting of appropriate standards at the international level, having regard to studies undertaken and Conventions and Recommendations adopted by the I.L.O., U.N.E.S.C.O. and the International Bureau of Education; and recalling that, as stated in the Declaration of Philadelphia, all human beings have the right to pursue both their material well-being and their spiritual development,

Having examined the whole range of professional problems affecting teachers in official and private, primary and secondary schools and in technical and vocational training schools (excepting schools at university level);

Reaffirms the Conclusions adopted by the Meeting of Experts on Teachers’ Problems in 1958; and

Adopts this first day of November 1963 the Conclusions on the different items on its agenda which are set out below;

Invites the Governing Body of the I.L.O. to communicate these Conclusions to the governments of the States Members of the Organisation and to international and national organisations of teachers, for appropriate action; and

Suggests that the Conclusions be read in conjunction with the report on the discussions which took place at the meeting.

Introduction

1. Scientific and technological changes render necessary social and economic development in all countries, and call for more extensive and more widespread general and vocational education with a view to making full use of the talent and intelligence in all strata of society, since continued economic and social advancement depends in large measure on the nations’ intellectual resources.

2. Developing countries in particular are faced with the task of planning and ensuring balanced economic development in order to improve human and social conditions; the absence of sufficient general and vocational education for large sections of the population makes these problems particularly complex in many such countries.

3. The pressure of economic and social requirements accounts for the gravity of the problems which arise in the attainment of the objectives of education, in its nature and

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1 See above, p. 27.
2 Adopted unanimously.
content, the relation between education and employment, and between general and vocational education.

Educational Policies and Objectives

4. Appropriate measures should be taken, wherever necessary, to re-examine or formulate comprehensive educational policies at the national level drawing on all resources, human and otherwise, available in this field.

5. In so doing, due account should be taken of all essential aspects of this question, in particular—

(a) that it is the fundamental right of every child to be provided with educational facilities best suited to its particular abilities and needs, and that the particular situation in which a child may find itself, social, geographical or otherwise, should not be a bar to his right to education;

(b) that education must serve the twin purposes of meeting the desire for personal development as well as the needs of society;

(c) that education of the mind and of the personality is an indispensable aim both in urban and in rural areas;

(d) that quality in education should not be sacrificed to quantity;

(e) that the contribution to be made by education to peace and international understanding is of the utmost importance;

(f) that advance in education depends on the qualifications and ability of the teaching staff and in the last resort on the human, pedagogical and technical qualities of the teacher;

(g) that since education is a service of fundamental importance in the general public interest, it should be recognised as a responsibility of the State, due note being taken, however, of the part that has been and could be played in many countries by private schools;

(h) that the requirements of general development and economic and social equilibrium have made education an essential factor in economic growth and therefore a productive investment of vital importance;

(i) that in education both long-term and short-term planning and programming are necessary; the efficient integration in the community of today's pupils will depend on future needs rather than on present requirements;

(j) that all educational planning should include, at each stage, early provision for the training, in sufficient numbers, of fully competent and qualified teachers;

(k) that co-ordinated systematic and continued research and action in this field are essential, including exchange of research findings at the international level; and

(l) that there should be close co-operation between competent authorities, organisations of teachers, organisations of employers and workers as well as cultural organisations and institutions of learning and research, for the purpose of defining educational policy and its precise objectives.

6. As the achievement of the aims and objectives of education depends on the financial means made available to it, high priority should be given, in all countries, to setting aside, within the national budgets, an adequate proportion of the national income for developing education.

Teacher Shortage

7. Public opinion should be made to realise fully that the existing shortage of competent and experienced teachers, which has reached alarming proportions in a great many countries and is likely to become aggravated in years to come, is attributable in large measure to the fact that the social and economic status of teachers, their living and working conditions, their terms of employment and career prospects, compare unfavourably with the existing opportunities in other walks of life.

8. All measures and steps which are effectively taken to improve the social and economic conditions of teachers will help in attracting to and retaining in teaching more people with
the proper qualifications, thereby substantially contributing to a reduction in the shortage of teachers which constitutes such a serious threat to education and to general progress.

9. Certain expedients designed to deal with the shortage of teachers, such as overlarge classes and the unreasonable extension of hours of teaching duty, are incompatible with the aims and objectives of education and are detrimental to the children. The competent authorities as a matter of urgency should take steps to render these expedients unnecessary and to discontinue them.

10. Such temporary emergency practices as the lowering of the standards of qualifications for teachers and the admission to teaching of persons without proper training or qualifications inevitably devaluate education. These practices should not be allowed to continue.

11. Wherever untrained or undertrained teachers enter the profession as a result of emergency measures, appropriate training facilities should be made available to enable these teachers to complete their studies and to obtain academic and professional qualifications normally required. Teachers' organisations should be consulted and given an opportunity to participate in any such scheme.

Recruitment and Career

Teachers' Duties and Rights.

12. The teacher, whether working in official or private, primary or secondary, vocational or technical education, must encourage and promote the balanced and harmonious development of his pupils while fully respecting their personality and individuality.

13. Teachers should enjoy a position and standing in the community corresponding to their function and to their cultural and social contribution. They should be guaranteed a status and working conditions commensurate with their qualifications and responsibilities and should enjoy adequate protection and safeguards based on the law, statutory regulations, rules of service and collective agreements.

Recruitment.

14. Recruitment policy should be clearly defined at the national level by rules laying down the teachers' obligations and rights.

15. In countries where the system of school administration makes this impossible, such policy and rules should be established by the responsible authorities with the greatest possible measure of co-ordination.

16. Conditions of entry should be clearly prescribed in collaboration with the organisations of teachers.

17. Recruitment plans should take into account the need to provide the education service with a sufficient number of teachers with the necessary human, moral, intellectual, pedagogical and technical qualifications.

18. When recruitment takes place after adequate academic training and professional preparation which includes test periods during training, no probationary period preceding confirmation in an established post should be imposed.

19. Where a probationary period is deemed to be necessary, attention should be given to the following principles:
   
   (a) the probationary period for certificated teachers should in no case exceed one or two years;
   
   (b) during this period the teacher should be entitled to full salary, including any increment provided in his scale;
   
   (c) where the grant of an established post does not follow automatically from appointment, the conditions to be fulfilled for confirmation should be laid down on the basis of objective professional criteria;
(d) in the event of an extension of the probationary period or of a refusal to confirm appointment adequate guarantees should be provided for the teacher, including the right of appeal.

**Stability of Employment.**

20. Stability of employment and security of tenure in the profession are essential in the interest of education, as well as in that of the teacher, and should be guaranteed.

**Advancement and Promotion.**

21. Automatic advancement through salary increments granted at regular, preferably annual, intervals should be provided.

22. Reasonably rapid advancement should be ensured, especially during the early stages of the professional career.

23. Adequate facilities should be provided to enable teachers to improve their qualifications with a view to promotion to higher posts. Such promotion should be based on an objective assessment of the teacher's qualifications on strictly professional criteria.

**Disciplinary Action.**

24. In the exercise of their profession, teachers must scrupulously fulfil all their professional obligations. They must be adequately protected against arbitrary action affecting their professional standing or career. This protection must be given to teachers in both official and private schools.

25. Disciplinary measures applicable to teachers guilty of breaches of professional conduct should be clearly defined. No publicity should be given to any disciplinary action.

26. The authorities or bodies competent to propose or apply sanctions and penalties should be clearly designated.

27. Every teacher should enjoy equitable safeguards at each stage of any disciplinary procedure, in particular:

   (a) the right to be informed in writing of the allegations;
   
   (b) the right to full access to the evidence in the case;
   
   (c) the right to defend himself and to be defended by a representative of his choice and by his organisation, adequate time being given to the teacher for the preparation of his defence;
   
   (d) the right to appeal to clearly designated competent authorities or bodies.

28. The effectiveness of disciplinary safeguards as well as discipline itself would be greatly enhanced if the teachers are judged by members of their profession.

29. Codes of ethics or of conduct established by the teachers' organisations greatly contribute to ensure the prestige of the profession and the exercise of professional duties in accordance with agreed principles.

**Factors Affecting the Exercise of the Profession**

**Equality of Treatment.**

30. Subject to legal requirements concerning access to education in the different countries, there should be equality of treatment between nationals and non-nationals with equivalent qualifications. Foreign guest teachers invited to a country should, where appropriate, enjoy the special conditions. The terms of bilateral and multilateral cultural conventions and inter-governmental agreements should be vigorously respected.

**Discrimination.**

31. There should be no discrimination whatever in entrance to the teaching profession, or during its exercise, or in the termination of services, based on other than professional considerations and in particular on race, sex, colour, marital status, creed, or convictions.
32. Women teachers should not be debarred from continuing their teaching career after marriage nor from returning to full-time or part-time teaching service after a break.

33. Measures should be taken to enable married couples, both of whom are teachers, to be employed in the same locality.

Academic Freedom.

34. Teachers should enjoy academic freedom in the discharge of their professional duties, particularly with regard to teaching and classroom methods.

35. Teachers' organisations should have the right to participate in the formulation of syllabuses in the competent bodies.

Civic Rights.

36. Teachers should be free to exercise all civic rights generally enjoyed by citizens.

37. The participation of teachers in social and public life in general is advisable in the interest of the teacher's development and of the education service.

38. Teachers should be eligible for public office. Where requirements of the public office are such that the teacher has to relinquish his teaching duties, he should be retained in the profession for seniority and pension purposes and be able to return to his previous post or to an equivalent post after his term of public office has expired.

Hours of Work

39. In fixing hours of work for teachers account should be taken of the time required not only for teaching but also for the preparation and correction of exercises, and other relevant work, including co-curricula and out-of-school activities.

40. School activities in excess of the normal workload should be considered as overtime.

41. Out-of-school activities should not constitute an excessive burden nor interfere with the fulfilment of the main duties of a teacher.

42. Whenever a teacher is called upon to carry out supervisory duties, his normal hours of teaching should be reduced accordingly.

43. It is desirable that in the case of older teachers on whom the physical strain of teaching is greater, the total weekly hours of work should be reduced.

44. Taking account of the trend towards a reduction in the hours of work in all other occupations and of the fact that teachers are under mounting pressure to undertake increasingly heavy responsibilities in addition to their normal teaching duties, every effort should be made to reduce the hours of teaching.

Remuneration

45. The economic status of teachers, even in advanced countries, is not good enough to ensure an adequate supply of recruits of the quality needed, and the difficulties encountered in the developing countries are still greater. The living and working standards of teachers in all countries, particularly in developing countries, should be substantially improved.

46. Teachers' salaries should correspond to a number of criteria:

(a) they should compare favourably with those paid in other occupations requiring equivalent or similar qualifications, training and abilities so as to attract a sufficient number of well-qualified teachers;

(b) they should be such as to ensure teachers a reasonable standard of life for themselves and their families; and

(c) they should be properly graded so as to recognise the fact that certain posts require higher qualifications and carry greater responsibility than others.
47. The salary structure for teachers should have an inherent consistency which would not result in anomalies or lead to friction between different groups of teachers.

48. While salary differentials should be maintained, the general salary spread should be such that the relation between the lowest and the highest salary paid in the profession would be of a reasonable order. Narrowing of the salary spread should be achieved by raising the lower end of the salary scales relative to the upper end.

49. All teachers should be paid on the basis of salary scales established in agreement with the teachers' organisations. In no circumstances should qualified teachers during their probationary period or if employed on a temporary basis be paid at lower rate of salary than that laid down for established teachers.

50. Teachers' salaries should be fixed on an annual basis. If because of the country's tradition or for other justifiable reasons teachers' salaries are not so based, payment should nevertheless be made for holidays.

51. Teachers' salaries should be determined on the basis of qualifications, training and responsibilities, without regard to sex, marital status, colour, race, creed or opinions.

52. Wherever salary scales for the different categories of teachers are fixed separately they should take into account the varied qualifications and training requirements.

53. Teachers should be enabled to improve their professional qualifications by devoting the necessary time to study. The structure of salary scales should, therefore, be such as not only to compensate teachers for the loss of earnings and of pension benefits which longer study entails but also to provide an incentive element.

54. In fixing teachers' salaries the number of hours worked in preparation, teaching and the correction of exercises should be taken into account. Any work required of teachers or carried out by them outside what is defined or understood as their normal duties, should be compensated by additional payment. Payment for overtime should be fixed at an hourly rate which is substantially higher than regular pay.

55. Salary scales should provide for a gradual progression from a minimum to a maximum salary by means of regular increments, preferably annual, granted automatically. The progression from the minimum to the maximum of the salary scale should not extend over a period longer than 10 to 15 years.

56. No merit rating system should be introduced or applied without prior consultation with and acceptance by the teachers' organisations concerned.

57. Teachers' salaries should, at the very least, keep pace with the rise in the cost of living. This should be achieved either by the periodical revision of basic salary scales or by the payment of a cost-of-living allowance which should automatically follow changes in a cost-of-living index. If the latter procedure is followed, the choice of the index should be determined with the participation of the teachers' organisations. Salary adjustments should, however, preferably be made through periodical revision of the salary scales. Cost-of-living allowances should be regarded as an integral part of salary for pension purposes.

58. In areas in which teachers are exposed to particular hardship they should be compensated by the payment of higher salaries or of special hardship allowances which should be included for pension purposes.

59. Housing allowances, the provision of rent-free or relatively low-rented accommodation and of other facilities should be granted. Family allowances, if not paid under the national social security system, should be paid under a scheme applicable to teachers.

Ordinary Leave.

60. All teachers, whether confirmed in established posts or not, and whether teaching in official or private schools, should enjoy a legal right to annual leave with full pay. Such leave must be sufficiently long to allow for recuperation from the fatigue involved in teaching.
61. Normally this leave should coincide with the school holidays.

62. Special contractual arrangements should be made for foreign guest teachers and for teachers attached to the technical assistance projects, with regard both to the length of leave with full pay and to the safeguarding of seniority and pension rights in the home country.

**Study and Special Leave.**

63. In the interest of education and having regard to the imperative need for teachers to continue their training throughout their professional career, and with a view to enabling them to acquire higher professional qualifications, teachers should be allowed to take study leave at regular intervals, for example after seven years of service or at least once or twice during their professional life. Such leave should be given with full pay or at least a substantial proportion thereof and should be counted for seniority and pension purposes.

64. Where it may be impossible to grant such leave with pay, particularly in the case of an absence of more than one year, the period of absence should still be counted for seniority and pension purposes.

65. Leave of absence granted within the framework of bilateral or multilateral cultural exchanges should be considered as service.

66. Teachers should be granted leave of absence with full pay for adequate personal reasons.

67. Teachers should be granted leave of absence with full pay to enable them to participate in the activities of their organisations.

**Conditions of Work**

**School Accommodation.**

68. The quality of education and, therefore, the progress made by the children depend largely on the manner in which a school is located, designed, arranged, kept in good condition and equipped. Good school accommodation eases the teacher’s work and is an important factor in recruitment to the profession.

69. The school building should be essentially functional in design, layout and equipment and correspond to modern ideas of pedagogy, teaching methods, hygiene and architecture.

70. Different types of buildings are necessary for different kinds of schools, e.g. primary schools, secondary schools, technical and vocational schools and special schools for handicapped children.

71. Appropriate premises and playing fields for games and other sporting activities should be provided on the school campus or as near as possible to it.

**Size of Classes.**

72. In the interest of children and teachers the size of classes should be kept reasonably small. Normally the number of children in a class should not exceed 25 to 30 pupils. The numbers should be less for practical classes in laboratories and workrooms. Special consideration should be given to the size of classes in vocational and technical schools.

**Classrooms.**

73. Classrooms should be designated in relation to the size of classes, appropriate space being provided for each child.

74. In the light of the experiments now proceeding in certain countries with respect to the use of audio-visual aids, team teaching, teaching machines, etc., further consideration might be given to the design and size of classrooms.

75. Special consideration should be given, in regard to school buildings and design and size of classes in developing countries.
Co-ordination on School Construction.

76. National commissions should be set up in all countries to deal efficiently with the problems of school accommodation. Such commissions should include in their membership representatives of the competent authorities and of the teachers’ organisations, as well as architects and other specialists.

77. Attention is drawn to the recommendations of the International Conference on School Buildings, held in London in 1962 under the auspices of U.N.E.S.C.O., and to the action subsequently taken by this Organisation to implement the recommendations concerning the creation of regional centres on school buildings, and the dissemination at the international level of relevant information.

Health Measures.

78. In the interest of both pupils and teachers, compulsory medical examinations should be provided free of charge for all teachers before they take up teaching in official or private schools, and should be repeated periodically during the teacher’s professional life.

Housing.

79. Special attention should be given to providing decent housing facilities for teachers and their families, particularly in rural areas.

80. On appointment or transfer, teachers should be paid removal and travel expenses.

81. In developing countries where such teachers, in addition to their normal teaching duties, promote and stimulate community activities, development plans and programmes should include provision for appropriate accommodation for teachers.

Third Party Insurance.

82. Teachers should be covered by their employers against claims arising out of accidents to pupils in their charge, occurring during periods of schoolwork and in the course of out-of-school activities.

Teachers’ Organisations

83. Teachers, whether in public or private employment, should have the right freely and without previous authorisation, both to establish and to join organisations of their own choosing to further and defend their interests.

84. This right should be exercised without any interference or coercion. In particular, teachers should be protected against all acts of discrimination in respect of their employment calculated (a) to make the employment of a teacher subject to the condition that he should not join an organisation, or should relinquish membership of an organisation, and (b) to cause the dismissal of or otherwise prejudice a teacher by reason of his membership of an organisation or because of participation in organisational activities outside school hours or, with the consent of the employer, within school hours.

85. A teacher elected to an office in his organisation or appointed as its representative should be protected against any action taken by the employer with the object of preventing him from carrying out the duties laid upon him by his position, or of penalising him for an action undertaken in that capacity, and should suffer no prejudice in respect of his seniority and pension rights, or in respect of his right to annual leave with pay or to any other kind of leave with or without pay to which he may be entitled.

86. Teachers’ organisations have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and formulate their programmes. Further, they have the right to establish and join federations and confederations, and any such organisation, federation or confederation has the right to affiliate with international organisations of teachers and of workers in general.

87. Teachers’ organisations should take part in the joint statutory or voluntary machinery set up for the determination of teachers’ terms and conditions of employment. By
whatever means the machinery is established, its full development and utilisation for free negotiation between teachers' organisations and their employers should be encouraged and promoted with a view to the regulation of terms and conditions of employment by means of collective agreements.

88. Teachers' organisations should participate fully in joint machinery for dealing with disciplinary matters.

89. Appropriate joint machinery should be set up to deal with the settlement of disputes between the teachers and their employers arising out of terms and conditions of employment. If the means and procedures established for these purposes should be exhausted or if there should be a breakdown in negotiations between the parties, teachers' organisations should have the right to take such other steps as are normally open to other organisations in the defence of their legitimate interests.

90. Teachers' organisations should participate in the formulation and implementation of national educational policies and of plans for the supply of teachers.

91. Teachers' organisations should play an increasing part in the training of teachers, particularly in the establishment of criteria regarding the qualifications for entry to the profession and criteria on which the assessment of the performance of a teacher during the period of probation should be based.

92. The professional standards of the teaching profession should be defined and sustained either by the responsible bodies in collaboration with the teachers' organisations, or by the teaching profession itself; the high professional conscience of teachers is in itself a basic guarantee of the application of these standards.

Principles Underlying Social Security Measures for Teachers

General Principles.

93. Social security has rapidly developed throughout the world. The actions taken by the Governing Body of the I.L.O. and the International Labour Conference on the recommendation of the Committee of Social Security Experts of the I.L.O. towards the remodelling of some of the pre-war Conventions relating to branches of social security to meet the new needs are highly appreciated.

94. One of the means of promoting social justice is the extension of social security to geographical areas, to groups of persons and in respect of contingencies not already covered. Social security measures are an integral part of a sound national social policy; they must reflect economic conditions prevailing in a country and national traditions.

95. Various methods have been developed to provide social security; the differences in organisation, financing and administration, reflecting national traditions and available financial resources in the various countries, make it almost impossible to recommend any single approach or method. It seems therefore preferable at international level to formulate only general principles governing social security for teachers which pertain to the quality of social security protection rather than to the forms and methods of organisation, administration and financing.

96. Despite the general trend towards established guarantees of minimum standards of social security protection, both on a national and international level, teachers in some countries still remain outside social security protection. In some countries teachers do not as yet enjoy the social security protection provided for persons with a similar professional preparation and qualification and performing work of a similar nature. In view of the increasing importance of education in the development of every country, and the need to attract to the profession the greatest possible number of qualified persons, teachers should be assured of a satisfactory standard of living and enjoy such social security protection as is granted to persons occupying posts which require a similar level of preparatory training. In this field, as in many others, the interests of teachers are identical with those of the children for whom they are responsible and of the education system as a whole.
In many countries, a distinction is still made between the rights of teachers in official schools and those in private schools. This difference is sometimes reflected also in the social security arrangements. All teachers, whether permanent or temporary, should enjoy the same or similar social security protection regardless of the type of school in which they serve. Protection should be extended to students in training for teaching and to teachers in the probationary period.

In view of the fact that I.L.O. Conventions concerning social security allow de facto the exclusion of teachers from the scope of persons protected, it is strongly recommended to governments not to avail themselves of any such provisions that would lead to the limitation of social security protection in respect of teachers in their country.

Teachers should be protected by social security measures in respect of all the contingencies included in the Social Security (Minimum Standards) Convention, 1952 (No. 102). Priority should be given to protection in respect of sickness, maternity, employment injuries, old age, invalidity and death of the breadwinner. Teachers should also be covered against unemployment like all salary and wage earners.

The standards of social security provided for teachers should be at least as favourable as those set out in I.L.O. Convention No. 102. Moreover, the teaching profession demonstrates certain particularities which require adaptation of some of the general social security measures to take account of the special conditions of their employment. The more important variations are indicated below in respect of the different branches of social security.

**Medical Care.**

The constant contact of teachers with pupils, and their exposure to infection which this involves, represents a constant danger to the teachers' health. Teachers are less and less able to cope with the increasing cost of medical care. It is therefore essential that medical care should be granted to teachers at least to the extent required under I.L.O. Convention No. 102 in respect of employees. Where the medical examinations referred to in paragraph 78 show that medical treatment is necessary, it should be provided free.

In certain regions where there is a scarcity of medical facilities, teachers should be enabled to obtain elsewhere the necessary medical care, their travelling expenses being borne by their employers or by the social security scheme.

**Sickness Benefit.**

It is essential that teachers should be protected against economic loss due to incapacity for work by way of sick leave with full pay provided by the employer or, where this is not done, by cash sickness benefits under the social security scheme.

Payment should be granted throughout the period of incapacity for work. Where the payments are limited in conformity with the provisions of I.L.O. Convention No. 102 to a period of 26 weeks, provision should be made for the extension of the payment for a further period where medically justified, or for the award of an invalidity pension with immediate effect.

Remuneration or benefit should be granted from the first day of a teacher's illness and no waiting period with suspension of earnings or benefits should be permitted, having regard to the necessity that teachers should be isolated from pupils throughout the period of incapacity, in particular where there is risk of infection.

For the same reasons, it is highly desirable to provide for an extension of sick leave with full pay or of cash sickness benefits in cases of serious illnesses which may be specified in the national laws or regulations, because they require long periods of treatment or because they may endanger the physical and mental health of the pupils. Any schedule of such disease should compulsorily include tuberculosis, poliomyelitis and nervous breakdown.
107. Sickness benefit provisions or sick leave regulations, as the case may be, should be applied during all periods of certified incapacity for work, regardless of the calendar period in which the sickness occurs and independently of regulations concerning school holidays.

108. Where sickness benefits are provided instead of remuneration, such benefits should preferably be related to the earnings which the teachers were receiving at the time immediately preceding their initial incapacity.

Maternity.

109. It is indispensable that women teachers should be protected by schemes which provide maternity leave with full salary, medical care and birth grants. In countries where full salary is not paid, cash maternity benefits must be provided under social security.

110. Maternity benefit should be provided under conditions and at rates at least as favourable as those for sickness benefit. The period of payment should never be less than 12 weeks as provided for in Convention No. 102. In countries where the minimum period of maternity leave is in excess of 12 weeks, this period should not be reduced. There should be provisions to allow for an extension of this period in cases of unusual complication or in cases where it is considered to be in the interest of the education service to require a longer period of absence of the expectant mother either before or after confinement.

111. It is desirable also to develop measures to encourage mothers to remain in the service and to resume their teaching duties as soon as their family responsibilities allow; such measures should include unpaid maternity leave of up to one year after childbirth without loss of the right to return to previous employment. Special arrangements such as crèches should be made to take care of the children while the mother is at work.

112. Employers are prohibited to terminate contracts of service for reasons of pregnancy and maternity leave.

Employment Injury Benefits.

113. Teachers have always been exposed to accidents and the greater emphasis now placed on practical work in the schools makes it essential to protect teachers against the consequences of employment injuries, especially in cases where their duties include work in practical laboratories, handicraft rooms, sport and other similar activities.

114. Teachers must be protected not only during periods of school work but also in respect of out-of-school activities. In view of the increasing importance of such work in modern educational arrangements the protection of teachers against the economic consequences of accidents is most urgently demanded.

115. Teaching imposes considerable physical and nervous strain upon the teacher. The effects on this strain on the teacher’s health should be recognised as occupational disease.

Retirement Pensions.

116. The right to a pension is a legal and moral right, which should be provided in accordance with the principles laid down in the conclusions concerning the principles underlying superannuation arrangements for teachers, adopted in 1958 by the Meeting of Experts on Teachers’ Problems as supplemented below. These conclusions are valid not only for superannuation schemes, but also for all pension arrangements which are established for the benefit of teachers.

117. A pension should be provided on the completion either of a specified period of service or of a shorter period subject to the attainment of pensionable age.

118. -Laws and regulations should lay down the pensionable age and the age of retirement. The pensionable age should be set far enough below the age of retirement to permit teachers to retire on a reasonably adequate pension when they can no longer carry on their duties; it should also enable them to continue in service beyond this age if they so wish and find it possible to do so.
119. Differences in pensionable age for men and women depend largely on national practices and traditions; any such differences should not influence conditions of work.

120. Pension schemes should provide for possible retirement before pensionable age with a proportional pension. Teachers who continue in service after pensionable age should receive credit in the calculation of their pension for these additional years of service. In countries where teachers are allowed exceptionally to return to full-time teaching service or take up other employment after retirement age, they should receive both salary and pension.

121. Where a pension is dependent on the length of active service, periods of prolonged professional training, probationary service, military service, leave of absence for valid reasons including sickness and unemployment should be taken into account for eligibility to a pension and in the determination of its amount.

122. The maintenance of pension rights acquired or in the course of acquisition during periods of service for preceding employers should be secured. This is becoming increasingly important in view of the need for mobility of teachers and of the recruitment of teachers for technical schools among highly qualified technicians in the different branches of the national economy.

123. The teacher’s pension should enable him and his family to live in dignity. It must therefore be sufficient to prevent any substantial decline in his living standards. The Conclusions reached in 1958 are hereby reaffirmed.

124. It is the responsibility of governments to maintain on the one hand the purchasing power of pensions at the same level as when they were granted, and on the other to ensure that pensioners participate in the improvements of the living standards of the population. Improvements in salary scales should be accompanied by improvements in pensions. Such adjustments and improvements should apply also to invalidity and survivors’ pensions.

125. In view of the shortage of teachers, it is highly desirable to encourage part-time employment which may become attractive to mothers as well as to partially disabled teachers. If such employment is permitted, appropriate measures should be taken to enable such periods of service to be credited for pension purposes.

Invalidity Pensions.

126. Provisions must be made for invalidity pensions payable to teachers who are forced to discontinue teaching because of physical or mental disability. Where the disability is not connected with the work, some short minimum period of employment is ordinarily required for eligibility to an invalidity pension.

127. Since pension rights are ordinarily related to the length of service, and since invalidity may occur at any time in a teacher’s working life, it is necessary to devise a formula for the calculation of an invalidity pension adequate to the needs of the pensioner and his family. Arrangements should be made for providing an adequate pension in situations where the teacher’s period of service has been relatively short.

128. Where physical or mental disability is of such a nature that it limits the teacher’s capacities only to such an extent that he can still continue in part-time employment, a proportionate invalidity pension supplementing his reduced income should be payable.

Survivors’ Pension.

129. A survivors’ pension should be payable to the dependent widow or widower, as the case may be, and to the surviving dependent children, in the event of the death of the breadwinner. The conditions for receipt of such pensions and the relationship between the amount of pension payable as compared with retirement pension should be such as to enable the surviving dependent spouse to carry his or her family responsibilities without any substantial reduction in living standards and to secure the welfare and education of the surviving dependent children.
Resolution concerning Future Action on Teachers’ Problems

The Meeting of Experts on Social and Economic Conditions of Teachers in Primary and Secondary Schools,

Having been convened by the Governing Body of the International Labour Office, and having met in Geneva from 21 October to 1 November 1963,

After having adopted a report and conclusions on the different questions contained on the agenda;

Notes with satisfaction that the I.L.O. and U.N.E.S.C.O. intend to undertake joint and integrated action in the field of problems of concern to teachers and teaching with a view to establishing, in due course, appropriate international standards,

Expresses the hope that, while working towards the establishment of such international standards, full account will be taken of the Conclusions adopted by the present meeting, as well as of the Conclusions adopted by the Meeting of Experts on Teachers’ Problems held in Geneva in October 1958;

Emphasising the importance of securing the fullest possible co-operation of international and national organisations of teachers at the different stages of the joint project envisaged;

Draws the attention of the Governing Body to the essential need of ensuring high priority to the execution of this project, having regard, in particular, to the urgent need for qualified teachers, in all countries and to the general crisis in the recruitment of teachers both for primary and secondary education and for vocational and technical education, which is likely to become increasingly aggravated in most countries;

Invites the Governing Body of the International Labour Office to consider the advisability—

(a) of ensuring that the action undertaken by the International Labour Office in this field should be not only continued but intensified;

(b) of taking all the necessary steps so that the joint action of the I.L.O. and U.N.E.S.C.O. be carried out as soon as possible with a view to the adoption of an appropriate international instrument on the social, economic and professional problems as well as on training and further training of the teaching staff and which would also include provisions concerning its application;

(c) of considering appropriate measures with a view to making the Right to Organise and Collective Bargaining Convention (No. 98), adopted by the International Labour Conference in 1949, applicable to teachers.

1 Adopted unanimously.
Meeting of Experts on Conditions of Work and Service of Public Servants

(Geneva, 25 November-6 December 1963)

CONCLUSIONS AND RESOLUTION ADOPTED

Conclusions

The Meeting of Experts on Conditions of Work and Service of Public Servants,
Having been convened by the Governing Body of the International Labour Office,
Having met in Geneva from 25 November to 6 December 1963 with the following agenda:

I. Methods of staff representation and consultation in public administrations,
II. Non-established staff, its conditions of work and service;

Adopts this sixth day of December 1963 the Conclusions set out below;

Draws attention to the report containing its discussions which should be considered jointly with these Conclusions; and

Invites the Governing Body of the I.L.O. to communicate these Conclusions and the report to the States Members of the Organisation and to international and national organisations of public servants.

I. Methods of Staff Representation and Consultation in Public Administrations

A. Introduction.

1. The public services are at a turning point in their development. The expansion of their role in economic and social life makes for continuing problems of adaptation and change in administrative structures in most States, particularly those which have recently become independent and which are in the course of development. In many countries the State and its personnel have established a working system of labour-management relations and, depending upon the particular objectives concerned, apply administrative practices, adopt rules, establish structures and institute bodies with a view to perfecting the internal operation of public administration, increasing the interest on the part of the staff in the objectives of the administration, improving the services expected of the administration, and contributing to the progress of the whole population while ensuring that workers in the public service share in the fruits of this progress.

2. The experts had to limit their consideration to staff of services the administration of which is the direct responsibility of the central government. They were not in a position to include in their examination local government officials and those working in public services of a commercial or industrial nature, whether autonomous or not, the activities and the management of which closely resemble practices in the private sector. They consider that most of the conclusions contained herein are valid for the entirety of public administrations and particularly lower-level public administrations such as those at the regional or local level. Differences in the legal systems have not prevented the experts from reaching agreement as follows.

See above, pp. 31 and 43.

* Adopted unanimously.

3. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), has been ratified by 65 States. These States have undertaken to guarantee to workers, without distinction whatsoever and without previous authorisation, the right to establish and join organisations of their own choosing. This Convention applies without discrimination to all workers including those in the public service. Apart from respecting the law of the land governing workers and their organisations in the same manner as other persons or organised groups, the only limitation provided for in the Convention is that which national laws or regulations might make on the exercise of freedom of association in respect of members of the armed forces or the police.

4. The international instruments adopted by various sessions of the International Labour Conference which deal with labour-management relations constitute basic standards of civilisation, the practical application of which in an increasing number of countries can only create a favourable climate for the establishment of good relations between public administrations and their staff, freely organised in organisations, the fundamental and permanent objective of which is the economic and social progress of their members.

5. The experts are not unaware of the technical and legal difficulties faced by certain countries in connection with the ratification of these instruments and the application of all their provisions to workers in the public service. Nevertheless, they request that the Director-General of the I.L.O. avail himself of every occasion and set in motion every means which the Constitution allows the Organisation to obtain additional ratifications of these Conventions, better application of the Recommendations and the improvement, both in letter and spirit, of the measures of implementation which are taken for these purposes in the public service.

6. The experts noted that at its 43rd Session (Geneva, 1959) the International Labour Conference had before it the report of the Committee of Experts on the Application of Conventions and Recommendations which, among other things, dealt with the application of a series of international instruments mainly concerning freedom of association, collective bargaining and collective agreements, and which was based essentially on information that member States had been invited to submit under articles 19 and 22 of the Constitution of the International Labour Organisation.

7. They consider that such over-all examination of the effect given to the mentioned instruments by States Members of the Organisation, whether these States have or have not ratified the Conventions and whether or not they apply the Recommendations concerned, would, if periodically carried out, allow for an evaluation of the progress achieved in this fundamental area.

8. They express the opinion that on the occasion of such examination particular emphasis shall be given, in appropriate cases, to the application of these standards to public servants. The results of this examination should enable the Governing Body to consider whether some of these instruments should be revised.

9. They therefore request that the Director-General of the International Labour Office propose to the Governing Body that in the near future it call for a new examination of this nature of: the Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), the Collective Agreements Recommendation, 1951 (No. 91) and the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92).

10. The efforts to introduce these international standards into the law and administrative practice of the various countries will depend on the real willingness of governments to consult or negotiate, as appropriate under national laws and regulations, with trade unions or other representative bodies, on conditions of work and service including social and economic conditions of the workers. The experts recommend that countries should create a climate of opinion which would encourage public servants to be members of organisations of their own choosing.
C. Recognition of Organisations for Purposes of Representation.

11. Alongside a number of countries in which no procedure exists for recognition of public servants' organisations for purposes of representation, the experts noted that in other countries regulations required observance of certain formalities or the fulfilling of certain conditions in order that freely constituted organisations can either validly represent the staff or participate in the system of consultation or collective bargaining.

12. The experts are of the opinion that organisations which are freely established, i.e. without previous authorisation, may be required to respect formalities provided for by law. However, while the law must be respected, Article 8, paragraph 2, of the Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No. 87), provides that "the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention". This would be the case if the formalities and conditions required were such as to make for previous authorisation for the existence or functioning of these organisations, or if they constituted such an obstacle to the free establishment and normal development of organisations that the practical effects amounted to their prohibition.

13. Various conditions may be imposed in accordance with particular national circumstances. Without wishing to comment on each of these conditions, the effects of which can only be evaluated by taking into account the particular situation of the countries which have adopted them, the experts consider that the only conditions which may be provided for are those which would permit an evaluation of the representative character, responsibility and durability of the organisations concerned. The measures taken with a view to assessing if these conditions are fulfilled should not permit investigation on matters such as the number of members and accounts of these organisations except within the framework of procedures agreed to by the parties.

14. Where the regulations in force allow for the refusal or withdrawal of recognition of an organisation for purposes of representation an appeals procedure accepted by both parties should be established.

D. Staff Representation.

15. In those countries which have instituted a permanent system of relations, staff representatives are designated either by trade union organisations or by way of election in which all members of the staff can participate. In the former case the administration should not interfere in the designation of representatives by these organisations in conformity with their rules. In the latter case, the organisations should, at least, have the right to present or support candidates.

16. The establishment of continuous and fruitful relations with the staff and its organisations requires that, beyond the minimum protection assured by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), a set of rules for collaboration be adopted either by regulations or by agreement. These rules may vary according to the method of collaboration adopted.

17. The facilities accorded to staff representatives for the exercise of their functions, which are often the same as those enjoyed by recognised staff organisations, should not be such as to impede the normal course of relations between the State as an employer and the representative, responsible and durable organisations.

18. The administration should take all measures compatible with the normal functioning of its services in order to ensure that the representatives of the organisations, at a minimum, can—

(a) be heard, without unjustified delay, upon request, by the administrative or political authorities which have decision-making power;
(b) freely enter the workplace, subject only to the requirements of state security and safety;
(c) post in accessible places information for the staff, possibly within authorised limits;
(d) enjoy the free use, possibly under agreed conditions, of premises for holding meetings;
(e) collect organisation dues, possibly under agreed conditions, during working hours either directly or by means of material facilities placed at their disposal; and
(f) defend the members of their organisations before judicial or statutory bodies.

19. The details of the application of the measures mentioned in the preceding paragraph should, where necessary, be the subject of agreement between administration heads and the officers of the organisations. None of these measures should permit any interference by the administration in the internal operation of the organisations.

20. It is in the interest of effective collaboration for the administration to ensure that it regularly informs representatives in connection with all problems on which they may be called upon to be heard. The means of information may vary and, according to national circumstances, range from meetings at the governmental level to informational meetings or joint studies. In return, the administration should be able to require that representatives act with discretion regarding the utilisation of information of a confidential nature.

21. With a view to successful collaboration, the administration should do what it can to help the organisations in their training programme for officers and representatives.

22. Staff representatives, where designated by organisations or elected by the staff to take part in collaboration bodies, should, in the exercise of their mandate, enjoy analogous conditions to those enumerated above. In such cases, and in cases when they are convened by the administration, they should be granted travel allowances and enjoy the same transport facilities as those accorded by the administration to its own representatives.

23. Since such representatives are frequently public servants, it would be desirable to adopt, through regulation or by agreement, rules indicating the conditions in which they are to exercise their functions.

24. Public servants who are occupied full- or part-time by representative organisations should be granted special leave which would have no effect on the normal progress of their career, e.g. on the calculation of their seniority, or on promotion or pension rights. Their right to total or partial wages should be decided by agreement, taking into account the national situation of each country. Staff delegates or representatives of organisations taking part in collaboration bodies should enjoy a reasonable amount of time off for such activities without loss of remuneration.

25. Appropriate measures should be taken to guarantee staff representatives adequate protection against any discrimination based on their functions.

E. Consultation and Collective Bargaining Systems

26. While there is no question that the State as an employer and its staff should avail themselves of all possible means to ensure their full collaboration in dealing with matters of common interest, it seems difficult to recommend any detailed, universal method for national action.

27. The choice of methods depends on many circumstances and particularly on the stage of development of particular countries, the nature of their political structure, the particular concept which they have of the duties of the public servant, the administrative means available and the degree to which organisations of public servants are representative.

28. This method might consist of occasional or periodic consultation of the organisations by the administration; such consultation itself might take the form, under varying circumstances, of an exchange of correspondence or of official or unofficial conversations. It might take the form of hearing representatives of the organisations by the legislature. It might take the form of collective bargaining entered into at times judged appropriate by the parties. In any case, the utmost must be done to ensure a rapid solution of the problems posed.
29. Special attention should be given to the practice, in certain countries, of having permanent machinery for consultation or collective bargaining. This has the advantage of ensuring continuity in the administration's policy of collaboration with its personnel, and, because it is entered into in a spirit of complete equality, of promoting continuous mutual comprehension and good faith. The framework, functioning and scope of these systems are naturally determined by the particular circumstances of each country. They are characterised by the existence of permanent bodies which are established at all appropriate administrative levels and within which workers are represented either by spokesmen of representative organisations or by representatives they have directly elected. These representatives are in a position to gain a wide experience and an over-all view of the needs of sound administration which increases their competence to deal with the questions before them. The importance of these systems should not, however, a priori eliminate from consideration other means of collaboration which have proved successful in certain countries.

30. The examination of various national experiences shows that it is difficult to establish a clear distinction between consultation on the one hand and collective bargaining on the other. The generalisation of formal collective bargaining can be impeded by the diverse concepts which in the different countries have inspired the distribution of power between the various organs of the State. In certain countries the executive authority is not authorised to engage in real negotiations in various fields such as wages.

31. It appears, however, that real consultation by governments or administrations can in fact take place, resulting in a situation during which no effort is spared by either party to reach agreement or a compromise which is submitted to the authority competent to take a decision. Such procedures, through the climate of confidence required, will facilitate acceptance by the parties of final decisions taken on the basis of previous joint accord. It was noted that such results achieved within the framework of official consultation procedure are more apt to be realised to the extent that staff organisations are more representative.

32. In view of the foregoing, the experts consider that measures appropriate to national conditions should, where necessary, be taken to encourage and promote the widest development and utilisation of collective bargaining and consultation procedures, in respect of such problems as conditions of employment, safety and health, recruitment, promotion and training.

33. The functioning of such procedures will be facilitated if the administration and the representative staff organisations understand the increasing necessity of preparation on the part of their representatives through adequate training in the field of labour-management relations and human relations.

F. Direct Participation in Administration.

34. Collaboration between the administration and its staff or their representatives has taken the form in many countries of participation in the management of social, cultural or similar services in regard to which it seems appropriate to associate the staff in the management of schemes for their benefit and in the building up of the funds to which they may have contributed. The experts noted experiences in regard to the management of social services and social security funds. The State as an employer and the staff are represented in differing proportions. The tendency is developing under which the staff seeks exclusive responsibility for the management of funds for social services.

35. The presence of staff representatives on bodies participating in the administration of personnel in such fields as promotion, training and discipline seems now to be rather widespread and not to give rise to any particular problems in those countries where this takes place.

G. Collective Disputes and Their Settlement.

36. Although the administration and representative staff organisations in an increasing number of countries have adopted a system of consultation and collective bargaining, and every effort is made to render such systems as effective as possible with a view to avoiding
collective disputes, there does not seem to be the same widespread adoption, in law or in practice, of conciliation or arbitration procedures.

37. The experts noted that legal disputes which might arise out of the interpretation or application of a statute or collective agreement, and disputes relating to questions of competence, recognition or the representative character of a staff organisation, are generally decided on the basis of existing regulations.

38. The reasons mentioned in paragraph 30 which impede the extension of collective bargaining systems in certain countries also render difficult the establishment of conciliation and arbitration procedures.

39. On the basis of their examination of these questions the experts consider that voluntary conciliation and arbitration procedures as defined in the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), should be established at all appropriate administrative levels, taking into account the national legal framework and customs and practices in respect of collective relations in the public service.

H. Future International Action.

40. The experts were unanimous in the view that the International Labour Organisation should pursue its action in the field of staff representation and consultation in public administrations by—

(a) the increased dissemination of information on national laws, regulations and practices, on the work of trade union congresses, etc.;

(b) the publication of studies undertaken by the I.L.O. either independently or in cooperation with research institutions;

(c) the organisation of regional seminars;

(d) the carrying out of a specialised programme of technical assistance in co-ordination with that already undertaken by the United Nations in the general field of public administration.

II. Non-Established Staff, Its Conditions of Work and Service

41. The problem of non-established staff in the public service arises in all countries under widely varying conditions. The experts noted the need for fuller information for a comprehensive study of this problem. Nevertheless, they consider that certain principles can be decided on at this stage and these are dealt with in paragraph 45. In particular, it appeared to the experts that statistical data are inadequate for evaluating the number and to define the categories of staff concerned. It would be desirable for the I.L.O. to collect comparable data of this type.

42. The experts recognise that the needs of administrative organisation of States are such that the employment of a certain number of non-established staff in public administrations can scarcely be avoided. This is the case, for example, when the posts they occupy are themselves of a temporary nature or require a degree of technical knowledge such that only highly qualified specialists who are not officials can fill them.

43. Nevertheless, the experts consider that this situation cannot justify administrative practices likely to cause or encourage discrimination in the exercise of trade union rights and in the conditions of work and service of workers performing the same duties in the same public administrations. Moreover, they note that such discrimination raises a problem of far-reaching magnitude, when, for instance, large numbers of temporary staff are retained in permanent posts for many years and there is too great a discrepancy between their legal and social status and those of established staff.

44. Although the principle of according the same conditions of work to all staff, whether established or not, involves practical difficulties, the experts nevertheless stressed a certain number of principles with a view to solving the problem of non-established staff or preventing it from arising. How they are applied, and their effectiveness, depend on the particular conditions of each country.
45. The experts agreed on the following principles:

(1) as far as possible, staff who are required to perform permanent duties should be recruited on an established basis;

(2) temporary staff should have the opportunity to become established within a reasonable time;

(3) when temporary staff are established, the length of their temporary service should be taken into account, as far as possible, particularly for purposes of pension rights to which they and members of their family may be entitled;

(4) the difference in legal status between established and non-established staff should not constitute a reason for discrimination in respect of remuneration and conditions of service as a whole.

Resolution concerning the Future Work of the I.L.O. in the Field of Conditions of Work and Service of Public Servants

The Meeting of Experts on Conditions of Work and Service of Public Servants,
Havening been convened by the Governing Body of the International Labour Office, and having met at Geneva from 25 November to 6 December 1963,
Recalls (1) Resolution No. 38 concerning public servants adopted by the Fourth Session of the Advisory Committee on Salaried Employees and Professional Workers (Geneva, 1-13 April 1957) inviting the Governing Body of the International Labour Office to undertake an inquiry among governments of States Members of the Organisation and to take suitable measures to enable a full discussion to take place on problems concerning public servants, and in particular, the establishment of principles on which the determination of conditions of work of public servants should be based; (2) the Conclusions concerning the development of the programme of the International Labour Organisation in regard to public servants adopted by the 43rd Session of the International Labour Conference (Geneva, 1959) on the occasion of the consideration of problems of non-manual workers;

Refers to the report and to the Conclusions that it addresses separately to the Governing Body on the two problems submitted to it:

(1) Methods of staff representation and consultation in public administrations;

(2) Non-established staff, its conditions of work and service;

Considers that it is its duty also to draw the attention of the Governing Body to the importance for the economic and social progress of workers in the public service, both established and non-established, of studying, as a matter of urgency, conditions of work and service particular to such workers and, inter alia, methods of determination of remuneration and social security schemes.

Takes note of the view strongly expressed during its proceedings by a great many of its members that an International Joint Committee on the Public Service in the framework of the I.L.O. be convened;

Invites the Director-General—

(1) To utilise the various means of action at the disposal of the I.L.O. for—

(a) developing and accelerating the study of problems concerning conditions of work and service of public servants, both established and non-established;

(b) collecting and disseminating information on these problems, giving priority to statistical information; and

(c) studying the various forms of technical assistance that the Office may place at the disposal of governments, where appropriate in co-ordination with the United Nations;

(2) At a time considered appropriate by him, to submit to the Governing Body proposals with a view to convening an International Joint Committee on the Public Service.

1 Adopted unanimously.
The Trade Union Situation
in the U.S.S.R.

One of a series of reports which the International Labour Office has published on the trade union situation in various countries. This is the report of a mission sent to the Soviet Union at the invitation of the Government to carry out an on-the-spot factual survey relating to freedom of association. The mission visited many cities in the course of its inquiry. The other reports in this series deal with the trade union situation in the United States, the United Kingdom, Sweden, Malaya and Burma.

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136 pages

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Conclusions in the Case relating to Japan (Case No. 179)
Reports of the Governing Body Committee on Freedom of Association

Seventy-second Report

INTRODUCTION

1. The Committee on Freedom of Association set up by the Governing Body at its 117th Session (November 1951) met at the International Labour Office, Geneva, on 4 and 5 November 1963. In the absence of its Chairman, Mr. Roberto Ago, former Chairman of the Governing Body, the Committee met under the chairmanship of Mr. Henry Hauck.

2. In accordance with the procedure laid down in paragraph 12 of its 29th Report, as amended by paragraph 5 of its 43rd Report, the Committee recommends the Governing Body to examine the present report at its 157th Session.

3. The Committee considered (a) 40 cases in which the complaints had been communicated to the Governments concerned for their observations, namely they cases relating to Japan (Case No. 179), Sudan (Case No. 191), United Kingdom (Singapore) (Case No. 194), Thailand (Case No. 202), Canada (Case No. 211), United Kingdom (Southern Rhodesia).

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2 The 72nd Report of the Committee on Freedom of Association was considered by the Governing Body at its 157th Session (November 1963). The Government representative of the U.S.S.R. stated that he would take part neither in the discussion nor in the decisions on this report. The Government representative of Canada expressed his satisfaction that the question dealt with in Case No. 211 (Canada) had now been resolved. The Government representative of Japan indicated that he would recommend to his Government to consider the conclusions relating to Case No. 179 (Japan) seriously. The Governing Body then approved the 72nd Report of the Committee on Freedom of Association.
Cases in Which the Committee Is Awaiting Observations or Information from the Governments Concerned

(a) Cases Which the Committee Had Already Considered to Be Urgent.

4. The Committee adjourned until its next session four cases with respect to which it is still awaiting information previously requested from the Governments concerned, namely the cases relating to Sudan (Case No. 191), and Libya (Case No. 274), regarding which the Committee, at each of its last three sessions, addressed a special request to those Governments to furnish the information in question as a matter of urgency, the case relating to the Republic of South Africa (Case No. 300), regarding which the Committee, at its last session, specially requested the Government to furnish the information in question as speedily as possible, and the case relating to Thailand (Case No. 202), with regard to which the Committee is awaiting information which, at its last session, it requested the Government to furnish as a matter of urgency, and also the case relating to Cuba (Case No. 283), with regard to which the Committee, at its last session, requested the Government to furnish its observations as a matter of urgency. The Committee requests the Governments concerned to furnish the information in question, as a matter of urgency, prior to the Committee's February 1964 Session.

5. The Committee also adjourned until its next session the case relating to Brazil (Case No. 332), with regard to which the Government's observations were received too late to permit of their being examined at the present session.

(b) Cases Which the Committee Considers to Be Urgent.

6. The Committee adjourned until its next session its examination of the cases relating to Burundi (Case No. 282), Dahomey (Case No. 336) and Congo (Leopoldville) (Cases Nos. 365 and 367), with respect to which it has not yet received the observations of the Governments concerned, and the case relating to the United Kingdom (Southern Rhodesia) (Case No. 298), with regard to which the Committee took note of a communication from the Government concerned indicating that information previously requested would be furnished as soon as possible. The Committee requests these Governments to furnish the observations and information in question as a matter of urgency, in order for them to be taken into account by the Committee when it examines the merits of these cases at its February 1964 Session. The Committee expresses its concern that, having examined allegations relating to the arrest of a leading trade unionist in Case No. 290 relating to Congo (Leopoldville) in its 66th Report, it should now have before it further allegations relating to the re-arrest of the same trade union leader and also the arrest of others in three further cases relating to Congo (Leopoldville) (Cases Nos. 327, 365 and 367).
7. The Committee also adjourned until its next session its examination of the cases relating to the Republic of South Africa (Cases Nos. 311 and 321) and Cuba (Case No. 329), with respect to which, although the complaints were transmitted to the Governments concerned for their observations more than six months ago, such observations have not yet been received by the Committee, despite repeated requests made to those Governments to furnish them, the cases relating to France (French Somaliland) (Case No. 337), Morocco (Case No. 339), Mexico (Case No. 358), Morocco (Case No. 359), Colombia (Case No. 363) and Ecuador (Case No. 364), with respect to which it has not yet received the observations of the Governments concerned, and the case relating to Mali (Case No. 344), with regard to which the Government concerned has furnished its preliminary observations indicating that further information will be furnished in due course. With regard to the case relating to Morocco (Case No. 339), the Committee took note of a communication from the Government concerned indicating that its observations would be forwarded as soon as possible.

8. The Committee also adjourned until its next session its examination of the cases relating to the United Kingdom (Singapore) (Case No. 194), United Kingdom (Southern Rhodesia) (Case No. 251), Portugal (Case No. 266), Chile (Case No. 271), Belgium (Case No. 281), United Kingdom (Case No. 292), and Peru (Case No. 323), with regard to which it is still awaiting information previously requested from the Governments concerned, the case relating to the United Kingdom (Aden) (Case No. 291), with regard to which a part of the information previously requested of the Government has been received, and the case relating to the Somali Republic (Case No. 307), with regard to which information previously requested from the Government concerned was received too late to permit of its being examined at the present session. With regard to the case relating to Chile (Case No. 271), the Committee took note of a communication from the Government concerned indicating that the information in question would be furnished as soon as possible.

9. In the present report the Committee submits for the approval of the Governing Body the conclusions which it has now reached concerning the remaining cases before it, namely the cases relating to Japan (Case No. 179), Canada (Case No. 211), Iraq (Case No. 260), Republic of South Africa (Case No. 278), Senegal (Case No. 289), Spain (Case No. 294), Ghana (Case No. 303), Greece (Case No. 309), Congo (Leopoldville) (Case No. 327) and Guatemala (Case No. 352), and the complaints relating to Spain (Cases Nos. 294 and 351), Republic of South Africa (Cases Nos. 300 and 340), Iraq (Case No. 342), United Kingdom (Swaziland) (Case No. 345), Guatemala (Case No. 352), Jamaica (Case No. 355) and the Dominican Republic (Case No. 360), which were submitted to the Committee for opinion. These conclusions may be briefly summarised as follows:

(a) the Committee recommends that the complaints relating to Spain (Cases Nos. 294 and 351), Republic of South Africa (Cases Nos. 300 and 340), Iraq (Case No. 342), United Kingdom (Swaziland) (Case No. 345), Guatemala (Case No. 352), Jamaica (Case No. 355) and the Dominican Republic (Case No. 360), which were submitted to it for opinion, should for the reasons indicated in paragraphs 10 to 16 of this report, be dismissed as irreceivable under the procedure in force, without being communicated to the Governments concerned;

(b) with regard to the cases relating to Canada (Case No. 211) and Senegal (Case No. 289), the Committee, for the reasons indicated in paragraphs 17 to 38 of this report, has reached certain conclusions to which it wishes to draw the attention of the Governing Body;

(c) the Committee recommends that, for the reasons indicated in paragraphs 39 to 54 of this report, the case relating to the Republic of South Africa (Case No. 278), should be dismissed as not calling for further examination;
(d) with regard to the cases relating to Iraq (Case No. 260), Spain (Case No. 294), Ghana (Case No. 303), Greece (Case No. 309), Congo (Leopoldville) (Case No. 327) and Guatemala (Case No. 352), the Committee, for the reasons indicated in paragraphs 55 to 198 of this report, has presented an interim report stating certain conclusions to which it wishes to draw the attention of the Governing Body;

(e) with regard to the case relating to Japan (Case No. 179), the Committee, for the reasons indicated in paragraphs 199 to 208 of this report, recommends the Governing Body to request the Government concerned, as provided for in paragraph 208(b) of this report, to give its consent to the case being referred to the Fact-Finding and Conciliation Commission on Freedom of Association.

**COMPLAINTS WHICH THE COMMITTEE RECOMMENDS SHOULD BE DISMISSED AS IRRECEIVABLE UNDER THE PROCEDURE IN FORCE**

10. The Director-General has received, either directly or through the United Nations, a number of complaints which are not receivable by virtue of various provisions in the existing procedure.

11. The complaints in question are irreceivable for one or other of four reasons: (a) two because they emanate from international organisations of workers not having consultative status with the I.L.O. and not having affiliates in the country concerned; (b) 58 because they emanate from national workers’ organisations, in countries other than those to which the complaints relate, having no direct interest in the matters raised in the allegations; (c) 26 because they emanate not from organisations of workers or employers but from the staffs of various undertakings (these undertakings, moreover, being in a country other than that complained against); (d) one because it emanates from an international workers-sponsored body which, nevertheless, is not an “international organisation of workers” within the meaning of the procedure.

12. So far as the first of these four categories is concerned, the Director-General has received two communications dated 6 August and 18 September 1963 from the Miners’ International Federation (London) and one dated 12 October 1963 from the Trade Union International of Food, Tobacco, Hotel, Café and Restaurant Workers (Sofia) which contain allegations of infringements of trade union rights in Spain (Case No. 294).

13. With regard to complaints falling within the second category, the Director-General has received—

(a) 27 communications containing allegations of infringements of trade union rights in Spain (Case No. 294) forwarded by the following organisations on the dates indicated: Sole Federation of Workers of the South Pacific, Costa Rica (30 May 1963); Workers’ Centre of Revolutionary Cuba (5 June 1963); National Union of Leather Workers, Cuba (7 June 1963); National Union of Commercial Employees, Havana (8 June 1963); Rostock Section of the Free German Trade Union Confederation of the German Democratic Republic (10 June 1963); joint communication from Railwaymen’s Unions of All Tendencies Meeting in Calais (13 June 1963); C.G.T. Departmental Federation of La Creuse (13 June 1963); Public Employees’ Departmental Federation of La Creuse (13 June 1963); C.G.T. Chemical Workers’ Union, Villers-Saint-Sépulcre (14 June 1963); E.R.G.M.-C.G.T., Thouars (14 June 1963); joint communication from the Local Trade Unions of Commentry (14 June 1963); National Union of Teachers, Nice (14 June 1963); C.G.T. Local Trade Unions, Sens (14 June 1963); Marcel Perrin Company Workers’ Union, Thouars (14 June 1963); Nîmes Branch of the National Federation

1 Cf. 29th Report, para. 9.

72nd Report  Irreceivable Complaints

of Railway Workers and Technicians (14 June 1963); Local Council of C.G.T. Unions, Pamiers (14 June 1963); C.G.T. Local Trade Unions, Moulins (15 June 1963); Committee of the Employees' Union of VEB Kohlenhandel (Coal Distribution), Berlin (18 June 1963); Hildburghausen District Committee of the Retail Trading and Food and Drink Workers' Union of the German Democratic Republic (8 July 1963); Belfast and District Trades Union Council (6 August 1963); Free German Trade Union Confederation, Halle (1 September 1963); Free German Trade Union Confederation, Potsdam (8 September 1963); Charleroi-Thuin Regional, Federation of Christian Trade Unions (11 September 1963); C.G.T. Local Trade Union, Alès, Gard (22 September 1963); United Mineworkers' Union, Freetown, Sierra Leone (23 September 1963); Korean National Mineworkers' Union, Seoul (17 October 1963);

(b) two communications relating to the Republic of South Africa (Case No. 300) submitted by the Boilermakers Society of Australia and the Launceston (Tasmania) Branch of the Amalgamated Engineering Union on 12 September and 3 October 1963 respectively;

(c) a communication dated 12 June 1963, from the Oxford and District Trades Council, relating to the Republic of South Africa (Case No. 340);

(d) two communications dated 28 April and 21 May 1963, from the Mazdoor Trade Union Election Committee, Sher Shah Village, Karachi, relating to Iraq (Case No. 342);

(e) a communication dated 17 June 1963, from the South African Congress of Trade Unions, relating to United Kingdom (Swaziland) (Case No. 345);

(f) 16 communications containing allegations of infringements of trade union rights in Guatemala (Case No. 352) forwarded by the following organisations on the dates indicated: Christian Trade Union Movement of Peru (10 August 1963); Mexican Christian Trade Unionists (10 August 1963); Christian Trade Unions of Aruba (Netherlands Antilles) (10 August 1963); Autonomous Federation of Christian Trade Unions of the Dominican Republic (13 August 1963); National Union of Christian Workers (San Salvador) (13 August 1963); Puerto Rican Federation of Democratic Trade Unions (14 August 1963); Autonomous Trade Union Movement of Nicaragua (14 August 1963); Christian Workers' and Peasants' Federation of Costa Rica (14 August 1963); Christian Action Party of Puerto Rico (14 August 1963); Ecuadorian Confederation of Catholic Workers, Employees and Craftsmen (14 August 1963); Antioquia Trade Union Action, Colombia (19 August 1963); Christian Trade Union Movement of Ecuador (19 August 1963); Uruguayan Trade Union Action (22 August 1963); Bolivian Trade Union Action (22 August 1963); Authentic Workers' Front, Mexico (25 and 30 September 1963); Buenos Aires Bank Employees' Union (25 September 1963);

(g) seven communications relating to Jamaica (Case No. 355) emanating from the following organisations on the dates mentioned: Isthmus Federation of Christian Workers, Panama (20 August 1963); Autonomous Nicaraguan Trade Union Movement (22 August 1963); Antioquia Trade Union Action, Colombia (23 August 1963); National Union of Christian Workers, San Salvador (24 August 1963); Technical, Clerical and Commercial Workers' Union, Dominica (3 and 18 September 1963); Buenos Aires Bank Employees' Union (18 September 1963);

(h) two communications relating to the Dominican Republic (Case No. 360) submitted by the Antioquia Trade Union Action, Colombia, and the Christian Workers' and Peasants' Federation of Costa Rica; on 8 and 9 October 1963 respectively.

14. With regard to complaints falling within the third category, the 26 communications, all relating to Spain (Case No. 294), are forwarded on behalf of "the workers" of various French undertakings and, in several cases, bear the signatures of all the workers concerned.

15. The cases falling in the fourth category consist of a complaint, relating to Spain (Case No. 351) addressed to the I.L.O. by the International Trade Union and Juridical Commission for the Defence and Extention of Trade Union Rights and the Safeguarding of Victims of Anti-Union Repression, Prague, on 27 July 1963. This body was established
by the World Federation of Trade Unions (W.F.T.U.) in 1960; it consists of representatives of affiliated and non-affiliated trade union centres and also of jurists and it functions in collaboration with the W.F.T.U. While it functions under the auspices of the W.F.T.U. it cannot, in fact, be regarded as having the form of an international organisation of workers.

* * *

16. The Committee recommends the Governing Body to decide, for the reasons indicated in paragraph 11 above, that the complaints referred to in paragraphs 12 to 15 above are not receivable under the procedure in force.

DEFINITIVE CONCLUSIONS IN THE CASES RELATING TO CANADA (CASE No. 211) AND SENEGAL (CASE No. 289)

Case No. 211:
Complaints Presented by the Canadian Labour Congress, the International Federation of Building and Woodworkers and the International Confederation of Free Trade Unions against the Government of Canada

17. This case had already been examined by the Committee at its meeting in February 1 and November 2, 1960, May 1961 3 and February 1962.4

18. At its meeting in November 1960 the Committee submitted in paragraph 253 of its 49th Report its definitive conclusions and recommendations to the Governing Body with regard to a number of allegations relating to the Newfoundland Labour Relations (Amendment) Act of 6 March 1959, as further amended on 5 July 1960. These included a recommendation to the Governing Body to draw the attention of the Government of Canada to certain principles brought into question by the provisions of section 6 A (1) and (5) of the amended Act, as indicated in paragraph 253 (c) (iii) of the said report. Further, in paragraph 253 (c) (iv), (d) and (e) of its 49th Report, the Committee recommended the Governing Body to request the Government to furnish its observations on certain allegations relating to the restriction of strikes by virtue of section 43 A (1) (a) of the amended Act, to acts stated to have been committed by or at the instigation of the Premier of Newfoundland, and to the Trade Union (Emergency Provisions) Act, 1959. These recommendations were approved by the Governing Body at its 147th Session (November 1960).

19. After having noted at its meeting in May 1961 a communication from the Government of Newfoundland dated 28 February 1961, forwarded by the Government of Canada, by which the Committee was informed that amendments to the legislation of Newfoundland were contemplated, the Committee had before it, at its meeting in February 1962, a communication dated 19 February 1962 from the Government of Canada based on information supplied by the Government of Newfoundland. In particular, this communication made reference to a statement by the Premier of Newfoundland as to his intention to repeal certain legislative provisions enacted in the preceding two or three years.

20. In these circumstances the Committee recommended the Governing Body, in paragraph 74 of its 60th Report—

[to take note of the statement of the Premier of Newfoundland, cited by the Government of Canada, that it is the intention of the Government of Newfoundland to ask the legislature of New-]
foundland “to repeal virtually all of the less acceptable new legislation enacted in the past two or three years”, including section 6 A (1) and (5) of the Newfoundland Labour Relations Act, as amended, which were specifically commented upon in paragraph 253 (c)(iii) of the 49th Report of the Committee cited in paragraph 69 above, and to express the hope that such action will be taken without delay.

The Committee also requested the Government of Canada to be good enough to keep the Governing Body informed as to further developments in connection with the repeal of the Newfoundland legislation which was commented upon in paragraphs 229 to 238 and 253 (c) (iii) of the Committee’s 49th Report.

21. The 60th Report of the Committee was approved by the Governing Body at its 151st Session (March 1962) and the conclusions contained in paragraph 74 thereof cited above were brought to the notice of the Government of Canada by a letter dated 16 March 1962.

22. In a communication dated 8 October 1963 the Government of Canada states that the Newfoundland Labour Relations (Amendment) Act, 1963, a copy of which is furnished, was enacted in June 1963.

23. In the first place, the new amending Act repealed section 6 A of the Act as inserted in 1959 and amended in 1960. Further, the Government points out, section 43 A, which had been interpreted by the Canadian Labour Congress as prohibiting strikes, has been repealed and replaced by a new section which spells out the right of a union engaged in a lawful strike to peaceful picketing and also legalises certain other acts in like circumstances.

24. Section 6 A (1) of the Act as previously amended permitted of the dissolution of a trade union in circumstances which the Committee considered in detail in paragraphs 224 to 234 of its 49th Report; the Governing Body, adopting paragraph 242 (c) of that report, expressed the view that the said section 6 A (1) appeared to be incompatible with the principles that workers should have the right to form and join organisations of their own choosing, that workers’ organisations should have the right to elect their representatives in full freedom, that workers’ organisations should have the right to establish and join federations and confederations of their own choosing, that such organisations, federations and confederations should have the right to affiliate with international organisations of workers and that the law of the land should not be such as to impair, nor should it be so applied as to impair, the exercise of the foregoing rights. Section 6 A (5) provided that the Lieutenant-Governor in Council could make regulations providing for the disposition of the assets of a union dissolved in accordance with section 6 A (1), a provision which did not appear to the Governing Body to be compatible with the principle that when an organisation is dissolved its assets should temporarily be sequestrated and finally distributed among its members or transferred to its successor organisation.

25. As the enactment of 1963 does away entirely with these provisions, the Committee recommends the Governing Body to note with satisfaction that section 6 A of the Newfoundland Labour Relations Act, as inserted in 1959 and amended in 1960, has been repealed by the Labour Relations (Amendment) Act, 1963.

26. Section 43 A of the Act, previous to the enactment, was considered by the complainants virtually to make all strikes unlawful. In paragraph 72 of its 60th Report, the Committee took note of the view expressed by the Deputy Attorney-General of Newfoundland that the section outlawed sympathy strikes or boycotts but did not prevent workers striking if, having followed the procedures set forth in the Act, they could not reach agreement with their employer. The new text of section 43 A contained in the Act of 1963 no longer contains the provision which was alleged to be equivalent to an outright prohibition of sympathy strikes and boycotts; its purpose appears to be to authorise and regulate peaceful picketing.

27. In previous cases the Committee has been guided by the principle that allegations relating to the right to strike are within its competence in so far, but only in so far, as they
affect the exercise of trade union rights. In the present case the allegations relating to the restriction of strikes submitted to the Committee related specifically to the text of section 43 A of the Act as it stood prior to the 1963 amendment. As that text has been repealed, the Committee, without expressing any view on any other provisions of the law which may regulate or place temporary restrictions on the right to strike, recommends the Governing Body to note that section 43 A of the Labour Relations Act, as amended in 1959, has been repealed.

28. In all the circumstances, the Committee recommends the Governing Body—

(a) to note with satisfaction that section 6 A of the Newfoundland Labour Relations Act, as inserted in 1959 and amended in 1960, has been repealed by the Labour Relations (Amendment) Act, 1963;

(b) to note also the repeal of section 43 A of the Act, as amended in 1959.

Case No. 289:

Complaint Presented by the World Federation of Trade Unions against the Government of Senegal

29. This case was already examined by the Committee at its 31st Session, held in Geneva in May 1962. The Committee then submitted an interim report contained in paragraphs 202-213 of its 62nd Report, which was approved by the Governing Body at the beginning of its 152nd Session on 1 June 1962.

30. The essential points in this case should be briefly recalled. By a communication dated 23 March 1962, the World Federation of Trade Unions submitted allegations claiming that Mr. Abdoulaye Thiaw, an officer of the autonomous unions of Senegal, was arbitrarily arrested at Dakar on 6 January 1962, the reason for his arrest being that he had attended the Fifth World Trade Union Congress in Moscow. The complainants further stated that Mr. Thiaw was likely to be brought before a special tribunal, pursuant to an Act of 16 September 1961.

31. In its observations submitted on 19 May 1962, the Government agreed that it had arrested Mr. Thiaw. However, it stated that this arrest had no connection whatever with Mr. Thiaw's trade union activities or with the fact that he had attended the Fifth World Trade Union Congress. In support of this contention, the Government pointed out that several other Senegalese trade unionists had attended the Congress but had not been troubled, which the complainants themselves confirm. The Government stated that Mr. Thiaw was being prosecuted on two grounds: fraudulent importation of foreign exchange, and activities calculated to endanger public security, to cause disturbance, to discredit national political institutions and to incite citizens to break the national laws. The Government concluded its communication by stating that Mr. Thiaw would appear before the tribunal responsible for dealing with activities of such nature, in order to answer the second charge.

32. At its meeting in May 1962, the Committee had before it both the complaint and the Government's reply. It recalled that, in previous cases it has followed the practice of not proceeding to examine matters which were the subject offending national judicial pro-

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1 Cf. 28th Report, Case No. 143 (Spain), para. 109; Cases Nos. 141, 153 and 154 (Chile), para. 202, and Case No. 169 (Turkey), para. 297; 47th Report, Case No. 143 (Spain), para. 66; 58th Report, Case No. 221 (United Kingdom-Aden), para. 109; 65th Report, Case No. 266 (Portugal), para. 77; 71st Report, Case No. 273 (Argentina), para. 67.
ceedings where such proceedings might make available information of assistance to the Committee in appreciating whether or not allegations were well founded.¹

33. In the light of these precedents, the Committee recommended the Governing Body to request the Government, whose reply had stated that it was prepared to provide the Committee and the Governing Body with any further information required, to be good enough to inform it of the outcome of the proceedings pending before the national tribunals, and in particular, to forward the text of the judgment, together with the grounds given, and, pending receipt of that information, to defer its examination of the case.

34. This request for further information was made to the Government by a letter from the Director-General dated 7 June 1962. In a communication dated 11 September 1962, the Government stated that the matter was still under investigation but that the accused had been provisionally released.

35. When the case was again brought before the Committee at its 32nd Session (October 1962), it was decided to adjourn further examination pending receipt of all the information requested from the Government, and this decision was communicated to the Government by a letter dated 14 November 1962. At its 33rd Session (February 1963), the additional information still not having been received from the Government, the Committee again decided to adjourn examination of the case.

36. By a communication dated 4 March 1963 the Government informed the Committee that the investigating magistrate of the First Judicial District of Dakar had handed over responsibility for the case to the special tribunal, which had not yet completed its investigation. The Committee noted this statement at its 34th Session (May 1963) and decided to adjourn further examination pending communication of the outcome of the proceedings instituted. The Government was informed of this decision by a letter dated 6 June 1963.

37. By a communication dated 19 June 1963 the World Federation of Trade Unions informed the Committee that the latest information it had received stated that Mr. Abdoulaye Thiaw had been released, indicating thereby that its complaint had now become purposeless.

38. In these circumstances, the Committee recommends the Governing Body to decide that no useful purpose would be served by continuing further the examination of the case.

**COMPLAINT WHICH THE COMMITTEE RECOMMENDS SHOULD BE DISMISSED**

**Case No. 278:**

Complaint Presented by the South African Congress of Trade Unions against the Government of the Republic of South Africa


40. The Republic of South Africa has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

¹ See Sixth Report, Case No. 22 (Philippines), paras. 352-383; 11th Report, Case No. 51 (Saar), paras. 27-56; 12th Report, Case No. 69 (France), para. 446, and Case No. 61 (France-Tunisia), paras. 447-492; 17th Report, Case No. 97 (India), paras. 120-156; 19th Report, Case No. 92 (Peru), paras. 16-38; 26th Report, Case No. 147 (Union of South Africa), paras. 107-111; 28th Report, Case No. 170 (France-Madagascar), para. 143; 34th Report, Case No. 130 (Switzerland), para. 6; 41st Report, Case No. 172 (Argentine Republic), para. 122; 49th Report, Case No. 213 (Federal Republic of Germany), para. 73; 53rd Report, Case No. 232 (Morocco), paras. 66-87; 60th Report, Case No. 262 (Cameroun), para. 206.
41. It is alleged that on 6 December 1961 South African security police searched the office of the South African Railways and Harbours Non-European Workers’ Union and confiscated membership cards issued to individual members, those individuals being told later by the railway police that if they adhered to the union they would be dismissed from the service of the railways. The complainant declares that some workers have been transferred, contrary to law, to other jobs at wages lower than they were receiving.

42. At its meeting in October 1962 the Committee observed that there were two essential points in the complaint: one relating to the right of association of non-European police constables and the other relating to the alleged search by the police of the premises of the trade union to which certain constables, together with other classes of non-European employees, belonged.

43. With regard to the former question and to the accepted transfers of some constables, the Committee, for the reasons indicated in paragraphs 113 and 114 of its 67th Report, reached the conclusion that it was not necessary to pursue the matter further. The 67th Report of the Committee was approved by the Governing Body at its 154th Session (March 1963).

44. With regard to that part of the complaint which relates to an alleged search of trade union premises (see paragraph 41 above), the Committee observed that the Government had made no comments on this matter in its communication dated 21 May 1962.

45. The Committee pointed out, in paragraph 116 of its 67th Report, that it had in a previous case 1, while recognising that trade unions, like other associations or persons, cannot claim immunity from search for their premises, emphasised the importance which it attaches to the principle that such a search should only be made following the issue of a warrant by the ordinary judicial authority after that authority has been satisfied that reasonable grounds exist for supposing that evidence exists on the said premises material to a prosecution for an offence under the ordinary law and provided that such search is restricted to the purposes in respect of which the warrant was issued.

46. In these circumstances, the Committee, while thanking the Government for the observations which it had already furnished, recommended the Governing Body to request the Government, having regard to the principle enumerated in paragraph 45 above, to be good enough to furnish its observations with regard to the allegation that the police searched the premises of the South African Railways and Harbours Non-European Workers’ Union.

47. The request was conveyed to the Government by a letter dated 13 March 1963. The Government furnished its observations in a letter dated 27 May 1963.

48. The present report is confined to this outstanding allegation.

49. In its communication dated 27 May 1963, the Government states that a search warrant authorising the seizure of documents having a bearing on the action of police constables of the South African Railways and Harbours Administration in joining an unauthorised political organisation, in contravention of Railway Regulation No. 165 (32) promulgated under section 32 of Act No. 22 of 1960, was duly obtained by the South African Police, in accordance with normal practice, from a judicial authority, and that the search was conducted in accordance therewith.

50. When the Committee concluded at its meeting in October 1962 that there was no ground for pursuing further the examination of the allegation that railway police constables were denied the right to organise, it did so having regard to the consideration that the fact that there exists no generally accepted principle according the free exercise of the right of association to members of the police was recognised by the International Labour Conference when it adopted Article 9 (1) of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In other words, the Committee recognised the right of the Government, in the present instance, to provide by law that the joining of

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1 Cf. 58th Report, Case No. 179 (Japan), para. 232.
the trade union by police constables employed by the South African Railways and Harbours Administration constitutes an unlawful act.

51. The Government maintains that a search warrant was duly obtained from a judicial authority permitting the seizure of documents on the premises of the trade union having regard to the fact that certain police constables did join the union contrary to law—a fact which does not appear to be disputed—and that the search was conducted in accordance with the warrant.

52. From the general statements in the complaint nothing emerges which would appear to contradict what is, in effect, the argument of the Government—that the warrant was obtained from the ordinary judicial authority and that the search was conducted in accordance therewith, so that the principle enunciated by the Committee as set forth in paragraph 45 above was duly observed.

53. The Committee considers, therefore, that the complainants have not furnished sufficient proof to show that in this particular instance the search of the premises of the South African Railways and Harbours Non-European Workers' Union, on 6 December 1961, constituted an infringement of trade union rights.

54. In these circumstances, the Committee recommends the Governing Body to decide that the case as a whole does not call for further examination.

INTERIM CONCLUSIONS IN THE CASES RELATING TO IRAQ (CASE NO. 260), SPAIN (CASE NO. 294), GHANA (CASE NO. 303), GREECE (CASE NO. 309), CONGO (LEOPOLDVILLE) (CASE NO. 327) AND GUATEMALA (CASE NO. 352)

Case No. 260:

Complaints Presented by the General Federation of Trade Unions of Iraq and the World Federation of Trade Unions against the Government of Iraq

55. The original complaints were contained in two communications dated 7 February and 19 May 1961 addressed directly to the I.L.O. by the General Federation of Trade Unions of Iraq and the World Federation of Trade Unions (W.F.T.U.) respectively.

56. Iraq has ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), but has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

57. In its communication dated 7 February 1961, the General Federation of Trade Unions of Iraq made a number of serious allegations against the Government headed by the late General Kassem. In the introductory part of the complaint, in general terms, the complainants referred to alleged anti-union acts by the Kassem Government, especially in the 18 months preceding the submission of the complaint, for the purpose, it was contended, of paralysing the trade union movement—the banning of most of the trade unions and of their branches; the establishment of unions not representative of the workers; the faking of union elections; the banning of elections in the unions of municipal employees and printing, building and construction workers; the prohibition of the Federation and its unions from sending delegates abroad; orders by the authorities to open fire on unarmed workers (e.g. municipal employees and cement and tobacco workers) during elections and strikes; the arrest, banishment, court-martialling and sentencing of workers; the arrest of the chief editor of the Federation's newspapers; refusal to unions of corporate personality and of the right to represent the workers in collective bargaining. The complainants considered that the Government was constantly contravening the Constitution of the I.L.O., the Declaration of Philadelphia, all the I.L.O. Conventions relating to freedom of association and "even the reactionary labour legislation of Iraq itself".
58. The complainants declared that 116 workers belonging to 13 trade unions had been arrested and 23 others imprisoned or moved to other areas; 123 had been sentenced and 72 were before the courts at the time the complaint was submitted. Unions affected included those of the tobacco workers and employees, bus-workers, building and civil engineering workers, shipbuilding workers, printing workers, oil workers, health and pharmaceutical workers, etc. They alleged further that several unions had been closed down without any lawful reason on the order of the Ministry of Social Affairs, such as the unions of weights and measures employees, stevedores, employees of the said Ministry and employees of the health services, air-lines, and of the public transport systems in Baghdad and three large towns. Hundreds of their branches were also closed down. Finally, it was alleged, all trade union conferences had been suspended by order of the governmental labour authorities.

59. The General Federation of Trade Unions of Iraq declared in particular, that its rules provided, in accordance with the national law and universal practice, for the holding of trade union elections by direct secret ballot, and alleged that the authorities interfered, with no legal justification, to force the workers to hold trade union elections in the workplaces (as in the case of the railway, textile, cement and shipbuilding workers' unions), after the employers had been given time to dismiss many of the workers and others had been arrested to prevent them voting, while those who did vote were required, without any legal sanction, to produce a certificate to the effect that they had a clean police record. The employment offices themselves were alleged to have closed down unions and union branches to facilitate the installation of puppet union committees whose members had never even belonged to a union before. The complainants declared that union representatives had been prevented from performing their functions with regard to union elections and that non-unionists had been allowed by the authorities to vote for lists of officers drawn up by the employers; that police, civil servants, labour officials and soldiers intervened with threats and supervised elections; that the unions were prevented from fixing the dates and places of elections in accordance with their rules and that their executives were banned from discharging their proper functions with regard to the holding of elections; that criminals were allowed to assemble outside polling stations to attack workers and prevent them from voting; that the unions were forced to include in their executives certain persons arbitrarily designed by the authorities; that the armed forces forcibly prevented certain workers from voting; that elections which did not produce the result desired by the authorities had been cancelled (e.g. in the case of the engineering, printing, garment, agricultural and petroleum workers' unions); that ballots were public, contrary to all the rules, in order to oblige the workers to vote for the "official list". The whole object of this campaign, allied with proposed legislative amendments, was, according to the complainants, to bring about a situation in which the Ministry of Social Affairs would be able to establish or abolish trade unions at will and to keep the entire union movement under its control.

60. The complainants went in considerable detail into the question of the Tobacco Workers' Union elections in 1960. It was alleged that supporters of the Federation won the elections on 17 June 1960 and that the election was cancelled by the authorities on the pretext that there had not been a quorum. A new election was held on 28 October 1960, prior to which, stated the complainants, many trade unionists were dismissed, the collective agreement was unilaterally set aside and the executive committee members were deprived of any supervisory powers; the membership register was ignored and many workers prevented from voting. When the Ministry of Defence refused a request for a further free election, the workers called a strike in support of new elections and reinstatement of the dismissed workers. The police, it was alleged, fired on a crowd of workers' families and others who supported the strike. The strike was finally called off when a new election was promised to be held on 9 November. But on 30 October, declared the complainants, more workers were dismissed and the leaders and various members of the union were arrested and the elections were postponed; again there was a strike and, in the course of one demonstration, the police fired on the crowd and a number of persons were killed, including the former leader of the Tourist Industry Workers' Union. There were strikes at various tobacco factories and many workers were imprisoned. It was because the union newspaper protested against the shoot-
ings and spoke in favour of the workers’ claims, it was alleged, that its chief editor was arrested. In the end union elections were held on 28 November 1960. In this connection, it was alleged, workers who distributed pamphlets before the elections were arrested, employers at the polling stations threatened candidates on the list sponsored by the Federation, and, in order to secure a victory for the candidates favoured by the authorities, dozens of people not connected with the union were allowed to vote and more than 2,000 union members were prevented from entering the polling stations.

61. The complaint dated 7 February 1961, analysed above, was signed by Mr. Ali Choukr, the then President of the General Federation of Trade Unions of Iraq. It was not contended therein that any principal officer of the Federation had been arrested at that date.

62. The complaint of the W.F.T.U. was dated 19 May 1961, i.e. over three months later. While it corroborated the complaint of the General Federation of Trade Unions of Iraq in various respects, it also furnished additional information on some of the Federation’s allegations and also details of alleged further developments.

63. Thus, it was alleged by the W.F.T.U. that, on the occasion of the tobacco workers’ demonstration (see paragraph 60 above), the police fired on the workers, on 10 November 1960, killing eight persons, including a trade unionist named Nacht Al Fakhral. The W.F.T.U. confirmed the alleged closing of union premises referred to in paragraph 58 above, stated that the official organ of the General Federation of Trade Unions, Ittihad Al Omma, had been prohibited, and its chief editor, Mr. Issatah, arrested without cause, and corroborated the allegations of the Federation with regard to interference in trade union elections.

64. The W.F.T.U. alleged further that on 1 May 1961 many trade union leaders were arrested and warrants issued against Mr. Ali Choukr, President of the General Federation of Trade Unions of Iraq, Mr. Ara Khachadoor, its General Secretary, and Messrs. Sadik El Falahi, and Kuleban Salih, members of its executive committee, while the offices of the Federation were occupied by force. It was further alleged that the proposals to amend the labour legislation published in January 1960 would authorise the Minister of Labour and Social Affairs unconditionally to set up and dissolve trade unions arbitrarily and to intervene in the internal affairs of trade unions.

65. The complaints of the General Federation of Trade Unions of Iraq and of the W.F.T.U. were transmitted to the Government of Iraq, for its observations, by letters dated 18 May and 27 June 1961 respectively. When the Committee met in February 1962 it noted that, although the Kassem Government had been informed that the case fell within the category of cases regarded by the Governing Body as urgent and subsequent letters had been sent to the Government on 5 September and 28 November 1961 and 23 January 1962, no acknowledgement of any of these communications had then been received from the Government; the Committee therefore recommended the Governing Body to request the Government of Iraq to furnish its observations on the two complaints as a matter of urgency, a recommendation which was approved by the Governing Body at its 151st Session (March 1962) and brought to the notice of the Government by a letter dated 16 March 1962.

66. When the Committee met in May 1962, it had before it certain observations forwarded on 24 April 1962 by the Kassem Government. Further, in a communication dated 25 February 1962, received only on 2 April 1962, the General Federation of Trade Unions of Iraq had expressed a desire to withdraw its complaint; this communication having been sent to the Government for its observations on 9 May 1962, had not then been commented upon by the Government.

67. In its communication dated 24 April 1962, the Kassem Government stated in general terms that the régime had enacted legislation to protect the working class and that the Prime Minister had preoccupied himself with the interests and welfare of the workers. Thirty-six central trade unions had been established, most of them having provincial branches, which combine in the General Federation of Trade Unions of Iraq, within which, declared the Government, free elections were held annually. To improve the situation of the workers

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1 Cf. 60th Report, paras. 10-11.
the Government had taken various measures in the fields of wages, housing, etc. It was unbelievable, said the Government, that the army and police would arrest workers who demand their rights or fire on strikers; therefore, the complainants' allegations "are false and void of reality". The Government referred to Mr. Ali Choukr as one of those who deceived the workers into electing them to trade union office and who seek to guide the workers in a manner contrary to the public interest; he and his fellows, declared the Government, wished to use the money of the General Federation of Trade Unions unlawfully and complained when the workers elected other persons in their place. The newspaper of the Federation, stated the Government, "dissented from the public interest" and slandered the authorities, so that its editor was brought to court.

68. In its communication dated 25 February 1962, signed by a new president, the General Federation of Trade Unions referred to the former executive committee as having lodged their complaint in an attempt to cover "their disreputable methods of dealing with the workers and the illegal manner in which they disposed of their funds". The new executive alleged that under the influence of the former executive Communist doctrine was spread among the workers, they were forced to buy publications dealing with news in Socialist countries, production suffered and strikes were called, workers were forced to pay "voluntary contributions" which went to the Communist Party. The new executive stated that during the last union elections the workers abandoned the former leaders and that now there was "perfect harmony and understanding" between the workers and the Government, which had taken immediate measures to protect them against "the despotic domination of the former members of the General Federation of Trade Unions". It was stated that the Government had enacted new protective labour legislation, had granted an annual subsidy to the Federation and had distributed land cheaply to the workers. In conclusion, the new executive asked the I.L.O. to take no further notice of the complaint. The communication indicated that copies thereof were sent to the Iraqi Ministry of Foreign Affairs, the Ministry of Social Affairs and the Head Office of the Labour Department.

69. The immediate issue before the Committee at its meeting in May 1962 was the request to withdraw the complaint of the General Federation of Trade Unions of Iraq. The Committee observed that this raised a procedural point which the Committee had already been called upon to examine in the past. In Case No. 66 relating to Greece, the Committee expressed the view \(^1\) that the desire shown by a complaining organisation to withdraw its complaint, while constituting a factor to which the greatest attention must be paid, is not, however, in itself sufficient reason for the Committee to cease automatically to proceed with the examination of the complaint. The Committee considered in that case that it should be guided in this respect by the conclusions approved by the Governing Body in 1937 and 1938 with regard to two representations submitted by the Madras Labour Union for Textile Workers \(^2\) and by the Société de Bienfaisance des Travailleurs de l'Île Maurice \(^3\), in accordance with article 23 of the Constitution of the Organisation (now article 24). The Governing Body at that time established the principle that, from the moment that a representation was submitted to it, it alone was competent to decide what effect should be given to it, and that "the withdrawal by the organisation making the representation is not always proof that the representation is not receivable or is not well founded". The Committee considered that, in implementing this principle, it was free to evaluate the reasons given to explain the withdrawal of a complaint and to investigate whether these appear sufficiently plausible to lead one to believe that the withdrawal was made in complete independence. The Committee observed \(^4\) that cases might exist in which the withdrawal of a complaint by the organisation presenting it would be a result not of the fact that the complaint had become without purpose but of pressure exercised by the Government against the complainants, the latter being threatened with an aggravation of the situation if they did not consent to this withdrawal.

\(^{1}\) See 12th Report, para. 157. See also: 17th Report, Case No. 97 (India), para. 144; and 30th Report, Case No. 171 (Canada), para. 43; 34th Report, Case No. 130 (Switzerland), para. 24.


\(^{3}\) Ibid., Vol. XXIII, No. 2, 30 June 1938, pp. 60-61.

\(^{4}\) See 12th Report, para. 158.
70. In the present case the Committee observed the complaints of the General Federation of Trade Unions of Iraq and of the W.F.T.U. were presented in very detailed terms. As indicated in paragraph 65 above, the Kassem Government ignored several urgent requests to furnish its observations on the complaints and it was not until it received a direct request from the Governing Body itself that it furnished, in its communication dated 24 April 1962, observations of a very general nature commenting only in a few instances on any of the numerous specific and comprehensive allegations made by the complainants. The executive of the General Federation of Trade Unions which then sought to withdraw the complaint was not the executive which made the original complaint and the members of which were alleged by the W.F.T.U. to have been arrested and replaced. It was also to be observed that the second complainant, the W.F.T.U., had evinced no desire to withdraw its own complaint.

71. In these circumstances the Committee took the view that it could not in the absence of fuller information determine whether the request to withdraw the complaint was made freely by a democratically elected union executive which was independent of governmental influence. In this connection, the Committee recalled that in its First Report it pointed out that where precise allegations are made it cannot regard as satisfactory replies from governments which are confined to generalities, and expressed the hope that, where precise allegations are made, governments will recognise the importance for the protection of their own good name of formulating for objective examination detailed factual replies to such detailed factual charges; the Committee indicated that, in all cases in which the information supplied by governments to which complaints had been communicated appeared to be inadequate or of too general a character, the government concerned would be requested to supply the Committee with more detailed information in order to enable it to express a considered view to the Governing Body. The Committee stated further that, in any case in which a government did not respond within a reasonable period to such a request for more detailed information, the Committee would report the circumstances to the Governing Body.

72. It was in these circumstances that the Committee submitted to the Governing Body the recommendations contained in paragraph 191 of its 62nd Report, which reads as follows:

191. In these circumstances the Committee recommends the Governing Body—

(a) to take note of the general observations presented by the Government in its communication dated 24 April 1962;

(b) to take note also of the fact that the executive committee of the General Federation of Trade Unions of Iraq which presented the complaint of that organisation has been succeeded by a new executive committee which has intimated its desire to withdraw the complaint, but that the other complainant in the case, the World Federation of Trade Unions, has made no such intimation with regard to its own complaint;

(c) to point out to the Government that in all the circumstances of this case, and having regard both to the detailed nature and serious character of the allegations, the Governing Body cannot, for the reasons indicated in paragraphs 188 to 190 above, take a decision on the request to withdraw the complaint of the General Federation of Trade Unions of Iraq until the Government has furnished its full and detailed observations on the specific allegations made in that complaint and in the complaint of the World Federation of Trade Unions, and that the latter in any case remains outstanding;

(d) to request the Government once again to furnish such observations as a matter of urgency so that they may be taken into account when the Committee examines the case in substance at its next session, when it will submit its recommendations on the case to the Governing Body.

73. The 62nd Report of the Committee was approved by the Governing Body on 1 June 1962 and the conclusions and request for observations contained in paragraph 191 thereof

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1 Cf. First Report, para. 31.
cited above were brought to the notice of the Government of Iraq by a letter dated 6 June 1962.

74. At its meeting in October 1962, the Committee adjourned its examination, as it had not received the observations requested from the Government.

75. The Committee again adjourned its examination of the case at its meeting in February 1963 and decided, as indicated in paragraph 4 of its 68th Report, to address a special request to the Government to furnish the observations in question as a matter of urgency. This request was brought to the notice of the Government by a letter dated 14 March 1963. The Government—the present Government, which had in the meantime superseded the Kassem Government—replied by a communication dated 10 April 1963.

76. The Government referred to the signatory of the original complaint of the General Federation of Trade Unions of Iraq dated 7 February 1961, Mr. Ali Choukr or Shukur, the then President of the Federation, as being one of a group of persons whose claims to office depended on the help of the Government of the late Abdul Karim Kassem. It stated that the Kassem Government fabricated quarrels in the trade unions but that the national unions performed their duties correctly despite the opposition directed against them. The present Government asked that the complaint and the reply thereto made by the Kassem Government should be regarded as null.

77. At its meeting in May 1963 the Committee observed that the letter from the Government dated 10 April 1963 contains no specific comments on the detailed allegations contained in the complaint signed by Mr. Ali Choukr or Shukur, concerning interference with union elections by the Kassem Government in order to put the Federation under the control of its supporters, and in the complaint of the W.F.T.U., to the effect that this interference had succeeded, Mr. Choukr and the principal officers having been arrested or had warrants issued against them by that Government. The Committee, therefore, in the absence of observations by the present Government on the specific matters alleged, considered that it was still not in a position to appreciate whether the request to withdraw the former complaint was to be regarded as a bona fide request.

78. The Committee, moreover, while realising that a fundamental change of régime had recently come about in Iraq, pointed out that it had also to be satisfied, when dealing with a request to withdraw a complaint which is made, as in the present case, by persons other than those who presented it, that the original complainants are not prejudiced by its decision and that the facts alleged are not continuing to have detrimental consequences for them. In other cases, in comparable circumstances, the Committee has taken the view that there exists a bond of continuity between successive governments within the same State and that, while a new government can obviously not be held responsible for events which took place under its predecessor, it clearly is responsible for any continuing consequences which such events may have had since its accession to power. Only fuller observations from the Government could enable the Committee to judge whether such continuing consequences of the events alleged still exist—to take one instance, the alleged arrest by the Kassem Government of the original complainant and the principal officers of the General Federation of Trade Unions.

79. In these circumstances, the Committee, while fully appreciating the change in the nature of the régime which had taken place in Iraq, recommended the Governing Body in paragraph 144 of its 70th Report to address to the Government of Iraq, without in any way prejudging the merits of the request to withdraw the complaint of the General Federation of Trade Unions of Iraq, an earnest request to furnish, as a matter of urgency, its detailed observations on the complaints presented by Mr. Choukr, on behalf of the said Federation, and by the W.F.T.U.

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1 See para. 64 above.
2 See Second Report, Case No. 13 (Bolivia), para. 149; 25th Report, Case No. 129 (Peru), para. 15; 28th Report, Case No. 146 (Colombia), paras. 217 and 222-223; 56th Report, Case No. 159 (Cuba), paras. 78-79.
80. The 70th Report of the Committee having been approved by the Governing Body on 1 June 1963, in the course of its 155th Session, this request was brought to the notice of the Government by a letter dated 13 June 1963.

81. In a letter dated 10 July 1963 the Government states that the complaint of the General Federation of Trade Unions of Iraq was presented by a person who was not representing the Federation at all. At the same time the Government expresses the view that the Governing Body was quite right in adopting the conclusion contained in paragraph 144 of the 70th Report of the Committee, having regard to the fact that the complaint was directed against the Kassem Government “and its dictatorship rules” which were “eliminated fully” by the revolution. The Government proposes that the Committee should consider the complaint of Mr. Choukr as being a complaint by the W.F.T.U. and states that it has no further details to add.

82. The position now facing the Committee is as follows. Firstly, it has before it two complaints containing comprehensive and detailed allegations concerning anti-union acts by the Government presided over by the late General Kassem—in particular, interference in a variety of ways with union elections for the purpose of securing union executives obedient to the Kassem régime, prohibition of union meetings and conferences, closing down of trade unions by the governmental authorities, total disregard for the elementary rights of trade unions under the law, the prohibition of unions maintaining international contacts, etc. Secondly, it has in the complaint of the W. F. T. U. allegations to the effect that, indeed, the Kassem Government succeeded by its intimidation and interference—as the original complainant had stated might be the case—in ousting the original executive of the General Federation of Trade Unions of Iraq and getting it replaced by an executive as ready to praise the Kassem Government (see para. 68 above) as the displaced executive had been to denounce it. It is precisely this new executive which, still during the lifetime of the Kassem Government, wished to withdraw the complaint presented by its predecessor. Thirdly, not only did the Kassem Government consistently ignore requests by the Committee and by the Governing Body to reply, in its own interests, to the detailed allegations made, in order that the Committee might judge how far the request to withdraw the complaint was genuine or not, but the present Government also has not seen fit, although requested to do so, to furnish specific observations on the various matters raised in detailed manner in the allegations and now states that it has nothing more to add to the evidence already before the Committee.

83. It is clear that, the complaining union executive having alleged that the Kassem Government was trying to replace it by a new and subservient executive and a new pro-Kassem executive having then assumed office and the old executive members apparently having been arrested, it is highly improbable that the request to withdraw the complaint would have been a genuine request free from the influence or pressure of the Kassem Government. Further, the W. F. T. U. has evinced no wish to withdraw its own complaint.

84. In these circumstances, the Committee has decided to reject the request of the executive of the General Federation of Trade Unions of Iraq to withdraw the complaint submitted on behalf of the executive previously in office and to examine that complaint in substance.

85. The two complaints contain allegations presented in some considerable detail and the Kassem Government, and now the present Government, have submitted no detailed evidence in refutation of the points alleged, and the present Government does not intend to furnish further observations. In these circumstances the Committee can proceed only on the basis of the evidence submitted by the complainants.

86. The allegations against the Kassem Government bring into question a number of generally accepted principles relating to freedom of association to which the Committee and the Governing Body have always attached the greatest importance.

87. Thus the allegations relating to interference with trade union elections specifically bring into question the principle that workers’ organisations should have the right to elect their representatives in full freedom, without interference on the part of the public authori-
ties, the importance of which the Committee has emphasised on a number of occasions. With regard to the allegations that union conferences and meetings were prohibited by the Kassem Government, the Committee has consistently stressed the importance which it has always attached to the fact that freedom from government interference in the holding and proceedings of trade union meetings constitutes an essential element of trade union rights and to the principle that the public authorities should refrain from any interference which would restrict this right or impede the lawful exercise thereof. The allegations relating to the closing down by order of the Ministry of Social Affairs of a large number of trade unions and union branches bring into question the observance of the generally accepted principle, the importance of which the Committee has always emphasised, that workers' organisations should not be liable to be dissolved by administrative authority. More generally, the various other acts alleged against the Kassem Government raise a presumption of non-observance of the generally recognised right of workers' organisations to organise their administration and activities and to formulate their programmes.

88. In connection with the allegation that many workers were transferred or dismissed to prevent them voting in trade union elections, the Committee draws attention to the importance which it has always attached to the principle embodied in Article 1 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by Iraq, that workers should enjoy adequate protection against acts of anti-union discrimination in respect of their employment, including acts calculated to cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities.

89. It is true that all the acts referred to above were alleged to have been committed by the Government of General Kassem. However, as indicated in paragraph 78 above, the Committee has already drawn attention to the fact that, while in the circumstances the present Government can obviously not be held responsible for events which took place under its predecessor, it clearly is responsible for any continuing consequences which such events may have had since its accession to power. In these circumstances, it would seem that the Committee must recommend the Governing Body to request the present Government to inform the Governing Body as to the measures which it has taken to ensure the restoration of full freedom of association in Iraq, and in particular, the right of workers' organisations to elect their representatives, to organise their administration and activities and to formulate their programmes.

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1 Cf. First Report, Case No. 2 (Venezuela), paras. 127-129; Fourth Report, Case No. 30 (United Kingdom-Malaya), para. 156; Sixth Report, Case No. 40 (France-Tunisia), paras. 508-514; 14th Report, Case No. 105 (Greece), paras. 135-137; 23rd Report, Case No. 111 (U.S.S.R.), para. 157; 27th Report, Case No. 159 (Cuba), paras. 380-382; 36th Report, Case No. 185 (Greece), para. 168; 49th Report, Case No. 211 (Canada), paras. 247-258; Report, Case No. 234 (Greece), paras. 571 and Case No. 253 (Cuba), paras. 639; 65th Report, Case No. 266 (Portugal), para. 45.

2 Cf. First Report, Case No. 8 (Israel), paras. 63-69; Second Report, Case No. 21 (New Zealand), paras. 11-31, and Case No. 28 (United Kingdom-Jamaica), paras. 65-70; Sixth Report, Case No. 40 (France-Tunisia), para. 487; Seventh Report, Case No. 56 (Uruguay), paras. 32-70; 12th Report, Case No. 16 (France-Morocco), paras. 292-428, and Case No. 61 (France-Tunisia), paras. 447-492; 17th Report, Case No. 104 (Iran), paras. 157-221; 19th Report, Case No. 110 (Pakistan), paras. 56-90, and Case No. 133 (Netherlands-Netherlands Antilles), paras. 108-134; 24th Report, Case No. 121 (Greece), paras. 41-79; 25th Report, Case No. 136 (United Kingdom-Cyprus), paras. 93-178; 27th Report, Case No. 159 (Cuba), paras. 373; 53rd Report, Case No. 245 (Greece), para. 47; 58th Report, Case No. 253 (Cuba), paras. 639; 70th Report, Case No. 288 (Republic of South Africa), para. 79.

3 Cf. First Report, Case No. 2 (Venezuela), para. 128; Fourth Report, Case No. 5 (India), para. 41; Fifth Report, Case No. 3 (Dominican Republic), paras. 44, 46 and 56(2); Sixth Report, Case No. 11 (Brazil), para. 64, Case No. 12 (Argentina), paras. 229-255, Case No. 2 (Venezuela), paras. 1005-1006, and Case No. 3 (Dominican Republic), para. 1025; 17th Report, Case No. 109 (Guatemala), para. 116; 33rd Report, Case No. 167 (Jordan), para. 19; 44th Report, Case No. 211 (Canada), para. 107; 47th Report, Case No. 194 (United Kingdom-Singapore), para. 111 (a); 48th Report, Case No. 191 (Sudan), para. 62; 65th Report, Case No. 266 (Portugal), para. 54; 67th Report, Case No. 303 (Ghana), para. 322; 68th Report, Case No. 313 (Dahomey), para. 55.

4 Cf. Fourth Report, Case No. 34 (Ceylon), para. 169; Sixth Report, Case No. 11 (Brazil) para. 131 (a); Seventh Report, Case No. 56 (Uruguay), para. 61; 11th Report, Case No. 59 (United Kingdom-Cyprus), para. 63; 14th Report, Case No. 105 (Greece), para. 134; 19th Report, Case No. 97 (India), paras. 47-48; 49th Report, Case No. 213 (Federal Republic of Germany), paras. 77-78; 57th Report, Case No. 231 (Argentina), para. 120; 58th Report, Case No. 179 (Japan), para. 340, and Case No. 234 (Greece), paras. 578; 61st Report, Case No. 256 (Greece), para. 40; 69th Report, Case No. 307 (Somalia), para. 104.
their programmes in full freedom, without any interference on the part of the public authorities.

90. In particular, the Committee could not be reassured on this point unless it had before it information from the present Government as to the fate of the trade unionists alleged to have been arrested by the Kassem Government, including especially Mr. Ali Choukr, former President of the General Federation of Trade Unions of Iraq, Mr. Ara Khachadoor, its former General Secretary, Messrs. Sadik El Falahi and Kuleban Salih, former members of its executive committee, stated by the W.F.T.U. to have been arrested on 1 May 1961, and Mr. Issatatah, alleged to have been arrested when he was the chief editor of the press organ of the Federation.

91. The Committee, therefore, recommends the Governing Body to draw the attention of the Government to the importance which it has always attached to the right of all detained persons to receive a prompt and fair trial by an impartial and independent judicial authority, and to request the Government to be good enough to furnish, in respect of the persons named in paragraph 90 above, or, if proceedings have not been taken, information as to the present situation of those persons.

92. In all the circumstances the Committee recommends the Governing Body—

(a) to express its keen disappointment that the present Government, like the preceding Government of General Kassem, has limited its reply to generalities concerning the political implications of the situation in Iraq and has not seen fit to furnish observations dealing with the specific allegations raised in the complaints;

(b) to note that, in these circumstances, the Committee has rejected the request of the executive committee of the General Federation of Trade Unions of Iraq to withdraw the complaint submitted, in due and proper form, according to the procedure for the examination of alleged infringements of trade union rights, on behalf of the executive committee previously in office, and has, therefore, examined that complaint and the complaint of the World Federation of Trade Unions on their merits;

(c) to draw attention to the importance which the Governing Body has always attached to the principle that workers' organisations should have the right to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes and that the public authorities should refrain from any interference which would restrict this right or impede the lawful exercise thereof, and to the principle that workers' organisations should not be liable to be dissolved or suspended by administrative authority;

(d) to express the view, on the basis of the detailed evidence submitted by the complainants and in the absence of any specific observations in refutation of those allegations on the part of either the Kassem Government or the present Government, that serious violations of the principles enunciated above appear to have taken place when the Kassem Government was in power;

1 Cf. Fourth Report, Case No. 5 (India), paras. 18-51, Case No. 10 (Chile), paras. 52-88, and Case No. 30 (United Kingdom-Malaya), paras. 140-161; Sixth Report, Case No. 47 (India), paras. 704-736, and Case No. 49 (Pakistan), paras. 770-813; 12th Report, Case No. 87 (India), paras. 233-240, Case No. 63 (Union of South Africa), paras. 257-276, and Case No. 16 (France-Morocco), paras. 292-428; 13th Report, Case No. 62 (Netherlands), paras. 18-89; 16th Report, Case No. 112 (Greece), paras. 57-86; 17th Report, Case No. 104 (Iran), paras. 157-221; 24th Report, Case No. 142 (Honduras), paras. 97-148; 25th Report, Case No. 136 (United Kingdom-Cyprus), paras. 154; 27th Report, Case No. 143 (Spain), para. 186, Case No. 156 (France-Algeria), paras. 209-293, and Case No. 152 (United Kingdom-Northern Rhodesia), para. 410; 30th Report, Case No. 143 (Spain), para. 153; 33rd Report, Case No. 184 (Haiti), para. 72-124; 52nd Report, Case No. 168 (Paraguay), para. 66; 56th Report, Case No. 252 (United Kingdom-Gambia), para. 69, Case No. 216 (Argentine Republic), para. 153, and Case No. 235 (Cameroon), para. 193; 57th Report, Case No. 248 (Senegal), para. 48; 62nd Report, Case No. 202 (Thailand), para. 125(d), and Case No. 251 (United Kingdom-Southern Rhodesia), para. 151; 66th Report, Case No. 290 (Congo (Leopoldville)), para. 47, and Case No. 251 (United Kingdom-Southern Rhodesia), para. 409; 67th Report, Case No. 303 (Ghana), para. 318; 70th Report, Case No. 253 (Cuba), para. 69.
(e) to request the present Government, which cannot be held responsible for events which took place under its predecessor but is responsible for any continuing consequences which such events may have had since its accession to power, to inform the Governing Body as to the measures which it has taken to ensure the restoration of full freedom of association in Iraq and, in particular, the right of workers' organisations to function in accordance with the principles enunciated in subparagraph (c) above;

(f) to draw the attention of the Government to the importance which the Governing Body has always attached to the right of all detained persons to receive a prompt and fair trial by an impartial and independent judicial authority, and to request the Government to be good enough to furnish as a matter of urgency, having regard to this principle, information as to the legal or judicial proceedings taken in the cases of Mr. Ali Choukr, former President of the General Federation of Trade Unions of Iraq, Mr. Ara Khachador, its former General Secretary, Messrs. Sadik El Falahi and Kuleban Salih, former members of its executive committee stated to have been arrested on 1 May 1961, and Mr. Issatah, stated to have been arrested when he was the chief editor of the press organ of the Federation, or, if proceedings have not been taken, information as to the present situation of those persons.

Case No. 294:

Complaints Presented by the International Confederation of Free Trade Unions, the International Federation of Christian Trade Unions and the World Federation of Trade Unions against the Government of Spain

93. This case was examined earlier by the Committee at its 32nd Session (October 1962), when it submitted an interim report in paragraphs 472 to 495 of its 66th Report, which was approved by the Governing Body at its 153rd Session (November 1962), and at its 33rd Session (February 1963), when it submitted another interim report in paragraphs 126 to 152 of its 68th Report, which was approved by the Governing Body at its 154th Session (March 1963). This latter report contains the Committee's final conclusions regarding some of the allegations, and in it the Committee also asks the Government for certain additional information. The case was further examined at the 34th Session (May 1963) when the Committee submitted an interim report in paragraphs 285 to 326 of its 70th Report which was approved by the Governing Body at its 155th Session (May-June 1963). This report contained conclusions concerning some of the allegations and a further request for certain additional information.

94. The conclusions and recommendations of the Committee are contained in paragraph 326 of the 70th Report, which reads as follows:

326. As regards the case as a whole the Committee recommends the Governing Body—

(a) to reaffirm the importance, in cases in which the crux of the matter is whether or not the offences alleged to have been committed were related to the exercise of freedom of association, of this question being determined by an independent and impartial judicial authority affording all the normal guarantees of due process and fair trial;

(b) to note the statement of the Spanish Government that there has recently been submitted to Parliament a Bill which, firstly, makes an exception to certain penal provisions, and, secondly, transfers to the ordinary courts of law competence in respect of certain offences for which a special judicial authority has hitherto been competent;

(c) to note that the Committee has postponed until its next session further consideration of the allegations relating to arrests and deportations arising out of the strikes of 1962, in order to give the Spanish Government an opportunity of furnishing the judgments handed down in the proceedings instituted against the 47 persons referred to in the communication from the Spanish Government dated 14 January 1963, stating clearly whether the judicial authority
which rendered those judgments was the special judicial authority from which the Spanish Government has now announced its intention of withdrawing jurisdiction in respect of certain offences and, if so, indicating what arrangements are now envisaged which would permit of the revision of sentences imposed by the special judicial authority or the release of the persons concerned;

(d) to request the Spanish Government to furnish further observations on this question as a matter of urgency.

95. The 70th Report of the Committee, as approved by the Governing Body, was transmitted to the Government by the Director-General by a communication dated 11 June 1963.

Allegations relating to Detentions and Deportations on Account of the Strikes of 1962

96. The I.C.F.T.U. and the I.F.C.T.U. stated in their joint complaint that the Government had detained and deported some thousand workers, and had fined the strikers and taken other intimidating and violent action against them. The Government denied that fines had been imposed or individuals arrested solely on the ground of participation in the strikes, and added that, in the case of those arrests in which no evidence of an offence was found, the individuals concerned were immediately released, and that the 94 persons committed for trial and the six who were subject to compulsory residence orders were punished because of their activities on behalf of the Communist Party or the People's Liberation Front.

97. At its 32nd Session (October 1962) the Committee recalled that in the past, where allegations that trade union leaders or workers had been arrested or detained for trade union activities, or that their arrest or detention had restricted the exercise of trade union rights, had been met by governments with statements that the arrests or detentions were made for subversive activities, for reasons of internal security or for common law crimes, it had followed the rule that the governments concerned should be requested to submit further and as precise information as possible concerning the arrests or detentions, and that if, in certain cases, the Committee had concluded that allegations relating to the arrests or detentions of trade union militants did not call for further examination, this had been after it had received information showing sufficiently precisely and with sufficient detail that the arrests or detentions were in no way occasioned by trade union activities but solely by activities outside the trade union sphere, which were either prejudicial to public order or of a political nature.

98. The Committee observed at its meeting in October 1962 that in the present case the Government confined itself to stating that the reason why the individuals concerned had been arrested or subjected to compulsory residence was that they had been guilty of political subversion on account of their Communist or pro-Communist activities.

99. The Committee considered at its meeting in October 1962 that if it were to have a full picture of the case and decide whether the allegations were justified or not, it would need more precise information from the Government about the grounds for the arrest of

1 See, for example, Sixth Report, Case No. 18 (Greece), paras. 323-326, Case No. 44 (Colombia), paras. 593-595, and Case No. 49 (Pakistan), paras. 807-811; 11th Report, Case No. 72 (Venezuela), para. 6 (c); 12th Report, Case No. 65 (Cuba), paras. 102-105, Case No. 66 (Greece), paras. 140-146, Case No. 68 (Colombia), paras. 167-169; 15th Report, Case No. 110 (Pakistan), para. 241; 22nd Report, Case No. 58 (Poland), para. 106 (d); 25th Report, Case No. 136 (United Kingdom-Cyprus), paras. 93-178, Case No. 158 (Hungary), para. 332; 27th Report, Case No. 156 (France-Algeria), para. 273, and Case No. 159 (Cuba), para. 370; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 152.

2 See, for example, Second Report, Case No. 31 (United Kingdom-Nigeria), para. 79; Third Report, Case No. 6 (Iran), para. 36; Sixth Report, Case No. 22 (Philippines), paras. 377-383; 12th Report, Case No. 16 (France-Morocco), paras. 386-398; 17th Report, Case No. 104 (Iran), para. 219; 19th Report, Case No. 110 (Pakistan), paras. 74-77; 24th Report, Case No. 142 (Honduras), paras. 130-134; 25th Report, Case No. 140 (Argentina), para. 263; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 152.
94 persons and the deportation of six more to other parts of the country, especially as regards the specific actions or exact activities for which they were alleged to be responsible. It accordingly recommended the Governing Body to ask the Government for this information and in the meantime decided to postpone its examination of this aspect of the case.

100. In its communication dated 14 January 1963 the Government stated that, as its earlier communication dated 23 May 1962 had been sent before the end of the labour disputes in question, the figure of 94 persons arrested and six deported to other parts of the country should be amended, since the total number of arrests now amounted to 119. The Government added that of these 119 persons, 72 had been released, a further 47 were awaiting trial and the six persons sentenced to be deported to other parts of the country had also been set free. The Government stated that of the 119 persons arrested 68 were in Asturias, 15 in Vizcaya, 15 in Guipuzcoa and 21 in Barcelona. The Government repeated in its latest communication that no one had been arrested simply for reasons of an industrial character, and it added that the grounds for the arrests had nothing whatever to do with the industrial disputes, which extremist agitators tried to exploit for the purpose of undermining law and order, and solely as a means of attacking the Government politically. The Government added that members of these groups engaging in subversive agitation were arrested and committed on concrete charges, the offences being specified and punishable in accordance with Spanish law, and that all concerned were brought before the appropriate judicial authority with the periods prescribed by law. To prove that the authorities had no intention of taking reprisals, the Government stated that three of those committed in Asturias province, viz. Bernardo Arranz Ramos and Ernesto Losa Fernández from the Mieres basin, and Florentino Lafuente Cuesta from Gijón applied for and obtained passports to go abroad; the first two went to France and the third to Belgium. The Government added that the 47 who had been committed for trial would be dealt with in accordance with the normal procedure under the relevant Spanish legislation and would have all the safeguards and facilities for defence that the law allows.

101. At its meeting in February 1963 the Committee recalled that in the past it had followed the practice of postponing examination of matters which were the subject of pending national judicial proceedings, where such proceedings might make available information of assistance to the Committee in appreciating whether or not allegations were well founded.1

102. Following these precedents, the Committee at its session in February 1963 recommended the Governing Body to ask the Government to be good enough to notify it of the results of the proceedings in the Spanish courts against the 47 persons who were still in custody and to supply it with the full texts of the verdicts, together with the grounds for them, and, pending this, to postpone examination of this aspect of the case.

103. In its communication of 3 May 1963 the Government states that the principle that every citizen accused of an offence shall enjoy prompt and fair trial by an independent and impartial judiciary in all cases is traditional in Spanish legislation, which continues to maintain it in full force; that accordingly trade unionists, like any other Spanish citizens, all of whom are equal before the law, are judged by the competent judicial authorities in independent courts of law when charged with offences for which provision is made by current legislation; and that a rapid procedure is applied. The Government adds that it has recently submitted to Parliament a Bill which, first of all, makes an exception to certain penal provisions, and secondly transfers to the ordinary courts of law competence in respect of certain offences for which a special judicial authority has hitherto been competent.

1 See Sixth Report, Case No. 22 (Philippines), paras. 353-383; 11th Report, Case No. 51 (Saar), paras. 27-56; 12th Report, Case No. 69 (France), para. 446, and Case No. 61 (France-Tunisia), paras. 447-492; 17th Report, Case No. 97 (India), paras. 120-156; 19th Report, Case No. 92 (Peru), paras. 16-38; 26th Report, Case No. 147 (Union of South Africa), paras. 107-111; 28th Report, Case No. 170 (France-Madagascar), para. 143; 34th Report, Case No. 130 (Switzerland), para. 6; 41st Report, Case No. 172 (Argentina), para. 122; 49th Report, Case No. 213 (Federal Republic of Germany), para. 73; 53rd Report, Case No. 232 (Morocco), paras. 66-67; 58th Report, Case No. 234 (Greece), para. 588, and Case No. 262 (Cameroun), para. 657; 60th Report, Case No. 262 (Cameroun), para. 206.
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104. The Government also asserts in its statement of 3 May 1963 that, as already explained in previously given information, there has been no charge or proceedings of any kind against trade unionists as such and on account of their participation in labour conflicts and that the only measures taken were against persons who performed acts of a subversive nature listed, with their punishments, in current law. The Government concludes by stating that, in these circumstances and bearing in mind that none of the judgments passed in this matter affect trade unionists, "there is no reason to forward the texts of the judgments in question because they neither affect nor have any connection with trade unionists or workers as such and by reason of their participation in labour disputes, which is the only presumption that could give relevance to the request of the Committee on Freedom of Association for the transmission of such data."

105. The Committee noted the statement by the Spanish Government that it had recently laid before Parliament a draft law which, first of all, makes an exception to certain penal provisions and, secondly, transfers to the ordinary courts of law the competence in the respect of certain offences for which a special judicial authority had hitherto been competent.

106. In a number of previous cases, the Committee has pointed out that measures of a political nature, even if their objective is not to restrict trade union rights as such, may nevertheless impede the exercise of those rights. Moreover, the question of whether the reasons for the adoption of such measures stem from activities that have no connection with the exercise of trade union rights cannot, as the Committee has pointed out on other occasions, be decided unilaterally by the government concerned.

107. For the reasons explained in the paragraph above, the Committee, in its 68th Report, requested the Spanish Government to be good enough to transmit the text of the decisions handed down in the proceedings before the national courts against the 47 persons stated by the Government, in its communication of 14 January 1963, still to be detained. The Committee was unable to accept the declaration of the Government that there was no purpose in sending the text of the judgments in question because it considered that they did not affect and had no connection with trade unionists or workers as such or by reason of their participation in labour conflicts. The principle that nobody can act as judge in his own case, stated the Committee, is of basic importance, both in the work of the Committee and any other proceeding of a judicial nature; the Committee therefore was unable, only on the basis of a declaration by the Government, to indicate to the Governing Body that the sentences in question had no reference to trade union activities, unless it had previously had the opportunity of examining the text of the judgments and thus convincing itself by reading them that no such relationship existed.

108. In these circumstances, the Committee decided to defer until its next session the examination of the assertion of the Spanish Government that these judgments—which seemed to concern persons who, the Government alleged, had committed crimes against the common law in connection with labour conflicts—were not, in fact, based on the participation of those persons in those conflicts; the purpose of this deferment being to give the Spanish Government a further opportunity to furnish the judgments in question as a necessary step in furnishing objective proof of this assertion, stating clearly whether the judicial authority which rendered those judgments was the special judicial authority from whom the Spanish Government has announced its intention of withdrawing jurisdiction in respect of certain offences, and, if so, indicating what arrangements were envisaged which would permit of the revision of sentences imposed by the special judicial authority or the release of the persons concerned.

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1 See Fourth Report, Case No. 5 (India), paras. 18-51, and Case No. 10 (Chile), paras. 52-88; 12th Report, Case No. 63 (Union of South Africa), para. 267; 16th Report, Case No. 112 (Greece), paras. 57-86; 27th Report, Case No. 157 (Greece), para. 238; 56th Report, Case No. 224 (Greece), para. 170; 66th Report, Case No. 261 (Republic of South Africa), para. 177.

2 See 27th Report, Case No. 143 (Spain), para. 106; 28th Report, Case No. 147 (Union of South Africa), para. 237; 44th Report, Case No. 200 (Union of South Africa), para. 162; 58th Report, Case No. 253 (Cuba), para. 632; 66th Report, Case No. 261 (Republic of South Africa), para. 177.
109. The Government of Spain, in its communication of 29 July 1963, provided some additional information pursuant to the request in paragraph 326 (d) of the 70th Report of the Committee and made some observations regarding the recommendations contained in that paragraph.

110. The Government maintains that the sentences passed on the persons involved in this present case were handed down by an impartial and independent judicial authority, under normal judicial procedure as laid down by law, and were imposed for crimes also normally coming under the Spanish Penal Code. None of the acts involved in the crimes for which sentence was passed was in connection with the exercise of trade union rights. The Government confirms the information it has already given that it has laid before Parliament a draft law, the text of which has been published in the Boletín Oficial of the Spanish Parliament dated 1 July 1963 (a copy of which was transmitted by the Government), under which certain criminal acts that previously have been within the competence of special law courts will come before ordinary courts.

111. As regards the Committee's request that the Government should send the text of the decisions handed down in the proceedings against the 47 persons referred to in the communication from the Spanish Government dated 14 January 1963, the Government reaffirms the position it took up before and points out that “it does not appear that in other cases the Committee on Freedom of Association has extended its functions to an examination of the texts of judgments, to confirm information provided by the governments of States Members”. The Government also declares that the judicial authority that handed down these judgments is the special judicial authority whose competence is to be changed under the draft law already mentioned and that the means by which the sentences pronounced by that authority are to be received will be such as may be determined by the administration on the basis of that draft law. The Government adds that a decree dated 24 June and an order of 19 July 1963 have granted an extensive amnesty under which the persons concerned in this case have recovered their liberty or have had their sentences substantially reduced.

112. The Committee regrets that the Government persists in its refusal to submit the text of the decisions as requested. It is also surprised at the assertion by the Government that “it does not appear that in other cases the Committee on Freedom of Association has extended its functions to an examination of the texts of judgments”. The Committee must point out that it has repeatedly asked governments to send information on judicial proceedings and their results. The cases mentioned above in paragraphs 97 and 101 are examples of this practice. In some of them 1 it specifically asked governments to send copies of the decisions handed down. In a number of cases such copies were transmitted by governments. 2 In one case (Case No. 191 (Sudan)) in which the Government refused to send the text of judgments given, stating that the matter in no way related to the trade union activities of those concerned, the Committee pointed out that the Governing Body, has, on the recommendation of the Committee, always rejected such arguments, stating that the question whether the formulation of charges of having committed crimes on the basis of facts and allegations involving the exercise of trade union rights is to be regarded as a matter relating to a criminal offence or a matter related to the exercise of trade union rights is not one which can be determined unilaterally by the government concerned, in such a manner as to prevent the Governing Body from inquiring further into it. The request for the transmittal of the judgments therefore, is not a singular proceeding for the Committee to follow in the

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1 See 17th Report, Case No. 97 (India), para. 137; 24th Report Case No. 142 (Honduras), para. 134; 26th Report, Case No. 147 (Union of South Africa), para. 111; 31st Report, Case No. 170 (France-Madagascar), para. 32; 34th Report, Case No. 130 (Switzerland), para. 6; 45th Report, Case No. 213 (Federal Republic of Germany), para. 123; 58th Report, Case No. 156 (France-Algeria), para. 175; 67th Report Case No. 241 (France), para. 22.

2 See especially 27th Report, Case No. 104 (Iran), paras. 43 and 44; 34th Report, Case No. 130 (Switzerland), para. 7; 49th Report, Case No. 213 (Federal Republic of Germany), para. 75; 67th Report, Case No. 241 (France), para. 24.
present case but is its normal practice, to which it has recourse in order to assess to the full the facts contested in a complaint.

113. The Committee consequently recommends the Governing Body, when requesting the Government’s full co-operation in the examination of the present case, to repeat its request to be furnished with the text of the judgments given in the case against the 47 persons referred to in the communication of the Spanish Government dated 14 January 1963.

114. The Committee notes that the judgments in question were given by a special judicial authority and that a review of them will depend on what is agreed by the administration on the basis of the draft law before parliament. This draft, however, refers only to causes “in which judgment has not been given”, so it does not appear to cover the review of the sentences in the cases concerned. Furthermore, the Committee also notes that this draft law provides for the creation of a special judicial branch, that is, a judge and an appeal court for offences against the State (de Orden Publico), which are to have “a competence excluding that of the ordinary courts of law” to try certain criminal acts. The Committee recommends that the Governing Body should take note of these facts and request the Government to keep it informed as to the text as finally passed by the legislature.

115. As regards the amnesty granted by the Government, the Committee recommends the Governing Body to note these measures, which affect the 47 persons whose sentences are in question, and to ask the Government to inform it as to the present position of these persons as a result of the amnesty measures.

**Allegations relating to Compulsory Residence Orders and Dismissals for Trade Union Activities**

116. In a joint communication dated 21 August 1963 the I.C.F.T.U. and the I.F.C.T.U. allege that of the hundreds of Asturian workers who were arrested or deported during and after the strikes in April, May and August 1962, some continue to be subject to compulsory residence. The names of these workers are as follows: Jesús Carrión Iglesias, Adolfo Rodríguez Fernández, Antonio Pérez Palacios, Martín Fraga Tasende, José Manuel Gutiérrez Ardura, Remigio Hernández Zapico, Manuel García González, José Carrasco Moragón, César Rodríguez Fernández, Luis Cuervo González, Vicente Gutiérrez Solés and Rodrigo Álvarez Vazquez, all from the Langreo district; and Manuel Álvarez Abín, Valentín Losa Fernández, Valentín García Álvarez, Amador Menéndez Garcia, Manuel Foz Coré, Nicolás Casas Pueyo, Francisco González Martinez, Porfirio Fernández Muñiz, Honorino Álvarez Fernández, Constantino Alonso González, César Garcia Fernández and Manuel Alonso Ania, all from the Mieres district. These workers are said to have been deported to the province of León.

117. The complainants also allege that hundreds of workers have been dismissed for having taken part in the strikes and that many have suffered the loss of acquired rights and benefits when they were re-engaged. The complainants request that the Committee on Freedom of Association should intercede on behalf of these workers so that they are granted compensation for loss of wages and hardships suffered through dismissal.

118. The Government replies to these allegations in a communication dated 16 October 1963. The Government admits that certain persons continue to be in compulsory residence outside the Asturias, although the great majority have been allowed to return to their homes. This situation has its origin in the orders issued by the Government in pursuance of the provisions of the Public Order Act. The Government further points out that the complaint contains certain inexactitudes. For instance, Jesús Carrión Iglesias has gone to France with a contract of employment; Nicolás Casas Pueyo returned to the Asturias a long time ago, while Manuel Foz Coré, Manuel Alonso Ania and others are also not now subject to residence orders. With regard to the dismissals which took place, the undertakings concerned acted by virtue of the powers vested in them by the Employment Contracts Act of 1944.
119. The Committee observes that in an earlier letter dated 14 January 1963, the Government mentioned only six persons placed under residence orders on account of the 1962 strikes, and said that they had been set free. In its further communication dated 16 October 1963 the Government recognises that a number of workers are still subject to compulsory residence orders, in application of the Public Order Act. In the light of the foregoing and in accordance with its usual practice, the Committee considers it necessary that the Government should state what are the specific acts of which the various persons named are held to be guilty, and recommends the Governing Body to request the Government to supply this information and to indicate what procedure was applied in issuing compulsory residence orders in respect of these persons.

120. With regard to the request by the complainants that the Committee should make representations to the Government for the grant of compensation to the workers dismissed as a result of the strikes, the Committee must point out that allegations relating to the right to strike are within its competence in so far, but only in so far, as they affect the exercise of trade union rights. The Committee considers that the measures referred to in this case are general measures that have been taken under the domestic legislation on employment contracts, which do not come within its competence, and not acts of discrimination against trade unions. The Committee consequently recommends the Governing Body to decide that this aspect of the case does not call for further examination.

**Allegations relating to the 1963 Strikes**

121. The I.C.F.T.U. and the I.F.C.T.U. have sent various joint communications containing allegations relating to the strikes in the Asturias in 1963. The first of these communications is dated 16 August 1963 and denounces the shutting down of various Asturian mines on government orders in connection with an industrial dispute, and the arrest of strikers. The complainants request the despatch of a commission of inquiry. In another letter dated 21 August 1963 the complainants declared that on 20 July 1963, 3,000 miners in the Mieres area, in the province of Oviedo, began a strike in support of their demands. The National Trade Union Confederation (Central Nacional Sindicalista) is said to have shown itself to be hostile to these demands and favourable to the employers. This led to an extension of the dispute in the Caudal-Aller Basin. As a retaliatory measure the Government decreed the closure of certain pits and the dismissal of 5,000 miners. Ten thousand miners and metalworkers in the Nalón Basin came out on a sympathy strike in support of the demands. On 7 August police detachments were sent to a number of pits in order to intimidate the workers. When the latter refused to go back to work, the Government ordered more pits to be shut down and the workers to be dismissed.

122. The complainants allege that the police made a large number of arrests and deported many strikers. In an article published by the Office of the Chief Commissioner of Police (Jefatura Superior de Policía) in the newspaper La Nueva España for 30 July 1963 it is reported that the following workers had been arrested: Pedro León Álvarez, residing at Mieres, Leonardo Velasco García, residing at Brañanoveles, Gerardo Álvarez García, residing at Valdecuna, José Cuesta García, residing at Mieres, Antonio Paredes Fernández, residing at La Rebollada, César Fernández Fernández, residing at Santa Marina, Faustino Rodríguez García, residing at Santa Marina and Francisco Rubio Casa, residing at Seana. All these persons were accused of being ringleaders of the strike and of engaging in subversive propaganda activities. The complainants request that the Spanish Government should be asked to restore freedom of association and to ensure the free exercise of the right to strike.

123. In a letter dated 24 September 1963 the complainants provided further information in substantiation of their complaint. In this letter it is stated that scores of workers have been arrested and taken to the barracks of the Guardia Civil or to the police stations, where they have been brutally beaten up. On several occasions the wives of workers had been maltreated at Lada-Langreo and Soecara-Sama. A worker from the first-mentioned locality
is said to have been tortured during questioning and to have died as the result of the treat-
ment he received. A dozen workers from the La Camocha mine, near Gijón, have been
taken into custody. The complainants declare that the workers arrested are being held in
Guardia Civil barracks, police stations, the provincial prison of Oviedo and in Carabanchel
prison in Madrid.

124. In its communications dated 16 and 19 October 1963 the Government furnished
its comments on the allegations contained in the three letters from the complainants.
According to the Government, the collective stoppages of work in the Caudal-Aller Basin
took place without the statutory procedure laid down for collective labour disputes being
complied with. Furthermore even before 20 July it had already been announced that a
Negotiating Committee had been set up to negotiate a new collective agreement to replace
that of 1961. The above-mentioned collective stoppages in the Nalón Basin also took place
without compliance with the established procedure for this purpose. In the first-mentioned
basin the employers proceeded to dismiss the workers, but as the result of a request by the
competent bodies the workers were allowed to return to their jobs. The Government had
authorised a lockout in the pits, but the latter had then gradually been reopened, thereby
marking a return to the present position, which to all intents and purposes was one of nor-
mal working in the Asturias. It was untrue that the police had used the slightest coercion to
compel workers to return to their jobs. The article which appeared in the newspaper La
Nueva España demonstrates that the arrests, as on previous occasions, were prompted
exclusively by the subversive activities of the persons concerned. The Government states
that, for reasons explained at length on earlier occasions, it is impossible for it to accept the
commission of inquiry proposed by the complainants.

125. The letter from the Government dated 19 October 1963 refers specifically to the
complaint lodged on 24 September 1963. The Government maintains that the so-called
additional information supplied by the complainants is a mere enumeration of rumours
and not of proven facts. If there was any substance in the allegations, any acts which might
constitute punishable offences could be reported to the courts of law in accordance with the
procedure laid down in the Criminal Procedure Act.

126. By a letter dated 8 October 1963 the complainants furnished further additional
information in which they supply a series of concrete data on the allegations made in their
earlier communications. The Government has not yet replied to this letter.

127. The Committee observes that this case is concerned with a series of allegations
relating to a wave of strikes in the province of the Asturias, in connection with which the
Government is said to have adopted a series of measures which include the detention of a
large number of workers and police coercion to make them go back to work. The complain-
ants also alleged that some workers and their wives have been subject to ill-treatment.
The Government points out that the workers did not present their demands in the form laid
down by law for collective disputes; it denies the alleged coercion on the part of the police,
admits to certain arrests, attributing them to the subversive activities of the persons involved,
and considers that the complainants have based themselves on rumours as regards the allega-
tions of torture and ill-treatment.

128. In view of the fact that the Government admits the detention of the persons named
by the complainants, even though it alleges that this was due to the subversive activities in
which these persons engaged in connection with the labour disputes in the province of the
Asturias, the Committee, having regard to the principles consistently applied by the Com-
mittee in similar cases which are set forth in paragraph 97 above, recommends the Governing
Body to request the Government to furnish information as to the outcome of the pro-
cedings instituted against the eight arrested persons referred to in paragraph 122 above,
and, in particular, to forward the text of the judgments that have been or may be handed
down, and to postpone examination of this aspect of the case pending receipt of this informa-
tion.
With regard to the request by the complainants that the Government should be invited to restore freedom of association in Spain and to ensure the free exercise of the right to strike, the Committee recommends the Governing Body to point out once again to the Government, as it has done on previous occasions, that in its present form Spanish legislation on the subject of strikes can be interpreted as providing for their absolute prohibition, which would not be in harmony with generally accepted principles concerning freedom of association; and that, in these circumstances, it may wish to consider the desirability of submitting to the competent national authorities proposals for appropriate amendment of this legislation.

The communication from the complainants dated 24 September 1963, which contains a series of allegations concerning arrests and ill-treatment without giving further details, has been supplemented by a later letter dated 8 October. The Government has not yet furnished its observations on the latter communication, and the Committee accordingly requests it to forward its reply as soon as possible.

Despatch of a Commission of Inquiry

In their communication of 27 April 1962 the I.C.F.T.U. and the I.F.C.T.U. urgently requested the despatch of a commission of inquiry to Spain to investigate repressive measures allegedly taken by the Spanish Government during the strike. This request was reiterated in the second communication, dated 23 May 1962, from the I.C.F.T.U. and the I.F.C.T.U. In its reply of 31 July 1962 the Government declared that this demand, "made in such categorical and vexatious terms", was "unacceptable", and added that reference should be made in this connection to the very different tone of the draft resolution submitted to the last session of the International Labour Conference, in which it was suggested to the Governing Body that it should consider the desirability of amending the existing procedure of the Committee on Freedom of Association and of authorising the Committee, in certain conditions, to "ask the government concerned to invite representatives of the Committee to make an investigation". "This draft resolution", the Government added, "on which the Conference took no decision, is drawn up in terms which show much more respect for national sovereignty, and makes a significant contrast to the recommendation in the complaint."

At its 32nd Session (October 1962) the Committee deferred examination of the desirability of an inquiry in either form pending receipt of the additional information for which it had recommended the Governing Body to ask the Government.

During the discussion on the 66th Report of the Committee at their 153rd Session of the Governing Body (November 1962), it was suggested on behalf of the Workers' group that, in view of the Spanish Government's statement referred to in paragraph 131 above, it might accept an on-the-spot inquiry, not by a mission representing the Committee on Freedom of Association, but by the Fact-Finding and Conciliation Commission, which would be composed of jurists of unquestionable impartiality.

The Government forwarded certain information in its communication of 14 January 1963.

Having recommended the Governing Body to request the Government to forward other additional information, the Committee, at its 33rd Session (February 1963), again deferred examination of this question pending receipt of the said information.

In its communication dated 27 March 1963 the W.F.T.U. also requested the I.L.O. to set up a commission of inquiry and stated that it was ready to participate in it. This request is reiterated by the I.C.F.T.U. and the I.F.C.T.U. in their letters of 16 and

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1 See 41st Report, Case No. 143 (Spain), paras. 88 (d) and (c); 66th Report, Case No. 294 (Spain), para. 495(b).
21 August 1963. In its letter of 16 October 1963 the Government indicates that it is impossible for it to accept such a mission of inquiry.

137. Since the Committee has once again recommended the Governing Body to request the Government to forward further additional information, it has again deferred examination of this question pending receipt of the said information. In the event of not receiving such additional information, the Committee would feel itself obliged to examine, without further delay, the question of some form of full inquiry, such as reference to the Fact-Finding and Conciliation Commission on Freedom of Association, into the matters raised in the allegations in this case.

* * *

138. As regards the case as a whole, the Committee recommends the Governing Body—

(a) to decide, with respect to the request by the complainants that the Committee should make representations to the Government for the grant of compensation to workers dismissed as a result of the strike, that, for the reasons indicated in paragraph 120 above, this aspect of the case does not call for further examination;

(b) to ask the Government to give its full co-operation in the examination of this case, and to request the Government once again to furnish the texts of the judgments handed down in the proceedings instituted against the 47 persons referred to in the communication from the Spanish Government dated 14 January 1963;

(c) to take note of the fact that, as regards the Bill submitted to Parliament, in the first place there does not appear to be any possibility of review of the sentences in question, and that in the second place it is proposed to set up a special judicial authority, the Public Order Court and Tribunal, which instead of the ordinary courts of law, would be given exclusive jurisdiction to try a series of offences, and to request the Government to keep it informed as to the text as finally passed by the legislature;

(d) to take note of the measures of clemency decree by the Government and affecting the 47 persons on whom the sentences in question were imposed, and to request the Government to be good enough to inform it as to the present position of the persons in question as a result of such measures;

(e) to point out once again to the Government, as it has already done on previous occasions, that in its present form the Spanish legislation on strikes can be interpreted as providing for their absolute prohibition, which would not be in harmony with generally accepted principles concerning freedom of association; and to suggest that in these circumstances the Government may wish to consider the desirability of submitting to the competent national authorities proposals for appropriate amendment of this legislation;

(f) to recommend the Government, with regard to the compulsory residence orders imposed on various workers mentioned by the complainants in connection with the 1962 strikes, to indicate the specific acts of which these persons were held to be guilty and what procedure was applied in issuing the compulsory residence orders;

(g) to request the Government, in connection with the detention of the persons named by the complainants in connection with the 1963 strikes, having regard to the principles consistently applied by the Committee in similar cases which are set forth in paragraph 97 above, to furnish information as to the outcome of the proceedings instituted against the eight persons referred to in paragraph 122 above and, in particular, to forward the texts of the judgments that have been or may be handed down, and to postpone examination of this aspect of the case pending receipt of the said information;

(h) to request the Spanish Government to furnish the information and observations requested of it as a matter of urgency;
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(i) to take note of the present interim report of the Committee, it being understood that the Committee will report further on the case to the Governing Body when it has received the further information and observations requested from the Government.

Case No. 303:

Complaint Presented by the International Confederation of Free Trade Unions against the Government of Ghana

139. The complaint of the International Confederation of Free Trade Unions, dated 22 June 1962, together with the observations thereon furnished by the Government of Ghana on 5 October 1962, was examined by the Committee in paragraphs 244 to 323 of its 67th Report, which was approved by the Governing Body on 8 March 1963, in the course of its 154th Session.

140. In paragraphs 253 to 311 of its 67th Report the Committee considered a number of allegations relating to the provisions of the Industrial Relations Act, 1958, as amended. On the recommendation of the Committee, the Governing Body, as indicated in paragraph 323 (a), (b) and (c) of that report, drew certain principles to the attention of the Government of Ghana, suggested that it might care to re-examine the provisions of the Act in the light of those principles and requested the Government to be good enough to keep the Governing Body informed as to further developments. With regard to the application of certain of the provisions of the Act, the Committee itself requested the Government to furnish further information, as indicated in paragraphs 269 and 285 of its 67th Report.

141. With regard to the allegations relating to strikes which took place in September 1961 and to the arrests of trade unionists the Governing Body, adopting paragraph 323 (d) of the Committee's 67th Report, drew the attention of the Government to the importance which the Governing Body has always attached to the right of all detained persons to receive a fair trial at the earliest possible moment, and requested the Government to indicate whether any of the trade unionists alleged by the complainants to have been arrested or detained were still in prison or in detention and, if so, to furnish information as to the legal or judicial proceedings which had been taken or were intended to be taken and as to the outcome of such proceedings.

142. With regard to the allegations relating to the dissolution of certain trade unions following the strikes of September 1961 the Committee, as indicated in paragraph 322 of its 67th Report, requested the Government to indicate whether the dissolution was ordered directly by the Government or through proceedings instituted by the competent authorities in the courts, and by virtue of which legal provisions such dissolution was ordered.

143. In a letter dated 26 July 1963 the Government states that consideration was being given to a revision of the Industrial Relations Act even before the complaint was submitted, that proposed amendments are due to be placed before the National Advisory Committee on Labour soon for examination and approval, and that the I.L.O. will be informed when action which is in progress has been completed.

144. In these circumstances the Committee recommends the Governing Body—

(a) to take note of the statement by the Government of Ghana in its communication dated 26 July 1963 that proposed amendments to the Industrial Relations Act are due to be placed before the National Advisory Committee on Labour soon for examination and approval, and to request the Government to be good enough to keep the Governing Body informed as to further developments in this connection;

(b) to request the Government to be good enough to furnish the further information previously requested of it, as indicated in paragraphs 141 and 142 above, with regard to certain matters arising out of the alleged arrests of trade unionists and the dissolution of certain trade unions after the strikes of September 1961.
Case No. 309:

Complaint Presented Jointly by the Associations of Piraeus Bus Drivers and Conductors against the Government of Greece

145. This case has already been examined by the Committee at its 33rd Session, held in Geneva in February 1963, and dealt with in an interim report contained in paragraphs 110 to 124 of the 69th Report of the Committee; that report was adopted by the Governing Body at its 154th Session (March 1963). Following its examination of the case at that time, the Committee reached final conclusions concerning the case as a whole, except for one particular point on which it considered that the Government should be requested to supply further information. The following paragraphs relate solely to that aspect of the case which had remained in suspense.

146. One of the complainants' allegations was that on 1 September 1962 the management of the Joint Bus Receipts Fund (K.T.E.L.)—a public body to which both bus employers and employees engaged in urban transport services belong—brought about the dismissal of 47 conductors (mostly officers or leading members of the Piraeus Bus Conductors' Association) on the grounds of "anti-national activity" and in pursuance of Act No. 516 of 1948, through the recruitment committee responsible for hiring, retaining in their posts and dismissing bus conductors and drivers in accordance with section 17 of Legislative Decree No. 3990 of 1959.

147. The complainants stated that these dismissals had occurred following four stoppages of two hours each carried out under the leadership of the Piraeus Bus Conductors' Association on 17 and 27 August 1962 as a protest against reduction of the wage allowance in respect of dependent children and the failure of the management of the K.T.E.L. to pay wages.

148. When it examined this aspect of the case during its session of February 1963, the Committee noted that, of the 47 persons alleged to have been dismissed, 28 were named by the complainants and that, of those 28 persons, 19, whose titles and functions were specified, were trade union leaders.

149. In these circumstances the Committee, noting that the Government's reply did not refer to the specific cases of dismissal mentioned by the complainants, recommended that the Governing Body should request the Government to state whether the persons named in the complaint had been dismissed, and if so to explain for what precise reasons.

150. This recommendation was approved by the Governing Body and the above-mentioned request for further information was communicated to the Government by letter from the Director-General dated 7 June 1963. The Government replied by a communication dated 24 August 1963.

151. The Government's reply states that one of the 19 persons mentioned above, namely Mr. Basil Papastaphidas, had no longer worked as a bus conductor since April 1958, and that section 17 (3) of Legislative Decree No. 3990/1959 provides for reclassification within the K.T.E.L. only of such persons as had been employed as conductors or drivers for not less than six months before the decree was passed.

152. With regard to Mr. Papastaphidas, it seems that the reason why he was not reclassified within the K.T.E.L. is that he did not satisfy the conditions required, and was not due to any trade union activities he may have engaged in.

153. In these circumstances, the Committee recommends the Governing Body to decide that the particular case of Mr. Papastaphidas does not call for further examination.

154. With regard to the 18 other trade union leaders mentioned in the complaint, however, the Government's observations of 24 August 1963 merely state that they were not
reclassified "because they did not meet the standards laid down by the Legislative Decree" (honesty, discipline, diligence, attitude towards passengers).

155. In several previous cases ¹, the Committee has emphasised that one of the fundamental principles of freedom of association is that workers should enjoy adequate protection against all acts of anti-union discrimination in respect of their employment (such as dismissal, transfer or other prejudicial matters) and that this protection is particularly desirable in the case of trade union officials because, in order to be able to perform their trade union duties in full independence, they must have the guarantee that they will not be prejudiced on account of the mandate which they hold from their trade unions.² The Committee has pointed out that one way of ensuring such protection is to provide that these officials may not be dismissed, either during their period of office or for a certain time thereafter, except, of course, for serious misconduct.³ The Committee also considered that the guarantee of such protection in the case of trade union officials is also necessary in order to ensure that effect is given to the fundamental principle that workers' organisations should have the right to elect their representatives in full freedom.²

156. In view of the importance of the above-mentioned principles, and since the dismissals (or refusals to re-classify workers) concerned seem to have taken place after stoppages of work and to have been aimed against the leaders of the organisation which called those stoppages, the Committee, noting that the Government's observations do not reply to the Governing Body's questions as to "the precise reasons" for the action taken against the persons concerned, finds it necessary to recommend the Governing Body to repeat its request to the Government to be good enough to furnish the information previously requested, together with the fullest details.

157. In these circumstances the Committee recommends the Governing Body—

(a) to decide that, for the reasons stated in paragraphs 151 and 152 above, the particular case of Mr. Papastaphidas does not call for further examination by it;

(b) to request the Government once again to state the precise reasons for the dismissal (or the refusal to arrange for re-classification) of the 18 persons named by the complainants as trade union leaders;

(c) to take note of the present interim report, it being understood that the Committee will report further on the case when the additional information to be requested pursuant to subparagraph (b) above has been received.

Case No. 327:

Complaints Presented by the Union of Congolese Workers and the General Federation of Congolese Workers against the Government of the Congo (Leopoldville)

158. The complaint of the Union of Congolese Workers (U.T.C.) is contained in three telegrams dated 19 and 20 February 1963 which were addressed to the I.L.O. directly. This original complaint was supplemented by two communications from the U.T.C. dated 7 and 26 March 1963 respectively.

159. All these communications were forwarded to the Government for observations, on receipt. When forwarding these communications the Director-General informed the

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¹ See 14th Report, Case No. 105 (Greece), paras. 117-145; 19th Report, Case No. 97 (India), paras. 39-49; 58th Report, Case No. 234 (Greece), para. 578; 61st Report, Case No. 256 (Greece), para. 40.
² See 19th Report, Case No. 97 (India), para. 48; 58th Report, Case No. 234 (Greece), para. 578; 61st Report, Case No. 256 (Greece), para. 40.
³ See 14th Report, Case No. 105 (Greece), para. 134; 58th Report, Case No. 234 (Greece), para. 578; 61st Report, Case No. 256 (Greece) para. 40.
Government that the case fell within the category of those to which the Committee and the
Governing Body are required to give priority because some of the allegations made by the
complainants related to the arrest of trade unionists.

160. In a telegram dated 5 April 1963 the Government stated that the persons mentioned
in the complaint as having been arrested had all been released and announced that a full
report would be sent.

161. The case was submitted to the Committee at its 34th Session (May 1963), and the
Committee postponed consideration of it pending the receipt of the information announced
by the Government. This information was sent to the International Labour Office in a
communication from the Government dated 1 June 1963.

162. In four communications dated 14 May, 12 June and 24 June 1963 (two communica-
tions) the U.T.C. made further allegations concerning attacks on trade union rights in the
Congo (Leopoldville). Allegations of the same kind were also made by the General Federation
of Congolese Workers in a communication dated 29 August 1963.

163. Copies of all these communications were forwarded to the Government, which
has as yet submitted no observations on them apart from a communication of 24 September
1963 stating that the persons mentioned by the General Federation of Congolese Workers
as having been arrested had all been released and announcing the despatch of full informa-
tion.

164. The Congo (Leopoldville) has ratified neither the Freedom of Association and Pro-
tection of the Right to Organise Convention, 1948 (No. 87), nor the Right to Organise and
Collective Bargaining Convention, 1949 (No. 98).

165. Complainants state that for several years the workers of OTRACO, an agency under
the supervision of the Ministry of Transport and Communications, have been in conflict
with their employer. This dispute relates to such matters as the rules of service of established
and non-established personnel, annual increases, annual bonuses, and education and housing
allowances. It has an eventful history, marked by talks that were begun and broken off,
resumed and broken off once more; agreements interpreted differently by each party; notice
of a strike given, withdrawn and then given again; and finally the launching on 18 February
1963 of a five-day strike affecting several provinces.

166. The Committee has always taken the view that it is competent to consider allega-
tions relating to a strike in so far, but only in as far, as they affect the exercise of trade union
rights. According to complainants, the authorities were guilty of numerous violations of
trade union rights in connection with this strike. The U.T.C. supplies the following details
in this connection: in Leopoldville, Thysville, Matadi and Bona many leaders and members of
the staff of the complaining organisation are alleged to have been arrested and ill-treated
(complainants cite the names of Messrs. Mutombo, Mbwangi, Luveye, Bamu, Mbenza,
Ndala, Sakibanza, Toto-Zita and Bunga). In Coquilhatville the authorities of the Central
Basin are alleged to have made an order prohibiting the strike. It is alleged that in Stanley-
ville an order was given for the closing of the office of the U.T.C. and the prohibition of all
its activities; similarly it is alleged that the authorities of the Central Congo closed the
U.T.C. offices in Lukula, Matadi and Thysville. It is also alleged that throughout the country
the management of OTRACO carried out large-scale dismissals of workers who had taken
part in the strike. Complainants supply a great volume of written evidence in support of
their allegations.

167. In the observations it submitted on 1 June 1963 the Government did not seem to
challenge the accuracy of any of the allegations reproduced in the previous paragraph.
It lists them and states that the decisions in question " were taken by the provincial or local
authorities acting on their own initiative, and not on instructions from superior authorities,
and without having previously consulted the central authorities, that is the central Govern-
ment in Leopoldville ".

168. In this connection the Government supplies the following explanations:
Recently appointed regional authorities and the officials in the interior are not always sufficiently well acquainted with national legislation. Most instances involve officials appointed to the new posts created by the recent multiplication of provinces. In some instances they may not be familiar with part of the law, particularly with Congolese legislation on freedom of association, especially form and procedure in respect of preventive detention, arrests without warrants, disturbances of the peace, legislation concerning trade unions rights and the powers of the competent authorities — particularly as regards the approval of occupational associations and the scope of such approval. Ignorance of these laws may lead officials to commit certain acts without being aware of their illegality.

The Government goes on to say that —

...the Basic Law dated 19 May 1960 regulating the administrative structure of the Congo establishes the principle of overlapping spheres of jurisdiction between the central and provincial authorities in respect of social legislation in general (article 221). This Basic Law, which serves as the provisional constitution of the Congo, organises the country under a central Government but guarantees a large measure of provincial autonomy. As regards the status of occupational associations, certain provinces have interpreted the principle of overlapping spheres of jurisdiction in respect of social legislation as giving them the right to impose on associations approved by the central authorities supplementary formalities required for authorisation to engage in activities in localities under their jurisdiction. Such interpretations of constitutional rulings have led to friction and incidents.

169. The Government asserts that it is making an all-out effort to ensure that the legal guarantees of freedom of association are upheld in the provinces. For example, in view of the fact that the measures taken by the regional authorities were sometimes based on misinformation or misunderstandings, the Department of Labour recently circulated to all provincial authorities a memorandum defining the competence of these authorities in respect of occupational associations.

170. The Department of Labour also recently held a conference of the provincial Ministers of Labour. This meeting began in Leopoldville on 13 May 1963; item 2 on the agenda related to freedom of association and trade union rights. In the course of the conference, which was intended to make it possible to establish contact and to exchange information and points of view on current labour problems, the representatives of the central Government supplied the provincial representatives with all necessary information and explanations to ensure that legality in trade union matters would be guaranteed in the interior of the country.

171. The record of proceedings of this conference — supplied by the Government — shows fairly clearly that the central and provincial governments have widely differing views regarding their respective powers in the trade union field.

172. While fully understanding the difficulties which may be encountered by the central Government in this case, the Committee believes it should at this stage make it clear — as it did in a case affecting Canada 1 which was of a different character — that the Member of the International Labour Organisation involved is the central Government and that discussions on this matter can therefore be opened and pursued by the Committee and the Governing Body only with that Government. It should be noted that there is nothing in the Government’s reply to suggest that it disputes this.

173. It has been seen above (paragraph 167) that the Government did not deny the facts cited by complainants. It even seems that the Government agrees with complainants when the latter state that these events constitute attacks on freedom of association. That at least is the impression derived from the various minutes sent to the provincial authorities by the central Government on behalf of the Minister concerned after the events described in the complaint of the U.T.C. Fairly extensive extracts from these minutes are given below.

174.

...I take the liberty of drawing to your attention the principle that decisions momentarily restricting freedom of association may not be taken except in instances where they prove absolutely necessary to the maintenance of law and order and the prevention of disturbances. Such measures,

1Case No. 211 (Canada), 45th Report, para. 99 and 49th Report, para. 203.
unless justified, would inevitably be interpreted as constituting a violation of freedom of association, which is guaranteed in several texts constituting Congolese legislation, i.e. the Basic Law of 17 June 1960 (with regard to public freedom) ... and the Decrees of 25 January 1957 regulating freedom of association of the inhabitants of the Congo and of agents of the administration. ... However, freedom of association—and human rights—are violated when measures (arrests and dismissal of union militants, closure of union premises, confiscation of documents, etc.) are taken for the purpose of hindering union operations or preventing workers from joining unions. ... Therefore, in the name of freedom of association, I trust that the measures taken against regular officers of the U.T.C. will be withdrawn, if this is not already the case, or, failing this, that the measures be taken in all due legal form should it prove certain that the activities of the U.T.C. momentarily constitute a threat to law and order within the territory of your jurisdiction.¹

175. I should like to remind you that collective work stoppages (strikes, lockouts) are authorised as long as the procedure provided for under the Decree of 18 May 1959 concerning conciliation and arbitration procedure in the event of collective labour disputes is observed. Within these limits exercise of the right to strike is authorised. This right is entirely regulated by the above-mentioned decree of 18 May 1959, and may not be invalidated by any provincial ruling whatsoever, in conformity with the machinery provided for by articles 209 and 221 of the Basic Law regulating the administrative structure. ... I trust that these clarifications will enable your authorities to operate in this respect in a fashion conforming strictly to legality. Only such conduct can favour the development and maintenance of satisfactory social practices and avoid outside criticism that the country has restricted freedom of association and arbitrarily limited the right to strike.²

176. It is clear from the quotations in the last two paragraphs that not only does the Government recognise that freedom of association had been infringed but it has issued instructions for the measures impugned to be annulled. However, in its observations dated 1 June 1963 the Government refrains from giving any information concerning any result of the instructions it has given to the provincial authorities. The only further—limited—information available to the Committee is that contained in the Government's telegram of 5 April 1963 which states that all trade unionists and workers mentioned in the U.T.C. complaint as having been arrested have been released.

177. The Committee considers that if it is to be in a position to formulate conclusions on this aspect of the case in full knowledge of the circumstances, it must obtain more precise additional information on the various facts of the case, and it therefore recommends the Governing Body to request the Government—

(a) to confirm that Messrs. Mutombo, Mbwangi, Luyeye, Barnu, Mbenza, Ndala, Saki-banza, Toto-Zita and Bunga have been released, as seems to be indicated by the Government's telegram of 5 April 1963;

(b) to state whether the offices of the U.T.C. in Stanleyville, Lukula, Matadi and Thysville have been reopened and whether the U.T.C. has been free to resume its activities in these places;

(c) to state whether the order prohibiting the strikes has been rescinded in Coquilhatville; and

(d) to state whether the workers dismissed as a result of the strike have been reinstated.

Pending the arrival of this information the Committee recommends that the Governing Body should adjourn its consideration of this aspect of the case.

178. It has already been noted (paragraph 162) that in four communications dated 14 May, 12 June and 24 June 1963 the U.T.C. had made further allegations and that attacks on freedom of association had also been alleged in a communication of 29 August 1963 from the National Federation of Congolese Workers.

¹ Extracts from a minute sent by the central Government to the authorities in Stanleyville.
² Extracts from a note of the central Government to the authorities of the Central Basin at Coquilhatville.
179. According to the allegations of the U.T.C., further members of the staff of this organisation have been arbitrarily placed under arrest—Messrs. Yengha, Kasekwa and Musemakweli and Miss Mupenda, the two latter being from Bukavu. The complainants also allege that again at Bukavu 72 trade unionists, whose names are not given, have been arrested and that the union premises have been closed. Complainants also allege that the management of the "Compagnie congolaise de l'hévéa" is prohibiting the workers affiliated to the U.T.C. from attending trade union meetings on its plantations. The General Federation of Congolese Workers also alleges that its secretaries have been arbitrarily arrested and that there has been an unjustified search of its premises.

180. Since the Government has presented no observations on these various allegations, apart from an indication that the persons mentioned by the General Confederation of Congolese Workers have been released and an announcement that complete observations will be sent, the Committee recommends the Governing Body to request the Government to be good enough to furnish its observations and, in the meantime, to adjourn further examination of this aspect of the case.

* * *

181. With regard to the case as a whole, the Committee recommends the Governing Body—

(a) to request the Government to confirm that Messrs. Mutombo, Mbwangi, Luyeye, Bamu, Mbenza, Ndala, Sakibanza, Toto-Zita and Bunga have been released, as seems to be indicated by the Government's telegram dated 5 April 1963;

(b) to request the Government to indicate whether the offices of the U.T.C. in Stanleyville, Lukula, Matadi and Thysville have been reopened and whether the U.T.C. has been free to resume its activities in these places;

(c) to request the Government to state whether the order prohibiting strikes has been rescinded in Coquihatlaville;

(d) to request the Government to indicate whether the workers dismissed as a result of the strike have been reinstated;

(e) to request the Government to furnish its observations with regard to the questions raised in the communications of 14 May, 12 June and 24 June 1963 of the U.T.C., as well as the additional information which it has announced it will provide on questions raised in the communication of 29 August 1963 from the General Federation of Congolese Workers; and

(f) to decide to postpone further consideration of the case, pending receipt of the information mentioned in paragraphs (a), (b), (c), (d) and (e) above, it being understood that the Committee will report further to the Governing Body when the said information has been received.

Case No. 352:

Complaints Presented by the Latin American Confederation of Christian Trade Unionists and the International Federation of Christian Trade Unions against the Government of Guatemala


183. The Government presented its observations in a communication dated 2 October 1963.
72nd Report  

Case 352 (Guatemala)

184. The C.L.A.S.C. sent further items of information in its communication of 12 September 1963. The Government has so far not sent its observations on the matter.

185. Guatemala has ratified the Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Criminal Attack on Mr. Tereso de Jesús Oliva

186. The complainants allege that on 29 July 1963 a member of the National Police carried out a criminal attack on Mr. Tereso de Jesús Oliva, Secretary of the Agricultural Workers' Union and General Secretary of the Rural Christian Social Movement of Guatemala. The person referred to, it is alleged, was attacked and beaten by a policeman in the public highway and as a result of this attack his life is in danger.

187. In its reply the Government states that the Courts are responsible for the investigation of this crime; that the injured person has not accused any individual in particular but has only mentioned the name of a person on the strength of rumours heard in the streets; this person, according to him, belongs to the Security Police. Finally, the injured party himself stated that, in his opinion, certain sectors existed which wished to cause harm to him and to the Government and, in planning the attack, sought to make it appear that it was committed by the police. The Government also states that it is conducting the appropriate inquiries to ascertain the truth of this charge and, if it is confirmed, will drastically apply the penalties prescribed by Penal Law.

188. The Committee observes that neither the allegation of the complainants nor the reply of the Government contains any detailed particulars of the attack which is alleged to have been made on Mr. Tereso de Jesús Oliva by a member of the National Police Force and that court proceedings are now being conducted with a view to elucidating the facts. In the past the Committee has followed the practice of postponing the examination of matters which were the subject of pending national judicial proceedings, where such proceedings might make available information of assistance to the Committee in appreciating whether or not the allegations were well founded.1

189. In view of these considerations, the Committee recommends the Governing Body to request the Government to be good enough to furnish details as to the outcome of the proceedings now pending before the courts with a view to elucidating the facts alleged and, in the meantime, to defer its consideration of this aspect of the case.

Detention of Trade Unionists from the "Cerro Redondo" Estate

190. The complainants allege that several agricultural workers from the "Cerro Redondo" Estate were arrested and imprisoned in connection with their trade union activities.

191. In this respect the Government points out that it was an employers' representative who laid a complaint before the Military Authorities charging several workers with committing breaches of the Defence of Democratic Institutions Act. The Military Authorities have consequently had to take the necessary steps to hold an investigation into the facts to establish the truth or falsehood of the charge. When it was proved that the accusations were false these persons were set free and the necessary measures have been taken to ensure that employers will not, sheltering under one of the national laws, commit the abuse of

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1 See Sixth Report, Case No. 22 (Philippines), paras. 352-383; 11th Report, Case No. 51 (Saar), paras. 27-56; 12th Report, Case No. 69 (France), para. 446, and Case No. 61 (France-Tunisia), paras. 447-492; 17th Report, Case No. 97 (India), paras. 120-156; 19th Report, Case No. 92 (Peru), paras. 16-38; 26th Report, Case No. 147 (Union of South Africa), paras. 107-111; 28th Report, Case No. 170 (France-Madagascar), para. 143; 34th Report, Case No. 130 (Switzerland), para. 6; 41st Report, Case No. 172 (Argentina), para. 122; 49th Report, Case No. 213 (Federal Republic of Germany), para. 73; 53rd Report, Case No. 232 (Morocco), paras. 66-67; 58th Report, Case No. 234 (Greece), para. 588, and Case No. 262 (Cameroon), para. 657; 60th Report, Case No. 262 (Cameroon), para. 206; 70th Report, Case No. 294 (Spain), para. 305.
Reports of the Committee on Freedom of Association

attempts to evade payment of certain benefits provided under the labour laws. The Government has never acted with intent to destroy particular trade union organisations.

192. The Committee pointed out in an earlier case that the detention by military authorities of trade unionists concerning whom no grounds for conviction are subsequently found is liable to involve restrictions of trade union rights, and recommended the Governing Body to request the Government to consider whether the authorities concerned had instructions appropriate to eliminate the danger of detention for trade union activities.

193. The Committee notes that, according to the Government's statement, appropriate measures have been taken to ensure that employers will not use a state security law as a cover for certain abuses, and that the detained trade unionists have regained their freedom. In these circumstances the Committee recommends the Governing Body, while taking note of these facts, to draw the attention of the Government to the view enunciated in the previous paragraphs.

**Detention of Trade Union Leaders and Workers from the "Viñas" Estate**

194. The complainants allege that several agricultural workers from the "Viñas" Estate were imprisoned in connection with their trade union activities.

195. In its reply the Government states that some trade union leaders and workers from the above-mentioned estate were imprisoned because they had held a meeting without the authorisation of the Military Authorities responsible for exercising control over the country, pursuant to the measure declaring a state of siege which was in force at that time and which prohibited meetings of more than four persons without the requisite permit from the authorities. Once it was proved that the meeting dealt solely with trade union matters and that there was no intention of subverting the order of the State, the persons concerned were immediately released.

196. The Committee has on other occasions expressed the view that the requirement of prior authorisation for meetings, even of a trade union character, may be legitimate in the case of public meetings during a state of siege. The Committee also considered that, while the right of holding trade union meetings is a basic requisite of the free exercise of trade union rights, the organisations concerned must observe the general provisions relating uniformly to all public meetings.

197. In view of these circumstances the Committee, having regard to the statement of the Government that it had no special intention to prohibit a trade union meeting, recommends the Governing Body to take note of the fact that the trade union leaders and workers from the "Viñas" Estate who were detained have been released.

* * *

198. With regard to the case as a whole, the Committee recommends the Governing Body—

(a) to decide, with regard to the allegations relating to the detention of the trade unionists from the "Cerro Redondo" and "Viñas" Estates, while taking note of the fact that the trade union leaders and workers who were detained have been released and of the Government's statement that employers will not use a state security law as a cover for certain abuses, to draw the attention of the Government to the fact that the detention by military authorities of trade unionists concerning whom no grounds for conviction are subsequently found, is liable to involve restrictions of trade union rights, and to request the Government to consider whether the authorities concerned have instructions for trade union activities;

1 See 27th Report, Case No. 104 (Iran), para. 45.

2 See 25th Report, Case No. 136 (United Kingdom-Cyprus), para. 165.

3 See 13th Report, Case No. 62 (Netherlands), paras. 18-89; and 25th Report, Case No. 136 (United Kingdom-Cyprus), para. 165.
(b) to request the Government to be good enough to furnish details as to the outcome of the proceedings now pending before the courts with a view to elucidating the facts connected with the attack on Mr. Tereso de Jesús Oliva, and, in the meantime, to defer its consideration of this aspect of the case;

(c) to take note of the present interim report of the Committee, it being understood that the Committee will submit a further report on the case to the Governing Body when it has received the other information and observations requested from the Government.

Conclusions in the Case relating to Japan (Case No. 179)

Case No. 179:

Complaints Presented by the General Council of Trade Unions of Japan, the International Confederation of Free Trade Unions, the International Transport Workers' Federation, the Postal, Telegraph and Telephone International (Berne), the All-Japan Postal Workers' Union, the Public Services International (London), the Japan Teachers' Union, the International Federation of Free Teachers' Unions, the Japanese Congress of Government Employees' Unions, the National Railway Workers' Union (Tokyo) and the All-Japan Prefectural and Municipal Workers' Union against the Government of Japan

199. Since the Committee began its examination of this case in November 1958 it has, in addition to reporting to the Governing Body, in the introductions to its 33rd, 36th, 49th and 52nd Reports, on information supplied by the Government of Japan concerning developments with regard to its proposed ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), submitted successive reports on the various allegations made in the case in its 32nd, 41st, 44th, 47th, 54th, 58th, 60th, 64th, 66th, 68th and 70th Reports. The allegations concerning which it has submitted reports to the Governing Body relate to the following matters: restrictions on trade union membership and the election of officers (which the Committee has had to consider not only in connection with the Government's proposal to ratify the said Convention No. 87 but also in the light of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by Japan); the denial of the right to strike and defects in the mediation and arbitration system (affecting organisations subject to the Public Corporation and National Enterprise Labour Relations Law and the Local Public Enterprise Labour Relations Law); disciplinary measures against trade unionists (railway and postal workers); arrests of trade unionists (railway and postal workers); searches of trade union premises; the denial of the right to strike and the lack of compensatory guarantees (affecting organisations subject to the Local Public Service Law); the denial of the right of association to supervisory employees (under the Public Corporation and National Enterprise Labour Relations Law and the Local Public Enterprise Labour Relations Law); proposed amendments to the National Public Service Law and Local Public Service Law; acts of anti-union discrimination (Japan Teachers' Union); non-recognition of the Japan Teachers' Union; interference with the National Railways Workers' Union and with the adhesion of workers to it; matters covered by the negotiating rights of organisations of civil servants; registration of organisations under the Local Public Service Law; restriction of the scope of organisations; the denial under the Local Public Service Law of the right to bargain collectively and to conclude collective agreements; collective bargaining by organisations of employees of local public enterprises; acts of interference with regard to unions affiliated to the All-Japan Prefectural and Municipal Workers' Union; legislative interference with collective negotiations concerning the check-off of union dues; the victimisation of members of the Railways Workers' Union; the abolition of the check-off of union dues (proposed amendment to the Local Public Service Law); refusal by competent authorities to negotiate with workers' organisations; and interference with certain organisations of government employees. In addition, the Governing Body, on the recommendation of the Committee, has dismissed certain other allegations
relating to a proposed Bill to amend the Police Duties Law, to the denial of the right of civil servants' organisations to conclude collective agreements, to the denial of the right of association to the personnel of certain services (police, fire services, Public Safety Bureau and prison service) and to the full-time union officers system (subject to the reservations made in paragraphs 175 and 176 of the 54th Report of the Committee).

200. When the Committee continued its consideration of this case at its meeting in May 1963, it submitted to the Governing Body the interim report contained in paragraphs 98 to 103 of its 70th Report.

201. In particular, with regard to the position concerning the ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Committee submitted its recommendations to the Governing Body in paragraph 103 of its 70th Report, which reads as follows:

103. In these circumstances the Committee, recalling that the Government announced as long ago as 6 November 1958 that it was considering the question of ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and then, in a communication dated 25 February 1959, announced that the Cabinet had decided to ratify the Convention, and to repeal section 4 (3) of the Public Corporation and National Enterprise Labour Relations Law and section 5 (3) of the Local Public Enterprise Labour Relations Law, recommends the Governing Body:

(a) to take note of the Government’s statement that Bills to ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and to amend the related national legislation were submitted to the Diet on 2 March 1963;

(b) to note also the Government’s further statement that, following the resumption of the current Diet session after the April recess, informal negotiations were reopened between the representatives of the Government and opposition parties with regard to the aforesaid Bills, and that agreement was reached on 15 May 1963 to continue the negotiations in an effort to ensure the passage of the Bills during the current Diet session, which has been prolonged until 6 July 1963;

(c) to express its sincere hope that, in accordance with the assurances given by the Government on many previous occasions and with the expectations of the Government as expressed by the Prime Minister, as indicated in the Government’s communication dated 13 February 1963, the Bills to ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), will be approved by the Diet during its current session;

(d) to request the Government to be good enough to inform the Governing Body as to further developments in this connection, in time for the information to be considered by the Governing Body at its session in late June 1963 immediately following the close of the 47th Session of the International Labour Conference.

202. The 70th Report of the Committee was approved by the Governing Body on 1 June 1963, in the course of its 155th Session, and the conclusions cited above were brought to the notice of the Government of Japan by a letter dated 13 June 1963.

203. In a letter dated 26 June 1963 the Government of Japan stated that informal negotiations between the representatives of the Government and Opposition parties concerning the Bills relating to the ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), had continued during the month of June. In conformity with an understanding reached between the General Secretaries of both parties, it was decided, at the plenary sitting of the House of Representatives on 14 June 1963, to establish a special committee to deal with the question of the Convention and to refer to it the Bill for the ratification of the Convention and the Bills to amend related domestic laws. The Government pointed out that the Bills relating to the ratification of the Convention had been submitted to the Diet four times since April 1960, but that this was the first time that a special committee had been established, which was expected to make substantial deliberations on the Bills. On the same day it was decided to set up a special committee, with similar functions, in the House of Councillors also. The special committee of the House of Representatives met on 24 June 1963, when the Ministers for Foreign Affairs, Labour and Home Affairs explained the reasons for proposing the Bills, and began its
deliberations on the substance of the Bills; it was expected to continue to meet and deliberate on and after 25 June. The special committee of the House of Councillors was also convened, in similar manner, on 24 June, and was expected to deliberate having regard to the progress of the deliberations in the House of Representatives. The Government promised to furnish information as to further developments in the deliberations of the two special committees.

204. In a letter dated 12 July 1963 the Government stated that the session of the Diet had closed on 6 July, on which date the two special committees each decided, with the unanimous consent of both parties, to continue their deliberations until the convocation of the next session. At the plenary sittings of each of the two Houses on the same day, however, no decision was taken to refer any Bill to continue deliberations between sessions owing to unforeseen confusion over parliamentary procedure; thus, the Bills relating to the ratification of the Convention could not be referred for continued deliberation. The Government recalled that it had resolved, as stated earlier by the Prime Minister, to obtain the approval of the Bills by the Diet at the session just ended and to ratify the Convention and had co-operated in expediting the deliberations of the special committees referred to above, the Prime Minister himself having stated the Government’s position to the special committee of the House of Representatives. However, declared the Government, mainly due to prolonged and consecutive plenary sittings, the work of the special committees did not make much progress and their deliberations on the Bills relating to the ratification of the Convention were not completed by the end of the Diet session. The Government regretted that, as explained above, no final decision to continue the deliberations had been taken by the two Houses. The Government affirmed that there was no diversion from its policy of early ratification of the Convention and that it was ready to make further efforts in conformity with its policy.

205. In a letter dated 26 October 1963 the Government declared that, on 17 October 1963, following its policy of early ratification of the Convention, it submitted the Bills for ratification and for the amendment of the related legislation to the extraordinary session of the Diet convened on 15 October 1963. As at the previous session, special committees were set up by each House and preparations made to deliberate on the Bills. However, the House of Representatives was dissolved on 23 October—a general election will be held on 21 November 1963—so that the extraordinary session of the Diet ended without the above Bills, as well as others, receiving approval. The Government promised to furnish information as to further developments.

206. When the Committee met in February 1963 and examined this case in paragraphs 59 to 80 of its 68th Report it noted, in paragraph 66 of that report, that the Prime Minister of Japan, in his policy speech when the Diet resumed on 23 January 1963, had declared: “The Government’s basic policy of ratifying the I.L.O. Convention No. 87 as soon as possible remains unchanged. The Government is to present the said Convention together with the related Bills to the current Diet session for approval.” Accordingly, the Committee prefaced the recommendations which it made to the Governing Body in paragraph 80 of its 68th Report by recalling that the Governing Body, when adopting earlier reports, had drawn the attention of the Government of Japan to the importance which the Governing Body attaches to a number of the principles in question in this case, and expressed its hope that the statement by the Prime Minister referred to above would be followed by the prompt fulfilment of the assurances concerning ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), given to the Governing Body on 12 previous occasions, the first of which was on 6 November 1958, and by the final settlement of the questions at issue. Since that time the Bills relating to the ratification of the said Convention have been submitted for approval to different sessions of the Diet, on 2 March 1963 and 17 October 1963, without such approval having been obtained.

207. Further, as is apparent from paragraph 199 above, there still remains at issue a considerable number of questions arising out of allegations relating to very varied aspects of the trade union situation in Japan.
208. In these circumstances the Committee, having regard to the questions which have thus been at issue for several years and taking into account also the fact that five years have now elapsed since the original assurances concerning the proposal to ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), given by the Japanese Government were received, that these assurances have been given on 12 occasions and that the proposal to ratify the Convention has now been submitted to five sessions of the Diet without a satisfactory result being reached, recommends the Governing Body—

(a) to decide to request the Government of Japan, as provided for in subparagraph (b) below, to give its consent to the case as a whole being referred to the Fact-Finding and Conciliation Commission on Freedom of Association;

(b) to request the Director-General to submit to the Governing Body, at its session in February-March 1964, more detailed proposals for the reference of the matter to the Commission, on the basis of which the consent of the Government will be requested in accordance with the decision recommended in the preceding subparagraph.

7 November 1963. (Signed) Henry Hauck,
Chairman.
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Apart from subscriptions and orders, all correspondence concerning the publications (requests for information, suggestions, etc.) should be addressed to the International Labour Office in Geneva (Editorial Division).
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INTERNATIONAL LABOUR OFFICE (Liaison Office with the United Nations Economic Commission for Latin America), Casilla 2353, Santiago, Chile ("Interlab Santiago de Chile").

INTERNATIONAL LABOUR OFFICE (Liaison Office with the United Nations Economic Commission for Asia and the Far East), P.O. Box 1759, Bangkok, Thailand ("Interlab Bangkok"; Tel. 71470).

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Near and Middle East: Centre d'action du Bureau international du Travail pour le Proche- et le Moyen-Orient, Gümüşsuyu caddesi 96, Ayazpaşa, Istanbul, Turkey ("Interlab Istanbul"; Tel. 491832 and 44 13 42).

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Annual subscription: $3.50; 24s. 6d.
Price of this issue: $1; 7s.
The 158th Session of the Governing Body of the International Labour Office was held in Geneva from 13 to 17 February 1964.

The agenda of the session was as follows:

1. Approval of the minutes of the 157th Session.
4. Reports of the Financial and Administrative Committee.
9. Composition and agenda of committees and of various meetings.
10. Proposal for a committee to examine the social consequences of colonialism and draw up programmes of action for accelerated social development in newly independent countries.
13. Inter-American Vocational Training Research and Documentation Centre.

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1 The texts of the reports submitted to the Governing Body, which contain full information on the questions dealt with, will be published subsequently in the appendices to the printed minutes of the session.
15. Programme of meetings.
17. Date and place of the 159th Session of the Governing Body.

The Governing Body was composed as follows:

Chairman: Mr. E. Calderón Puig (Mexico).

Government group:
- Algeria: Mr. D. Bentami.
- Australia: Mr. R. W. Furlonger.
- Brazil: Mr. J. de Castro.
- Bulgaria: Mr. A. Tzankov.
- Canada: Mr. G. V. Haythorne.
- China: Mr. Cheng Pao-nan.
- Ecuador: Mr. R. de Icaza.
- France: Mr. A. Parodi.
- Gabon: Mr. A. Boumah.
- Federal Republic of Germany: Mr. W. Clausen.
- India: Mr. S. W. Zaman.
- Italy: Mr. R. Ago.
- Japan: Mr. M. Aoki.
- Lebanon: Mr. F. N. Abi Raad.
- Liberia: Mr. A. D. Wilson.
- Mali: Mr. N. Keita.
- Mexico: Mr. A. de Icaza.
- Pakistan: Mr. S. H. Raza.
- Peru: Mr. E. Letts.
- Poland: Mr. L. Chajn.
- Tanganyika: Mr. K. R. Bagdelleh.
- U.S.S.R.: Mr. I. V. Goroshkin.
- United Kingdom: Mr. G. C. H. Slater.
- United States: Mr. G. L. P. Weaver.

Employers' group:
- Mr. G. Bergenström (Swedish).
- Sir Lewis Burne (Australian).
- Mr. E. G. Erdmann (Federal Republic of Germany).
- Mr. F. A. P. Muro de Nadal (Argentinian).
- Mr. M. Nasr (Lebanese).
- Mr. G. J. Pantos (substitute for Mr. Wagner) (United States).
- Sir George Pollock (United Kingdom).
- Mr. M. A. Rifaat (United Arab Republic).
- Mr. N. H. Tata (Indian).
- Mr. C. R. Végh-Garzón (Uruguayan).
- Mr. S. Wajid Ali (Pakistani).
- Mr. P. Waline (French).

Workers' group:
- Mr. F. Ahmad (Pakistani).
- Mr. G. D. Ambekar (Indian).
- Mr. H. Beermann (Federal Republic of Germany).
Mr. L. L. Borha (Nigerian).
Mr. R. Bothereau (French).
Mr. H. Collison (United Kingdom).
Mr. N. De Bock (Belgian).
Mr. M. Ben Ezzedine (Tunisian).
Mr. R. Faupl (United States).
Mr. K. Kaplansky (Canadian).
Mr. J. Möri (Swiss).
Mr. E. Nielsen (Danish).

The following regular representatives were absent:

Government group:
Australia: Mr. H. A. Bland.

Employers' group:
Mr. A. Desmaison (Peruvian).
Mr. H. M. Ofurum (Nigerian).
Mr. R. Wagner (United States).

Workers' group:
Mr. A. E. Monk (Australian).
Mr. A. Sánchez Madariaga (Mexican).

The following deputy members were present:

Government group:
Argentina: Mr. R. C. Migone.
Congo (Leopoldville): Mr. A. Makwambala.
Ethiopia: Mr. Y. Mekuria.
Indonesia: Mr. Godjali.
Morocco: Mr. T. Ouazzani.
Norway: Mr. K. J. Øksnes.
Philippines: Mr. V. A. Pacis.
Ukraine: Mr. S. A. Slipchenko.
Uruguay: Mr. P. Bosch.
Venezuela: Mr. A. Agüilar.

Employers' group:
Mr. A. G. Fennema (Netherlands).
Mr. C. Kuntschen (Swiss).
Mr. D. Andriantsitohaina (Malagasy Republic).
Mr. T. H. Robinson (Canadian).
Mr. K. Abdelmoneim (Sudanese).
Mr. M. Alam (Turkish).
Mr. M. Montt Balmaceda (Chilean).
Mr. J. O'Brien (Irish).
Mr. A. Verschueren (Belgian).
Mr. F. Yllanes Ramos (Mexican).

Workers' group:
Mr. Y. Haraguchi (Japanese).
Mr. J. J. Hernandez (Philippines).
Mr. C. Riani (Brazilian).
Mr. S. SHITA (Libyan).
Mr. B. STORTI (Italian).
Mr. G. WEISSENBERG (Austrian).
Mr. R. DJERMANE (Algerian).
Mr. A. KRIER (Luxembourg).

The following representatives of States Members of the Organisation were present as observers:

Austria: Mr. H.-M. MELAS.
Belgium: Mr. L.-E. TROCLET.
Chile: Mr. R. HUDOBRIO.
Cuba: Mr. E. CAMEJO ARGUDIN.
Czechoslovakia: Mr. P. PAVLIK.
Hungary: Mr. J. BÉNYI.
Iran: Mr. S. AZIMI.
Iraq: Mrs. B. AFNAN.
Israel: Mr. E. F. HARAN.
Netherlands: Mr. C. E. SOHNS.
New Zealand: Mr. B. D. ZOHORB.
Portugal: Mr. F. DE ALCAMBAR PEREIRA.
Rumania: Mr. N. ECOSBOCES.
Republic of South Africa: Mr. A. J. OXLEY.
Turkey: Mr. H. F. ALAÇAM.
United Arab Republic: Mr. S. B. NOUR.
Yugoslavia: Mr. S. SOČ.

The following representatives of international governmental organisations were present:

United Nations: Mr. N. G. LUKER.
United Nations Children’s Fund: Mr. G. SICAULT.
Food and Agriculture Organisation of the United Nations: Mr. N. CRAPON DE CAPRONA.
United Nations Educational, Scientific and Cultural Organisation: Mr. P. H. COEYTAX.
World Health Organisation: Mr. C. FEDELE.
General Agreement on Tariffs and Trade: Mr. P. SOBELS.
Intergovernmental Maritime Consultative Organisation: Mr. T. S. BUSHA.
Office of the High Commissioner for Refugees: Mr. J. ASSCHER.
Intergovernmental Committee for European Migration: Mr. J. DEL PINO.
European Economic Community: Mr. J. D. NEIRINCK.
High Authority for the European Coal and Steel Community: Mr. C. SAVOILLAN.
Organisation of American States: Mr. L. O. DELWART.
League of Arab States: Mr. M. EL-WAKIL.

The following representatives of international non-governmental organisations were present as observers:

International Confederation of Free Trade Unions: Mr. O. BECU.
International Co-operative Alliance: Mr. M. BOSON.
International Federation of Christian Trade Unions: Mr. J. BRUCK.
International Organisation of Employers: Mr. R. LAGASSE.
World Federation of Trade Unions: Mr. G. BOGLIETTI.
TRIBUTE TO THE MEMORY OF PRESIDENT KENNEDY

At the opening of the session the Governing Body, having heard speeches from members of the three groups, from its Chairman and from the Director-General, stood for a minute of silence to pay tribute to the memory of the late President Kennedy.

APPROVAL OF THE MINUTES OF THE 157TH SESSION

Subject to the insertion of the corrections received, the Governing Body approved the minutes of its 157th Session.

REPORT OF THE COMMITTEE ON QUESTIONS CONCERNING SOUTH AFRICA

At its 157th Session (November 1963) the Governing Body had appointed from among its members a small committee to consider the question of South Africa as a whole and to present proposals to it at the February 1964 Session for possible submission to the next session of the International Labour Conference. The committee was to endeavour to determine what contribution the I.L.O. could make to the complete elimination of apartheid and to suggest what action should be taken to secure the observance of the principles in the Constitution and to promote human dignity. The Governing Body had requested the Director-General, as a matter of urgency, to submit suggestions to the committee on the action which might be contemplated to this end.

At its 158th Session the Governing Body had before it the report of the Committee on Questions concerning South Africa, which had met from 14-20 January 1964, and a communication from the Government of the Republic of South Africa. After a thorough debate the Governing Body took the following decisions.

In connection with credentials, with which the first proposal of the Committee was concerned, the Governing Body decided to draw the attention of the Conference to the desirability, in the event of an objection to the credentials of any of the delegates of South Africa being lodged at the 48th Session of the Conference, of a decision concerning such objection being taken as a matter of priority during the opening days of the Conference. It was understood that the Director-General would draw the attention of the Selection Committee to the matter on the opening day of the Conference.

The Committee had submitted to the Governing Body a proposed I.L.O. programme for the elimination of apartheid in labour matters in the Republic of South Africa and a proposed declaration concerning the policy of apartheid of the Republic of South Africa. The Governing Body decided that the proposed programme should, subject to any factual alterations which the Director-General might think it appropriate to make in the light of further information, be transmitted to the Conference as a basis for consideration of the contribution which the I.L.O. can make to the complete elimination of apartheid.

The Governing Body decided to include in the agenda of the 48th (1964) Session of the International Labour Conference the question of the proposed declaration concerning the policy of apartheid of the Republic of South Africa, and to submit to the Conference as a basis for its consideration of this item a proposed declaration in the following terms:

Proposed Declaration by the International Labour Conference concerning the Policy of Apartheid of the Republic of South Africa

Whereas all Members of the International Labour Organisation have, by the Declaration of Philadelphia embodied in the Constitution as a statement of the aims and purposes of the Organisation, solemnly affirmed that "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 ", and

Whereas, by an instrument of ratification of the Constitution as amended in 1946, signed by the Prime Minister of the Union of South Africa at Pretoria on 12 June 1947, the Government of South Africa has undertaken "faithfully to perform and carry out " all the stipulations of the Constitution, and

Whereas the Constitution provides that the International Labour Organisation exists for the promotion of the objects set forth in the Preamble thereto and in the Declaration of Philadelphia, and

Whereas the Government of the Republic of South Africa has not merely failed to cooperate in promoting the objects set forth in the Preamble to the Constitution and in the Declaration of Philadelphia but has adopted discriminatory policies wholly incompatible therewith, thus creating an alarming situation, and

Whereas the Declaration of Philadelphia affirms that the principles set forth therein are "fully applicable to all peoples everywhere " and recognises that their progressive application is a "matter of concern to the whole civilised world ",

Whereas the application of the principle of equal opportunity for all human beings, irrespective of race, has therefore ceased to be solely the domestic concern of the Republic of South Africa, and

Whereas the Republic of South Africa persistently and flagrantly violates this principle by means of legislative, administrative and other measures incompatible with the fundamental rights of man, including freedom from forced labour, freedom of association, and freedom of choice of employment and occupation, and

Whereas such persistent and flagrant violation of the principle has been established by the International Labour Organisation by inquiries relating to forced labour, freedom of association and freedom from discrimination in respect of employment and occupation,

Whereas, for instance, the United Nations-International Labour Organisation Ad Hoc Committee on Forced Labour has found that there exists in South Africa "an insuperable barrier between these people and the inhabitants of European origin ", that "the indirect effect of this legislation is to channel the bulk of the indigenous inhabitants into agricultural and manual work and thus to create a permanent, abundant and cheap labour force " and that in this sense "a system of forced labour of significance to the national economy appears to exist in the Union of South Africa ",

Whereas, moreover, the Freedom of Association Committee of the Governing Body has found that the provisions of the Industrial Conciliation Acts and Native Labour (Settlement of Disputes) Act involve discrimination against workers on grounds of race which is incompatible with the principle that workers without distinction should have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation and that all workers should enjoy the right of collective bargaining,

Whereas the Committee of Experts on the Application of Conventions and Recommendations has likewise found, on the basis of information furnished by the Government of South Africa and the relevant legislation, that the legislation and practice of South Africa establish extensive discrimination in employment and occupation on grounds of race, and

Whereas the International Labour Conference, by a resolution adopted on 29 June 1961, condemned the racial policies of the Government of the Republic of South Africa and called upon the Republic of South Africa to withdraw from the International Labour Organisation until such time as the Government of the said Republic abandons apartheid,

Whereas South Africa, having declined the invitation of the International Labour Conference to withdraw from membership of the Organisation, has by continuing her membership maintained, but continues to violate, her undertaking to respect the right of "all
human beings irrespective of race, creed or sex " to " pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity ",

Whereas the United Nations Declaration on the Elimination of All Forms of Racial Discrimination has called for an end to " be put without delay to governmental and other public policies of racial segregation and especially policies of apartheid, as well as all forms of racial discrimination and separation resulting from such policies ", and

Whereas the Security Council of the United Nations by resolution S/5471 adopted unanimously on 4 December 1963 expressed " the firm conviction that the policies of apartheid and racial discrimination as practised by the Government of the Republic of South Africa are abhorrent to the conscience of mankind and that therefore a positive alternative to these policies must be found through peaceful means " and condemned " the non-compliance by the Government of the Republic of South Africa with the appeals contained in the resolutions addressed to it by the General Assembly and the Security Council ";

The General Conference of the International Labour Organisation,

Determined to fulfil its responsibility to promote and take its part in securing the freedom and dignity of the people of South Africa,

Acting as spokesman of the social conscience of mankind,

Reiterating that a Government which deliberately practises apartheid is unworthy of the community of nations, but nevertheless making another appeal to the Government of South Africa to abandon its disastrous policy and to co-operate with employers' and workers' organisations in placing the relations between the various elements of the population of South Africa, and the relations between the people of South Africa and the rest of the world, on the basis of the equality of man, justice for all, good neighbourliness and mutual respect;

1. Emphatically reaffirms its condemnation of the discriminatory racial policies of the Government of the Republic of South Africa which are incompatible with fundamental human rights and with the aims and purposes of the International Labour Organisation.

2. Calls upon the Government of South Africa to recognise and fulfil its undertaking to respect the freedom and dignity of all human beings, irrespective of race, and, to this end,

To renounce the policy of apartheid and repeal all legislative, administrative and other measures incompatible with the freedom and dignity of the people of South Africa and the principle of the equality of man,

To promote equality of opportunity and treatment in employment and occupation irrespective of race,

To repeal the statutory provisions which provide for compulsory job reservation or institute discrimination on the basis of race as regards access to vocational training and employment,

To repeal all legislation providing for penal sanctions for contracts of employment, for the hiring of prison labour for work in agriculture or industry, and for any other form of direct or indirect compulsion to labour, including discrimination on grounds of race in respect of travel and residence, which involves racial discrimination or operates in practice as the basis for such discrimination,

To repeal the statutory discrimination on grounds of race in respect of the right to organise and to bargain collectively, and the statutory prohibitions and restrictions upon mixed trade unions including persons of more than one race, and so to amend the Industrial Conciliation Acts that all workers, without discrimination of race, enjoy the right to organise and may participate in collective bargaining.


4. Decides to consider each year a special summary of such reports to be submitted to the Conference by the Director-General in pursuance of article 23 of the Constitution or,
in default of such reports, such information as the Director-General may be in a position to assemble and submit by any other procedure approved by the Governing Body and any recommendations which he may submit therewith and, on the basis of such consideration, to recommend such further action as may be appropriate.

5. Reaffirms its resolve to co-operate with the United Nations in seeking and guaranteeing freedom and dignity, economic security and equal opportunity for all the people of South Africa.

The Governing Body also had before it two proposed constitutional amendments submitted by the Committee on Questions concerning South Africa. The Governing Body decided to include in the agenda of the 48th (1964) Session of the International Labour Conference the question “Inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to expel or suspend from membership any Member which has been expelled or suspended from membership of the United Nations” and to submit to the Conference, as the basis for its consideration of the matter, the following text of a proposed amendment:

Insert between paragraphs 5 and 6 of article 1 of the Constitution of the International Labour Organisation the following new paragraph, the present paragraph 6 becoming paragraph 7:

6. The General Conference of the International Labour Organisation may, at any session in the agenda of which the subject has been included and by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, expel from membership of the International Labour Organisation any Member which the United Nations has expelled therefrom or suspend from the exercise of the rights and privileges of membership of the International Labour Organisation any Member which the United Nations has suspended from the exercise of the rights and privileges of membership; suspension shall not affect the continued validity of the obligations of the Member under the Constitution and Conventions to which it is a party.

By 32 votes to 14, with 2 abstentions, the Governing Body moreover decided to include in the agenda of the 48th (1964) Session of the International Labour Conference the question “Inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to suspend from participation in the International Labour Conference any Member which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid” and to submit to the Conference as the basis for its consideration of the matter the text of a proposed amendment to the Constitution in the following terms.

Insert at the end of the Constitution of the International Labour Organisation a new article in the following terms:

The General Conference of the International Labour Organisation may, at any session in the agenda of which the subject has been included and by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, suspend from participation in the International Labour Conference any Member of the International Labour Organisation which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid; such suspension shall not affect the obligations of the Member under the Constitution and Conventions to which it is a party; it shall continue until the Conference, on the proposal of the Governing Body, finds by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, that the Member has changed its policy.

It was understood that each of these amendments would, prior to the final vote in the Conference, be embodied in an instrument for the amendment of the Constitution of the International Labour Organisation in conformity with normal practice.
REPORT OF THE WORKING PARTY TO CONSIDER THE REPORT ON THE EXTERNAL SURVEY
OF THE ORGANISATION AND STRUCTURE OF THE OFFICE

At its 157th Session the Governing Body had made arrangements for a second meeting of the above-mentioned Working Party. At this meeting, which took place from 22 to 24 January 1964, the Working Party had before it, together with the documents prepared by the Consultants, a note containing proposals from the Director-General. At its 158th Session the Governing Body had before it a report from the Working Party comprising two Annexes, i.e. a statement by the Treasurer and Financial Comptroller on the measures taken or proposed by the Director-General in regard to procedures for planning and control, personnel administration and various services and support activities as well as a statement by the Director-General concerning the top structure of the Office.

By 37 votes to 5, with 2 abstentions, the Governing Body postponed to a subsequent session the consideration of the latter question.

The Governing Body approved the measures set forth in the first Annex to the Working Party's report, it being understood that, in implementing them, the Director-General would take due account of the points made in the discussions at the Working Party.

The Governing Body further accepted, without prejudice to the final decision concerning the top structure of the Office and questions related thereto, the proposals of the Director-General on the other matters dealt with in the above-mentioned note, which he had submitted to the Working Party.

REPORTS OF THE FINANCIAL AND ADMINISTRATIVE COMMITTEE

In accordance with the recommendation of its Financial and Administrative Committee the Governing Body decided to recommend to the International Labour Conference the adoption for the 47th financial period (1965) of a net budget of expenditure amounting to $18,684,347.

The Governing Body also approved a number of transfers within the 1963 budget. It accepted contributions and gifts from governments and private sources to the Endowment Fund of the International Institute for Labour Studies and approved the budget proposals of the Institute for the financial year 1965. The Governing Body moreover agreed to various proposals concerning the establishment of additional posts under the Special Fund Executing Agency Costs Account; the payment of honoraria to members of the Committee of Experts on the Application of Conventions and Recommendations; the financing of proposed meetings and other projects for which provision does not exist in the budget for 1964 (in particular the Fact-Finding and Conciliation Commission on Freedom of Association); it authorised the Director-General to make advances in case of need during the financial year 1964 from that part of the Working Capital Fund which stands to the credit of the Organisation in order to finance budgetary appropriations under the 1964 budget, pending receipt of contributions or other income; by 24 votes to 16, with 4 abstentions, it approved arrangements for the financing of additional expenditure to be incurred in 1964 in connection with the continued improvement of the Organisation and structure of the Office.

The Governing Body further took note of information contained in the reports of the Committee in regard to various financial and administrative questions. On

the recommendation of its Building Subcommittee it authorised the Director-General to continue his negotiations with the local authorities concerned and with the Federal Government of Switzerland for the construction and the financing of an extension of the I.L.O. building and of premises for the International Institute for Labour Studies along the general lines of the architect's proposals, with a view to submitting to the Building Subcommittee at the 159th Session of the Governing Body (June 1964)—(a) specific recommendations on the project, including proposals for the financing of the project as a whole as well as of that part of the construction which relates to the International Institute for Labour Studies; and (b) the results of a review of the requirements in respect of premises and other facilities for conferences and other meetings.

The Governing Body approved revised Internal Financial Rules and decided to recommend to the International Labour Conference the adoption of certain amendments to the Financial Regulations. It also approved various amendments to the Staff Regulations. Finally it decided to recommend the International Labour Conference at its 48th Session to appoint the Rt. Hon. the Lord Devlin, P.C., Q.C. (United Kingdom), as a judge of the Administrative Tribunal of the International Labour Organisation for a period of three years; and to extend the terms of office of Mr. S. Ikenberg (Federal Republic of Germany) and Mr. G. Edwards (United States) as deputy judges of the Administrative Tribunal of the International Labour Organisation for a further period of three years.

REPORT OF THE MEETING OF EXPERTS ON SOCIAL AND ECONOMIC CONDITIONS OF TEACHERS IN PRIMARY AND SECONDARY SCHOOLS

(Geneva, 21 October-1 November 1963)

The Governing Body had before it the report of the meeting of Experts on Social and Economic Conditions of Teachers in Primary and Secondary Schools, which was held in Geneva from 21 October to 1 November 1963. At its 157th Session the Governing Body had authorised the Director-General to proceed with Joint I.L.O.-U.N.E.S.C.O. action with a view to the adoption of an appropriate instrument and had postponed consideration of the rest of the item until its next session.2 At its present session the Governing Body authorised the Director-General—(a) to transmit to governments the report of the experts and its appendices with the request that they communicate these texts to the professional organisations concerned in their respective countries; (b) to communicate these texts to the international organisations concerned.

The Governing Body further authorised the Director-General to give effect, within the framework of the general programme of activities of the I.L.O., to the experts' request for continuation and intensification of I.L.O. action on teachers' problems.

REPORT OF THE MEETING OF EXPERTS ON THE MEASUREMENT OF UNDEREMPLOYMENT

(Geneva, 21 October-1 November 1963)

The Governing Body took note of the report of the Meeting of Experts on the Measurement of Underemployment which was held in Geneva from 21 October to 1 November 1963.

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2 Ibid., p. 8.
3 Ibid., pp. 29-30.
REPORT OF THE MEETING OF EXPERTS ON CONDITIONS OF WORK AND SERVICE OF PUBLIC SERVANTS

(Geneva, 25 November-6 December 1963)

The Governing Body had before it the report of the Meeting of Experts on Conditions of Work and Service of Public Servants, which was held in Geneva from 25 November to 6 December 1963, and certain proposals submitted by the Director-General on the basis of this report.

The Governing Body authorised the Director-General—(a) to transmit the report of the Meeting and its appendices to governments, inviting them to communicate these texts to the occupational organisations concerned in their respective countries; and (b) to communicate these texts to the international organisations concerned.

Subject to this decision the Governing Body postponed consideration of the item as a whole to its 159th Session.

REPORT OF THE REGIONAL TECHNICAL MEETING ON CO-OPERATIVES FOR LATIN AMERICA

(Santiago de Chile, 25 November-6 December 1963)

The Governing Body, noting that no document was before it, postponed consideration of this item.

COMPOSITION AND AGENDA OF COMMITTEES AND OF VARIOUS MEETINGS

Proposals for a Meeting of Consultants on Workers' Education and for the Establishment of a Panel of Consultants on Workers' Education and Recreation

The Governing Body approved the convening in Geneva, in the latter part of 1964 for a duration of 12 calendar days \(^2\), of a Meeting of Consultants on Workers' Education, and fixed the agenda for the meeting as follows:

I. Review of I.L.O. activities in workers' education and suggestions for future action, with particular reference to advisory assistance to developing countries.

II. Educational materials for workers' education, with particular reference to the utilisation of audio-visual aids.

III. Measures to encourage young trade unionists to take a more active part in the work of their unions and methods of training them for this purpose, particularly in countries where trade unions are in the process of developing.

The Governing Body fixed the composition of the Meeting as follows:

Mr. B. Cobos, Education Secretary, Confederation of Mexican Workers, Mexico City.

Mr. N. A. Cole, Director of Studies, United Labour Congress, Lagos.

Mr. Dam-Sy-Hien, Vice-President, Vietnamese Confederation of Christian Labour, Saigon.

Mr. R. Duhamel, Secretary, General Confederation of Labour, Paris.


\(^2\) For the exact dates see below, p. 85.
Mr. K. Duraiappah, Education Director, Malayan Trades Union Congress, Kuala Lumpur.

Mr. P. Galoni, Confederal Secretary, General Confederation of Labour-Force Ouvrière, Paris.

Mr. F. Jolicoeur, Education Director, Confederation of National Trade Unions, Montreal.

Mr. G. Khoury, President, Lebanese Confederation of Labour, Beirut.

Mr. L. A. Kostin, Deputy Director, Higher Trade Union School, Moscow.

Mr. V. S. Mathur, Director, I.C.F.T.U. Asian Trade Union College, Calcutta.

Mr. R. L. Mehta, Chairman, Central Board, Indian Government Workers' Education Scheme, New Delhi.

Mr. M. Mwilu, Principal, I.C.F.T.U. African Trade Union College, Kampala.

Mr. M. Penalver, Director, Trade Union Education Institute, Venezuelan Confederation of Workers, Caracas.

Mr. L. Rogin, Education Director, A.F.L.-C.I.O., Washington, D.C.

Mr. Ali Sayed Ali, Chairman, Executive Board, Workers' Education Association; Vice-Chairman, Egyptian Federation of Labour, Cairo.

Mr. C. Sazio, Director, Giuseppe di Vittorio Trade Union School, Rome.

Mr. B. Schachar, General Secretary, Department of Education and Culture, Tel-Aviv.

Mr. D. Soumah, Administrative Secretary, African Trade Union Confederation, Dakar.

Mr. S. A. Stahre, Director of Studies, Workers' Education Association (A.B.F.); President, International Federation of Workers' Educational Associations, Stockholm.

Mr. M. Swerdlow, Education Director, Canadian Labour Congress, Ottawa.

Mrs. E. Teodorescu, Secretary, World Federation of Trade Unions, Prague.

Mr. H. A. Tulatz, Assistant General Secretary, International Confederation of Free Trade Unions, Brussels.

Mr. M. Vanistendael, Secretary-General, International Federation of Christian Trade Unions, Brussels.

Mr. D. Winnard, Education Secretary, Trades Union Congress, London.

The Governing Body moreover approved the establishment of a Panel of Consultants on Workers' Education and Recreation as proposed by the Director-General. It approved the appointment of the 24 workers’ education specialists listed above as the first group of consultants appointed to the Panel. It noted that the Director-General would submit to a forthcoming session, after appropriate consultations, a further list comprising six workers’ education specialists and 18 experts in the field of recreation to complete the membership of the Panel.

Composition of Meetings of Experts

At the 157th Session of the Governing Body a question had been raised in connection with the representation at meetings of experts of employers and workers by qualified experts drawn from all ranks. The Governing Body noted at its present session that the Director-General would submit to it as soon as possible proposals for dealing with this question and that in the meantime, with respect to meetings whose composition must be determined in the near future, consultations with employers' and workers' circles were being undertaken as appropriate.
Meeting of Experts on Automation
(Geneva, 16-25 March 1964)

The Governing Body authorised the Director-General to invite, in place of Professor K. Okochi (Japanese), the following expert to attend the Meeting:
Mr. M. SUMIYA (Japanese), Professor of Economics, Tokyo University.

The Governing Body, noting that consultations had not yet been completed in respect of the two experts still to be appointed, renewed the authorisation given to its Officers at the 157th Session to approve on its behalf the two remaining nominations.¹

Meeting of Experts on Statistics of Wages and Labour Costs
(Geneva, 7-16 September 1964)

The Governing Body authorised the Director-General to invite the following experts to attend the Meeting:
Mr. H. SANCHEZ LATOUR (Guatemalan), member, Centre for Industrial Development and Productivity, Guatemala City.
Mr. N. SAMUELS (United States), Chief of the Division of National Wage and Salary Income, Bureau of Labor Statistics, Washington, D.C.
Mr. S. CHKURKO (U.S.S.R.), Deputy Director, Institute for Scientific Research on Labour, Moscow.
Mr. G. OMIYA (Japanese), Chief, Statistics and Research Division, Ministry of Labour, Tokyo.
Mr. GOUNOT (French), National Institute of Statistics and Economic Studies, Paris.
Mr. R. FOWLER (United Kingdom), Director of Statistics, Ministry of Labour, London.

Technical Meeting concerning Certain Aspects of Labour-Management Relations Within Undertakings
(Geneva, 5-14 October 1964)

The Governing Body authorised the Director-General to invite the following persons to attend the Meeting:
Mr. H. GARGRAVE (Canadian), Representative, United Steelworkers of America, Toronto.
Mr. A. GHELFI (Swiss), Central Secretary, Swiss Federation of Metalworkers and Watchmakers, Berne.
Mr. A. B. GOMEZ (Malaysian), General Secretary, National Union of Commercial Workers, Kuala Lumpur.
Mr. A. L. JAEGER (Yugoslavian), Counsellor on Chemical Industries, Executive Council of the Socialist Republic of Croatia, Former Director of the Supervisory Training Centre of Yugoslavia, Zagreb.
Mr. J. KACZMAREK (Polish), Engineer, Member of the Central Council of Polish Trade Unions, Krakow.
Mr. M. KANGAN (Australian), First Assistant Secretary (Employment and Industrial Services), Department of Labour and National Service, Melbourne.
Mr. G. RAMANUJAM (Indian), Vice-President of Indian National Trade Union Congress, President of Indian National Plantation Workers’ Federation, Madras.

The Governing Body noted that the Director-General hoped to be able to submit to the Governing Body for approval at its 159th Session the names of the three experts still to be appointed.

Meeting of Experts on Occupational Safety and Health in Agriculture
(Geneva, 20 April-2 May 1964)

The Governing Body authorised the Director-General to invite the following experts to attend the Meeting:

Government Experts:

Mr. N. ANDREEV (U.S.S.R.), Assistant Director, Institute of Scientific Research on Mechanisation and Electrification of Agriculture, Moscow.

Mr. J. BARTHELEMY (France), Engineer, National Centre for Studies and Research on Agricultural Machinery, Paris.

Mr. L. W. KNAPP, Jr. (United States), Assistant Professor of Agriculture Safety Engineering, State University of Iowa, Iowa City, Iowa.

Mr. A. MEIBOOM (Israel), Acting Chief Inspector of Labour, Ministry of Labour, Jerusalem.

Mr. A. S. ØRSTED-MULLER (Denmark), Special Inspector for Agriculture, Labour Inspection Services, Kolding.

Dr. J. PARNAS (Poland), Director, State Institute of Rural Occupational Medicine and Rural Hygiene, Lublin.

Mr. Aboukabar Taha SHAALAN (United Arab Republic), Deputy Director of Safety, Dakahlia.

Employers' Experts:

Mr. T. BORANAO (Argentinian), Safety Expert, Adviser, Chamber of Manufacturers of Agricultural Machinery, Buenos Aires.

Mr. B. K. S. JAIN (Indian), Voltas Ltd. (agricultural machinery manufacturers), Bombay.

Workers' Experts:

Mr. G. B. FOGAN (Cameroonian), General Secretary, Cameroon Development Corporation Workers' Union, Yaoundé.

Mr. G. HOOK (United Kingdom), Head of the Legal Department, National Union of Agricultural Workers, London.

The Governing Body moreover authorised the Director-General to invite the following organisations to be represented at the Meeting by observers: the International Social Security Association (I.S.S.A.), the International Organisation of Employers (I.O.E.), the International Federation of Agricultural Producers (I.F.A.P.), the International Federation of Plantation, Agricultural and Allied Workers (I.F.P.A.A.W.), the International Federation of Christian Unions of Agricultural Workers (I.F.C.U.A.W.) and the World Federation of Trade Unions (W.F.T.U.). The Governing Body also noted that the Director-General intended to invite the United Nations, W.H.O., and F.A.O. to be represented at the Meeting.

Proposal for a Committee to Examine the Social Consequences of Colonialism and Draw Up Programmes of Action for Accelerated Social Development in Newly Independent Countries

At its 157th Session the Governing Body had postponed until its present session a proposal by the Government representative of Poland to establish a Governing Body Committee to study the social consequences of colonialism.¹

At its present session the Governing Body had before it a proposal to set up a small ad hoc committee to ascertain what measure of agreement might exist among members in this matter. By 36 votes to 8, with 2 abstentions, the Governing Body decided not to pursue this matter.

**INTERNATIONAL INSTITUTE FOR LABOUR STUDIES**

The Governing Body took note of the annual report on the programme and work of the Institute in 1963 and endorsed the programme for 1965 as approved by the Board of the Institute.

**INTERNATIONAL CENTRE FOR ADVANCED TECHNICAL AND VOCATIONAL TRAINING**

The Governing Body took note of the Director-General’s intention to submit to it for its next session full information on the position in regard to the Turin Centre, including the financial position, together with certain proposals concerning the Board of the Centre and its administration.

**INTER-AMERICAN VOCATIONAL TRAINING RESEARCH AND DOCUMENTATION CENTRE**

At its 157th Session the Governing Body had noted that negotiations with a view to the establishment of the above-mentioned Centre in Uruguay had been successfully completed, that formal agreement would be signed, and that it would receive a full report on this matter at its next session. At its present session the Governing Body took note of the agreement for the establishment of the Centre concluded with the Government of Uruguay on 17 December 1963, and of the measures for its implementation which the Director-General proposed to take as soon as the agreement became effective.

**REPORT OF THE DIRECTOR-GENERAL**

*Obituary*


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1 See below, p. 82.
2 See also p. 71 above.
Composition of the Organisation
Progress of International Labour Legislation
Internal Administration
Publications

The Governing Body took note of these sections of the report.

Activities of the International Occupational Safety and Health Information Centre from 1 October 1962 to 30 September 1963
Meeting of Experts on Occupational Diseases
Seventh Progress Report on Action Taken as Regards the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Governing Body noted the information submitted by the Director-General under the above headings.

Inclusion of Asian Deputy Members of the Governing Body as Ex-Officio Members of the Asian Advisory Committee

In the course of the discussion of a document submitted to the 157th Session of the Governing Body\(^1\) (Geneva, November 1963) comparing the constitution and character of the African and Asian Advisory Committees it had been suggested that steps should be taken to enable Asian Deputy Members of the Governing Body to sit on the Asian Advisory Committee as ex-officio members in the same way as African Deputy Members of the Governing Body are allowed to sit on the African Advisory Committee as ex-officio members. At the present session the Governing Body expressed itself in favour of this suggestion.

Appointment of a Director of the International Centre for Advanced Technical and Vocational Training

The Governing Body took note of the appointment as Director of the Turin Centre of Mr. Paul BACON, former French Minister of Labour and Social Security, who was also a member of the French Economic and Social Council and of the board of directors of a national institution for manpower training and advancement.

Urgent Business concerning Industrial Committees

At the 157th Session, when establishing the programme of meetings for the present session\(^2\), the Governing Body had decided that the Committee on Industrial Committees would meet only after the Governing Body itself, and that it would therefore have no report of that Committee before it at that session. The Governing Body nevertheless took the following two decisions concerning Industrial Committees which called for immediate action.

Effect to Be Given to the Conclusions of the Seventh Session of the Iron and Steel Committee\(^3\)

Subject to the Committee on Industrial Committees making a recommendation to that effect, the Governing Body authorised the Director-General, without waiting

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\(^2\) Ibid., p. 25.
\(^3\) Ibid., Vol. XLVI, No. 4, Oct. 1963, pp. 475 and 508-558.
for the formal adoption of that recommendation by the Governing Body itself, to communicate to governments the reports, conclusions and resolutions adopted by the Iron and Steel Committee at its Seventh Session, drawing their particular attention to the report and the conclusions (No. 53) concerning the effects of technological developments and the report and the conclusions (No. 54) concerning the scope and methods of collective bargaining in the iron and steel industry, informing them that the Governing Body had not expressed any view on the contents thereof and inviting them to transmit these documents to the employers' and workers' organisations concerned.

Invitation to Non-Governmental Organisations to the Seventh Session of the Building, Civil Engineering and Public Works Committee.

The Governing Body authorised the Director-General, should the Committee on Industrial Committees decide to make a recommendation at the present session concerning requests from occupational organisations in the building industry to be represented by observers at the Seventh Session of the Building, Civil Engineering and Public Works Committee, to act upon such a recommendation without waiting for its formal adoption by the Governing Body.

Reports of the Officers of the Governing Body

Proposed Regional Consultative Status for Non-Governmental Organisations

The Governing Body adjourned consideration of this item to its 159th Session.

Request by Non-Governmental Organisations to Be Represented by Observers at the 48th Session of the International Labour Conference

The Governing Body decided to invite the International Confederation of Executive Staffs, the International Association of Crafts and Small- and Medium-Sized Enterprises and the Overseas Employers' Federation to be represented by observers at the 48th (1964) Session of the International Labour Conference, it being understood that it will be for the Selection Committee of the Conference to consider their request to participate in the work of the committees dealing with the items on the agenda in which they have expressed an interest.

It was understood that particulars concerning the Overseas Employers' Federation would be made available to the Governing Body at its next session.

Proposals to Give Effect to the Decision Taken by the Governing Body at its 157th Session to Request the Government of Japan to Consent to the Reference to the Fact-Finding and Conciliation Commission on Freedom of Association of the Case Concerning Japan Examined by the Committee on Freedom of Association

At its 157th Session the Governing Body had approved the 72nd Report of the Committee on Freedom of Association, and thereby decided to request the Government of Japan to give its consent to Case No. 179 concerning Japan being referred

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2 Ibid., pp. 535 ff.
3 See below, p. 85.
as a whole to the Fact-Finding and Conciliation Commission on Freedom of Association.

At its present session the Governing Body fixed as follows the composition of a panel of the above-mentioned Commission to consider Case No. 179:

**Chairman:** Mr. E. Dreyer (Danish), former Permanent Secretary to the Danish Ministry of Social Affairs; former President of the State Mediation Board.

**Members:**
- Mr. D. Cole (United States), former Director of the United States Federal Mediation and Conciliation Service.
- Sir Arthur Tyndall (New Zealander), former Judge, New Zealand Court of Arbitration.

In the event of any of the above persons being unable to serve as a member of the panel, the Governing Body authorised the Director-General to appoint another member from among the other six members of the Commission.

The representative of the Japanese Government stated that he understood that the proposal of referring the case to the Fact-Finding and Conciliation Commission was being given serious consideration by the Japanese Government, that it was hoped that the Japanese Government would be able to settle the complicated issues involved to the satisfaction of all concerned and that he, therefore, trusted that it would not in fact be necessary for the Commission to meet; when it received the Director-General's request the Japanese Government would submit its formal answer. The Governing Body took note of this statement.

**PROCEDURE FOR THE APPOINTMENT OF COMMITTEES BY THE CONFERENCE**

The Governing Body appointed the following three persons to serve as the Appeals Board for the 48th (1964) Session of the International Labour Conference:

- Mr. R. Cassin (French);
- Mr. H. H. Koch (Danish);
- Mr. M. K. Vellodi (Indian).

The Governing Body authorised the Director-General, in the event of any of the above-mentioned persons being unable to serve, to convene the remaining members of the panel as necessary to ensure that the Appeals Board is duly constituted.

It was noted that the Employers' members did not participate in the consideration of this item since the institution of the Appeals Board was not in accordance with their views. It was also noted that the representative of the Government of the U.S.S.R. was opposed to the procedure as a whole.

**PARTICIPATION OF NON-METROPOLITAN TERRITORIES AS OBSERVERS IN THE 48TH (1964) SESSION OF THE INTERNATIONAL LABOUR CONFERENCE**

The Governing Body agreed that British Guiana, Northern Rhodesia, Nyasaland and Southern Rhodesia should be invited, through the United Kingdom Government, to send tripartite observer delegations to the 48th Session of the International Labour Conference.

The Governing Body authorised the Director-General to extend a similar invitation in respect of other territories on whose behalf a further request might be received from the United Kingdom Government.

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CONVERSION TO PEACEFUL USES OF RESOURCES RELEASED BY DISARMAMENT

It was understood that in response to a question put by the Government representative of Ukraine the Director-General would, following the forthcoming meeting of the Administrative Committee on Co-ordination, give the Governing Body at its next session a full report concerning the action to be taken by the A.C.C. in this field and a first indication of the part which, in his judgment, the I.L.O. should play in the matter.

PROGRAMME OF MEETINGS

Programme for 1964

The Governing Body approved or confirmed the following programme of meetings for 1964:

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<tr>
<th>Date</th>
<th>Title of meeting</th>
<th>Place</th>
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<tr>
<td>24 February-7 March</td>
<td>Technical Advisory Group on Agrarian Reform</td>
<td>Geneva</td>
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<tr>
<td>9-17 March</td>
<td>Meeting of Experts on the Maximum Permissible Weight to Be Carried by One Worker</td>
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<tr>
<td>13-25 March</td>
<td>Committee of Experts on the Application of Conventions and Recommendations (34th Session)</td>
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<tr>
<td>16-25 March</td>
<td>Meeting of Experts on Automation</td>
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<td>6-17 April</td>
<td>Actuarial Subcommittee of the Committee of Social Security Experts</td>
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<tr>
<td>20 April-2 May</td>
<td>Meeting of Experts on Safety and Health in Agriculture</td>
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<tr>
<td>4-15 May</td>
<td>Building, Civil Engineering and Public Works Committee (Seventh Session)</td>
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<td>29 May-2 June</td>
<td>12th Session of the Asian Advisory Committee</td>
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<tr>
<td>3-13 June and 10 July</td>
<td>159th Session of the Governing Body and Its Committees</td>
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<tr>
<td>17 June-9 July</td>
<td>48th Session of the International Labour Conference</td>
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<td>7-16 September</td>
<td>Meeting of Experts on Statistics of Wages and Labour Costs</td>
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<td>21 September-2 October</td>
<td>Tripartite Technical Meeting for the Clothing Industry</td>
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<tr>
<td>5-14 October</td>
<td>Technical Meeting concerning Certain Aspects of Labour-Management Relations Within Undertakings</td>
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<tr>
<td>5-16 October</td>
<td>Meeting of Experts on Welfare Facilities for Industrial Workers</td>
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<td>19-30 October</td>
<td>Coal Mines Committee (Eighth Session)</td>
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<tr>
<td>9-20 November¹</td>
<td>160th Session of the Governing Body and Its Committees</td>
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<tr>
<td>30 November-12 December</td>
<td>Second African Regional Conference</td>
<td>Geneva</td>
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<tr>
<td>7-18 December</td>
<td>Meeting of Consultants on Workers' Education</td>
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<tr>
<td>End of year</td>
<td>Joint I.L.O.-I.M.C.O. Committee on the Training of Seafarers in the Use of Safety Devices on Board Ship</td>
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¹ Provisional.
APPOINTMENT OF GOVERNING BODY REPRESENTATIVES ON VARIOUS BODIES

Building, Civil Engineering and Public Works Committee (Seventh Session)
(Geneva, 4-15 May 1964)

The Governing Body appointed a tripartite delegation to represent it at the Seventh Session of the Building, Civil Engineering and Public Works Committee composed as follows:

Chairman and Government group representative: Mr. Slater (United Kingdom).

Employers' group: Mr. Tata (Indian).

Substitute: Mr. Rifaat (United Arab Republic).

Workers' group: Mr. Nielsen (Danish).

Substitute: Mr. De Bock (Belgian).

Seventh Session of the Inter-American Conference on Social Security and Twelfth Session of the Permanent Inter-American Committee on Social Security

The Governing Body decided not to be represented at these meetings.

Technical Advisory Group on Agrarian Reform
(Geneva, 24 February-7 March 1964)

The Governing Body appointed Mr. Pacis, Government representative of the Philippines, to serve on the Technical Advisory Group on Agrarian Reform in place of Mr. Raza, Government representative of Pakistan.

DATE AND PLACE OF THE 159TH SESSION OF THE GOVERNING BODY

The 159th Session of the Governing Body will be held in Geneva in accordance with the following schedule.

The Standing Governing Body committees will meet from Wednesday, 3 June to Wednesday, 10 June. The groups will meet on Wednesday, 10 June. The Governing Body itself will meet on Thursday 11, Friday 12, and Saturday, 13 June, it being understood that a final sitting would in the usual way be held at the close of the 48th Session of the International Labour Conference.
Latin American Regional Technical Meeting on Co-operatives
(Santiago de Chile, 25 November-6 December 1963)

The Latin American Regional Technical Meeting on Co-operation, convened in accordance with the decisions taken by the Governing Body at its 154th Session (March 1963), was held in Santiago de Chile from 25 November to 6 December 1963, with the collaboration of the Government of Chile, which provided the necessary facilities.

The Meeting was attended by 21 participants from the following countries: Argentina, Bolivia, Chile, Colombia, Cuba, Ecuador, Honduras, Mexico, Panama, Peru, El Salvador, Uruguay and Venezuela. In addition there were six observers from the following organisations: United Nations, Food and Agriculture Organisation of the United Nations, Intergovernmental Committee for European Migration, Organisation of American States, International Co-operative Alliance, and Organisation of Co-operatives of America.

On the basis of the working papers prepared by the I.L.O. and the papers submitted by the participants on the situation and problems of co-operation in their respective countries, interesting discussions took place on each of the four items on the agenda, which led to the adoption of general conclusions and the making of concrete proposals as to the role which the co-operative movement would be called upon to play within the framework of the national economy, with special reference to the social and economic conditions prevailing in the Latin American countries.

The agenda of the Meeting was as follows:

I. Problems of co-ordination of co-operative development with the national economy.

II. Practical problems of co-operative promotion, organisation, administration and management.

III. Education and training of co-operative personnel.

IV. Problems of financing co-operatives.

The Meeting elected the following Officers:

Chairman: Mr. Miguel Ángel CUSSIANOVICH, Minister of Labour, Peru.

Vice-Chairmen: Mr. Roberto PALENCIA, Director-General for Co-operative Promotion, Mexico.
Mr. Carlos BURR, Chief, Department of Co-operatives, Chile.

The Representative of the Director-General was Mr. Jean ORIZET, assisted by Mr. Samuel Ruiz, in his capacity as Assistant Secretary-General, and by a team of experts consisting of Messrs. Francisco Luis JIMÉNEZ, Rudolfo REZSOHAZY and Marcial SOLís.

Opening the Meeting, Mr. Orizet explained the interest which the I.L.O. had taken for more than 40 years in the co-operative movement, and stressed how useful an opportunity this Meeting would afford for studying the new trends and the ever more complex problems which co-operatives have had to face in recent years in connection with national economic development plans.
Having agreed that the part at present played by the co-operative movement in the economic and social development of the Latin American countries is a very modest one, notwithstanding the great opportunities which are open to it within its sphere of action, the Meeting drew attention to the need to strengthen the co-operative sector in each country of Latin America, assigning it specific objectives within the framework of the national economy.

The following conclusions were adopted in respect of the different items on the agenda of the Meeting.

As regards co-ordination, it is necessary to promote instruction in co-operative philosophy and practice on a nation-wide scale, and there should be co-ordination of a social character between co-operatives in the same country or between confederations of co-operatives in neighbouring countries.

Attention was also drawn to the desirability of adopting large-scale measures to resolve the practical problems of co-operative promotion, organisation, administration and management.

With respect to the education and training of co-operative personnel, the Meeting stressed the need to enable human beings to use their capacities to the full, to inculcate faith in co-operative principles and to look upon co-operation as a supranational institution and as an effective means of furthering economic and social development.

The Meeting also dealt at length with the problems of financing co-operatives, declaring itself to be in favour of exploring the possibilities of financial self-support, which have not been considered in many countries, though this should not preclude co-operatives from obtaining financial help both from the State and elsewhere in order to keep pace with the plans for economic development in each country.

The Meeting also adopted conclusions on various aspects of co-operation in relation to agriculture, consumption, housing and fishery and on relations with the Government, workers' organisations, universities and other bodies.

Finally, in the international sphere, the Meeting declared itself in favour of asking the I.L.O. to set up a co-operative development institute in Latin America, setting forth in detail the tasks that should be assigned to such an institute.

It was also agreed that the I.L.O. should be asked to recommend the workers' representatives from the Latin American countries to consider means of promoting co-operatives in the field of small-scale industry and handicrafts in Latin America. It would likewise be useful if the I.L.O. could prepare a compilation of current co-operative education and training programmes for distribution in Latin America, as well as facilitating study trips in order that the managers of co-operatives in Latin America might have the opportunity to see for themselves how co-operation works in the more advanced countries.
Tripartite Technical Meeting for the Food Products and Drink Industries

(Geneva, 9-20 December 1963)

Note on the General Discussion

The Tripartite Technical Meeting for the Food Products and Drink Industries was held at the International Labour Office in Geneva from 9 to 20 December 1963.

The agenda, which had been drawn up by the Governing Body of the International Labour Office at its 150th Session (November 1961), was as follows:

I. General examination of the problems arising in the food products and drink industries.

II. Social consequences of technological developments in the principal branches of the food products and drink industries.

III. Health and safety problems in the food products and drink industries.

The International Labour Office had prepared a report on each of the above items.

In accordance with a decision by the Governing Body the Chairman of the Meeting was Mr. H. RAHMAN, representative of the Government of Pakistan on the Governing Body of the International Labour Office.

The Meeting elected two Vice-Chairmen: Mr. L. B. LEEMING (Canadian) for the Employers’ group and Mr. A. JOHANSSON (Swedish) for the Workers’ group.

Of the 20 countries which had been invited by the Governing Body, 19 were represented by tripartite delegations, namely—

Argentina  |  Israel  |  Switzerland  
Brazil     |  Italy   |  U.S.S.R.     
Canada     |  Japan   |  United Arab  
France     |  New Zealand | Republic    
Federal Republic of Germany  |  Nigeria  |  United Kingdom  
India      |  Poland  |  United States  
           |  Sweden  |  Uruguay       

Morocco was not represented.

Algeria was represented at the Meeting by a Government observer and Denmark by a Workers’ observer.

The Governing Body was represented by a delegation consisting of—

Government group: Mr. H. RAHMAN (Pakistan).

Employers’ group: Mr. A. VERSCHUEREN (Belgian).

Workers’ group: Mr. G. WEISSENBERG (Austrian).

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1 According to the composition of the Committee as decided by the Governing Body at its 153rd Session (November 1962).
Representatives of the following international non-government organisations were present at the Meeting: International Confederation of Christian Trade Unions ¹, International Confederation of Free Trade Unions ¹, International Federation of Christian Workers in the Food, Drink, Tobacco and Hotel Trades, International Organisation of Employers ¹, International Union of Food and Allied Workers' Associations, World Federation of Trade Unions.¹

The Meeting was divided into two subcommittees: a Subcommittee on Social Consequences of Technological Developments and a Subcommittee on Health and Safety. It also set up a Steering Committee.

Eight plenary sittings were held, five being devoted mainly to a general discussion of the problems before the Meeting. At its seventh and eighth sittings, on 19 and 20 December, the Meeting considered and adopted the reports, conclusions and resolutions submitted to it.²

A summary of the debates in plenary sitting will be found below.²

DISCUSSION IN PLENARY SITTING

OPENING SPEECHES

Opening speeches were made by Mr. Yalden-Thomson, Assistant Director-General of the International Labour Office, in the absence of Mr. Abbas Ammar, Assistant Director-General of the I.L.O. and Secretary-General of the Meeting; by Mr. Abbas Ammar on his return; by Mr. Rahman, Chairman of the Meeting; and by Mr. Verschueren and Mr. Weissenberg, representing respectively the Employers' and the Workers' groups of the Governing Body.

Reviewing the problems which face the food products and drink industries, Mr. Rahman pointed out that extensive technological changes were taking place; their social implications deserved thorough examination. In the less developed countries themselves it was recognised that modern methods were essential if the conservation of produce and the manufacture of foodstuffs were to be carried out on a large enough scale to prevent shortages or malnutrition and to meet the requirements of a rising standard of living.

Where the income per head in a given community was relatively low, the proportion spent on food and beverages was high, but this proportion did not increase correspondingly with an increase in the income. The introduction of new techniques raised many problems, such as the need for a review of the grading and remuneration systems applied to skilled workers, the resettlement of redundant personnel and, above all, the threat of technological unemployment.

Mr. Verschueren considered that new methods of preparing food products would necessarily affect conditions of work in the industries concerned.

Mr. Weissenberg said that rationalisation was necessary but, as this led to exaggerated competition, prices must be kept at a reasonable level by means of a system of control, in order to ensure that increased productivity was not attained at the expense of quality or hygiene.

Mr. Abbas Ammar said that the food products and drink industries, whose growth was due to new scientific methods of production and processing, had a great part to play in feeding hungry communities. The Universal Declaration of Human

¹ Organisations with consultative status.
² For the text of the conclusions and resolutions adopted see “Documents” section, pp. 114.
Rights provided that "everyone has the right to a standard of living adequate for the health of himself and of his family, including food…". The Freedom from Hunger Campaign launched in 1960 by the Food and Agriculture Organisation had two objectives: to create a world-wide awareness of the problems of hunger and malnutrition, and to promote a climate of opinion in which these problems could be solved on a national and on an international basis; the I.L.O. fully subscribed to this Campaign. Moreover, the General Assembly of the United Nations had inaugurated the United Nations Development Decade, during which member States were to intensify their efforts to accelerate progress towards self-sustaining growth of the economies; the I.L.O. was responsible for certain aspects of this programme, and an important contribution could be made by the present Meeting, since a food processing industry was usually among the first to be set up.

The Secretary-General then pointed out that although a special meeting for the food products and drink industries had not previously been held, the workers of these industries had not been neglected, since the international labour Conventions and Recommendations were applicable to all industrial undertakings. The first report prepared for the Meeting dealt with seasonal fluctuations in employment, the second with the social consequences of technological development in principal branches. The aim must be to make the most of the possibilities offered by technical progress while ensuring that conditions of work were improved and that all concerned shared equitably in the benefits. In 1956 the International Labour Conference had adopted a resolution concerning the economic and social implications of automation and the urgent need to discuss these problems on a tripartite basis.

The I.L.O. had always attached great importance to occupational safety and health, which were the subject of the third report. Technical change, new products, radiation, had introduced new hazards which called for appropriate action.

**GENERAL DISCUSSION**

The Meeting followed the precedent set by the Industrial Committees and decided that the first item on the agenda, namely a general examination of the problems arising in the food products and drink industries, should be handled in a general discussion. However, from the beginning this discussion spread over to the second item (the social consequences of technological developments in principal branches) seen in two aspects—on the one hand the expansion of the food products and drink industries and technological developments therein, and on the other hand the social consequences of such developments. This reflected the unanimous view of delegates that technological change and its consequences were a major problem for the food products and drink industries, which had an essential part to play, particularly in the developing countries.

*Expansion of the Food Products and Drink Industries and Technological Progress*

Several delegates spoke of the importance of the food products and drink industries and the need for their expansion. Government representatives from the U.S.S.R., Poland, Japan and Brazil referred to the importance their Governments attached to a rapid increase in food production. A rising national income, a mounting level of consumption, and a better understanding of nutrition were widening the range of food products. Government delegates from Argentina and Poland considered that thanks to diversified production it was possible to utilise all the resources of agriculture; it was also necessary to use the most modern industrial processes in order to ensure an optimum output of food products. According to an Employers’
delegate from the United Arab Republic and a Government delegate from Poland, concentration of production had led to an improvement in quality and to higher productivity. A Government delegate from Brazil expressed the view that, as far as possible, foodstuffs should be processed in the country of origin.

Many delegates referred to technological innovations which had been introduced in their countries (from mechanisation of arduous jobs to automation of production processes). A Polish Employers’ delegate spoke of the part played by scientific institutions in the promotion of technical progress, and a Brazilian Government delegate mentioned the assistance given by various research centres and institutes in improving nutrition.

Delegates expressed the view that the food products and drink industries should pursue their efforts to modernise, and that the rationalisation, mechanisation and automation which had been introduced in those industries were necessary in order to raise standards of living. This held good not only for industrial countries but also for developing countries where the establishment of new factories would enable immediate advantage to be drawn from new methods.

In this connection, a Workers’ delegate from Israel said that the industrialised countries benefited most from technological progress; they should make their experience available to the less developed countries. A Government delegate from Brazil drew attention to the shortage of the capital which was required for technical innovations; this was felt particularly in the developing countries; he asked that an order of priority be fixed for the establishment of new undertakings, so that the food products industry might have the high priority which it deserved.

Social Consequences of Technological Development

A great many delegates spoke of the social consequences of technological development. They explained the action taken to solve the relevant problems in their countries and made constructive proposals on the subject.

An Italian Government delegate agreed that the process of modernisation and automation had effects on the volume and structure of employment and on conditions of work.

Regarding technological unemployment, a Brazilian Workers’ delegate and a French Workers’ adviser described the assistance given to the workers in case of unemployment, and the latter speaker drew attention to the national employment fund and its action to ensure continuity of employment. A representative of the World Federation of Trade Unions said that the workers could not agree to consider unemployment as an inevitable result of technical progress. Such progress, several Workers’ delegates declared, raised problems of transfer or unemployment, particularly for unskilled operatives.

In order to prevent technical development from having unfavourable effects on the workers, or to diminish these effects, several delegates advocated free consultation between employers and workers or their representatives. Workers’ delegates and representatives of workers’ international organisations said there should be previous consultation on modernisation programmes, particularly before a given undertaking was converted. They also referred to the utility of sound planning of production and previous examination of the prospective consequences of technical development on the volume and structure of employment and on wages; it was evident, they said, that changes in the character of jobs required not only training and resettlement programmes but also a fresh job classification.

An Argentine Government delegate mentioned the I.L.O. instruments of general application which were already available and asked that more specific provisions be
adopted so that the action taken as a result might correspond to the peculiar features of each branch of the food products and drink industries.

**Occupational Health and Safety**

Several speakers mentioned aspects of the safety and health problems arising in the industry. The Polish Government and Workers’ delegates and the Workers’ delegate of the Soviet Union particularly drew attention to the role allotted to the trade unions, which supervised conformity with health, safety and other labour laws and, where appropriate, co-operated with planning offices, scientific research institutions and laboratories in the preparation of safety and health standards. The United Kingdom Employers’ delegate explained what should be the preoccupations of the Government and of the employers’ and workers’ organisations in this matter.

An Italian Government delegate said the national regulations in his country, which had been drawn up to conform with the I.L.O. Model Safety Code, were entirely adjusted to modern technical conditions. He pointed out, as did a Japanese Government delegate, that the situation in this regard in the large and medium-sized undertakings was satisfactory. According to a Workers’ delegate from the U.S.S.R., health problems still remained unsolved in some sectors of the food products and drink industries; a Polish Workers’ delegate considered that the training of manual and technical personnel in health and safety matters had become an urgent problem.

In connection with protection of the workers, the protection of consumers was also mentioned by some speakers. Several Government and Employers’ delegates mentioned the existence in their countries of inspection of food products as regards health.

**Vocational Training**

Several delegates pointed out that technical development led to a constant increase in the demand for skilled workers. The result was a change in the structure of employment, and in this connection a Polish Employers’ delegate stated that the number of persons employed on preparation, maintenance and other not directly productive work had increased while the number of strictly production personnel had diminished. Several Workers’ delegates said it was necessary to launch training and resettlement programmes and to reclassify jobs. They added that collective agreements should include provisions on “re-apprenticeship”—i.e. training (without loss of wages) for new jobs emerging from technical development.

An Italian Government delegate considered that methods of training should have regard to the flow of workers into the food products industries from unrelated occupations, chiefly agricultural. A Nigerian Employers’ delegate stressed the responsibility of employers in this respect, particularly in developing countries, where the food products industries were in many cases introducing extremely modern equipment: he asked for technical assistance with a view to vocational training and the introduction of new industries.

**Seasonal Employment**

Several delegates referred to the seasonal character of food production and pointed out that the industry employed large numbers of seasonal workers; these were unemployed for more days in the year than other groups. Various measures were advocated with a view to spreading work more evenly over the year and so reducing seasonal fluctuations in employment.
A Soviet Government delegate and an Israeli Workers’ delegate, among others, recommended the establishment of multiple undertakings which could handle various products at different times of the year, or—where the climate was suitable—crop diversification and training of the workers concerned for a second occupation or the provision of second jobs for these workers.

Several Workers’ delegates and observers from workers’ organisations said that the conditions of work of seasonal personnel should be equivalent to those of other persons. They considered that such benefits as sick leave, annual leave with pay and severance pay, which ordinarily depended on completion of a certain period of continuous employment, could be afforded by means of a system enabling the workers to accumulate such rights with their various employers.

Conditions of Work

Most of the delegates described the systems prevailing in their countries as regards remuneration and hours of work in the food products and drink industries.

Japanese delegates in all three groups discussed problems of remuneration and explained the system in force in Japan. According to the Government delegate, the average wage had increased and the differences between the rates paid in the large and in the small undertakings had been considerably reduced. According to the Workers’ delegate these differences were now very slight in the case of young workers, but adult workers in small establishments received only 60 per cent. of the wages paid in large undertakings. The Employers’ delegate referred to a system by which the undertaking paid bonuses to the workers several times a year: the total amounted to anything from two to eight months’ wages. An Employers’ delegate from the United Arab Republic explained that 25 per cent. of the net profit of each undertaking went to the workers—10 per cent. in the form of shares and 15 per cent. in the form of improved living conditions. A representative of the World Federation of Trade Unions considered that the failure of wages to rise with the cost of living was the main cause of workers’ discontent. A Workers’ delegate from the Federal Republic of Germany said the parties to collective agreements should bear in mind that technical development required a radical change in wage structures; he advocated a guaranteed monthly or annual wage.

An Italian Government delegate and an Employers’ delegate from the United Arab Republic discussed reductions in hours of work, either by agreement or by legislation. According to a Japanese Employers’ delegate a working week of 42 hours applied in the food products and drink industries; but it was still 48 hours in the small establishments.

Several Workers’ delegates called for a reduction in hours to counteract the ill effects of technical development and to put the food products industry on the same footing as others. They also urged application of the Reduction of Hours of Work Recommendation, 1962 (No. 116).

Women’s Work

As the food products and drink industries probably employed the largest proportion of female labour, several delegates (Government and Employers) gave information on the prohibition of night work and of dangerous and unhealthy jobs for women, on maternity protection, etc.

A Japanese Workers’ delegate said that men and women received approximately equal pay when they began working but that the differential increased with seniority. Representatives of the workers’ organisations criticised the practice of discontinuing women first of all when there was redundancy, and urged that they should have an equal chance with men.
Night Work in Bakeries

Several speakers referred to the Night Work (Bakeries) Convention, 1925 (No. 20). An Israeli Workers’ delegate said that it would be wrong to make a permanent exception for bakeries so that they could work continuously by night as well as day.

A representative of the International Federation of Christian Trade Unions of Workers’ in the Food, Drink, Tobacco, and Hotel Industries considered that the technical development of baking made it more practicable than ever to organise operations while respecting the principle that night work should be forbidden. An Employers’ adviser from the United Kingdom said that a small joint working group of employers and workers had been set up to examine this problem and had reached the conclusion that it was necessary to go even deeper into it.1

International Co-operation

Many delegates, from all three groups, asked that a further Meeting be convened by the Governing Body of the I.L.O. in the sufficiently near future. The present Meeting, several Government delegates believed, would promote co-operation between the various countries and the development of the food products and drink industries throughout the world.

Reference was made to the contrast between the areas with food surpluses and the many others suffering from malnutrition and famine. An observer from the International Union of Food and Allied Workers’ Associations asked for establishment of a world plan of development of the food products and drink industries, so as to encourage their expansion in countries producing the raw materials. Because of its tripartite system the I.L.O. was particularly qualified to co-operate with other international organisations, particularly F.A.O. As an immediate measure, efforts should be made to stabilise the economies of the industrialising countries and to provide them with a basis for development by balancing their payments with the aid of international agreements that would guarantee fair prices for the raw materials on which their economies depended. According to the Brazilian Government delegate, the expansion of the food products and drink industries must be stabilised in order to safeguard the development of agriculture, which remained the basis of the economy in industrialising countries. International agreements should stipulate due regard for international labour standards, so that unfavourable terms of trade did not affect the rates of pay and other conditions of employment of workers in agriculture and in the food products and drink industries. In the same way as tripartite consultation was undertaken in the I.L.O., the employers’ and workers’ organisations should be associated in the preparation and operation of the suggested plan. The forms of economic organisation adopted should promote the self-dependence of the working population.2

Reply of the Assistant Secretary-General

At the close of the Meeting the Assistant Secretary-General made a speech, the essential features of which are reproduced below.

The discussion in plenary sitting, he said, had brought out the major problems of the industry and indicated the areas in which further action might be necessary. Many speakers had stressed the importance of collective bargaining as a means of

1 Cf. below, “Documents” section, p. 127, Resolution (No. 9) on technological developments in the baking industry.

2 Cf. “Documents” section, p. 123, Resolution (No. 3) on world food problems and technical assistance to developing countries in the food and drink industries.
determining conditions of work. However, collective bargaining depended upon the acceptance of the basic principles of freedom of association and the existence of strong and responsible trade unions. This was not always the case; where it was not, fair conditions of work might be ensured by law, at least for certain categories of persons such as migrant and seasonal workers, women and juveniles.

Technological developments in the food products and drink industries had had the attention of the Meeting. In examining these matters it should not be forgotten that despite the existence of a highly modern sector a large proportion of the industries still operated on traditional lines with small establishments predominating; no doubt there was technical development there also, but on a very different scale. The I.L.O. would continue to place the emphasis on full consultation of those concerned and on planning the changes on the labour side more or less simultaneously with those on the equipment and organisation side. The Office was carefully following the problem of training, where some adaptation to the requirements of new skills was necessary. Its International Vocational Training Information and Research Centre, known as C.I.R.F., which had the support of several intergovernmental organisations, was undertaking a series of study projects in this field, including one mainly concentrated on the changing structure of work and training requirements in bakeries and food-processing plants.

The Subcommittee on Safety and Health had emphasised safety organisation, the determination of causes of accidents, the allocation of responsibility and training in safety consciousness. The question of nervous strain resulting from technological changes had already been studied by the I.L.O. in conjunction with W.H.O. Adaptation of the machine to man’s needs, according to the principle of ergonomics, must inspire future development.

The seasonal character of operations in the food products and drink industries had been repeatedly mentioned and speakers had proposed several kinds of counteraction, such as widening the range of commodities produced by a given plant so as to arrive at a nearly continuous schedule.

The Night Work (Bakeries) Convention, 1925, had been ratified by only 14 countries. The problem now to be faced was how to reconcile the terms of that Convention with the growing practice of continuous night baking by a succession of shifts. The resolution which had just been adopted opened the way to consideration of the problem.

The healthy growth of the food industries in developing countries would be stimulated if there were more processing of raw materials in the country of origin: this would increase job opportunities, more of the product would find its way on to the home market, the food standard would be improved, the conditions of sale of the raw product would be stabler and the balance of payments of the exporting country improved. The installation of plant suited to local conditions, and its operation, might require technical assistance, which the I.L.O. could help to provide, in consultation where appropriate with F.A.O.

In this connection the Assistant Secretary-General appealed to industries in developed countries to provide experts as advisers to the developing countries, and to accept students ("fellows") from the latter. The resolution on world food problems and technical assistance to developing countries in the food and drink industries asked, through the I.L.O., for co-ordinated international action by all the international agencies. It also defined the role of the International Labour Organisation in the conclusion of international commodity agreements. The I.L.O. would continue to devote attention to this matter.

In closing, the Assistant Secretary-General reminded the Meeting that the conclusions and resolutions required action on the part of employers' and workers'
organisations and that governments, when taking their action, should do so in consultation with employers' and workers' organisations or through tripartite or bipartite bodies.

**Closing Speeches**

Closing speeches were made by Mr. D. Zohrab, Government delegate, New Zealand, chairman of the Government group; Mr. R. Navarre, Employers' delegate, France, chairman of the Employers' group; Mr. A. Johansson, Workers' delegate, Sweden, Workers' Vice-Chairman of the Meeting; Dr. Abbas Ammar, Secretary-General; and Mr. H. Rahman, Chairman of the Meeting. All these speakers felt that a decisive step had been taken towards improving the position of the food products and drink industries, and expressed the hope that the I.L.O. would pursue its efforts in that direction.
Technical Advisory Group on Agrarian Reform

(Geneva, 24 February-5 March 1964)

The Technical Advisory Group on Agrarian Reform, convened in accordance with the decision of the Governing Body at its 154th Session (March 1963), met in Geneva from 24 February to 5 March 1964, under the chairmanship of Mr. Emilio Calderón Puig, Chairman of the Governing Body.

The terms of reference, as laid down by the Governing Body, were to make proposals for consideration by the latter on the manner in which the question of agrarian reform should be examined by the International Labour Conference in 1965 and to indicate those specific aspects of the question within the competence of the I.L.O. which should be discussed.

The following experts were the participants in the meeting: Professor Mario Bandini (Italian); Professor Roberto Barrios (Mexican); Dr. S. D. Cheremushkin (U.S.S.R.); Professor T. Lynn Smith (United States); Dr. Sayed Marei (United Arab Republic); Professor H. A. Oluwasanmi (Nigerian); and Mr. Ameer Raza (Indian).

The following members of the Governing Body, from the Government, Employers' and Workers' groups, were appointed to serve on the Advisory Group:

Government group: Mr. Leon Chair (Poland) and Mr. Vicente Albana Pacis (Philippines).

Employers’ group: Mr. Mohammed Ali Rifaat (United Arab Republic) and Mr. Muhittin Alam (Turkish).

Workers’ group: Mr. Harold Collison (United Kingdom) and Mr. José Hernández (Philippine).

The United Nations was represented by Mr. G. Lambert-Lamond, Chief, Social Survey and Development Section, and Mr. J. J. Bochet of the Economic Commission for Africa; and the Food and Agriculture Organisation by Dr. E. H. Jacoby, Chief, Land Tenure and Settlement Branch.

The Advisory Group designated Professor T. Lynn Smith as its Reporter.

Mr. Abbas Ammar welcomed the participants on behalf of the Director-General of the International Labour Office and expressed the hope that the Group would provide guidance on the action of the I.L.O. related to agrarian reform in study and research, operational and standard-setting fields, and indicate specific aspects of the question which might as a follow-up be brought before the Conference for detailed discussion. The Group adopted as the basis of its discussion a working paper prepared by the Office in consultation with the other United Nations agencies concerned.

The final report adopted by the Group contained a summary of the general discussion and the following conclusions: General conclusions; Conclusions concerning the training of beneficiaries of agrarian reforms and of personnel required for effective implementation of such reforms; Conclusions on the role of co-operatives in agrarian reform. Draft suggestions concerning living and working conditions of tenants and sharecroppers and similar categories of agricultural workers, for the information of the Governing Body, were appended to the report.
Throughout the discussion the term “agrarian reform” was used in its wide connotation to imply broadly conceived programmes or measures aimed at improving the agrarian structure and the economic and social status of all categories of agricultural workers, whatever their legal relationship with the land. In addition to measures leading to the more equitable distribution of land ownership and improvement of conditions of tenants and sharecroppers and hired workers, it included the provision of essential services relating to training, credit, marketing, etc. The Advisory Group devoted particular attention to the human and social aspects of agrarian reform, with emphasis on matters of primary concern to the I.L.O., including employment, income, training and the role of co-operatives.

The Advisory Group recognised that there was no model for agrarian reform to suit the needs of all countries; there were, however, certain guiding principles of general applicability which pertained to the successful implementation of broadly conceived programmes aimed at improving agrarian structures, accelerating economic and social progress and promoting the well-being of the rural population, ensuring security of employment in agriculture, checking the rural exodus, increasing productivity and incomes and raising the levels of living in the countryside.

In the examination of the objectives of agrarian reforms and the measures to achieve these objectives, the Advisory Group deliberately stressed those objectives relating primarily to employment and social aspects, including the elimination of large inequalities in income and ownership of land; provision of agricultural holdings of sufficient size to permit efficient farming, adequate incomes and full use of labour and managerial ability; assurance to agricultural workers of a status consonant with human dignity and freedom; improvement of the living and working conditions of the agricultural population generally; and the fuller and more effective utilisation of human resources.

A variety of measures were suggested by the Group with a view to achieving these objectives. These included, among others, measures for the redistribution of rights to land and water; the settlement of unoccupied land suitable for cultivation, including measures to ensure that spontaneous settlement is carried out in an orderly and legal manner; and the provision of adequate training for the beneficiaries of agrarian reforms, with respect both to improved agricultural skills and the exercise of management functions, as well as the training of personnel responsible for the implementation of agrarian reform measures. Other measures suggested for the effective implementation of agrarian reforms are the development of various types of co-operatives and analogous organisations to ensure maximum benefits to agricultural workers from the point of view of employment, income and incentives; a variety of practical measures leading to the fuller utilisation of human resources, in both agricultural and non-agricultural employment; measures for the consolidation of fragmented holdings; those involving the improvement of conditions of employment of hired workers in agriculture and especially the establishment of machinery for fixing minimum wages; the extension of social security to all categories of agricultural workers; the protection of the interest in land of indigenous and tribal populations as well as measures in regard to problems arising out of adjustments in communal tenures and the transition from tribal tenures in line with economic and social development; and the promotion of agricultural associations, especially peasant and tenant associations and trade unions.

In respect of I.L.O. action the report makes a number of suggestions as concerns study and research, technical co-operation and standard setting.

The Advisory Group expressed the hope that the Governing Body would find in the General Conclusions¹ (which deal with the nature, scope and objectives of

¹ As the Governing Body has not yet examined the conclusions of the Technical Advisory Group, they are not published in this issue of the Official Bulletin.
agrarian reform, measures to achieve these objectives, and contain suggestions for intensifying and strengthening I.L.O. action) indications which might give a suitable orientation to the discussion by the International Labour Conference at its 49th Session in 1965 of the subject of agrarian reform. These proposals have been made bearing in mind, on the one hand, that the complexities of the problems are far beyond the field of action of any one single international agency and, on the other, the nature and scope of the concerted international action in the field of agrarian reform and the need for I.L.O. activities to be undertaken in full co-ordination and collaboration with the United Nations and the Food and Agriculture Organisation.
Membership of the International Labour Organisation

Laos

On 23 January 1964 the Director-General of the International Labour Organisation received the following communication:

(Translation)

Vientiane, 14 January 1964.

Sir,

On behalf of the Government of Laos I have the honour to inform you that the Kingdom of Laos hereby formally accepts the obligations of the Constitution of the International Labour Organisation, in accordance with paragraph 3 of article I of the Constitution of the Organisation, and solemnly undertakes fully and faithfully to perform each and every of the provisions thereof.

The Government of Laos will bear its share of the expenses of the International Labour Organisation in accordance with the provisions of the Constitution of the Organisation and will make the necessary arrangements concerning the financial contribution with the Governing Body.

The Government of the Kingdom of Laos recognises that the Kingdom of Laos continues to be bound by the following international labour Conventions, the provisions whereof had previously been declared applicable to the Laotian territory:

Night Work (Women) Convention, 1919 (No. 4).
Night Work of Young Persons (Industry) Convention, 1919 (No. 6).
White Lead (Painting) Convention, 1921 (No. 13).

The Government of the Kingdom of Laos moreover declares that it forgoes the right to prevail itself of the modifications provided for in Article 26 of the Forced Labour Convention, 1930 (No. 29) at the time of the ratification by France of the said Convention and the extension of this instrument to the Laotian territory, and that it recognises that the Kingdom of Laos is bound by the provisions of the Forced Labour Convention (No. 29).

I have the honour to be, etc.,

For the Minister of Foreign Affairs:
(Signed) Phagna Nith SINGHARAJ,
Secretary-General.

This communication was acknowledged by the Director-General on 30 January 1964.

As appears from the information given above, Laos, which is a Member of the United Nations, became a Member of the International Labour Organisation on 23 January 1964 by virtue of article 1, paragraph 3, of the Constitution of the International Labour Organisation.
Implementation of Instruments Adopted by the International Labour Conference

Ratifications of International Labour Conventions and Declarations concerning the Application of Conventions to Non-Metropolitan Territories

[Note: The publication of information concerning the ratification and application of international labour Conventions does not imply any expression of view by the International Labour Office on the legal status of the State having communicated a ratification or declaration, or on its authority over the territories in respect of which such ratification or declaration is made; in certain cases these may present problems on which the I.L.O. is not competent to express an opinion.]

CZECHOSLOVAKIA

Ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Radiation Protection Convention, 1960 (No. 115); and the Final Articles Revision Convention, 1961 (No. 116). Denunciation of the Night Work (Women) Convention, 1919 (No. 4) and the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48).

The ratification by Czechoslovakia of Conventions Nos. 87, 98, 99, 111, 115 and 116 was registered by the Director-General of the International Labour Office on 21 January 1964.

The Director-General also registered on the same date the denunciation by Czechoslovakia of Conventions Nos. 4 and 48.

The instrument of ratification of Convention No. 87 is as follows:

(Translation)

On behalf of the Czechoslovak Socialist Republic

The General Conference of the International Labour Organisation having adopted in San Francisco, on 9 July 1948, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87),

We, having examined that Convention and taken due note of the fact it has the approval of the National Assembly of the Czechoslovak Socialist Republic, hereby agree to it and endorse it.

In witness whereof we have signed these presents and caused the seal of the Czechoslovak Socialist Republic to be affixed thereto.

Done at Prague Castle on 6 September in the year one thousand nine hundred and sixty-three.

(Signed) A. NOVOTNÝ,

President.

(Signed) V. DAVID,

Minister of Foreign Affairs.

1 Report III (Part III), which has been laid before every session of the Conference since 1950, contains a summary of the information supplied by governments in accordance with article 19 of the Constitution of the International Labour Organisation on the measures taken by member States to bring Conventions and Recommendations before the competent authorities and on relevant action taken by these authorities.
The instruments of ratification of Conventions Nos. 98, 99, 111, 115 and 116 are in similar terms.

The instruments of denunciation of Conventions Nos. 4 and 48 are as follows:

(Translation)

On behalf of the Czechoslovak Socialist Republic

Whereas the Czechoslovak Socialist Republic has ratified the Night Work (Women) Convention (Revised), 1948 (No. 89),
And having taken note of the fact that the National Assembly of the Czechoslovak Socialist Republic, in view of the foregoing, has agreed to denounce the Night Work (Women) Convention, 1919 (No. 4),
In accordance with Article 13 of the said Convention we hereby denounce the Night Work (Women) Convention, 1919 (No. 4) adopted by the General Conference of the International Labour Organisation at its First Session, in Washington in 1919.
In witness whereof we have signed these presents and caused the seal of the Czechoslovak Socialist Republic to be affixed thereto.
Done at Prague Castle on 6 September in the year one thousand nine hundred and sixty-three.
(Signed) A. NOVOTNÝ,
President.
(Signed) V. DAVÍD,
Minister of Foreign Affairs.

On 25 June 1935 there was adopted in Geneva the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48), which came into force for Czechoslovakia on 12 June 1951.
The Government of the Czechoslovak Socialist Republic hereby denounces the said Convention in accordance with the constitutional provisions of the Czechoslovak Socialist Republic and with Article 25 of the Convention.
Done in Prague on 6 September 1963.
(Signed) V. SIROKY,
Prime Minister.
(Signed) V. DAVÍD,
Minister of Foreign Affairs.

GUATEMALA

Ratification of the Guarding of Machinery Convention, 1963 (No. 119).

The ratification by Guatemala of Convention No. 119 was registered by the Director-General of the International Labour Office on 26 February 1964.
The text of the letter from the Ministry of External Relations, which constitutes the instrument of ratification of this Convention, is in terms similar to those of the letter ratifying the Equality of Treatment (Social Security) Convention, 1962 (No. 118).1

INDIA

Ratification of the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42).

The ratification by India of Convention No. 42 was registered by the Director-General of the International Labour Office on 13 January 1964.

The text of the instrument of ratification of this Convention is similar to that of the instrument of ratification of the Final Articles Revision Convention, 1961 (No. 116).\(^1\)

**ISRAEL**

**Ratification of the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).**

The ratification by Israel of Convention No. 117 was registered by the Director-General of the International Labour Office on 15 January 1964.

The text of the instrument of ratification of this Convention is similar to that of the instrument of ratification of the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48).\(^2\)

**KENYA**

**Ratification of the Unemployment Convention, 1919 (No. 2); the Minimum Age (Industry) Convention, 1919 (No. 5); the Right of Association (Agriculture) Convention, 1921 (No. 11); the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12); the Weekly Rest (Industry) Convention, 1921 (No. 14); the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15); the Workmen's Compensation (Accidents) Convention, 1925 (No. 17); the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); the Minimum-Wage-Fixing Machinery Convention, 1928 (No. 26); the Forced Labour Convention, 1930 (No. 29); the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32); the Underground Work (Women) Convention, 1935 (No. 45); the Recruiting of Indigenous Workers Convention, 1936 (No. 50); the Minimum Age (Sea) Convention (Revised), 1936 (No. 58); the Minimum Age (Industry) Convention (Revised), 1937 (No. 59); the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63); the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64); the Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); the Labour Inspection Convention, 1947 (No. 81)\(^3\); the Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86); the Employment Service Convention, 1948 (No. 88); the Labour Clauses (Public Contracts) Convention, 1949 (No. 94); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Abolition of Forced Labour Convention, 1957 (No. 105).

At the time of its admission into the International Labour Organisation, on 13 January 1964\(^4\), the Government of Kenya recognised that it continued to be bound by the obligations entered into by the United Kingdom on behalf of the territory of Kenya in respect of Conventions Nos. 2, 5, 11, 12, 14, 15, 17, 19, 26, 29, 32, 45, 50, 58, 59, 63, 64, 65, 81 \(^3\), 86, 88, 94, 98 and 105 above-mentioned.

The Director-General of the International Labour Office therefore registered on 13 January 1964 the ratification in the name of Kenya of the aforesaid Conventions.

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\(^3\) Including Part II.

LAOS

Ratification of the Night Work (Women) Convention, 1919 (No. 4); the Night Work of Young Persons (Industry) Convention, 1919 (No. 6); the White Lead (Painting) Convention, 1921 (No. 13); and the Forced Labour Convention, 1930 (No. 29).

At the time of its admission into the International Labour Organisation, on 23 January 1964, the Government of the Kingdom of Laos recognised that it continued to be bound by the obligations of international labour Conventions Nos. 4, 6, 13 and 29, which France had previously declared applicable to the territory of Laos.¹

The Director-General of the International Labour Office therefore registered on 23 January 1964 the ratification in the name of Laos of the aforesaid Conventions.

The Government of Laos stated, further, that it cancels the modifications to the terms of Article 26 of the Forced Labour Convention, 1930 (No. 29), provided for at the time of the ratification by France of that Convention and its extension to the territory of Laos, and that it recognised that it was bound by the provisions of the Forced Labour Convention, 1930 (No. 29).

NETHERLANDS

Extension of the ratification of the Social Security (Minimum Standards) Convention, 1952 (No. 102) to Part IX of this Convention: Invalidity Benefit.

The Director-General of the International Labour Office registered, on 22 January 1964, a Declaration communicated in virtue of Article 4, paragraph 1, of Convention No. 102 by the Government of the Netherlands extending the ratification of this Convention to Part IX thereof.

The text of this Declaration is as follows:

(Translation)


Sir,

I refer to my letter No. 2369 of 10 October 1962, concerning the ratification by the Netherlands of the Social Security (Minimum Standards) Convention, 1952 (No. 102), and have the honour to inform you, in accordance with Article 4, paragraph 1, of the Convention, of the decision taken by the Kingdom of the Netherlands to accept Part IX of the Convention.

Like the ratification of the Convention itself the acceptance of Part IX relates to the Kingdom in Europe.

Since under Article 4, paragraph 2, this undertaking shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification, I should be very grateful if you would inform me of the date of registration.

I have the honour to be, etc.

The Deputy Permanent Delegate:

(Signed) A. F. W. LUNSINGH MEIJER.

SYRIAN ARAB REPUBLIC

Ratification of the Radiation Protection Convention, 1960 (No. 115), and the Equality of Treatment (Social Security) Convention, 1962 (No. 118).

The ratification by the Syrian Arab Republic of Convention No. 118 was registered by the Director-General of the International Labour Office on 18 November 1963; the ratification of the Convention No. 115 was registered on 15 January 1964.

The communications of the Minister of Social Affairs and Labour which constitute the instrument of ratification of Convention No. 118 are as follows:

(Translation)

Sir,

I refer to our letter No. D/5/6782 of 5 October 1963 and have the honour to inform you that the National Council of Leadership of the Revolution, which is for the moment the competent authority in legislative matters in our country, has ratified the Equality of Treatment (Social Security) Convention, 1962 (No. 118) by Legislative Decree No. 170, a copy of which is enclosed.

I have the honour to be, etc.

(Signed) M. Attrache,
Minister of Social Affairs and Labour.

Damascus, 10 November 1963.

Legislative Decree No. 170

The President of the National Council of Leadership of the Revolution, by virtue of the provisions of Military Order No. 1 of 8/3/63, Legislative Decree No. 10 of 23/3/63, Legislative Decree No. 68 of 9/6/63, and Decision No. 170 of 22/9/1963 of the National Council of Leadership of the Revolution,

Hereby decrees as follows:

Section 1. The Equality of Treatment (Social Security) Convention, 1962 (No. 118), adopted by the International Labour Conference at its 46th Session, held in Geneva in 1962, is hereby ratified.

Section 2. This Legislative Decree shall be published in the Official Gazette and will enter into force on the date of publication.

(Signed) Amin AL-HAFIZ,
President of the National Council of Leadership of the Revolution.


(Translation)

Sir,

With reference to your letter No. ACD 2-70-00 of 3 February 1964, and my letter No. D/5/8568 of 8 December 1963, I have the honour to inform you that the branches of social security in respect of which our country has legislation already in force and presently being applied are as follows:

(1) invalidity benefit;
(2) old-age benefit;
(3) survivors' benefit;
(4) employment injury benefit.

These branches are governed by Act No. 92 of 1959, as amended.

I would beg you to be so kind as to note that, in conformity with Article 2, paragraph 3, of Convention No. 118, our country hereby accepts the obligations of that Convention in respect of the above-mentioned branches only.

I should also like to take this opportunity of expressing the satisfaction of our Government and emphasising the great interest it takes in all the activities of the International Labour Office, and at the same time to confirm that it will not fail to give thorough consideration to the possibility of accepting the obligations of the Convention in question in respect of the other branches of social security as and when they are brought into operation in our country.

I have the honour to be, etc.,

(Signed) M. Attrache,
Minister of Social Affairs and Labour.

Damascus, 3 March 1964.

The communication of the Minister of Social Affairs and Labour which constitutes the instrument of ratification of Convention No. 115 is in similar terms to the letter dated 10 November 1963 concerning the ratification of Convention No. 118.
United Kingdom of Great Britain and Northern Ireland

Ratification of the Seafarers’ Identity Documents Convention, 1958 (No. 108); and Declarations concerning the Minimum Age (Industry) Convention, 1919 (No. 5); the Minimum Age (Sea) Convention, 1920 (No. 7); the Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8); the Minimum Age (Agriculture) Convention, 1921 (No. 10); the Right of Association (Agriculture) Convention, 1921 (No. 11); the Workmen’s Compensation (Agriculture) Convention, 1921 (No. 12); the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26); the Labour Inspection Convention, 1947 (No. 81); the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); and the Abolition of Forced Labour Convention, 1957 (No. 105).

The ratification by the United Kingdom of Convention No. 108 was registered by the Director-General of the International Labour Office on 18 February 1964.

The text of the instrument of ratification of this Convention is in terms similar to those of the instrument of ratification of the Radiation Protection Convention, 1960 (No. 115). ¹

Moreover, the Director-General of the International Labour Office registered, on the dates indicated below, the following declarations communicated under article 35 of the Constitution of the International Labour Organisation, concerning the application to certain non-metropolitan territories of the international labour Conventions mentioned below:

Conventions Nos. 5, 7 and 8.


Convention No. 10.

Applicable without modification: British Honduras, Falkland Islands—18 December 1963; Gilbert and Ellice Islands, St. Helena, Seychelles—24 February 1964.

Decision reserved: Aden, Bahamas, Bechuanaland, Bermuda, Gambia, Hong Kong, Mauritius, St. Christopher-Nevis-Anguilla, Solomon Islands, Southern Rhodesia, Swaziland—18 December 1963; Barbados, St. Lucia—24 February 1964.

Not applicable: Gibraltar—18 December 1963.

Conventions Nos. 11 and 12.


Convention No. 26.


Convention No. 81.

Applicable with the following modifications and excluding Part II:

Solomon Islands—18 December 1963: Article 12 (2) and Article 15 (b) and (c).—Are not covered by legislation although in practice full effect is given to these paragraphs.

Convention No. 87.


Convention No. 105.

Applicable without modification: Fiji—18 February 1964.

² This declaration supersedes the declaration of 22 March 1958.
³ This declaration supersedes the declaration of 17 March 1959.
Ratification of the Labour Inspection Convention, 1947 (No. 81); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The ratification by Viet-Nam of Conventions Nos. 81, 98 and 111 was registered by the Director-General of the International Labour Office on 6 January 1964.

The letter from the Minister of Labour, which constitutes the instrument of ratification of these Conventions, is as follows:

(Translation)

Saigon, 31 December 1963.

Sir,

I have the honour to inform you that by Decree No. 32-LD dated 13 December 1963 the provisional Government of the Republic of Viet-Nam ratified the following international labour Conventions:

Labour Inspection Convention, 1947 (No. 81), adopted by the General Conference of the International Labour Organisation at its 30th Session;

Right to Organise and Collective Bargaining Convention, 1949 (No. 98), adopted by the General Conference of the International Labour Organisation at its 32nd Session;

and

Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted by the General Conference of the International Labour Organisation at its 42nd Session.

A copy of the said decree and a translation are enclosed for the purpose of registration by the International Labour Office.

I have the honour to be, etc.

(Signed) NGUYỄN-LÊ-Giang,
Minister of Labour.

(Translation)

The President of the Provisional Government,

By virtue of the powers conferred upon him by—
Provisional Constitutional Instrument No. 1 of 4 November 1963;
Decree No. 1-HDQN of 4 November 1963 of the President of the Revolutionary Military Council to appoint the President of the Provisional Government; and
Decree No. 1-TTP of 4 November 1963 to determine the composition of the Government;
On the proposal of the Minister of Labour; and
After discussion by the Council of Government,

Hereby decrees as follows:

Section 1. The following international labour Conventions are hereby ratified and promulgated:

(1) the Labour Inspection Convention, 1947 (No. 81), adopted by the International Labour Conference at its 30th Session, in 1947;

(2) the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), adopted by the International Labour Conference at its 32nd Session, in 1949; and


Section 2. The Minister of Labour is instructed to notify the Director-General of the International Labour Office of these ratifications.

Saigon, 13 December 1963.

(Signed) NGUYỄN-Ngoc-Tho.
Office Publications and Documents

INTERNATIONAL LABOUR REVIEW

The following, in addition to the regular section “Current Information” and the Bibliography, are the contents of recent issues of the International Labour Review.

February 1964:
Long-term Planning of Employment in the Hungarian People’s Republic, by Janos Timar.
Changes in Occupational Wage Differentials, by H. Gunter.
The Training of Technicians and Engineers in the Federal Republic of Germany, by Erwin Krause.
Vocational Training for the British Merchant Navy, by I. A. Gunn.
The statistical supplement contains, in addition to a note on changes in the tables, tables of unemployment statistics and consumer price indices.

March 1964:
Problems of Employment in Economic Development:
The Works Programme in East Pakistan, by Richard V. Gilbert.
Development and Rural Overpopulation: Lessons from Polish Experience, by M. Pohorille.
Employment Problems of Regional Development: the Case of Slovakia, by Pavel Hoffman.
Precarious Employment in Sicily, by P. Sylos-Labini.
The statistical supplement contains, in addition to a note on changes in the tables, tables of employment and unemployment statistics, consumer price indices and statistics of wages and hours of work.

April 1964:
Manpower Planning in Developing Countries, by Michel Debaunais.
The Interdependence of High-Level Manpower Planning and Economic Planning, by F. Paukert.
The Labour Market and the Manpower Forecaster—Some Problems, by John Vaizey.
The Economics of Manpower Forecasting, by R. G. Hollister.
The statistical supplement contains, in addition to a note on changes in the tables, tables of unemployment statistics and consumer price indices.

LEGISLATIVE SERIES

The January-February 1964 issue of the Legislative Series contains texts promulgated in 1962 and 1963 dealing with the following subjects.
Labour Legislation:
- Colombia 1: Right of Association.
- Czechoslovakia 1: Works Institutes.
- German Democratic Republic 1 (1963): Disputes Committees.
- Morocco 1: Workers' Representation.
- Pakistan 2: Apprenticeship.
- Paraguay 1: National Labour Department.
- Poland 1: Placement.
- Senegal 1: Merchant Marine Code.
- Swaziland 1: Employment.
- Syrian Arab Republic 2: Trade Unions.

Social Security Legislation:
- Rumania 1: Pension Insurance.
- Yugoslavia 1: Health Insurance.

This number also contains a selective list of recent labour legislation.

Documents Prepared for the International Labour Conference (48th Session)

In preparation for the 48th Session of the International Labour Conference (1964) the Office has published the following reports.

Report of the Director-General (Part I) 1

Part I of the Director-General's Report consists of a reprint of the Report prepared for the 47th Session of the Conference in 1963, with an additional Introduction containing the Director-General's suggestions as to some of the points on which the Conference this year might focus its attention, so that final conclusions can be drawn from the debate on the basis of the discussions at the two successive sessions.

Report of the Director-General (Part II) 2

The main object of the second part of the Director-General's Report—which constitutes at the same time the Eighteenth Report of the I.L.O. to the United Nations—is to take stock of the achievements in the Organisation's programme up to the end of the year 1963. The matters covered are grouped under the following headings: major developments and trends; development of human resources; international standards and labour relations and institutions; social needs and programmes; action concerning specific occupational groups. An appendix summarises the action taken in 1963 and early 1964 to give effect to the resolutions adopted by the Conference at its 40th to 46th Sessions.

Financial and Budgetary Questions 3

This report contains the budget estimates for 1965 and information on certain other financial questions of concern to the I.L.O.

This volume summarises the reports submitted by governments under article 19 of the Constitution of the I.L.O. concerning the following instruments: Holidays with Pay Convention, 1936 (No. 52); Holidays with Pay Recommendation, 1936 (No. 47); Holidays with Pay Recommendation, 1954 (No. 98); Holidays with Pay (Agriculture) Convention, 1952 (No. 101); Weekly Rest (Industry) Convention, 1921 (No. 14); Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106); Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103).

Hygiene in Commerce and Offices

The above report contains, first, a summary and analysis of the replies received from the governments of member States regarding the proposed texts of a Recommendation and of a Convention submitted for their consideration following a discussion of the subject of hygiene in shops and offices by the International Labour Conference at its 47th Session in 1963; and, secondly, the English and French versions of the proposed Recommendation and Convention, based on the governments' replies, for submission to the Conference at its 48th Session in 1964.

Benefits in the Case of Industrial Accidents and Occupational Diseases

This report contains, first, a summary and analysis of the replies received from the governments of member States regarding the proposed texts of a Convention and of a Recommendation submitted for their consideration following a first discussion of the subject of benefits in the case of industrial accidents and occupational diseases by the International Labour Conference at its 47th Session in 1947; and, secondly, the English and French versions of the proposed Recommendation and Convention, based on the governments' replies, for submission to the Conference at its 48th Session in 1964.

Employment Policy

This report contains, first, a summary and analysis of the replies received from the governments of member States regarding a draft Convention, a draft Recommendation and other Conclusions adopted by the Preparatory Technical Conference on Employment Policy held in Geneva in September-October 1963 and subsequently sent to the governments for their comments, together with a questionnaire; secondly, the English and French versions of proposed texts of a Convention and a Recommendation concerning employment policy, based on the Conclusions of the Preparatory Technical Conference and taking account also of comments and suggestions made by governments in their replies and in the final stages of the discussion at that Conference; and, thirdly, the proposed texts of a resolution concerning the activities of the International Labour Organisation in the field of employment policy and a resolution concerning international action for the promotion of employment objectives.

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The subject is being submitted to the International Labour Conference at its 48th Session for single discussion with a view to the possible adoption of an appropriate instrument or instruments.

**Proposed Declaration concerning the Policy of "Apartheid" of the Republic of South Africa**

At its 158th Session (13-17 February 1964) the Governing Body of the I.L.O. had before it the report of the Committee on Questions concerning South Africa which it had appointed at its 157th Session (November 1963) and which had met in January 1964.

Following a unanimous recommendation of the Committee, the Governing Body decided to place the above-mentioned item on the agenda of the 48th Session of the Conference.

The present report consists of the relevant passages of the report of the Committee on Questions concerning South Africa; a communication from the Government of the Republic of South Africa concerning the report of the Committee which was submitted to the Governing Body; a summary of the discussion in the Governing Body on the report of the Committee in so far as it is relevant to this item; and the text of the proposed declaration concerning the policy of apartheid of the Republic of South Africa, as submitted to the Conference by the Governing Body. Appended to the report is an I.L.O. programme for the elimination of apartheid in labour matters in the Republic of South Africa.

**Proposed Amendment to Article 1 of the Constitution of the International Labour Organisation**

This report contains the proposed text of an amendment to article 1 of the Constitution, submitted to the Conference by the Governing Body of the International Labour Office, which would empower the Conference to expel or suspend from membership any Member which has been expelled or suspended from membership of the United Nations.

**Proposed Amendment to the Constitution of the International Labour Organisation by Means of an Additional Article**

This report contains the text of an amendment proposing the insertion at the end of the Constitution of a new article which would empower the Conference to suspend from participation in the International Labour Conference any Member which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid.

**Minutes of the Governing Body**

154th and 155th Sessions

These volumes contain a record of the discussions of the Governing Body of the items on the agenda of its 154th and 155th Sessions.
STUDIES AND REPORTS
HOUSING CO-OPERATIVES

The report opens with a short introduction touching on the activities of the I.L.O. designed to help in the search for a solution of the problem of housing, and workers' housing in particular. The subject of housing co-operatives is then approached under the following heads: a general description, giving the characteristics and advantages of housing co-operatives; the Scandinavian countries; other European countries (France, Federal Republic of Germany, Poland, Spain); North America (Canada and the United States); developing countries (Colombia, India, the United Arab Republic); and co-operation and the housing problem in the developing countries generally. Five tables furnish relevant data.

MANUAL OF INDUSTRIAL RADIATION PROTECTION

PART III: GENERAL GUIDE ON PROTECTION AGAINST IONISING RADIATIONS

This volume is a factual illustrated guide which provides a basic introduction to the science and art of radiation protection that is designed principally to assist the radiation worker, the engineer, the industrial administrator and others in industry who are not radiation safety specialists.

The Manual as a whole is to consist of five Parts.

Parts I and II, already published, contain respectively the text of the Convention and Recommendation concerning the protection of workers against ionising radiations, adopted by the International Labour Conference in June 1960, and the revised provisions of Chapter XI, section 2, of the Model Code of Safety Regulations for Industrial Establishments for the Guidance of Governments and Industry. Part IV will deal specifically with radiation protection in industrial gamma and X-ray radiography and fluoroscopy, while Part V will be devoted to the radiation protection of workers using luminising compounds.

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Tripartite Technical Meeting for the Food Products and Drink Industries

(Geneva, 9-20 December 1963)

CONCLUSIONS AND RESOLUTIONS ADOPTED

Conclusions (No. 1) concerning the Social Consequences of Technological Developments in Principal Branches of the Food Products and Drink Industries

The Tripartite Technical Meeting of the International Labour Organisation for the Food Products and Drink Industries,

Having met in Geneva from 9 to 20 December 1963,

Adopts this twentieth day of December 1963 the following conclusions:

I. General Considerations

1. A great variety of technological changes are taking place in the food products and drink industries. These take the form—either separately or together—of mechanisation, automation, introduction of new operations, utilisation of new materials, new methods of work or new ways of organising work. The pace and type of these changes in the food and drink industries vary widely between countries, regions, branches of industries, undertakings and between divisions of the same undertaking, and, thus, the impact of change produces a variety of social consequences. Nevertheless, there can be no doubt either that the food products and drink industries have undergone significant changes in the past or that continuing technological innovations are inevitable.

2. For the developing countries, an adequate domestic production of food constitutes a fundamentally important stage in their economic and social progress, and technological development of the food industries provides the most efficient means of ensuring a greater and more varied production of food, thus contributing to raising the standard of living of the community as a whole.

3. Introduction of technological change should be done in a rational and orderly manner and in such a way as to take account of the variations mentioned in paragraph 1 above. Without establishing priorities, the benefits accruing therefrom should, in keeping with the provisions of Part VI, of the present conclusions, be shared equitably amongst workers, undertakings and the community as a whole, and without prejudicing the stability or the continuity of the undertaking. The sharing of these benefits should take the form of—

   — shorter hours,
   — higher wages,
   — less arduous work,
   — improved working conditions,

1 See above, p. 89.
2 Adopted unanimously.
— improved welfare benefits,
— greater safety at work,
— lower prices,
— higher quality products,
— and countless other direct and indirect benefits through accelerated economic development.

4. In the light of these considerations, we reaffirm our conviction that the benefits to be derived from automation and technological advance can and should be realised without loss or cost of human values. Maximum technological development must be achieved but only with adequate safeguards for the welfare of individuals. Such safeguards will best be achieved by careful planning or consultation between public and private agencies.

5. The experience gained in dealing with the problems of the social consequences of technological change in the highly industrialised countries of the world has an especial relevance for those countries which are in earlier stages of economic development. A co-operative exchange of information and the intelligent application of knowledge already accumulated would go far in assisting the developing countries to plan for the introduction of technological change and the social consequences thereof, and to ensure the greatest possible level of output in their undertakings and contribute to the raising of existing levels of employment.

II. The Need for Consultation and Information

6. There is a serious lack of information on the characteristics and directions of technological changes in the food products and drink industries. As far as future trends are concerned, the lack of information is even more pronounced. Where such information is compiled, it has very limited dissemination.

7. It is essential therefore to assemble, at the national level, with consultation at the regional and local levels, information both of a specific and of a general nature. Studies should be undertaken with a view to future forecasts and the assessment of foreseeable needs in the economic, social, technological and employment fields at the international, national, industry and plant levels.

8. The data so collected should be used in the subsequent drawing up of appropriate programmes of social and economic action to avoid individual hardship and dislocation and ensure the equitable distribution of the benefits of technological change.

9. The International Labour Organisation could play a very useful and valuable role by advising countries on methods of research and by acting as a central exchange centre for relevant information.

10. Full consideration should be given to the resolution on automation adopted by the International Labour Conference at its 39th Session in Geneva in 1956. At that time it was stated that a necessary measure in dealing with the consequences of automation was an: “objective examination by governments, employers’ organisations and workers’ organisations of the economic and social implications of automation and other technological developments in an effort to assemble and appraise the effects, to widen understanding of the changes taking place and to lay the basis for action to meet any labour and social problems which may be involved”.

11. The importance of creating a good climate of labour-management relations can hardly be overemphasised, for it is essential in order to facilitate the required adaptations to technological change.

12. Governments and employers and workers cannot separately cope with the social consequences and unco-ordinated technological development. Co-operation and consultation are needed at all levels—plant, industry, national and international—to examine thoroughly all facets of the impact of the new technology. In order to recognise in time the tendency of technological developments, and its economic and social effects, and to enable employers and workers as well as governments to draw conclusions, the creation of joint or tripartite committees which can engage in valuable research is strongly recommended.
Taking into account the functions of management, workers and workers’ representatives should have all available information so that they may co-operate in appropriate programmes of social and economic action with a view to avoiding individual hardship and dislocation.

13. Large-scale changes in technology are planned well in advance and can affect the number of jobs, conditions of work and systems of remuneration. The aim of the joint consultation and the exchange of information on all problems, both general and specific, described above, should then be to avoid harmful social consequences by taking the appropriate measures.

14. Public opinion also has to be informed of the social problems associated with technological progress, especially as it affects workers.

15. There should also be close and continuing consultation at the plant, regional and national levels, as well as at the international level, when this latter is considered appropriate, on the impact of technological change and the continuing development of measures that must be taken to mitigate any possible adverse effects on the workers.

16. These proposals are reinforced by the resolution on automation adopted by the International Labour Conference at its 39th Session, which envisages: “close and continuous consultation between the parties concerned in planning ahead to meet any labour and social problems involved in the introduction and application of automatic processes and methods and other technological changes, and in devising the policies and taking the measures required to facilitate adjustment to technological improvements and to ensure the equality of their benefits”.

III. Impact on Employment—Redeployment of Workers

17. The food and drink industry of the whole world in recent times has developed production methods which enable increasing mechanisation, rationalisation and automation. These industries are faced with an era of technological change during which the relationships between the factors of production will undergo substantial changes. In June 1963 the International Labour Conference in Geneva adopted a Recommendation (No. 119) concerning termination of employment at the initiative of the employer, urging that:

“Positive steps should be taken by all parties concerned to avert or minimise as far as possible reductions of the workforce by the adoption of appropriate measures, without prejudice to the efficient operation of the undertaking, establishment or service”. It also recommended, in addition, that consultation at the plant level with workers or workers’ representatives should take place before the workforce is reduced so as to determine the criteria both for the selection of workers to be affected by such a reduction and for the re-employment of the workers thus affected.

18. When technological change results in adjustments in the distribution, qualifications or number of workers, the objectives should be to make such adjustments without resort to reduction of the workforce and to minimise other adverse effects on the workers.

19. If the introduction of technological change results in the dislocation of a worker and he is transferred to another plant of the same undertaking, then he should be given certain fundamental assistance which should include—

(a) provision for the reimbursement of reasonable expenses incurred where a change of residence is necessary;
(b) aid in ensuring the worker’s assimilation and acceptance into the new community;
(c) assistance in solving the problem of housing;
(d) temporary allowance for additional costs at the new location either because of living away from the family, or the possible increase in the cost of daily travel to and from work;
(e) payment of an appropriate wage or salary and maintenance of acquired service benefits, so that the worker does not suffer a serious downgrading in his standard of living;
(f) retraining at the new location within the undertaking, without cost to the worker.
20. To avoid or minimise undesirable social consequences associated with the introduction of technological change the following should be considered:

(a) relying on normal turnover to reduce the workforce, including voluntary severance, normal retirement or death;
(b) when possible, the change should be timed to coincide with an anticipated expansion in the workforce;
(c) gradual change commensurate with expanding business prospects.

21. A programme of full employment and economic growth should be part of a successful transition to the technological age. Special consideration should be given at all levels to the capital needs of developing countries and their need for technical assistance and training. The achievement and maintenance of full employment are fundamental responsibilities of governments. In view of the economic interdependence of industrial and developing countries, governments and their agencies must work toward achieving the goal of full employment as it has been proclaimed in the Constitution of the I.L.O. and in the Universal Declaration of Human Rights.

22. Severance pay, as compensation for loss of employment, related to length of service and previous rate of wages, to be available either in the form of a lump sum or in successive payments over a period of time, may be considered as possible mitigation of the impact of unavoidable termination of employment.

23. The community as a whole gains through technological change. Displaced workers should not therefore be left to carry all of the burden associated with the introduction of such change. Equitable social security benefits according to national policy should be provided by the appropriate government agencies where such benefits do not now exist.

IV. Education and Training

24. Technological change is affecting jobs in the various food and drink products industries. Some jobs are disappearing while the aptitudes and skills of others are changing. The need for engineers, scientists, technicians and qualified workers is increasing rapidly and the demand for highly skilled maintenance workers is high.

25. One of the basic reasons for the shortage of qualified workers has been that educational and training systems have not kept pace with the changing job requirements brought about by technological change, and consequently—

(a) studies should be undertaken to determine as clearly and as fully as possible the present and probable future training needs. On the basis of the results of these studies employment and training agencies should set up or expand existing advisory services in order that workers may know, well ahead of time, what job opportunities may be available in the future; attention is drawn in this respect to the activity of the International Vocational Training Information and Research Centre (C.I.R.F.) of the International Labour Office;

(b) basic education should be of as broad a nature as possible so as to increase the ability of workers to adapt to changing technology;

(c) basic education facilities for adult workers should be made available or expanded in order that they may better prepare themselves for further training;

(d) vocational guidance should be made available to young people to aid them in selecting their occupations and training courses;

(e) programmes of vocational training should be established and existing programmes reviewed in order that they are keeping up to date with changing conditions. Exchange of programmes and ideas between agencies and countries would be helpful in order that all may share in the benefits;

(f) the need for qualified vocational and technical teachers in sufficient numbers is very important and there should be national and international co-operation in regard to teacher-training techniques.
26. The establishment of new plants in the developing countries poses a different question. Here qualified workers are needed to operate, maintain, and manage modern machines. Currently these personnel are not available, which emphasises the need for—

(a) providing basic education which will render vocational training more effective;
(b) machinery and equipment to be used in training schools;
(c) qualified teachers in the vocational courses who are able to communicate with the students;
(d) the adaptation of training methods to suit the population who are mainly rural with no industrial traditions.

27. In order to help developing countries in their efforts to overcome these problems, assistance is urgently needed from industrialised countries and international organisations, such as the International Labour Organisation. Such assistance should include the provision of fully qualified training experts who can be made available for periods long enough for an effective and satisfactory job to be done. The I.L.O. is particularly competent to play a leading role in the provision of such experts; the I.L.O. could maintain a list of experts drawn from employer, worker and government spheres. Another important form of assistance, which should be extended, is the provision of opportunities for training in industrialised countries. The I.L.O. could maintain a list of training establishments, public and private, which have facilities available for training. Industrialised countries should also help developing nations in the creation of a body of competent teaching staff. All such efforts should aim at providing workers who will meet the specific needs of the new undertakings being established.

V. Conditions of Work, Hours of Work and Wages


(a) Technological change, the introduction of new processes or machines, may improve conditions of work from the standpoint of safety, physical effort required, length of shifts, etc., or such change may involve more repetitive and monotonous efforts, more machine minding and hence more nervous fatigue. Consideration should be given to the rotation of workers and to the establishment of suitable rest periods for the workers on highly repetitive operations in order to relieve tension and monotony;
(b) workers required to work outside of normal daytime hours should receive additional compensation for the inconvenience which disrupts their pattern of living;
(c) consideration should also be given to studies on the effect of automation and high-speed mechanisation on the physical and mental health of the workers involved.

29. Hours of Work.

(a) New processes, new machinery, new storage and preserving techniques should allow for more regularised hours of work, less night work, and shorter daily and weekly hours of work. As such improvements are introduced uniformly in particular branches of the food and drink industries the working hour improvements should be shared with the workers in the particular branch to the degree possible without prejudice to the stability or continuity of the branch or the industry;
(b) the food and drink industries being in certain cases dependent upon growing and maturing seasons and being required immediately to process perishable products must accommodate hours of work to these limitations;
(c) it should be noted here that the Reduction of Hours of Work Recommendation, 1962 (No. 116) adopted by the International Labour Conference in June 1962 urged all member States of the I.L.O. to formulate and pursue a national policy to promote by appropriate methods the acceptance of the principle of the progressive reduction in the normal hours of work.

30. Earnings and Methods of Remuneration.

(a) Increased technology and mechanisation reduce the significance of incentive or piece-work systems of payment. Individual workers have little or no chance to influence
the rate of production. There will therefore be a continuing trend to time work. In the transition to straight time rates the income of the workers should be re-examined, where appropriate, in consultation with the workers or workers' representatives.

(b) Subject to national practices in the food products and drink industries, it is recommended that adjustments in wage rates to accommodate the technological changes should result from joint consideration with workers or workers' representatives, and should be reviewed periodically, in order that proper account may be taken of the changes in the weighting of factors; for example, additional weighting may need to be given to the factor of responsibility to allow for proper consideration for the added responsibilities that the worker is charged with, as a result of the introduction of technological change, for costly machinery and materials.

(c) In many instances, due to the introduction of technological change, some of the skill content is removed from the job. In other cases, workers must be moved to lower-rated jobs. When this happens, every effort should be made to retrain the worker for, or reassign him to, a job providing the same pay. If this is not possible, it is recommended that the previous wage rate be maintained for a transitional period.

VI. Implementation

31. Such practical steps should be implemented through legislation, collective bargaining, or other means, on a co-operative basis between governments, employers and workers or their organisations, and in the light of the situation and general policy prevailing in each country.

Conclusions (No. 2) concerning Health, Hygiene and Safety in the Food Products and Drink Industries

The Tripartite Technical Meeting for the Food Products and Drink Industries of the International Labour Organisation,
Having met in Geneva from 9 to 20 December 1963,
Having considered the third item on its agenda, namely “Health and Safety in the Food Products and Drink Industries”,
Having discussed the report on the subject prepared by the International Labour Office, the needs of the food products and drink industries in the different countries, the various activities for the promotion of occupational safety and health already undertaken, both on the national and international level;
Adopts this twentieth day of December 1963 the following conclusions:

General Considerations

1. Despite the progress made in all fields of human endeavour, including that of health and safety, workers may find themselves constantly threatened by new risks. It is therefore essential never to relax the efforts made with a view to constantly improving the lot of the worker. Recent developments in the food and drink industries confirm this necessity.

2. All persons who are concerned with these industries have the moral responsibility to apply to the best of their abilities the knowledge available in the fields of safety, hygiene and health in order to achieve optimum standards in these fields.

3. The prevention of accidents and the protection of workers' health is the joint responsibility of government, employers and workers. It is the duty of governments to prepare and enforce basic standards and to develop programmes of health and safety in industry. The primary responsibility for making provision for safety and health conditions in the industry should be fully recognised and accepted by the employer. Management

1 Adopted unanimously.
should also make sure that workplaces, working processes and the equipment used are safe and that the safety regulations are made known and carried out. The worker has also the important responsibility of complying with programmes devised for his protection. Acceptance by the worker of this responsibility implies his right to participate in the preparation of such programmes either individually or through his organisation.

Basic Measures for the Promotion of Safety, Hygiene and Health

4. The basic measures set out below should normally represent minimum requirements for health and safety programmes.

(a) Legislation and regulations. Action in this field should provide the minimum standards which form the framework for control purposes. Guidance for the preparation of legislation and other standards could most properly be that offered by standards embodied in the Conventions and Recommendations adopted by the I.L.O. and other international standards and texts. It is urged that such Conventions be ratified and Recommendations and other international standards and texts be applied to the greatest possible extent. Legislation should not be looked upon as final but should be periodically reviewed and amended to take account of technological change and to ensure that all workers are provided with adequate protection. Employers' and workers' organisations should be consulted in the preparation of drafts of legislation and regulations dealing with safety and health.

(b) Systematic inspection services for the enforcement of legislation and regulations. The primary function of such an inspection service is to operate a continuing inspection system which would ensure that existing and future installations, processes and equipment are in compliance with the regulations and standards formulated by the government. In addition, the service should have the further responsibility of prior review of new installations or modifications of processes and equipment to determine whether these fully meet the requirements for the health and safety of the worker. Another function of great importance is the maintenance of liaison between the agencies involved in the control of health and safety matters and the co-ordination of inspection activities with these agencies. All inspection services should maintain a consultative service so that those desiring assistance in the field of health and safety may be given proper guidance and stimulation.

(c) Workmen's compensation and social security schemes. Workmen's compensation and social security problems in the food and drink industries arise from accidents and various types of diseases. In the food and drink industries the effects of diseases of occupational origin may not be limited to the person contracting the disease but may also affect the employment of other workers because of public health requirements. One effect may be the loss of earnings due to restrictions on employment caused by these public health requirements. Workmen's compensation and social security systems should contain some provision to alleviate this possible situation.

(d) Reporting and recording systems. No evaluation of the effectiveness of a health and safety programme can be made and proper preventive measures taken without the compilation of adequate records and statistics. Such information should include records and statistics on injuries and diseases and, as far as practicable, records and statistics of dangerous occurrences which do not result in injury.

Co-operation

5. In order to achieve the highest possible standards in occupational safety and health, there should be full co-operation at all levels between governments, safety organisations, research centres, and employers' and workers' organisations on all aspects of the subject, in order to ensure that the proper safety and health regulations are made and applied.

6. Co-operation is achieved in different ways in different countries. However, joint safety committees of employers and workers will be of material assistance and should be established at the level or levels appropriate to each country. Safety and health committees at the national level covering all branches of the food products and drink industries should,
where necessary, provide for the participation of government representatives. Safety and health matters should be given proper attention in collective bargaining, and appropriate collective agreements should include provisions for the establishment of safety and health committees in the plants.

*Occupational Safety and Health Services in Places of Employment*

7. Every effort should be made to provide occupational safety and health services in places of employment. The basic principles laid down in the Occupational Health Services Recommendation, 1959 (No. 112) should be applied and find application by analogy in the establishment of occupational safety services. The functions of such services should be progressively developed with due regard to the working environment and the potential hazards related to the methods of production. In this regard proper attention should be paid to the needs of small undertakings which are prevalent in the food products and drink industries.

*Propagation of Knowledge*

8. The knowledge of safety and health matters is today indispensable for those holding responsible positions in industry. The interdependence of all safety and health matters with production makes it necessary that all persons concerned receive the proper training and education. The education and training of engineers, medical personnel, technicians, and others concerned should include instruction in occupational safety and health matters, either as part of their curricula or, where necessary, by means of special courses. The curricula of elementary and secondary schools should include instruction in safety and health. The United Nations Educational, Scientific and Cultural Organisation should be invited to give special attention to this aspect of education.

9. *(a)* Governments, employers and workers jointly should make every effort to provide and implement adequate safety and health training for all persons normally engaged in the industry. Particular attention should be paid to the special needs of such groups as new entrants, apprentices, young persons, migrants, immigrants, seasonal and illiterate workers. Emphasis should be placed on basic information as well as on problems of new technology. All available and suitable educational tools, such as audio-visual aids, should be employed to accelerate the assimilation of this training, particularly when language barriers create a problem.

*(b)* Government staff dealing with health and safety should be provided with adequate and continuing training commensurate with the requirements and duties imposed.

*Research*

10. *(a)* Although today substantial research is being carried out in the field of technology, medicine and other related fields, there is a need to apply the knowledge gained to the requirements of safety and health.

*(b)* Efforts to find a solution to existing occupational health and safety problems and those which may arise from new technologies should be intensified by expansion or establishment of permanent research programmes.

*(c)* Special attention should be given to such environmental factors as excessive noise and its effects, the development and utilisation of adequate lighting and colour schemes, the study and evaluation of the factors producing heat stresses, the pathology and toxicology of new materials and the physiological and psychological effects of new processes and designs. The relationships between hazards and the accumulative effects of hazards should also be taken into account.

11. All knowledge obtained in the field of safety and health from whatever source should be freely available. Governments, employers and workers should consider all practical means, including the establishment of advisory safety and health services, for achieving this purpose.
12. *(a)* Results of research will need to be applied to the creation and development of optimum environmental conditions and the I.L.O. might usefully initiate appropriate action.

*(b)* Working methods, jobs and technical installations should be organised in such a way so as to prevent such accidents or diseases as might result from slippery floors, toxic and inflammable gases, the improper use of fumigants and other dangerous substances, or improper handling of materials, and other environmental conditions such as noise, light, colour, climatic extremes, atmospheric pollution, industrial effluents.

*(c)* Monitoring devices should be used by properly trained and qualified persons to measure the extent and the effectiveness of control programmes.

**Technical Measures for Protection**

13. *(a)* Whenever a safety and health hazard exists, or a potential hazard is recognised, the elimination or minimisation of this hazard should first be attempted by accepted engineering methods. Such methods might comprise the modification of processes, the isolation of the source of the hazard, the safeguarding of machinery, as described in international labour Conventions and Recommendations or other standards, and the proper conception of methods of handling materials and the organisation of work within the plant. If engineering methods are not sufficient to minimise the effects of a hazard, additional protection must be provided by limiting the time of exposure.

*(b)* The application of protective equipment such as respiratory devices or other special protective equipment of any type should only be used when engineering methods or limitations of exposure are not completely effective. This principle does not exclude the necessary provision and regular utilisation of protective clothing for hygienic reasons. The manufacturers of such clothing should consider the climatic conditions of the place where the clothing will be utilised.

**Medical Problems**

14. Every possible step should be taken to preserve health and to prevent the occurrence of occupational diseases such as those due to the exposure to toxic substances and infectious materials, extreme temperatures and humidity, substances likely to produce allergies and dermatosis and abnormal physiological and psychological stresses and strains.

15. *(a)* Special attention should be given to preplacement, pre-employment and periodical medical examination, control of disease transmission, control of unhealthy substances, protection of the worker exposed to abnormal or extreme climatic conditions, and the limitation of the physiological and psychological stresses and strains the worker may sustain in the course of his work.

*(b)* In this context the Governing Body of the International Labour Office is invited to request the Director-General to draw the attention of the Meeting of Experts on the Limitation of Loads to Be Carried by One Man to the views of the Tripartite Technical Meeting for the Food Products and Drink Industries that—

(i) the area of consideration of this Expert Committee be expanded to include such physiological stresses as arise from lifting, pushing and pulling;

(ii) suitable limitations be suggested for adult male workers, women and young workers; and

(iii) the above-mentioned Expert Committee should recommend what action should be taken at the international level on this subject.

**Welfare**

16. *(a)* The provision and improvement of conditions contributing to the welfare of the worker are the responsibility of governments, employers and workers. Facilities designed
to ensure working conditions as comfortable as possible are one necessary means for this purpose. Due regard should be paid to conditions outside the factory as well as inside it, in view of the close relationship between the life of the worker at his place of employment and his life in the community at large.

(b) Steps should be taken to safeguard the workers’ physical and mental health, particularly with respect to work schedules, housing, transport, education, nutrition and other social factors relating to the workers’ welfare. Outside the factory, the main responsibility lies with the governments, within the limitations imposed by the people, although management and labour can make a contribution and account should be taken of their views.

(c) Special consideration should be given to the needs of women young and old workers, immigrants, migrant and seasonal workers.

Problems of a Changing Technology

17. (a) Modern technological development in industry and the community at large may, in great measure, eliminate or minimise many of the present problems in the fields of occupational health and safety. However, new technological developments, for example increased mechanisation and automation, may create new and more diverse safety and health hazards and problems. These problems may include physical and mental stresses brought about by the changed pace of work, the exposure of the worker to new physical hazards and the inability of workers to adapt themselves to new conditions.

(b) Solutions to these problems should not wait upon the occurrence of adverse effects but should, as far as possible, be anticipated and consequently be considered and controlled in the design stages, particular attention being paid to the retraining of workers in new technologies. Every effort should be made in the planning and application of any new development to adapt the technology to the worker’s capabilities rather than adapt the worker to the technology.

Resolution (No. 3) on World Food Problems and Technical Assistance to Developing Countries in the Food Products and Drink Industries

The Tripartite Technical Meeting of the International Labour Organisation for the Food Products and Drink Industries,

Having met in Geneva from 9 to 20 December 1963,

Having noted the resolution concerning freedom from hunger adopted by the International Labour Conference in 1961, and considering that it is an objective of the International Labour Organisation to further among the nations of the world programmes which will achieve the provision of adequate nutrition for all,

Recognising that, although progress has been made, it has not been possible to fulfil this objective as evidenced by:

— the continuing threat of starvation,
— widespread malnutrition,
— existence of large food surpluses in certain areas and of under-consumption in others,

Considering that the Universal Declaration of Human Rights provides that “everyone has the right to a standard of living adequate to the health and well-being of himself and of his family, including food . . .”,

Recognising that the food-processing industry has a major responsibility in satisfying the world’s needs in this respect,

Calling attention to the growing importance of co-ordinated international action to provide an orderly, progressive and equitable basis for economic expansion and development,

1 Adopted unanimously.
Considering that the development of the food-processing industries can considerably assist in improving standards of living and nutrition, in stabilising or developing agricultural production in the countries in which they are set up, by providing new employment possibilities;

Adopts this nineteenth day of December 1963 the following resolution:

The Governing Body of the International Labour Office is invited to request the Director-General—

(1) to convey to the United Nations and the Food and Agriculture Organisation the view expressed by this Meeting to the effect that these Organisations should promote the international co-ordinated action referred to in the Preamble to foster and encourage the growth of food-processing industries, particularly in developing countries;

(2) to suggest to governments that they obtain information from the International Labour Office or other international organisations, for the purpose of giving attention, in the development of food-processing industries, to various forms of economic organisation in accordance with the public interest, including those capable of promoting habits of self-reliance in the working population of the country concerned, such as co-operatives;

(3) to pledge the full co-operation of the International Labour Organisation in international co-ordinated action for the development of the food-processing industries, in particular through technical co-operation in such matters as vocational training, management development and services to small-scale industry;

(4) to urge the governments concerned, when drawing up national plans for economic development, to give an important place whenever possible to the food-processing industries;

(5) to urge these governments to associate, to the extent possible, through tripartite bodies or otherwise, employers’ and workers’ organisations at all levels with the drafting or preparation and implementation of such plans for the development of the food-processing industries;

(6) to urge governments that, when the food-processing industries are developed, the workers therein have the benefit of the protection afforded by the relevant international labour standards and enjoy working and living conditions comparable to those in other industries;

(7) to continue to give the fullest possible support to the efforts of the United Nations and other organisations concerned to protect the balance of payments of the developing countries by means which may include a regularisation of prices of raw materials on which the food-processing industries depend, mainly by means of international commodity agreements, and to encourage consideration of the social consequences of international commodity agreements when they are drawn up;

(8) to undertake a study of the social consequences of excessive price fluctuations of basis commodities upon which the food-processing industries depend;

(9) to base technical assistance extended in the food-processing sector on principles of joint or tripartite consultation and to ensure that I.L.O. experts concerned with the promotion of food-processing industries and the improvement of conditions therein act in consultation with employers’ and workers’ organisations concerned; and

(10) to transmit the present resolution to the United Nations Trade and Development Conference.

Resolution (No. 4) on Problems of Employment of Women

The Tripartite Technical Meeting of the International Labour Organisation for the Food Products and Drink Industries,

Having met in Geneva from 9 to 20 December 1963,

Considering the high percentage of women employed in the food, drink and allied industries,

1 Adopted unanimously.
Considering that, according to the information supplied to the Meeting, in many countries differences continue to exist in the treatment of men and women workers;
Adopts this nineteenth day of December 1963 the following resolution:
The Governing Body of the International Labour Office is invited—
(a) to encourage the member States to ratify Convention No. 100 concerning equal remuneration for men and women workers for work of equal value and fully to apply its principles in practice in the food and drink industries;
(b) to request the Director-General to continue to study and to publish information on recent developments in this field, as well as on particular problems of women workers, such as adequate welfare facilities and part-time employment;
(c) to draw the attention of I.L.O. meetings dealing with women workers to the problems of women employed in the food products and drink industries.

Resolution (No. 5) on the Scope and Application of Labour Legislation

The Tripartite Technical Meeting of the International Labour Organisation for the Food Products and Drink Industries,
Having met in Geneva from 9 to 20 December 1963,
Considering that a number of industrial enterprises such as food-processing plants, tea factories, fruit grading sheds, and sugar factories situated in rural areas are not covered in some countries through legislation concerning labour inspection of industrial establishments,
Considering that sometimes difficulties of access, as well as other reasons, impede a proper labour inspection in such undertakings;
Adopts this nineteenth day of December 1963 the following resolution:
The Governing Body of the International Labour Office is invited—
(a) to request the Director-General to urge governments to ensure that food-processing plants established in rural areas are covered by labour legislation and that in all cases effective labour inspection is carried out;
(b) to call for reports under article 19 of the Constitution of the International Labour Organisation on Conventions Nos. 81 and 85 concerning labour inspection;
(c) to see to it that, within the programme of I.L.O. practical activities, attention be given to the practical implementation of labour inspection in food products and drink plants situated in rural areas.

Resolution (No. 6) on Discrimination

The Tripartite Technical Meeting of the International Labour Organisation for the Food Products and Drink Industries,
Having met in Geneva from 9 to 20 December 1963,
Welcoming the content of the Discrimination (Employment and Occupation) Convention, 1961 (No. 111), and the action undertaken by the I.L.O. and the United Nations Organisation against discriminatory practices based on race, colour, sex, religion, political opinion, national extraction or social origin,
Considering that it is desirable that any such discrimination in the food and drink industries be eliminated, particularly in respect of wage rates, employment opportunities and job promotion,
Adopts this nineteenth day of December 1963 the following resolution:
The Governing Body of the International Labour Office is invited to continue to urge member States to ratify Convention No. 111 and to apply in practice the principles contained in it, to the food and drink industries, namely—

1 Adopted unanimously.
(a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of the policy of non-discrimination;

(b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;

(c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with this policy;

(d) to pursue the policy in respect of employment under the direct control of a national authority;

(e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;

so as to remove a state of affairs which allows so many people to be subjected to a treatment incompatible with human dignity.

Resolution (No. 7) on Seasonal Employment

The Tripartite Technical Meeting of the International Labour Organisation for the Food Products and Drink Industries,

Having met in Geneva from 9 to 20 December 1963,

Whereas it is desirable to reduce as far as possible the fluctuations in employment which often occur on account of irregular supply of the foodstuffs to be processed, due to seasonal and other factors, and on account of the irregular demand for foodstuffs and drinks due to climatic and seasonal factors and the incidence of civil and religious holidays,

Whereas it is desirable, in so far as such fluctuations cannot be avoided, to mitigate their impact on the worker,

Adopts this nineteenth day of December 1963 the following resolution:

1. The Governing Body of the International Labour Office is invited to request the Director-General to suggest to the Food and Agriculture Organisation that it encourage the cultivation of different crops so as to extend the working period in the food products and drink industries.

2. The Governing Body of the International Labour Office is invited to request the Director-General to urge governments and employers' and workers' organisations, in so far as they may be respectively concerned, to consider the desirability of—

(a) taking the necessary steps, including where possible the readaptation of industrial plant, in order to enable wider diversity of food and drink products, or different forms of one basic product, to be processed throughout a greater part of the year under the same roof and thereby to ensure greater continuity of employment;

(b) trying to influence the demand by "contra seasonal" advertising;

(c) the employment at a full normal wage of the extra labour force required at peak seasons, such as migratory workers, agricultural workers, married women, high school and university students;

(d) the full application, proportionate to the period of employment, to seasonal workers of the same fringe benefits as permanently employed workers enjoy, such as annual vacations with pay, paid public holidays, retirement schemes, and separation payment in cases where seasonal employment is terminated earlier than originally agreed;

(e) the payment of adequate compensation for absence of alternative off-season employment;

(f) the provision of adequate housing and welfare facilities for migrant workers.

3. The Governing Body is also invited to request the Director-General to undertake studies of the above problems connected with seasonal employment, to publish information

1 Adopted without opposition, with two abstentions.
on the subject and to convene at an early date a tripartite meeting to consider the results of such inquiries and make appropriate suggestions.

Resolution (No. 8) on the Control of Food Products

The Tripartite Technical Meeting of the International Labour Organisation for the Food Products and Drink Industries,
Having met in Geneva from 9 to 20 December 1963,
In view of the changes in the habits of populations in general and of workers in particular with regard to food,
Considering the importance of ensuring that processes for preserving foodstuffs, especially by the use of additives, in no way prejudice man's health,
Remembering that in the terms of the Declaration of Philadelphia the I.L.O. is obliged to further programmes which will achieve an "adequate protection for the life and health of workers in all occupations",
Adopts this nineteenth day of December 1963 the following resolution:

The Governing Body of the International Labour Office is invited to indicate to the Food and Agriculture Organisation and the World Health Organisation the importance attached by this Organisation to the joint F.A.O.-W.H.O. programme on food standards which seeks to further new and better methods for the treatment of food products and to establish international standards for food products.

Resolution (No. 9) on Technological Developments in the Baking Industry

The Tripartite Technical Meeting of the International Labour Organisation for the Food Products and Drink Industries,
Having met in Geneva from 9 to 20 December 1963,
Having taken note of the changing technological processes now taking place in the baking industry,
Adopts this nineteenth day of December 1963 the following resolution:

The Governing Body of the International Labour Office is invited—
(a) to take all necessary measures for an examination of the impact of technological developments in the baking industry on working conditions;
(b) to invite suitable, qualified and experienced persons, including representatives of both employers and workers, to assist in such examination.

Resolution (No. 10) on Future Action of the International Labour Organisation in the Food Products and Drink Industries

The Tripartite Technical Meeting of the International Labour Organisation for the Food Products and Drink Industries,
Having met in Geneva from 9 to 20 December 1963,
Considering that the discussion of the General Report submitted by the International Labour Office to the Meeting has shown that a great number of problems of the food and drink industries remain to be discussed and solved with the assistance of the International Labour Organisation,
Adopts this nineteenth day of December 1963 the following resolution:

1 Adopted unanimously.
The Governing Body of the International Labour Office is invited—

(a) to consider the convening, as early as possible, of another Tripartite Technical Meeting for the Food Products and Drink Industries with particular attention to be devoted to problems of developing countries and, given the urgency of the labour problems arising out of seasonal fluctuations in these industries, to seasonal employment problems;

(b) meanwhile to follow up, within the I.L.O. programme of activities, the proposals contained in resolutions and conclusions adopted by the present Meeting.
REPORT OF THE SUBCOMMITTEE ON TECHNOLOGICAL DEVELOPMENTS \(^1\)

COMPOSITION AND OFFICERS OF THE SUBCOMMITTEE AND OF ITS WORKING PARTY

1. The Subcommittee on the Social Consequences of Technological Developments in the Principal Branches of the Food Products and Drink Industries was composed of one titular Government member, one titular Employers’ member and one titular Workers’ member from the delegation of each of the 19 countries represented at the Meeting.

2. The Subcommittee appointed its officers as follows:

   **Chairman and Reporter**: Mr. A. d’HARMANT (Government member, Italy).

   **Vice-Chairmen**:
   - Mr. J. BRISTOW, (Employers’ member, United States).
   - Mr. J. LENGLET (Workers’ member, Canadian).

3. The Subcommittee held six sittings.

4. At its fourth sitting, the Subcommittee appointed a Working Party to draw up draft conclusions. In addition to the Chairman, this Working Party was composed of the following members of the Subcommittee:

   **Government members**:

   **Titular members**:
   - India: Mr. S. W. ZAMAN.
   - U.S.S.R.: Mr. A. M. ZHARSKY.
   - United States: Mr. C. V. DANIELSON.

   **Deputy members**:
   - Argentina: Mr. J. ARLIA.
   - France: Mr. D. ROSENTHAL.
   - United Kingdom: Mr. K. G. SHERRIFF.

   **Employers’ members**:

   **Titular members**:
   - Mr. J. BRISTOW (United States).
   - Mr. M. LIEBER (Israeli).
   - Mr. J. B. WALTON (New Zealand).

   **Deputy members**:
   - Mr. T. COOPER (United Kingdom).
   - Mr. B. HALLE (French).
   - Mr. M. SATHE (Indian).

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\(^1\) Adopted unanimously.
Workers' members:

Titular members:
- Mr. A. CHARLOT (French).
- Mr. J. LENGET (Canadian).
- Mr. H. STADELMAIER (Federal Republic of Germany).

Deputy members:
- Mr. A. GIANFAGNA (Italian).
- Mr. A. E. HALLIDAY (United Kingdom).
- Mr. S. ÖGERSTEN (Swedish).

Terms of Reference of the Subcommittee

5. The Subcommittee was called upon to consider the second item on the agenda of the Meeting, namely "the social consequences of technological developments in the principal branches of the food products and drink industries". The Subcommittee had before it a report prepared by the Office.¹

6. The representative of the Secretary-General, introducing this report, recalled that the food products and drink industries had for some years been taking part in the general evolution of technological progress which had recently become even more rapid. This development was described in Report II, in which the Office had attempted, on the basis of information provided by a large number of countries, to indicate what its consequences were on manpower structure, skill requirements and conditions of work. The report also dealt with the causes of redundancy in the food products and drink industries, the adaptation of the worker to the job, the need for mobility of workers, training of redundant workers and finally the measures which had been taken in different countries or which might be taken in order to mitigate the consequences for workers of transfer or dismissals.

7. Following these preliminary statements, the Subcommittee noted that within its terms of reference it was called upon to examine the changes which technological progress had made in the working conditions of the industries with which it was concerned rather than the social conditions in these industries.

General Discussion

8. Both during the first sitting of the Subcommittee, and also at the time when one or another of the particular points which are dealt with hereafter was considered, several members of the Subcommittee made statements of a general nature.

9. The Government member of Argentina, emphasising the diversity of the food products and drink industries, pointed out that each of these industries was subject to conditions which might vary even within one country.

10. The Workers' member of France drew attention to the fact that the technological development of the different industries with which the Meeting was concerned also varied greatly and that some of these industries were still craft trades while others showed a very high degree of technical development. The substitute for the Workers' member of France expressed the view that the Subcommittee should not attempt to study the craft forms of production of food and drink products.

11. The Government member of the U.S.S.R. also referred to the multiplicity of the industries and the diversity of working conditions, and he pointed out how, in his country in particular, technological changes contributed to the raising of living standards of the population and the improvement of conditions of work.

12. The Government member of New Zealand also noted that the information given in Report II indicated that such an improvement had taken place in a number of countries, but he was pleased that the Subcommittee had been called upon to study the problem of unemployment which was attributed to technological progress.

13. The Workers' member of Japan described the expansion of these industries in his country and the improvements which they had adopted at a rapid pace through large investments; this development entailed, however, the disappearance of small and medium-sized undertakings and the intensification of the pace of work.

Problems of Developing Countries

14. Several speakers mentioned the special position of the food products and drink industries in the developing countries.

15. The Government member of India pointed out how serious the consequences of automation could be in a country like his own. It gave rise to a human problem, for the solution of which the Government, employers and trade unions had taken measures designed to protect the workers from the disadvantages which might arise for them from rapid technical development. In this way, a model agreement was concluded, as early as 1957, on a tripartite basis. It should be noted that, in India, the food products industries had difficulty in finding outlets for their products within the country, in particular because purchasing power was very low.

16. Three members of the Brazilian delegation spoke of the situation in their country. The Workers' member stated that in Brazil prices were rising faster than wages and that purchasing power thus remained at a very low level; the trade union movement was willing to co-operate in technological development but it must, above all, safeguard the interests of the workers. The Employers' member pointed out that his country, like most Latin American countries, was suffering from a very serious shortage of skilled manpower and that the unemployment problem did not exist there in the forms in which this social evil appears either in the United States or in India. Brazil was both very thinly populated and rich in natural resources, but the characteristics of the social situation were underemployment, low salaries, malnutrition and illiteracy. It was therefore in need of financial and technical aid and investments in order to overcome its present expansion difficulties. The Government member of the same country felt that it was important above all to analyse the consequences of present technological development by examining more seriously than had been done in the Office's reports the needs of the developing countries. He pointed out also the seriousness of underemployment which, even in areas where it was possible to harvest more than one crop per year, took the form of periodical unemployment. The movement away from rural regions resulted in the accumulation in the cities of a great mass of people who remained outside of the urban economic activity.

17. Finally, the Government member of Argentina supplemented his preliminary remarks by referring to the special nature of technological development in the less developed countries. Unlike the advanced countries, the developing countries were not always able to absorb their production themselves. In addition, they were moving suddenly from a pastoral to an industrial economy and ran the risk of inflation.

Analysis of the Social Consequences of Technological Developments and the Measures to Be Taken in Favour of the Workers

18. The Subcommittee then proceeded to a systematic analysis of the social problems which arose from technological developments in the principal branches of the food products and drink industries, and of the studies which should be undertaken and the measures which should be carried out in order to remedy the unfavourable consequences which these developments might have for the workers employed in these industries. For this analysis, the Subcommittee followed the list of 25 points included at the end of Report II prepared by the Office.
Point 1. Necessity for and Benefits of Technological Progress.

19. The members of the Subcommittee were in agreement that in the food products and drink industries, as in many other fields of human activity, technological progress was necessary and that it was a powerful means of raising the standard of living of the community as a whole, and also of improving working conditions.

20. The Government member of India emphasised that technological progress should be introduced in such a way that all groups in the community might benefit by it, the workers as well as the employers.

21. The Government member of the U.S.S.R. pointed out that technological progress led to high productivity which, in turn, made it possible to improve the conditions and health of all workers.

22. The Workers' members stated that the workers in the food products and drink industries not only recognised that technological progress was both necessary and inevitable, but welcomed it. In many cases, it was indeed true that this progress resulted in an improvement in physical working conditions and a higher standard of living. Improved mechanical equipment, better methods, changes in production systems and mergers resulted in increased productivity and profitability. On the other hand, it often happened that increasing mechanisation threatened the safety and health of workers and that, instead of the machine being at the service of man, man became a slave to the machine and subject to greater exploitation. In addition, the increase in productivity only too often led to a reduction in employment possibilities. It was not normal that, in advanced industrial societies, there should exist a high percentage of apparently irreducible unemployment. Industrial progress should not result in a lowering of living standards but in an improvement of working conditions for all and, in particular, a reduction in hours of work. Progress should respect human values and should be achieved in the service of mankind.

Point 2. Sharing the Benefits Resulting from Technological Progress.

23. The spokesman for the Employers' members pointed out that the undertakings were sharing the many benefits resulting from technological progress with the workers in the form of increased safety in work, the alleviation of the arduous nature of work, and the conclusion of more favourable collective contracts. On the other hand, the community as a whole benefited from a reduction in the costs of production and an improvement in market supply.

24. The spokesman for the Workers' members recognised that while, in fact, a large proportion and perhaps the majority of workers drew great benefits from technological progress, in particular through higher wages, it was none the less true that a certain proportion of workers ran an increased risk of unemployment. Both he himself and several of his colleagues among the Workers' members pointed out that the undertakings should not introduce innovations without considering their social consequences, and that, when the workers' position was jeopardised or diminished by it, they should provide compensation. Mention was made of certain measures which will be referred to below in connection with later points, such as consultation with the workers, their trade unions and other representatives, the introduction of proposed changes according to a planned programme which would make it possible for workers to adjust in good time to the new situation, the payment of indemnities, the grant of additional pensions in cases of early retirement, and the reduction of hours of work. Such measures were especially necessary where the national social security system could not provide an income for workers during a transitional period. The public authorities had an important role to play in this field; they should improve employment services and vocational training, eliminate any discrimination against workers arising from the legal status of the undertakings which employed them, improve social security and, in general, take all necessary measures in order to ensure full employment. The purpose of the measures to be taken by the employers, in consultation and in agreement with the workers, or by the public authorities, should be to ensure in practice an equitable sharing of the benefits resulting from technological progress. It was only on this condition that the workers were prepared to give their full support to technological progress.
25. The Government member of the United States, with the support of the Worker member from the same country, drew attention to the work of the Advisory Committee which the late President of the United States set up to study labour-management policy. This tripartite committee put forward, in a report dated 11 January 1962, a series of recommendations designed to remedy the detrimental consequences of technological progress. It advocated an acceleration in the rate of economic growth, the systematic study of employment possibilities, collaboration between the Government and private organisations in order to improve education, the adoption by undertakings of a policy of collaboration with workers' representatives, the development of vocational retraining, and systematic assistance to workers threatened with unemployment. Throughout its studies, this committee emphasised the need for tripartite collaboration in the study and solution of the social problems arising from technological progress.

26. The Government member of India also emphasised the necessity for an equitable sharing of the benefits resulting from technological progress and pointed out the importance of reinvestment in developing countries of part of the benefits drawn by advanced countries from their technological progress.

Point 3. The Nature of Technological Changes in the Food Products and Drink Industries.

27. Several members of the Subcommittee pointed out the special nature of technological developments in the industries with which the Meeting was concerned. They referred to the information given in this respect in the report prepared by the Office and drew attention, in particular, to the introduction of flow production in slaughterhouses, the mechanisation of packaging and bottling operations, and the use of electronic equipment for controlling the movement of goods from the warehouse to the factory. They pointed out that while there are important variations in this respect from one country to another, this is nevertheless a development which is taking place in all branches of the food industries.

28. Technical improvements in the food products and drink industries, as elsewhere, lead to an increase in productivity and, the Workers' members pointed out, this inevitably results in a reduction in manpower requirements, either immediately or in the long run. Some workers would therefore find themselves out of work. On the other hand, mechanisation increases sharply the pace of work and this results in a marked increase in fatigue and tension for the workers, even more so as the work becomes more monotonous.

29. The Government member of the U.S.S.R. drew attention to a different problem, namely that which arises from the introduction of modern undertakings in a region where there exists a scarcity of manpower. Thus, when ultra-modern sugar refineries were being built, the authorities were obliged to take systematic measures to recruit and train the labour force in advance, which made it possible for the new factories to run at full capacity as soon as they went into production.

30. The Government member of India, on the other hand, pointed out that a serious problem arose for developing countries in this connection, namely that of the obstacles hindering rapid technological progress; among these he cited shortage of capital, lack of vocational training of the labour force and the lack of purchasing power in the country or of export markets for the increased production.

Point 4. The Need for Accurate Over-all Information on Technological Developments.

31. The members of the Subcommittee agreed that it was indispensable to assemble detailed and full information on the developments which were taking place in the different branches of the food products and drink industries and the effects of these developments on employment, occupational structure and the skill requirements of workers.

32. The Workers' members pointed out that if the workers' organisations were given such information this would make it possible for consultation on the questions discussed below to take place on a firm basis.

33. The Employers' member of the United States again referred to the report entitled Automation of the President's Advisory Committee to which reference has been made.
above in paragraph 25. This Committee highlighted the need for adequate information. Following its studies, a series of 18 systematic research projects were undertaken in the United States in the field of the social consequences of accelerated technological progress. These studies were undertaken in collaboration with the representatives of employers and workers, and the federal and state authorities concerned.

34. Several of the Government members described the research studies which had been undertaken in their countries.

35. In the Federal Republic of Germany, the public authorities, employers and workers endeavoured to disseminate an objective view of the future of technology and of its consequences for the world of work. Studies had been undertaken on a tripartite basis covering some 30 undertakings, with a view to identifying the effects of technological progress on manpower structure and working conditions, occupational changes, and methods of wage determination; particular emphasis had been placed on the collaboration which should take place between employers and workers when new equipment was introduced.

36. In the United States, studies covering the development of different branches of the food industry had highlighted in particular trends towards a decline in the proportion of production workers, a rise in wage rates and a reduction in working hours. A specialised public body, the Office of Manpower, Automation and Training (O.M.A.T.), was collaborating closely with the I.L.O. and the International Vocational Training Information and Research Centre (C.I.R.F.) in carrying out studies on numerous aspects of automation and its social consequences.

37. The Government member of India stated that it would be of great interest to the developing countries to have a more accurate knowledge of the experience in this field acquired by the highly industrialised countries.

38. The Government member of the U.S.S.R. referred to the close attention paid in his country to the question of the effects of technological progress on employment. Special research was being carried on in an effort to foresee future developments and the influence which technological progress is having and will have on skill requirements and on occupational structure; these studies would make it possible to avoid the detrimental consequences which such developments might have for the workers.

39. The members of the Subcommittee highlighted the importance of international action in the field of information. In this connection, reference was made in particular to the resolution concerning automation adopted in 1956 by the International Labour Conference. Several speakers expressed the wish that the I.L.O. should follow closely the work being done in the different countries and disseminate information concerning the results. Several members of the Subcommittee praised the work done by the Office in studying the problems of automation and in particular the activities of C.I.R.F. It was felt that the I.L.O. should continue to assemble information on the social problems which arose everywhere in the world in the food products and drink industries.

Points 5 to 9. Consultation between Employers and Workers.

40. The Subcommittee drew particular attention to the importance of consultation between employers and workers.

41. The Employers' Vice-Chairman stated that while undertakings were certainly willing to give workers information concerning the introduction of technical innovations, it should be remembered that, since the employer's job was obviously to manage the undertaking, consultation could not begin until after the decision had been taken to modernise equipment or to transform production methods. Plans for modernisation were, in fact, often the subject of prolonged and sometimes extremely costly study by each undertaking. These studies could not be divulged before the undertaking had reached the stage of putting the plan into effect. However, when this stage was reached, the Employers' Vice-Chairman felt that it would be extremely useful to carry on continuous consultation. Such consultation should take place at the appropriate levels, and, in this connection, it was pointed out that joint committees set up for a whole industry had achieved good results in the United States.
42. The Employers' member of the U.S.S.R. drew attention to the importance of consultation between management and the representatives of the workers at the level of the undertaking in his country. Such consultation should take place at regular and frequent intervals in order to achieve the maximum benefits from technological progress.

43. The Employers' member of Argentina emphasised the need for a flexible system of consultation and also the need for careful timing of information to the workers' representatives concerning the plans of the undertaking.

44. Several Workers' members expressed their views on this problem of joint consultation and early information of workers. They pointed out that such consultation could not be carried on satisfactorily unless sound relations already existed between the workers and the management of the undertaking. Such relations required an atmosphere of mutual trust and co-operation. The workers should be informed in advance before the changes were carried out. The employers' rights were in no way interfered with in this, and the employers would have noted that, in cases where such information was given beforehand, this system had had favourable results for the entire undertaking. The workers were well aware that the employer could not divulge certain plans too soon or furnish certain information of a confidential nature, in a competitive system.

45. The Workers' members added that early information of this nature made it possible for the workers' representatives to initiate negotiations on certain unfavourable consequences which the plans of the undertaking might have for its employees. Consultation should, of course, take place at the level of the undertaking, but it should also take place, according to the circumstances, at the regional or national level and even on an international plane; the International Labour Conference, in the resolution concerning automation adopted in 1956, put forward some useful suggestions on this subject. The problems which were being discussed here had often been the subject of collective bargaining at the industrial level. At the level of the undertaking, joint committees specially set up for this purpose or works committees had dealt successfully with these problems; it would be useful to envisage the establishment of such committees in countries where they did not yet exist. The purpose of such consultation was to avoid termination of employment, as far as possible, by organising, in agreement between the parties concerned, reassignment within the undertaking itself for the workers whose jobs were eliminated; in addition, it would also be possible to ensure through collective bargaining the maintenance of previous income levels and acquired rights for transferred workers.

46. The trade unions attached great importance to consultation and negotiation of this kind. Several of the Workers' members drew attention to the favourable results which such a system had achieved, for example, in the Federal Republic of Germany, in Canada, in the United States and in France. The Workers' member of the last country stated that this system of consultation was, moreover, founded on the idea of basic equality between all human beings, whether they were employers or workers; the source of capital was in the work of all, and the trade unions, going beyond the field of collective bargaining alone, were now taking part, to an increasing extent, in the study of broad economic problems on a national scale and within the framework of international institutions. The policy of taking the worker by surprise was thus out-dated.

47. The Government member of India also emphasised the importance of close and continuing consultation between employers and workers at the different levels and expressed the view that such consultation should cover all aspects of the social consequences of technological development.

Points 10 and 11. Impact of Technological Progress on Employment.

48. The members of the Subcommittee pointed out that advantage should be taken of the interval between the establishment of plans for modernisation and their implementation in order to analyse the consequences which these plans would have on employment.

49. The Employers' members stated that this was a natural method to adopt since new processes and machines made it necessary not only to redistribute the workers already em-
ployed but also to recruit certain types of manpower which the undertaking had not hitherto employed. The Workers’ members pointed out that the interval referred to above should be used for carrying out the retraining of workers employed in the undertaking.

50. While technological progress did frequently jeopardise the continued employment of some workers, sometimes these developments gave rise to a different trend. The Government member of the Federal Republic of Germany recalled that the expansion of production often led undertakings to increase rather than decrease their staff, and this would tend to facilitate the re-employment of temporarily redundant workers. The Government member of Argentina pointed out that in the developing countries technological progress did not create unemployment but rather an increased need for trained manpower to undertake the new jobs, and the Government member of India deplored the fact that, too often, the interval between the drawing up of modernisation plans and their implementation was not used to analyse manpower needs.

51. The Subcommittee agreed that it was advisable that undertakings should avoid dismissal of workers.

52. The Workers’ members, drawing attention to the human aspects of technological progress, recalled that the loss of employment could be a real tragedy for many workers, particularly if they were “older” workers, in the meaning which was too often given to this term: that is, if they were over 40 years of age. Undertakings should therefore avoid dismissal of workers and take other measures, not only wherever it seemed possible, but by seeking agreement in every case with the workers’ representatives.

53. The Government member of the Federal Republic of Germany also emphasised the desirability of avoiding dismissals.

54. The Employers’ members recalled that the long-term objective of technological progress was to reduce human labour, and hence to reduce manpower employed, and, while it was certainly desirable to avoid dismissals, the employers could not guarantee that another solution would always be possible.

55. The consultation and negotiation which might take place in connection with dismissals, between the undertakings and the workers, could be undertaken by different kinds of bodies. The Employers’ member of France recalled that in his country these questions fell within the competence of works councils, but the Workers’ member from the same country pointed out that the trade unions felt that they should have a role to play in this matter. However, since not all workers are organised, it was agreed that the term “representatives of the workers” should be used. The Employers’ member of the Federal Republic of Germany also emphasised the need to provide for the intervention of an outside labour court when the parties could not succeed in solving a conflict, as was done in his country.

56. In the list of points given in Report II prepared by the Office it was suggested that it was desirable, in order to avoid dismissals, to take advantage of separations which would normally arise from resignations, retirement or death, and to provide for the early retirement of older workers. However, the Government and Workers’ members of the United Kingdom and the Government member of Japan were opposed to the idea of early retirement being generalised; they were, on the one hand, of the opinion that all the manpower available should be used, and the Workers’ member of the United Kingdom added that in the case of early retirement a really adequate pension should be ensured for the retired workers.

57. The Government member of the United Kingdom indicated, further, that it would often be helpful to slow down or eliminate recruitment in the undertaking concerned.

58. The Government member of the U.S.S.R. cited a practical example to show how undertakings in the food products industries could, by diversifying their production, offer workers who would otherwise suffer from seasonal unemployment temporary transfers to other departments of the same undertaking where the seasonal rhythm of production was different.
Points 12 and 13. Effects of Technological Progress on Skill Requirements and the Craft Trades.

59. The Subcommittee attempted to determine to what extent the effects of technological progress on skill requirements in the food products and drink industries were different from those noted in other industries.

60. It noted that these effects varied greatly from one branch to another. In general, technological progress diminished manual labour requirements and increased the number of technicians and research workers needed, but, as the Employers' member of France in particular pointed out, in certain branches of the food industries studies had shown a reduction in the number of unskilled workers and an increase in the number of production workers, with a marked increase in qualifications required, while in certain other branches the number of unskilled workers was increasing and that of craft workers diminishing.

61. The Government member of the United States pointed out that there was a general trend towards a reduction in the number of semi-skilled workers and an increase in the number of highly skilled jobs.

62. The Workers' members pointed out that, whatever variations might exist, technological progress demanded new knowledge of the workers for which they could not rely only on their past experience, so that they must have more training. In addition, the acceleration of the pace of production imposed a faster pace of work on workers and increased nervous tension which resulted in greater fatigue in spite of the alleviation of physical effort.

63. With regard to the craft trades learned through apprenticeship, the Government member of Switzerland noted that these were slowly disappearing in the food industries while at the same time, he added, it was becoming more difficult to recruit even the smal number of apprentices who were needed. The Workers' member of France expressed the hope that apprenticeship training programmes would be adapted to new techniques, and the Workers' member of the United Kingdom pointed out that certain craft workers were inclined to oppose technological progress, while certain employers were tempted to use apprentices as cheap labour.

64. Several members of the Subcommittee also drew attention to the effects of technological developments on office workers in the food products and drink industries; reference was made in this connection to the discussions of the Advisory Committee of the I.L.O. on Salaried Employees and Professional Workers, which adopted, in 1959, conclusions (No. 50) concerning effects of mechanisation and automation in offices.

Points 14 to 16. Effects of Accelerated Technological Development on Basic Education and Vocational Training.

65. Points 14 to 16 dealt, in turn, with basic education, the adaptation of vocational training to technical developments, vocational retraining of workers whose skills had become obsolete and continuous training for workers in employment. The members of the three groups of the Subcommittee recognised the importance of each of these four aspects of the question.

66. With regard to basic education, the Workers' members stated, in particular, that educational programmes should be adapted to new technology, from the primary school level on, and the Government member of the United States emphasised the growing importance of a thorough educational background.

67. In connection with the adaptation of vocational training to new techniques, the Workers' members pointed out the need for better vocational guidance, the success of which, however, depended on the extent to which the undertakings followed a rational modernisation policy. The question of the training of instructors also required attention, and the effects of modern techniques on traditional systems of apprenticeship should also be studied. Study centres should be set up to examine all these problems, either for each of the different branches or for the food products and drink industries as a whole. This research should be closely followed by joint or tripartite committees such as those which exist in the United States and in France.
68. Finally, it would be useful to keep an up-to-date list of research institutes working on automation and technical development, and to disseminate this information, particularly to the developing countries.

69. The responsibility for vocational retraining of workers whose skills were no longer adapted to new techniques fell upon the employers, in the opinion of the Workers' members of the Subcommittee. The employers should, in particular, take measures for the retraining of workers considered as "older" workers. Collective agreements should provide that this retraining be given "without cost", as stated in point 15 of Report II, that is, without loss of wages, and, if the undertaking could not bear such an expense, special compensation funds should be set up either for certain branches or for the food products and drink industries as a whole.

70. The Employers' members, particularly the members of France and the United Kingdom, pointed out that this vocational retraining could not be given entirely at the expense of every employer, but that the community as a whole had certain responsibilities and that the financing of retraining should be ensured either by a common fund set up for certain branches or industries or by a national fund such as, for example, the French National Employment Fund.

71. The Government member of the United States described the role which social security played in his country in the field of vocational retraining.

72. All the members of the Subcommittee who participated in the discussion stated that it was indispensable for workers who remained employed after modernisation had taken place in their undertaking to improve continually their knowledge and skills. The Employers' members felt that this continuous training was, in the first instance, the personal responsibility of the workers. The Workers' members, on the other hand, expressed the view that it was the employers' duty to ensure the up-dating of the training of their employees and they envisaged, in particular, the creation on a joint basis of the necessary training courses.

Points 17 to 19. Effects of Technological Progress on Hours of Work.

73. Normally, some branches of the food products and drink industries are noted for their irregularity of production throughout the year, with the result that weekly and even daily hours of work show marked climatic and seasonal variations.

74. The Employers' member of the United States referred to these circumstances, pointing out that such factors were outside of the control of the employer. The workers often invoked technological progress in demanding a reduction of weekly working hours, but such measures did not always have favourable social consequences. The undertakings were, in fact, then obliged to increase the number of their machines, and the final result might be an increase in technological unemployment. In addition, since the workers always demanded that earnings be maintained at the same level in spite of the reduction of hours of work, production costs rose and the result was an inflationary spiral which caused a decline in the real income of workers. A sharp reduction in hours of work also had a result to which trade union leaders were opposed as much as the employers, namely the tendency for workers to undertake a second occupation during their leisure time.

75. The Workers' member of Canada pointed out that it had been possible to reduce considerably the irregularity of working hours in some cases, for example in the meat-packing and tomato-canning industries, by modernising and organising more scientifically the manufacturing process. The reduction of hours of work was, in the workers' view, one of the desirable consequences of higher productivity. The increase in productivity in many countries was evident: in Canada production per man in the slaughterhouses and butchery trade increased by 40 per cent. between 1956 and 1963, while the number of workers diminished by 20 per cent.

76. The Workers' member of France stated that a reduction in hours of work without reduction in wages had been, for a long time, the most concrete form of social progress. This reduction was an inevitable result of developments, it made it possible to reduce the
risk of unemployment and was the reward which the workers expected for increases in productivity. Its effects on production costs were not very great since mechanisation tended, precisely, to reduce the number of workers.

77. The Workers' member and deputy members of the Federal Republic of Germany and the Workers' member of the United States drew attention to the Reduction of Hours of Work Recommendation, 1962, in which the International Labour Conference stated that member States should promote the principle of the progressive reduction of hours of work without reduction in wages, with the aim of reaching, by gradual stages, a standard 40-hour week.

78. The Workers' member of the Federal Republic of Germany also remarked that such a reduction would not have a great impact on prices; in the brewing industry, for instance, labour costs amounted to only about 9 per cent. of production costs.

79. The Employers' member of the U.S.S.R. expressed the view that higher productivity made it possible to reduce hours of work without endangering production costs; he emphasised the desirability of having a five-day week, particularly for women workers, who also needed time to look after their households, and large numbers of whom are employed in the food products and drink industries.

80. The Employers' member of France stated that at the present time little was known of the variations in working hours from one country to another and that it would therefore be useful if the I.L.O. could assemble detailed information; he noted that the International Labour Conference had specified, in the Reduction of Hours of Work Recommendation, 1962, that this reduction should be carried out by stages.

81. The Government member of the United Kingdom pointed out that the question dealt with in points 17 to 19 fell within the subject-matter of collective bargaining. The Government member of the United States expressed the view that a reduction in production costs arising from technological progress could appropriately be employed in order, on the one hand, to improve working conditions and, on the other hand, to compensate workers for the increased nervous strain of mechanised work. The Government member of France, pointing out that it was more natural to reduce hours of work in countries suffering from unemployment, added that it was necessary in this connection to take into consideration the state of the employment market.

82. Several speakers also referred to the question of shift work. The Workers' member of Japan stated that mechanisation encouraged undertakings to organise continuous production which required three shifts of workers of eight hours each. This was justified if it was necessary in order to ensure the continuity of processes, when their interruption would cause loss or damage, but this system should not be used solely for the purpose of ensuring a more rapid return on the investment in the machines. The Workers' member of the United Kingdom recalled the detrimental consequences which night work had on the health and family life of workers; he felt that this human problem should be dealt with through joint consultation and that it was only right for night workers to receive compensation in the form of rest days, additional paid holidays, and also a reduction in hours of work.

83. The Employers' member of the U.S.S.R. stated that night work should only be allowed in exceptional cases when it was necessary in order to avoid the deterioration of products.

84. The reduction of hours of work presented certain special aspects in the developing countries.

85. The Government member of India referred to the conclusions (No. 55) concerning the acceleration of technological progress and its influence on the effective utilisation of manpower and the improvement of workers' income in the metal trades, adopted by the Metal Trades Committee of the I.L.O. in September 1962. The Government member of Argentina recalled that the Preparatory Technical Conference of the I.L.O. on Employment
Policy, which met in September-October 1963, also recommended that the possibility of a reduction in hours of work without reduction in wages should be considered within the framework of Recommendation No. 116, to which reference has already been made.

86. The Employers' member of India recalled that, in countries like his own, methods of work tended to be labour-intensive, in order to relieve the employment market; any reduction of hours of work would therefore cause an increase in production costs, which would in turn reduce the purchasing power of consumers. However, the Workers' member of the United Kingdom stated that manpower should not be used to subsidise production costs.

87. The Government member of the United States recalled, in this connection also, the importance of carrying out research on the social consequences of technological progress.

Points 20 to 23. Effects of Technological Progress on Wages and Methods of Remuneration.

88. The members of the Subcommittee agreed that it was desirable, in the light of technological developments, to re-examine methods of remuneration and job evaluation and to adjust if necessary the rates and scales of wages, while maintaining the level of previous earnings and other advantages, at least for a certain time.

89. The Employers' member of the United States, emphasising the continuous changes which were taking place in skills as work was increasingly automated, drew particular attention to the problem of job evaluation. In cases of downgrading, he felt that it was more essential to maintain jobs for workers than to ensure the same levels of wages as previously.

90. The Employers' member of the U.S.S.R. stated that increases in productivity and the higher skill qualifications required justified an increase in wages.

91. The Employers' member of Poland, pointing out that technological changes took place gradually, added that these changes made it possible to reduce overtime hours, which were both costly for the undertaking and dangerous for the workers because of the additional fatigue which they caused. The Polish workers were interested in technological progress and in all processes through which they could earn premiums. Increased productivity made it possible to increase the funds which were distributed among the workers and the other factors in production. In Poland the skill levels required were taken into consideration when job classifications were altered because of technological changes.

92. The Workers' member of Canada drew attention to the problems which arose when a change from piecework payment to time payment ran the risk of reducing the total income of the workers. The Workers' member of the Federal Republic of Germany expressed the view that the increased responsibility which technological progress required of workers should lead to a reconsideration of job classifications, and he added that in cases of downgrading compensation should be paid to the workers concerned.

93. The Government member of the United States expressed the view that technological developments required that the criteria for evaluation of jobs and the wage structure should be revised.

Point 24. Assistance to Redundant Workers Transferred to Another Plant.

94. The Subcommittee recognised that, in principle, when a worker whose job had been eliminated was transferred to another plant he should be compensated for all expenses which the transfer caused to him and his family.

95. The Workers' member of the Federal Republic of Germany, pointing out the disadvantages of such transfers, stated that the public authorities should attempt to increase re-employment possibilities on the spot, in particular by facilitating the development of new industries.
96. Such transfers were frequently dealt with in collective agreements in the United States, the Workers' member of that country stated. The Employers' member of the United States also stated that such transfers would be desirable but he pointed out the difficulties which arose from the system of seniority which was applied in his country. Each case of transfer should therefore be settled at the local level with the trade unions concerned. Also in connection with the question of seniority of service, the Workers' member of the United Kingdom pointed out how this system might interfere with the retraining of older workers who had been recently employed in an undertaking which had modernised its equipment.

**Point 25. Assistance to Redundant Workers Who Become Unemployed.**

97. Under this heading the Subcommittee considered a whole series of measures which should be envisaged when dismissals are unavoidable. It recognised that compensation should be provided to dismissed workers, taking into account their previous length of service and wage level.

98. The Employers' member of the United States pointed out, however, that the employer could not bear the entire cost of such compensation and that the re-employment of workers suffering from technological unemployment came within the framework of general employment policy. On this point, the Workers' member of Canada stated that in his opinion the employers had special responsibilities when unemployment was caused by the modernisation of their undertakings, and the Workers' member of Brazil pointed out that the problem of older unemployed workers could not be considered on the same plane as that of all people seeking employment. The Workers' member of Sweden declared that in his country the public authorities and the employers co-operated on this question, and the Government member of India reaffirmed the employers' responsibility in this matter.

99. The creation of special funds might facilitate the payment of compensation to dismissed workers; the Workers' member of France suggested that compensation funds should be set up for certain occupational groups or certain groups of occupations and he referred, as did also the Government member of the same country, to the activity of the French National Employment Fund.

100. It was also felt that it would be useful to establish special funds for studying the problems of the adaptation of workers. The Workers' member of Canada described how such studies were supported in his country by the employers and workers acting jointly, or were undertaken by the companies themselves, while the Government supported the industries which had inadequate resources, since the community obviously had some responsibility in this matter. A similar point of view was expressed in regard to his country by the Workers' member of Sweden, who explained, in addition, how the Swedish employment service studied the evolution of the employment market. The Government member of India did not favour the establishment of special study funds, and added that this work could be done by existing research organisations.

101. With regard to the assistance which should be provided to workers in order to enable them to find alternative employment, the Workers' member of Sweden recalled the full employment policy and supplementary public works which his Government had practised for some time.

102. Finally, the role which official social security could play was also emphasised. In the United Kingdom, the Government and Workers' members of this country explained, the social security scheme was often the only source of assistance for non-organised workers; moreover, all unemployed persons were treated on the same footing under this scheme, whatever might be the reason for which they lost their job. The Government member and the Workers' member of the United States described the operation of the federal employment service in their country, which, in co-operation with employers and workers, took special measures in favour of workers who had become unemployed as a result of mass dismissals.
103. The general discussion having been declared closed, the Subcommittee requested the Working Party, the composition of which has been mentioned in paragraph 4 above, to prepare draft conclusions.

104. The draft conclusions were submitted to the Subcommittee at its fifth sitting. The Chairman stated that, during the preceding three days, the members of the Working Party had considered, point by point, in the light of the opinions expressed in the Subcommittee's discussions, the social consequences of technological developments in the principal branches of the food products and drink industries, and had prepared a series of suggestions concerning measures which should be taken in order to remedy, as far as was possible, the detrimental consequences which these technological developments had for some workers. The members of the Working Party had displayed great mutual understanding and constant good will, and they now proposed unanimously that the Subcommittee endorse their conclusions.

ADOPTION OF CONCLUSIONS

105. The Subcommittee then adopted, paragraph by paragraph, the conclusions set forth below.

106. In connection with paragraph 8, which mentions the drawing up of programmes of social and economic action with a view to ensuring the equitable distribution of the benefits of technological change, the Government member of the United Kingdom stated that this wording, to which he had agreed within the Working Party in a spirit of conciliation, would not be completely satisfactory to his Government. However, he took the view that it was mainly a question of interpretation of the terms used in this paragraph. The United Kingdom Government would therefore confine itself to reserving its right to interpret paragraph 8 in accordance with the established institutions and methods in that country.

107. The Subcommittee unanimously adopted the draft conclusions as a whole.

ADOPTION OF THE REPORT

108. The present report was unanimously adopted by the Subcommittee at its sixth sitting, on 19 December 1963.

(Signed) A. D'HARMANT,
Chairman and Reporter.

Examination by the Meeting of the Report and of the Draft Conclusions

At its eighth plenary sitting, the Meeting had before it the above report and the draft conclusions concerning the social consequences of technological developments in principal branches of the food products and drink industries.

Mr. D'HARMANT (Government delegate, Italy; Chairman and Reporter of the Subcommittee) presented the report and the draft conclusions and observed that technical progress, in the opinion of the Subcommittee, should result in an improvement of the standard of living and ensure better conditions of employment. Technological developments should be introduced in a rational and co-ordinated manner, in order that the advantages arising from them might be shared on a fair basis between workers, employers and the community as a whole. The speaker drew attention to the main provisions of the draft conclusions, and reminded the Meeting that the Subcommittee had adopted the conclusions unanimously.

Mr. LENGLET (Workers' delegate, Canadian; Workers' Vice-Chairman of the Subcommittee) and Mr. BRISTOW (Employers' delegate, United States; Employers' Vice-Chairman of the Subcommittee) expressed satisfaction at the spirit of co-operation which prevailed...
during the debates in the Subcommittee, and which enabled it, as Mr. Lenglet recalled, to overcome the difficulties which had existed at the beginning.

The Meeting unanimously adopted the report and the conclusions (No. 1) concerning the social consequences of technological developments in principal branches of the food products and drink industries. The text of the conclusions is reproduced below.

On page 119, before the heading “Conclusions (No. 2) concerning Health, Hygiene and Safety in the Food Products and Drink Industries”, insert the following text:

Report of the Subcommittee on Health and Safety in the Food Products and Drink Industries

COMPOSITION AND OFFICERS OF THE SUBCOMMITTEE AND OF ITS WORKING PARTY

1. The Subcommittee on Health and Safety was composed of 19 members from each of the three groups of the Tripartite Technical Meeting for the Food Products and Drink Industries.

2. The Subcommittee appointed its officers as follows:

   Chairman : Mr. J. P. O’NEILL (Government member, United States).

   Vice-Chairmen : Mr. A. H. BUTTON (Employers’ member, United Kingdom).

   Mr. D. E. CONWAY (Workers’ member, United States).

   Reporter : Mr. 0. A. YOUNG (Government member, Nigeria).

3. The Subcommittee held six sittings.

4. At its third meeting the Subcommittee set up a Working Party to draw up draft conclusions. This Working Party was composed of the following members of the Subcommittee:

   Government members :

   Regular members :

   Nigeria: Mr. O. A. YOUNG.

   Poland: Mr. W. FRONCZAK.

   United Kingdom: Mr. M. A. SIMONS.

   Deputy members :

   Argentina: Mr. O. G. GARCÍA Piñeiro.

   Federal Republic of Germany: Mr. H. H. BÖHM.

   Sweden: Miss S. HOLST.

   Employers’ members :

   Regular members :

   Mr. A. H. BUTTON (United Kingdom).

   Mr. H. HILL (Canadian).

   Mr. H. B. NOEL (Argentinian).

   Deputy members :

   Mr. R. NAVARRE (French).

   Mr. M. O. OMOLAYOLE (Nigerian).

   Mr. W. SARO (Federal Republic of Germany).

1 Adopted unanimously.
Workers' members:

Regular members:
Mr. T. Battersby (United Kingdom).
Mr. D. E. Conway (United States).
Mr. H. Eiteneuer (Federal Republic of Germany).

Deputy members:
Mr. V. Jack (Nigerian).
Mr. S. Scipion (French).
Mr. S. Wheatley (New Zealand).

Terms of Reference of the Subcommittee

5. The Subcommittee had the task of examining the third item on the agenda for the Meeting, namely “Health and Safety in the Food Products and Drink Industries”. A report prepared by the International Labour Office 1 was submitted to the Subcommittee for consideration.

6. In presenting the report, the representative of the Secretary-General recalled the growing size and importance of the food products and drink industries which had to meet the rising needs of the rapidly growing world population. To achieve this purpose efficiently, all modern means of technology and scientific advances must be applied. In many countries this industry might be considered to be a basis for future development. This situation might introduce new hazards of various types to the health of the workers. New products, automation, radiation and the increasing magnitude of noise and air pollution would require intensive attention. The manner in which these problems were solved would shape the future technological environment of mankind. Safety and health measures already in existence require further attention, efforts and improvement; but additional measures must be introduced to meet new needs.

7. The International Labour Conference had already adopted numerous international instruments and the Office had published many documents and guides relating to occupational safety and health. These instruments and publications could also apply to the food products and drink industries.

8. The Subcommittee decided to use the report and the list of proposed points for discussion as contained in Report III as a basis for its deliberations. It was, however, agreed to change the order of these points and to condense where necessary so as to emphasise certain important aspects. The revised order of the proposed points for discussion was submitted and adopted.

General Discussion

9. Considering what was being done in the different countries both in general and in particular with regard to the food products and drink industries, the Subcommittee agreed that unremitting efforts were required by governments, employers and workers to achieve optimum conditions in occupational safety and health and to promote the welfare of the workers in a world of rapid technological changes. In this regard all parties concerned had their share of the responsibility. Suitable legislation and regulations and their enforcement were not in themselves sufficient, although the prevention of accidents and the protection of the workers’ health was a duty of governments.

10. It was recognised that the food and drink industry embraces nearly every aspect of industrial endeavour. It was pointed out that while different segments of this industry might present specific problems in the field of health and safety, most of these problems are common to all branches of the industry.

11. It was pointed out that in every profession certain basic, though unwritten, rules were observed. Such rules were strictly adhered to as a matter of conscience and of professional conduct. In order to safeguard the physical well-being of the workers, all persons concerned should be morally bound to apply to the best of their abilities the knowledge gained and available through different sources in the field of occupational safety and health. Also, full use should be made of available experience obtained by other countries in the development of safe working methods.

12. The Employers’ members recognised that the implementation of safety and health measures was a primary responsibility of management but considered that the full cooperation of the workers in this field was indispensable. Workers as well as management should become more safety-conscious.

13. The Workers’ members stressed the fact that all workers in the industry were entitled to maximum protection against any diseases and injuries arising out of their employment. This concept was essentially related to the principles of basic human rights and implied the responsibility of the community as a whole. The Workers’ members felt that the workers and their organisations should have a right to participate in determining safety and health measures and measures for their enforcement.

Basic Measures for the Promotion of Safety, Hygiene and Health

14. It was recognised that the basic measures in the field of occupational safety and health such as legislation and regulations on the national level, the measures for their enforcement, the existing body of relevant or related international instruments, and the related measures in the field of social security still constituted a good basis for programmes designed to maintain the health and safety of the workers. The purpose of these programmes is to minimise or eliminate hazards affecting the health and safety of workers. It was agreed that legislation must be periodically reviewed and modified to take account of technological changes and of the necessary knowledge in the field of human science.

15. The Subcommittee emphasised the value of the various instruments and other texts and guides drafted under the auspices of the International Labour Organisation as sources of information and guidance. Among the documents particularly referred to were the Labour Inspection Convention, 1947 (No. 81), the Radiation Protection Convention, 1960 (No. 115), the Guarding of Machinery Convention, 1963 (No. 119), the Protection of Workers’ Health Recommendation, 1953 (No. 97), the Occupational Health Services Recommendation, 1959 (No. 112), the Radiation Protection Recommendation, 1960 (No. 114), the Guarding of Machinery Recommendation, 1963 (No. 118), and the Model Code of Safety Regulations for Industrial Establishments for the Guidance of Governments and Industry. It stressed the importance of the widest possible application of the principles laid down in these and similar documents and of an early ratification of the relevant international labour Conventions. In regard to many aspects discussed the Subcommittee considered that it could provide no better guidance than that contained in these international documents. One Government member mentioned that, in the light of prevailing local circumstances, a progressive application of I.L.O. standards might better suit the needs of certain countries.

16. Some discussion took place on matters of detail. One Government member thought that the basic safety and health measures and their enforcement had become so much ingrained in the legislative and administrative structure of countries that their importance was often overlooked. Close co-operation and liaison between occupational health authorities and public health and veterinary services was considered a requirement. It was agreed that an efficient reporting and recording system was essential for the preparation of safety and health programmes as well as for the evaluation of results of any action taken. Systems of accident reporting and coding, on many national or international bases, were chiefly designed for purposes of workmen’s compensation and often neglected the preventive aspect. Thus, statistics should also cover dangerous occurrences which did not result in injuries.
17. Another matter discussed concerned the problem of recognised occupational diseases for the purpose of compensation. According to professional opinion and that of the Workers' members it was considered that this problem was particularly acute and complex in the food products and drink industries. The Workers' members felt that diseases of occupational origin in these industries were not always adequately covered by the relevant legislation. They also considered that the loss of earnings due to restrictions on employment caused by public health requirements should be given proper attention in any workmen's compensation and social security scheme. However, discussion of the subject was not pursued in detail as it was felt that the subject fell somewhat outside the scope of the Subcommittee; it was nevertheless agreed that the problem should be referred to in the conclusions.

Co-operation

18. There was general agreement that co-operation between all parties concerned was highly desirable at all levels and in all aspects of occupational safety and health matters if the highest possible standards were to be achieved.

19. However, there was substantial discussion in regard to the practical implementation of this principle. Government, Employers' and Workers' members gave detailed information on the methods employed in the different countries and the experience gained. It was finally agreed that good results from bipartite or tripartite co-operation could be obtained in different ways at the level or levels appropriate to each country.

20. Although the conclusions make no specific reference to joint safety and health committees at the plant level, there was a fairly wide measure of agreement that such committees should be set up as an effective means of improving safety and health conditions. Co-operation of management and workers at the plant level in the field of safety and health would frequently engender good labour-management relations, based on the common concern for the human dignity of labour.

21. The inclusion of occupational safety and health provisions in collective agreements gave rise to some controversy. Whereas the Workers' members strongly felt that any safety and health programme at the level of the industry would substantially benefit from such a measure, some Employers' members expressed the view that detailed safety and health measures were not a proper subject for collective bargaining. Thus, the conclusions contain a general statement drawing the attention of the parties concerned to this matter and recommending the inclusion of provisions for the establishment of safety and health committees in appropriate collective agreements.

Occupational Safety and Health Services in Places of Employment

22. It was recognised that safety, health and production were inseparable in modern industry. It was considered that all aspects of good engineering practice and management were an integral part of the physical protection of the worker. As in production, the safety and health problems of the workers would require the intensive application of modern organisational, technological and medical skills and practice. Having noted the provisions of the Occupational Health Services Recommendation, 1959 (No. 112), the Subcommittee recommended their application and analogous measures in the establishment of occupational safety services in places of employment, with due regard to the needs of small undertakings.

Propagation of Knowledge

23. During its deliberations the Subcommittee devoted special attention to educational and training requirements in occupational safety and health for all persons concerned with these matters, and emphasised the need for instituting appropriate training programmes in all countries.
24. The Subcommittee stressed the importance of including formal instruction on safety and health matters in the curricula for engineers, medical personnel and technicians, at universities and technical schools. Similarly, training in these matters should also be imparted by elementary and secondary schools. Special training courses dealing with safety and health problems were needed in all countries and in this regard governments had the basic responsibility.

25. A formal request was made by some members to invite the I.L.O., in association with U.N.E.S.C.O., to undertake appropriate steps in regard to the training programmes of these schools. Assistance in safety and health training which might be provided by international agencies could be of considerable help to the developing countries.

26. There was general agreement that governments, and both sides of industry jointly, should provide and implement adequate training schemes in occupational safety and health for workers, foremen and management so as to develop safe attitudes among persons concerned and make them alert to the particular hazards of work and environment. For this purpose all available and suitable educational resources, including modern audio-visual methods, should be employed and emphasis placed on basic information as well as on health and safety requirements resulting from technological change.

27. In this connection the Subcommittee discussed the special training needs of new entrants, apprentices, young persons, immigrant, migrant, seasonal and illiterate workers. Account should be taken of the level of education of the workers and any language difficulties which may arise. The Workers' members emphasised the obligation of countries which imported foreign labour to provide adequate safety and health training and information in the language of the workers before they were exposed to the dangers in the industry in which they were employed.

28. It was suggested that government staff should also be provided with proper and sufficient training to enable them to keep abreast of new developments.

Research

29. Although there is a large amount of research being done in the fields related to occupational health and safety, the widespread application of the information derived from this requires that it be made freely available. The Subcommittee agreed that the distribution of information would require the establishment of national and international systematic means of communication. It also agreed that governments and industry could most efficiently and adequately collect and disseminate the available information. The work performed by the International Occupational Safety and Health Information Centre (C.I.S.) was cited as an example of international activity in this field.

30. The Workers' members suggested the establishment of advisory services in order to provide assistance to small plants in introducing proper safety and health measures.

31. The Subcommittee mentioned a number of fields as listed in the conclusions which would require special attention in research.

Environmental Control

32. There was general agreement that international action was essential for the practical application of the results of research with reference to the food products and drink industries.

33. Particular problems of environmental control were discussed. These include physical hazards such as slippery floors, inefficient lay-out of plants, poor lighting, excessive noise, improper use of colour, lack of proper ventilation and exhaust, improper materials handling and poor control of climatic conditions.

34. Atmospheric pollution due to faulty control of chemical substances and the contamination of water were also considered to be sources of occupational injuries.
Technical Measures for Protection

35. Methods of control of hazards which exist in the environment of the worker were discussed. Engineering control methods were considered the primary and most important methods. Modification of processes, isolation of the source of the hazard, elimination of the hazard at its source, safeguarding of machinery and tools, proper design of methods for the handling of materials, good housekeeping, proper organisation of work within the plant, and preventive maintenance were mentioned during the discussion. Workers' members emphasised that old machinery should be given the same degree of protection as new machinery.

36. It was pointed out that when engineering methods were not fully effective additional protection must be provided by limiting the time of exposure. One Employers' member expressed the view that time limitations of exposure should not be suggested as a reason for reducing hours of work in the industry. This particular observation was made in reference to problems of noise in industry.

37. It was pointed out that personal protective equipment should not be considered a control method, but should only be used to protect the worker when methods for controlling the hazard are insufficient. This would not preclude the use of such equipment in conjunction with control methods for hygienic reasons. It was pointed out by Government members that manufacturers when designing such protective clothing and devices should in particular consider the climatic conditions in which they would be used.

38. One Government member recommended that monitoring devices should only be used by properly trained and qualified persons. The application of technical standards such as threshold limit values should be restricted to those trained in their use and interpretation.

Medical Problems

39. The Subcommittee considered the occupational and public health aspects of diseases in the food products and drink industries. The Workers' members emphasised that in these industries diseases occurred which normally were not recognised as occupational diseases and which posed special problems. Due to the rather high incidence of allergic diseases in the food products industry there was a need to provide for sufficient preplacement, pre-employment and periodical medical examination. Control of disease transmission in co-operation with public health and veterinary services was also considered desirable. Employers' members suggested that many of the health problems in the industry could properly be solved by improved methods of the handling of materials, toxic or otherwise.

40. Having noted that a Meeting of Experts on the Maximum Permissible Weight to Be Carried by One Worker was to be held early in 1964, the Subcommittee directed its attention to the resolution submitted by the Workers' group dealing with maximum weight to be lifted by one man, and referred to the Subcommittee by the Steering Committee for its consideration. The Subcommittee dealt with the subject-matter of the resolution in its discussion of medical problems and made suggestions concerning the terms of reference of this Meeting of Experts. These suggestions are embodied in the conclusions of the Subcommittee.

Welfare

41. Welfare problems were discussed at length. There was no general consensus of opinion in regard to the different aspects of the subject which properly should be discussed in relation to occupational safety and health.

42. The Workers' members felt that proper housing, in particular for migrant, seasonal and immigrant workers, was of great importance. Also, transport, nutrition, welfare facilities within the plant and other matters of a similar nature were seen as contributing factors of substantial importance in any occupational safety and health programme. The Workers' members also emphasised in this context the adverse effects on the health of the worker of regular work schedules starting in the early hours of the morning.
43. On the other hand, some Employers' members considered that management had limited means at its disposal to influence such factors which were problems of the community as a whole.

44. Recognising that certain aspects of community life were carried over to the places of employment and affected occupational safety and health, the Subcommittee agreed that steps should be taken by governments, employers and workers to provide and improve such conditions as may contribute to the welfare of the worker. In this regard certain groups of workers might require special measures. Measures taken outside the factory were primarily the concern of the community as a whole and the governments in particular.

Problems of a Changing Technology

45. The Subcommittee considered that the food products and drink industries were among those industries where particularly rapid development was taking place. Although a precise prediction of future development in the industry is a difficult matter, certain anticipated changes in production methods, which either might improve present conditions in occupational safety and health, or might create new hazards, were mentioned. There was general agreement that where new hazards are anticipated the necessary measures for the protection of the workers should be devised and applied before adverse effects occurred; due regard should be given to any possible need for retraining.

46. In conclusion the Subcommittee stressed that in any new technological development man should never become subservient to the machine. In the planning of industrial methods and techniques every effort should be made to adopt the methods, techniques or machinery to the capabilities of the worker.

Adoption of the Draft Conclusions

47. At its fifth sitting the Subcommittee had before it the draft conclusions drawn up by the Working Party. Some drafting changes were made at the request of several members to ensure clarity of expression.

48. An Employers' member wished to include in paragraph 16 a reference to the protection of the moral health of the workers. As this request was considered to be largely outside the terms of reference of the Subcommittee the matter was given no further consideration. Also, a Government member expressed the wish to stress in paragraph 17 the need for improving working conditions as well as the need for possible retraining of the workers whenever new developments were being introduced. The latter suggestion was unanimously approved and it was explained that the present text already covered his first observation.

49. The draft conclusions as a whole were adopted unanimously.

Adoption of the Report

50. At its sixth sitting the Subcommittee had before it the draft report. After a brief discussion the report was unanimously adopted.


(Signed) J. P. O'Neill, Chairman.

O. A. Young, Reporter.
Documents

Building, Civil Engineering and Public Works Committee (Seventh Session, Geneva, 4-15 May 1964): Note on General Discussion, Reports of Subcommittees, Conclusions and Resolutions Adopted

Supplements


Supplement II to the present issue contains the 73rd to 77th Reports of the Governing Body Committee on Freedom of Association.
INFORMATION

48th Session of the International Labour Conference

(Geneva, 17 June-9 July 1964)

The 48th Session of the General Conference of the International Labour Organisation was held at Geneva from 17 June to 9 July 1964.

COMPOSITION AND AGENDA

One hundred and two out of the 110 States Members of the Organisation were represented at the session, which was attended by 196 Government delegates, 95 Employers' delegates and 95 Workers' delegates. Sixty-three Ministers of Labour were among those attending or visiting the Conference. Observers were sent by four territories, 14 intergovernmental and 49 non-governmental international organisations. The proceedings of the Conference were followed by over 1,300 persons.

The agenda was as follows:

I. Report of the Director-General.
II. Financial and budgetary questions.
III. Information and reports on the application of Conventions and Recommendations.
IV. Hygiene in commerce and offices (second discussion).
V. Benefits in case of industrial accidents and occupational diseases (second discussion).
VI. Women workers in a changing world.
VII. The employment of young persons in underground work in mines of all kinds.

The texts of the instruments and resolutions adopted by the Conference appear in Supplement I to the present number.

In due course the International Labour Office will publish the Record of Proceedings of the 48th Session of the Conference. This will include the text of a communication addressed to the governments of member States concerning the agenda of the Conference and the memorandum appended thereto. It will give lists of members of delegations, committees, Conference officers, the stenographic record of the discussions in plenary sitting and appendices containing the reports of committees and the texts adopted by the Conference.
VIII. Employment policy, with particular reference to the employment problems of developing countries (for single discussion with a view to the possible adoption of an appropriate instrument or instruments).

IX. Substitution for article 35 of the Constitution of the International Labour Organisation of the proposals referred to the Conference by the Governing Body at its 157th Session.

X. Proposed declaration concerning the policy of apartheid of the Republic of South Africa.

XI. Inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to expel or suspend from membership any Member which has been expelled or suspended from membership of the United Nations.

XII. Inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to suspend from participation in the International Labour Conference any Member which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid.

ELECTION OF PRESIDENT AND VICE-PRESIDENTS AND ESTABLISHMENT OF COMMITTEES

After the Chairman of the Governing Body of the International Labour Office, Mr. E. Calderón Puig, had made the opening speech, the Conference elected as its President Mr. A. Aguiar Mawdsley (Government delegate, Venezuela). It also elected three Vice-Presidents: Mr. K. R. Baghdelleh (Government delegate, Tanganyika and Zanzibar), as Government Vice-President; Mr. S. Wajid Ali (Employers’ delegate, Pakistan), as Employers’ Vice-President; and Mr. H. Collison (Workers’ delegate, United Kingdom), as Workers’ Vice-President.

The Conference set up a Selection Committee, which elected Mr. L. Chajn (Government delegate, Poland) as its Chairman. This Committee made recommendations, which were approved by the Conference, on the composition of the Credentials Committee, Drafting Committee, Finance Committee of Government Representatives, Committee on the Application of Conventions and Recommendations, and on the establishment of a Committee on Standing Orders, a Resolutions Committee, a committee on each of items IV to X of the agenda, and a committee on items XI and XII.

The Conference then took note of the report of the Board which deals with appeals from delegates against their non-inclusion in the voting membership of a committee of the Conference. In accordance with the determinations of the Appeals Board the Employers’ delegates of Bulgaria, Byelorussia, Cuba, Czechoslovakia, Hungary, Poland, Rumania, the Ukraine, the U.S.S.R. and Yugoslavia were placed in the voting sections of various committees.

ITEMS ON THE AGENDA

Report of the Director-General

A total of 213 speakers took part in the debate on the Director-General’s Report concerning the programme and structure of the I.L.O., which had been resubmitted to the Conference for the second year in succession.

In his reply the Director-General emphasised the three major programme areas for the I.L.O. which had been brought out in the debate: human resources develop-
ment; labour relations, trade union development and growth of social institutions; conditions of life and work. After recalling the “atmosphere of crisis” in which the Conference took place in 1963 the Director-General noted with satisfaction that the 48th Session had been “earnest, serious and businesslike”. In conclusion he pointed out that great concern had been expressed in the Conference to preserve the tripartite character of the I.L.O. and to strengthen its application. He invited the Conference to think of the I.L.O. as a body which is, through its own efforts, striving to build a new world society, more united, more at peace with itself, more fully expressive of the individual's right to personal fulfilment.

**Information and Reports on the Application of Conventions and Recommendations**

The Conference unanimously adopted the report of the Committee on the Application of Conventions and Recommendations. It did so in the light of the report of the Committee of Experts on the same subject. Sixty-three governments gave supplementary information, orally or in writing, during the session.

The Committee, in its report, had noted that progress in the ratification of Conventions had continued; ratifications were now approaching the 3,000 mark. The increase had been such that the number during the past four years equalled the total received during the first quarter-century of the I.L.O.'s existence.

The Committee had also discussed the conclusions of the Committee of Experts on the reports supplied under article 19 of the Constitution; the two subjects dealt with in 1964 were annual holidays with pay, and weekly rest in industry, commerce and offices. The Committee welcomed the specific indications that the Committee of Experts had included in its report by listing the cases in which countries had taken steps to modify their legislation or practice so as to give effect to past observations or requests; this list mentioned over 70 such cases of progress by 45 countries in all (34 member States and 11 non-metropolitan territories).

**Hygiene in Commerce and Offices**

The Committee on Hygiene in Commerce and Offices examined the texts of two proposed instruments, a Convention and a Recommendation, which had been prepared by the Office on the basis of conclusions adopted by the Conference at the close of the first discussion of the item at its 47th Session.

The Convention lays down general principles regarding hygiene in commerce and offices. The Recommendation contains more detailed provisions on certain aspects of work in commerce and offices, intended to protect the health and well-being of the workers. The two instruments were unanimously adopted by the Committee and placed before the Conference, which adopted the Convention by 311 votes to 0, with 5 abstentions, and the Recommendation by 312 votes to 0, with 3 abstentions.

**Benefits in Case of Industrial Accidents and Occupational Diseases**

In general, the Committee on Social Security endorsed the conclusions of the Committee which had reported to the Conference at its 47th Session.

The two proposed instruments concerning benefits in the case of employment injury were unanimously adopted by the Committee. The Conference thereupon adopted the Convention by 239 votes to 6, with 65 abstentions, and the Recommendation by 231 votes to 8, with 55 abstentions. The Conference also adopted a resolution concerning the convening of a committee of experts and the revision of the list of occupational diseases.

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1 See below p. 204.
Women Workers in a Changing World

The Conference adopted the Proposed Conclusions with a view to the adoption of a Recommendation concerning the employment of women with family responsibilities. The Committee on Women Workers further placed before the Conference five resolutions, which were also accepted. They concern respectively women workers in a changing world, the economic and social advancement of women in developing countries, part-time work, maternity protection, and placing the question of the employment of women with family responsibilities on the agenda of the next ordinary session of the Conference.

The Employment of Young Persons in Underground Work in Mines of All Kinds

The Committee on Employment of Young Persons had before it two reports prepared by the Office on the employment of young persons in underground work in mines of all kinds. The Conference accepted the conclusions proposed by the Committee with a view to adoption of four instruments: a Convention, with a supplementary Recommendation, concerning the minimum age for admission to employment in underground work in mines of all kinds; a Convention concerning medical examination of young persons for fitness for employment in underground work in mines of all kinds; and a Recommendation embodying certain provisions concerning the employment of young persons in underground work in mines of all kinds.

The Conference adopted, by 245 votes to 0, with 55 abstentions, a resolution placing the whole question on the agenda of the next ordinary session of the Conference with a view to the adoption of the above instruments.

Employment Policy, With Particular Reference to the Employment Problems of Developing Countries

The question of employment policy, with particular reference to the employment problems of developing countries, was on the agenda of the session for single discussion on the basis of the record of the Preparatory Technical Conference which met for a preliminary discussion of the question from 30 September to 16 October 1963. The proceedings of the Committee on Employment Policy related to the texts of two proposed instruments, a Convention and a Recommendation. The Conference adopted the Convention concerning employment policy by 206 votes to 54, with 37 abstentions, and the Recommendation on the same subject by 275 to 0, with 10 abstentions. It also adopted two resolutions, one concerning the activities of the International Labour Organisation in the field of employment policy, the other concerning international action for the promotion of employment objectives.

Substitution for Article 35 of the Constitution of the International Labour Organisation of the Proposals Referred to the Conference by the Governing Body at Its 157th Session

The Committee on Article 35 of the Constitution set up by the Conference at its third sitting examined a proposed instrument to amend the Constitution of the International Labour Organisation by substituting for article 35 proposals referred to the Conference by the Governing Body at its 157th Session (November 1963). On the recommendation of the Committee the Conference adopted the Instrument of Amendment (No. 1), 1964, by 300 votes to 0, with 31 abstentions.
Proposed Declaration concerning the Policy of “Apartheid” of the Republic of South Africa

The relevant Committee had before it a proposed declaration concerning the policy of apartheid of the Republic of South Africa. This had been submitted by the Governing Body to the Conference for consideration as the tenth item on the latter’s agenda; annexed to it was an “I.L.O. Programme for the Elimination of Apartheid in Labour Matters in the Republic of South Africa”. The Committee unanimously approved the proposed declaration and recommended its adoption. The Conference, having been so invited by the President, adopted unanimously and by acclamation the Declaration concerning the Policy of Apartheid of the Republic of South Africa.

Inclusion in the Constitution of the International Labour Organisation of a Provision Empowering the Conference to Expel or Suspend from Membership Any Member Which Has Been Expelled or Suspended from Membership of the United Nations

Inclusion in the Constitution of the International Labour Organisation of a Provision Empowering the Conference to Suspend from Participation in the International Labour Conference Any Member Which Has Been Found by the United Nations to Be Flagrantly and Persistently Pursuing by Its Legislation a Declared Policy of Racial Discrimination Such as “Apartheid”

The Committee on the Expulsion and Suspension Amendments of the Constitution decided to hold a general discussion on the two proposed amendments together, since both resulted from the examination of questions relating to South Africa and from the work of the special committee set up by the Governing Body on this subject at its 157th Session (November 1963). It then adopted the proposals. The two proposed instruments of Amendment were then submitted to the Conference, which adopted the former by 238 to 0, with 2 abstentions, and the latter by 179 to 27, with 41 abstentions.

Standing Orders Questions

At the recommendation of its Standing Orders Committee the Conference adopted various amendments to its Standing Orders which had been rendered necessary by the coming into force of the Constitution of the International Labour Organisation Instrument of Amendment, 1962. The changes made relate to articles 48, 49, 50, 53 and 54 of the Standing Orders of the Conference.

Other Matters

Resolutions

Twenty draft resolutions had been submitted to the Conference in accordance with article 17 of the Standing Orders. Two of these were withdrawn by their mover. Under the new rules the Committee determined (by secret ballot) which five resolutions should be considered first, and in what order. The Conference adopted the resolutions submitted to it by the Committee on the following questions; minimum living standards and their adjustment to the level of economic growth; the International Institute for Labour Studies; the concept of democratic decision-making in programming and planning for economic and social develop-

1 For the text of these resolutions see Supplement I to the present number, pp. 67-74.
ment; freedom of association; programmes of technical assistance and other I.L.O. activities in Africa and other developing regions; the programme and structure of the I.L.O.; and the International Co-operation Year and the Twentieth Anniversary of the United Nations. The resolution concerning the strengthening of tripartism within the I.L.O. was not adopted, there being no quorum.

**Budget of the Organisation**

The Conference voted the budget of the International Labour Organisation for 1965, amounting to $18,684,347.

**Election of Members of the Inter-American Advisory Committee and African Advisory Committee**

The Conference elected the members of the Inter-American Advisory Committee and African Advisory Committee for a period ending at the next elections to the Governing Body in 1966.
159th Session of the Governing Body of the International Labour Office

(Geneva, 11-13 June and 10 July 1964)

The 159th Session of the Governing Body of the International Labour Office was held in Geneva from 11 to 13 June and on 10 July 1964.

The agenda of the session was as follows:

1. Approval of the minutes of the 158th Session.
13. Reports of the Financial and Administrative Committee.
17. Reports of the Committee on Industrial Committees.
18. Reports of the Committee on Operational Programmes.
20. Composition and agenda of committees and of various meetings.

1 The texts of the documents and reports submitted to the Governing Body, which contain full information on the questions dealt with, will be published subsequently in the appendices to the printed minutes of the session.
22. International Centre for Advanced Technical and Vocational Training.
23. Inter-American Vocational Training Research and Documentation Centre.
25. Programme of meetings.
29. Date and place of the 160th Session of the Governing Body.
30. Quorum at the International Labour Conference.

The Governing Body was composed as follows:

Chairmen: Mr. E. CALDERÓN PUIG (Mexico), followed by Mr. J. MöRI (Swiss) and Mr. G. V. HAYTHORNE (Canada).

Government group:

Algeria: Mr. C. TALEB.
Australia: Mr. H. A. BLAND.
Brazil: Mr. J. A. BARBOZA-CARNEIRO.
Bulgaria: Mr. A. TZANKOV.
Canada: Mr. G. V. HAYTHORNE.
China: Mr. Liu Tsing-chang.
France: Mr. A. PARODI.
Gabon: Mr. A. BOUMAH.
Federal Republic of Germany: Mr. W. CLAUSSEN.
India: Mr. S. W. ZAMAN.
Italy: Mr. R. AGO.
Japan: Mr. M. AOKI.
Lebanon: Mr. F. N. ABI RAAD.
Liberia: Mr. A. R. HORTON.
Mali: Mr. N. KEITA.
Mexico: Mr. M. DE ARAOZ.
Pakistan: Mr. S. H. RAZA.
Peru: Mr. E. LETTS.
Poland: Mr. L. CHAJN.
Tanganyika and Zanzibar: Mr. K. R. BAGHDDELLEH.
U.S.S.R.: Mr. I. V. GOROSHKIN.
United Kingdom: Mr. G. C. H. SLATER.
United States: Mr. G. L. P. WEAVER.

Employers' group:

Mr. G. BERGENSTRÖM (Swedish).
Mr. A. DESMAISON (Peruvian).
Mr. E.-G. ERMANN (Federal Republic of Germany).
Mr. A. MISHIRO (Japanese).
Mr. F. A. P. MURO DE NADAL (Argentine).
Mr. H. M. OFURUM (Nigerian).
Sir George POLLOCK (United Kingdom).
Mr. M. A. RIFAAT (United Arab Republic).
Mr. N. H. Tata (Indian).
Mr. C. R. Végh-Garzón (Uruguayan).
Mr. R. Wagner (United States).
Mr. P. Waline (French).

Workers' group:
Mr. F. Ahmad (Pakistani).
Mr. G. D. Ambekar (Indian).
Mr. A. Becker (Israeli).
Mr. H. Beermann (Federal Republic of Germany).
Mr. H. Collison (United Kingdom).
Mr. M. Ben Ezzedine (Tunisian).
Mr. R. Faupl (United States).
Mr. K. Kaplansky (Canadian).
Mr. A. E. Monk (Australian).
Mr. J. Möri (Swiss).
Mr. E. Nielsen (Danish).
Mr. A. Sánchez Madariaga (Mexican).

The following members attended only the sitting on 10 July 1964:

Government group:
Mali : Mr. O. B. Diarra.

Employers' group:
Mr. H. J. Lambeth (substitute for Mr. Wagner) (United States).
Mr. M. Nasr (Lebanese).
Mr. L. Quinn Wade (substitute for Mr. Muro de Nadal) (Argentine).
Mr. T. S. Swaminathan (substitute for Mr. Tata) (Indian).
Mr. S. Wajid Ali (Pakistani).

The following regular representatives were absent for the whole of the session:

Government group:
Ecuador.

Workers' group:
Mr. L. L. Borha (Nigerian).

The following deputy or substitute deputy members were present at all or some of the sittings:

Government group:
Argentina : Mr. R. C. Migone.
Congo (Leopoldville) : Mr. A. Makwambala.
Ethiopia : Mr. Y. Mekuria.
Indonesia : Mr. K. Gunadi.
Morocco : Mr. A. Masmoudi.
Norway : Mr. K. J. Øksnes.
Philippines : Mr. V. A. Pacis.
Ukraine : Mr. S. A. Slipchenko.
Uruguay : Mr. P. Bosch.
Venezuela : Mr. A. Aguilar.

Employers' group:
Mr. A. G. Fennema (Netherlands).
Mr. C. Kuntschen (Swiss).
Mr. D. Andriantsitohaina (Malagasy Republic).
Mr. T. H. Robinson (Canadian).
Mr. H. M. Gaye (Senegalese).
Mr. F. Martínez-Espino (Venezuelan).
Mr. M. Alam (Turkish).
Mr. H. Bekti (Indonesian).
Mr. P. Fourn (Dahomean).
Mr. A. Verschueren (Belgian).

Workers' group:
Mr. R. Bothereau (French).
Mr. N. De Bock (Belgian).
Mr. Y. Haraguchi (Japanese).
Mr. J. J. Hernandez (Philippines).
Mr. G. Pongault (Congo (Brazzaville)).
Mr. S. Shita (Libyan).
Mr. G. Khoury (Lebanese).
Mr. S. Thondaman (Ceylonese).
Mr. G. Weissenberg (Austrian).

The following representatives of States Members of the Organisation were present as observers:

Austria: Mr. H. Vavrik.
Belgium: Mr. L.-E. Troclet.
Cuba: Mr. E. Camejo Argudín.
Czechoslovakia: Mr. P. Pavlík.
Greece: Mr. J. Zarras.
Hungary: Mr. T. Löörinc.
Iran: Mr. S. Azimi.
Israel: Mr. E. F. Haran.
Netherlands: Miss A. F. W. Lunsingh Meijer.
New Zealand: Mr. B. D. Zohrab.
Rumania: Mr. C. Ungureanu.
Switzerland: Mr. B. Zanetti.
Turkey: Mr. H. F. Alaçam.
United Arab Republic: Mr. S. B. Nour.
Yugoslavia: Mr. S. Šoč.

The following representatives of international governmental organisations were present:

United Nations: Mr. J. A. Mayobre.
Office of the High Commissioner for Refugees: Mr. P. Weis.
Food and Agriculture Organisation of the United Nations: Mr. E. H. Jacoby.
World Health Organisation: Mr. C. Fedele.
International Bank for Reconstruction and Development: Mr. E. López Herrarte.
General Agreement on Tariffs and Trade: Mr. P. Sobels.
High Authority of the European Coal and Steel Community: Mr. F. Vinck.
European Economic Community: Mr. J. D. Neirinck.
Intergovernmental Committee for European Migration: Mr. E. Rahardt.
Organisation of American States: Mr. L. O. Delwart.
League of Arab States: Mr. M. El-Wakil.
The following representatives of international non-governmental organisations were present as observers:

*International Confederation of Free Trade Unions*: Mr. A. Heyer.
*International Co-operative Alliance*: Mr. M. Boson.
*International Federation of Christian Trade Unions*: Mr. E. Eggermann.
*International Organisation of Employers*: Mr. R. Lagasse.
*World Federation of Trade Unions*: Mr. G. Boglietti.

**Approval of the Minutes of the 158th Session**

Subject to the insertion of a correction sent in by one member the Governing Body approved the minutes of its 158th Session.

**Agenda of the 50th (1966) Session of the International Labour Conference**

The Governing Body gave preliminary consideration to the agenda of the 50th (1966) Session of the International Labour Conference. It decided that law and practice reports or more detailed proposals on the following subjects should be submitted to it at its 160th Session (November 1964), with a view to final determination of the Conference agenda:

(a) improvement of conditions of life and work of tenants, share croppers and similar categories of agricultural workers;

(b) maximum permissible weight to be carried by one worker;

(c) the subjects covered by the Technical Meeting concerning Certain Aspects of Labour-Management Relations within Undertakings, from which the Governing Body might choose one question;

(d) revision of Conventions Nos. 35, 36, 37, 38, 39 and 40 concerning old-age, invalidity and survivors' pensions;

(e) revision of the Holidays with Pay Convention, 1936 (No. 52).

**Report of the Meeting of Experts on Conditions of Work and Service of Public Servants**

*(Geneva, 25 November-6 December 1963)*

The Meeting of Experts had expressed the wish that the Director-General should propose to the Governing Body that in the near future it should call for a further over-all examination by the Committee of Experts on the Application of Conventions and Recommendations of the international instruments concerning freedom of association, collective bargaining and collective agreements, with particular emphasis on the application of these standards to public servants. The Governing Body invited the Director-General to bear in mind the views expressed by the Meeting when preparing proposals for submission to the Governing Body in future years concerning the selection of Conventions and Recommendations for reporting under article 19 of the Constitution.

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2 Ibid., No. 1, Jan. 1964, paras. 6-9, p. 60.
The Meeting, in its conclusions and in a resolution, had also made suggestions regarding information, studies and seminars relating to public servants. The Governing Body authorised the Director-General to study the extent to which effect could be given to these suggestions within the programme of the I.L.O. It noted that, when the Director-General was in a position to draw conclusions from the studies suggested by the Meeting, he would submit to the Governing Body proposals on the future work of the I.L.O. in this field, including the convening of an international joint committee on the public service or any other suitable specialised meeting.

The Governing Body further authorised the Director-General to study, in co-operation with the United Nations, the various forms of technical assistance which the I.L.O. could place at the disposal of governments in the field of conditions of work and service of public servants, particularly concerning staff representation and consultation in public administrations.

**REPORT OF THE LATIN AMERICAN REGIONAL TECHNICAL MEETING ON CO-OPERATIVES**

*(Santiago, Chile, 25 November-6 December 1963)*

The Governing Body expressed its appreciation to the Chilean Government for the facilities it had made available.

It noted the action which the Director-General proposed to take in connection with the request to the I.L.O. to establish in Latin America an Institute for Co-operative Development, and in so doing requested the Director-General to have regard to proposals appearing in an amendment by the Government representative of Argentina, to the effect that the Office should, among other things, consider the possibility of intensifying its work in the field of co-operation and should assess the financial implications of the proposal to set up an Institute.

Lastly, the Governing Body noted the other conclusions and proposals contained in the report; it authorised the Director-General to communicate them to all the States Members of the I.L.O. in the Latin American region and to the organisations that were represented at the Meeting, and asked the Director-General to take these conclusions and proposals into account as appropriate in his proposals for future action in this field in Latin America.

**REPORT OF THE TECHNICAL ADVISORY GROUP ON AGRARIAN REFORM**

*(Geneva, 24 February-5 March 1964)*

The Governing Body took note of the report and conclusions adopted by the Technical Advisory Group. It decided that the wording of the sixth item on the agenda of the 49th (1965) Session of the International Labour Conference should be as follows:

Agrarian reform, with particular reference to employment and social aspects (general discussion).

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2 Ibid., No. 2, Apr. 1964, pp. 87-88.
3 For an account of the Meeting see ibid., pp. 98-100.
REPORT OF THE MEETING OF EXPERTS ON THE MAXIMUM PERMISSIBLE WEIGHT TO BE CARRIED BY ONE WORKER ¹

(Geneva, 9-17 March 1964)

The Governing Body took note of the report of the Meeting and authorised the widest possible circulation of the report.

It authorised the Director-General to communicate the report to governments, requesting them to transmit it to the bodies and departments concerned, and it also requested the Director-General, when drawing up the work programmes of the Office for future years, to take account of the desire expressed by the Meeting that at the present stage the recommendations of the experts should serve as the basis for a suitable publication aimed at reducing the weight of handling units.

REPORT OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

(34th Session, Geneva, 13-25 March 1964)

The Governing Body took note of the report of the Committee of Experts on the Application of Conventions and Recommendations on its 34th Session (Geneva, 13-25 March 1964). In accordance with the usual practice this report was to be examined by the International Labour Conference at its 48th (1964) Session and has been printed as a Conference document.²

REPORT OF THE MEETING OF EXPERTS ON AUTOMATION ³

(Geneva, 16-25 March 1964)

The Governing Body authorised the Director-General to transmit to governments the report of the Meeting, including the conclusions and recommendations and the appendices, with the request that they should communicate these texts to the employers' and workers' organisations and to the occupational organisations concerned in their respective countries, and to communicate these texts to the international organisations concerned.

REPORT OF THE ACTUARIAL SUBCOMMITTEE OF THE COMMITTEE OF SOCIAL SECURITY EXPERTS ⁴

(Geneva, 6-17 April 1964)

The Governing Body took note of the report of the Actuarial Subcommittee of the Committee of Social Security Experts and authorised the Director-General to communicate the report—(a) to the governments of States Members of the Organisation, drawing their attention to certain recommendations and suggestions and inviting them to communicate the report to the employers' and workers' organisations; (b) to the intergovernmental organisations concerned; and (c) to the non-governmental international organisations represented by observers at the Meeting.

The Governing Body further took note of the Director-General's intention to include the following subjects in the Office programme of activity: an inquiry

¹ See also below pp. 169-172.
² See also below p. 204.
³ See also below pp. 173-175.
⁴ See also below pp. 176-180.
into the cost of social security, a minimum programme of social security statistics, statistical studies on the scope of protection of social security schemes, and the financial and actuarial aspects of invalidity, old-age and survivors' pensions.

REPORT OF THE MEETING OF EXPERTS ON SAFETY AND HEALTH IN AGRICULTURE

(Geneva, 20 April-2 May 1964)

The Governing Body postponed consideration of this item to its 160th Session.

REPORT OF THE ASIAN ADVISORY COMMITTEE ON ITS 12TH SESSION

(Geneva, 29 May-2 June 1964)

The Governing Body took note of the report of the Asian Advisory Committee on its 12th Session.

It took note of the hope expressed by the Committee that the Director-General would be in a position to report a satisfactory outcome of his consultations concerning the question of the participation of Middle Eastern countries in the Asian regional activities of the I.L.O. in time for the next session of the Committee.

It noted the Committee's recommendations concerning its future organisation and work and referred the question of their financial implications and that of the convening of the next session of the Asian Advisory Committee in 1965 to the Financial and Administrative Committee for report.

Lastly, the Governing Body noted that those members of the Committee who were at the same time members of the Governing Body would come together informally on the occasion of the next or an appropriate later session of the Governing Body, in order to arrive at decisions and recommendations concerning the agenda of its next session to be submitted on behalf of the Committee to the Governing Body.

REPORTS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION

Seventy-third, Seventy-fourth and Seventy-sixth Reports

The Governing Body had before it the 73rd, 74th and 76th reports of its Committee on Freedom of Association, and adopted at its fourth sitting the recommendations contained therein. It noted that the U.S.S.R. Government representative, for reasons expressed on previous occasions, was unable to participate in the decisions on the Committee's recommendations. The Polish Government representative stated that, on the basis of the documentation submitted to the Governing Body, he was unable to endorse the Committee's conclusions; these views were shared by the Ukrainian Government representative.

Seventy-fifth and Seventy-seventh Reports

The Governing Body also had before it the 75th and 77th Reports of its Committee on Freedom of Association. It adopted the recommendations contained in these reports at the sitting held at the close of the Conference.

1 See also below pp. 181-183.
2 See also below pp. 167-168.
3 For the text of these reports see Supplement II to this issue.
REPORTS OF THE FINANCIAL AND ADMINISTRATIVE COMMITTEE

On the basis of the reports of its Financial and Administrative Committee the Governing Body took the following decisions, among others: it recommended the Conference to adopt the audited accounts for 1963; it reappointed Mr. Uno BRUNSKOG (Sweden) and Mr. Stig SÄFSTRÖM (Sweden) as auditor and deputy auditor respectively for a further period until 1 April 1966; and it approved the financing of the proposed meetings and other projects and personnel costs for which no provision existed in the 1964 budget. The Governing Body further noted the information submitted in the Committee's reports.

On the recommendation of the Building Subcommittee it authorised the Director-General to pursue his negotiations with the Geneva authorities, on the understanding that—(a) it was not possible to accept the idea that the Office should be prepared to operate in two different locations; (b) before undertaking any extension of the building it was essential to obtain satisfactory assurances that further accommodation requirements could be met within reasonable limits at the present location.

The Governing Body approved the budget of the Inter-American Vocational Training Research and Documentation Centre (CINTERFOR) for the years 1964 and 1965.

With regard to the International Centre for Advanced Technical and Vocational Training (Turin), the Governing Body authorised the Director-General officially to open the Centre three months after receipt of funds equivalent to half the amount needed for the first year's operations, it being understood that he should also have firm assurances that the income necessary to finance the operations of the Centre on an adequate scale would be available for at least the first four years. The Governing Body further asked the Director-General (a) to inform governments and others concerned that, subject to the above conditions being met, it was the intention of the Governing Body that the Turin Centre should be opened on 1 April 1965; (b) to invite their attention to a decision reached unanimously by the Governing Body in March 1963 that the Centre should be set up and financed by voluntary contributions from governments, intergovernmental and non-governmental organisations and from other sources; (c) to ask those governments which had not yet undertaken to contribute to give the matter their further urgent attention and to inform the Director-General by 31 October 1964 of the contribution they were able to make.

In addition, the Governing Body took various decisions concerning the staff. It authorised the Director-General to accept, on behalf of the Organisation, fees received by members of the I.L.O. staff and to decide into what fund they should be paid; it approved an amendment to the Staff Regulations, the effect of which was to raise the family allowances payable to officials in the General Service category in Geneva. In connection with the questions relating to pensions the Governing Body recommended the Conference to adopt a resolution concerning contributions payable in 1964 to the I.L.O. Staff Pensions Fund. It appointed Mr. Ernst G. RENK (Switzerland) and reappointed Colonel Terence MAXWELL (United Kingdom) and Mr. Edouard ELLER (United States) as members of the Investments Committee for a further period until 31 December 1965. The Governing Body likewise approved the application of the Statute of the Administrative Tribunal to the European Organisation for the Safety of Air Navigation.  

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1 See also below pp. 156-157.
2 See Supplement I to this issue, p. 81.
3 See also below pp. 199-200.
REPORT OF THE ALLOCATIONS COMMITTEE

Acting on the recommendations of its Allocations Committee, the Governing Body recommended the Conference to approve a scale of contributions for 1965, subject to such adjustments as might be necessary following the assessment of new member States. It authorised the Committee to submit its report on the assessment of contributions direct to the Finance Committee of Government Representatives of the Conference.

REPORT OF THE COMMITTEE ON STANDING ORDERS AND THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

On the basis of the recommendations of its Committee on Standing Orders and the Application of Conventions and Recommendations the Governing Body decided to request governments to supply reports under article 19 of the Constitution on the following instruments: in 1965: Labour Inspection Convention, 1947 (No. 81), Labour Inspection Recommendation, 1947 (No. 81), and Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82); in 1966: Hours of Work (Industry) Convention, 1919 (No. 1), Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), Forty-Hour Week Convention, 1935 (No. 47), and Reduction of Hours of Work Recommendation, 1962 (No. 116), it being understood that governments would be asked to place the main emphasis in their reports on the last-mentioned instrument.

The Governing Body decided to refer the proposal concerning the creation, on an experimental basis, of a small committee of the International Labour Conference, which might be called the "Technical Revision Committee", back to its Committee on Standing Orders and the Application of Conventions and Recommendations for further examination.

REPORTS OF THE INTERNATIONAL ORGANISATIONS COMMITTEE

The Governing Body took the following action on the reports of its International Organisations Committee.


Proposed Merger between the United Nations Special Fund and the Expanded Programme of Technical Assistance

The Governing Body authorised the Director-General to inform the Economic and Social Council that the International Labour Organisation was prepared to co-operate in the implementation of the proposed arrangements envisaged by the report of the Administrative Committee on Co-ordination if these were acceptable to the Economic and Social Council.
Proposed Agreement with the Asian Productivity Organisation

The Governing Body approved the proposed agreement and authorised the Director-General to sign it at the same time as the Secretary-General of the Asian Productivity Organisation.

REPORTS OF THE COMMITTEE ON INDUSTRIAL COMMITTEES

On the basis of the reports of its Committee on Industrial Committees the Governing Body took the following action.

Textiles Committee: Effect to Be Given to the Conclusions of the Seventh Session

Social Aspects of International Trade in Textiles.

The Governing Body postponed consideration of the recommendation made by the Committee at the 157th Session of the Governing Body that the Director-General should be authorised to communicate resolution No. 51 to the United Nations and to the Contracting Parties to G.A.T.T.

Iron and Steel Committee: Effect to Be Given to the Conclusions of the Seventh Session

In relation to the conclusions adopted by the Iron and Steel Committee at its Seventh Session (Cardiff, 26 August-6 September 1963) the Governing Body took the decisions summarised below.

Technological Developments and Their Influence on the Structure of Remuneration, Organisation of Work, and Safety in Iron and Steel Plants.

The Governing Body authorised the Director-General to take account of the suggestions made by the Committee in paragraph 24 of conclusions No. 53 concerning I.L.O. action.


The Governing Body authorised the Director-General to give effect to the requests made by the Committee in paragraph 23 of conclusions No. 54 concerning I.L.O. action, on the lines indicated in the report and in so far as the Office programme of work would permit.

Effect Given to the Conclusions and Resolutions Adopted by the Iron and Steel Committee at Its Previous Sessions.

The Governing Body drew the attention of governments, and through them of the employers' and workers' organisations concerned, to the report of the Working Party on the Effect Given to the Conclusions Adopted by the Iron and Steel Committee at Its Previous Sessions.

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5 Ibid., pp. 530-535.
6 Ibid., p. 542.
7 Ibid., p. 545.
Financing of Vocational Training in the Iron and Steel Industry.

The Governing Body drew the attention of governments and other international organisations concerned to the suggestions regarding funds for vocational training in resolution No. 55 (paragraph 1 (a) and (b)).\textsuperscript{1} It authorised the Director-General to undertake preliminary consultations with the institutions concerned with regard to the possibilities of giving effect to the suggestions relating to financing (paragraph 2 of the resolution).

Housing in Steel Areas in Developing Countries.

The Governing Body authorised the Director-General to communicate the wishes expressed by the Committee in resolution No. 56\textsuperscript{2} to governments and to the competent international organisations.

Future Activities.

The Governing Body decided to keep in mind the wishes expressed by the Committee in resolution No. 58\textsuperscript{3} concerning future activities in relation to the iron and steel industry when called upon to consider the future programme of work of the Office.

Programme and Planning Techniques in the Iron and Steel Industry.

The Governing Body requested the Director-General to draw the attention of governments to the suggestions made by the Iron and Steel Committee in resolution No. 59.\textsuperscript{4}

Metalliferous Ores and Manufactured Steel Products.

The Governing Body requested the Director-General to proceed in accordance with resolution No. 61\textsuperscript{5} and to collaborate with other international organisations in the matters covered by the resolution.

Reduction of Hours of Work in the Steel Industry without Reduction of Income.

The Governing Body requested the Director-General to communicate to governments the wishes expressed by the Committee in resolution No. 63.\textsuperscript{6}

Tripartite Technical Meeting for the Food Products and Drink Industries\textsuperscript{7}:
Effect to Be Given to the Conclusions of the Meeting

The Governing Body authorised the Director-General to communicate the reports, conclusions and resolutions adopted by the Meeting to governments, drawing their special attention to the report and conclusions (No. 1) concerning the social consequences of technological developments in principal branches of the food products and drink industries and to the report and conclusions (No. 2) concerning health, hygiene and safety in the food products and drink industries, informing them that the Governing Body had not expressed any view on the contents thereof, and inviting them to transmit these documents to the employers' and workers' organisations concerned.

\textsuperscript{2} Ibid., p. 555.
\textsuperscript{3} Ibid., p. 556.
\textsuperscript{4} Ibid., pp. 556-557.
\textsuperscript{5} Ibid., p. 557.
\textsuperscript{6} Ibid., p. 558.
\textsuperscript{7} Ibid., Vol. XLVII, No. 2, Apr. 1964, pp. 89-97 and 114-128.
Social Consequences of Technological Developments in Principal Branches of the Food Products and Drink Industries.

The Governing Body authorised the Director-General, in so far as the Office programme would permit, to undertake the studies mentioned in paragraph 7 of conclusions No. 1, to draw up a list of training centres as mentioned in paragraph 27 and to meet any requests for intervention or assistance in training matters, as suggested in paragraph 25.

Health, Hygiene and Safety in the Food Products and Drink Industries.

The Governing Body requested the Director-General to draw the attention of U.N.E.S.C.O. to the proposals set out in paragraph 8 of conclusions No. 2 as regards primary and secondary schools and universities.

World Food Problems and Technical Assistance to Developing Countries in the Food Products and Drink Industries.

The Governing Body requested the Director-General to convey to the United Nations and F.A.O. the views on co-ordinated international action expressed by the Meeting in resolution No. 3 and to pledge the full co-operation of the I.L.O. It requested the Director-General to give effect to the suggestions in paragraphs 1 and 3 of this resolution and to draw the attention of governments to those in paragraphs 2 and 4 to 6.

The Meeting had suggested a study of the social consequences of excessive price fluctuations of basic commodities. The Governing Body authorised the Director-General to undertake such a study in so far as the Office programme of work would permit, it being understood that this would be done in co-operation with the other United Nations agencies concerned.

The Governing Body requested the Director-General to continue to bear in mind the recommendations concerning technical assistance mentioned in paragraph 9 of resolution No. 3.

Employment of Women.

The Governing Body decided that resolution No. 4 adopted by the Meeting should be transmitted to the International Labour Conference.

The Governing Body requested the Director-General to draw the attention of governments to the desire expressed by the Meeting regarding the ratification and application of the Equal Remuneration Convention, 1951 (No. 100). It authorised the Director-General to give effect to the suggestion in paragraph (b) of resolution No. 4, having regard to the Office programme of work, and the suggestion in paragraph (c).

Scope and Application of Labour Legislation.

The Governing Body requested the Director-General to draw the attention of governments to the suggestions in paragraph (a) of resolution No. 5 and requested him to give effect to the suggestion in paragraph (c) within the framework of I.L.O. operational programmes.

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2 Ibid., p. 118.
3 Ibid., p. 117.
4 Ibid., p. 121.
5 Ibid., pp. 123-124.
6 Ibid., p. 125.
Seasonal Employment.

The Governing Body requested the Director-General to transmit the suggestion in resolution No. 7 regarding the diversification of crops to F.A.O. and requested him to draw the attention of governments, and through them of the employers' and workers' organisations concerned, to the suggestions in paragraph 2 of this resolution.

Control of Food Products.

The Governing Body requested the Director-General to convey the views of the Meeting on this subject (resolution No. 8) to F.A.O. and W.H.O.

Future Action of the I.L.O. in the Food Products and Drink Industries.

The Governing Body deferred to a later session consideration of the proposals made by the Meeting regarding the convening of a second tripartite technical meeting for the food products and drink industries.

Metal Trades Committee: Agenda of the Eighth Session

On a motion by the Workers' group the Governing Body decided by 29 votes to 13, with 1 abstention, that the second item on the agenda of the Eighth Session of the Metal Trades Committee should be as follows:

International co-operation in dealing with manpower, social and labour problems in the metal trades in the developing countries;

and that the third item on the agenda should be as follows:

The role of employers' and workers' organisations in programming and planning in the metal trades.

Meeting of Experts on Conditions of Work in Urban Transport Services

Composition and Agenda.

The Governing Body fixed at 15 the number of experts to be invited to take part in the Meeting. It decided to place the following item on the agenda:

Living and working conditions of persons employed in urban transport services.

Building, Civil Engineering and Public Works Committee: Effect to Be Given to the Conclusions of the Seventh Session

The Governing Body authorised the Director-General to communicate the reports, conclusions, resolutions and suggestions adopted by the Committee at this session to governments, drawing their special attention to the report and conclusions (No. 68) concerning technological changes in the construction industry and to the report and conclusions (No. 70) concerning the regularisation of employment in the construction industry, informing them that the Governing Body had not expressed

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2 Ibid., p. 127.
3 For the date and place of the Meeting see below p. 161.
4 The wording of this item as fixed by the Governing Body at its 157th Session did not include the word "manpower" (*Official Bulletin*, Vol. XLVII, No. 1, Jan. 1964, p. 15).
5 See below p. 209.
any view on the contents thereof and inviting them to transmit these documents to the employers' and workers' organisations concerned.

Tripartite Technical Meeting for the Clothing Industry¹:
Invitations to Non-Governmental International Organisations

The Governing Body decided to invite the International Textile and Garment Workers' Federation, the International Federation of Christian Trade Unions of Textile and Garment Workers and the World O.R.T. Union to be represented by observers at the Meeting.

Examination of Labour Problems in the Broadcasting Industries

Various occupational organisations had requested the convening of an ad hoc tripartite technical meeting for the broadcasting industry. The Governing Body noted that the Director-General proposed to ask them to send the Office more comprehensive data on economic and social conditions in the broadcasting industries in the countries in question, with special reference to conditions of employment and labour-management relations, in order that the Director-General might in due course communicate such additional information to the Committee on Industrial Committees.

Coal Mines Committee: Invitation to Non-Governmental International Organisations for the Eighth Session¹

The Governing Body decided that, in addition to the organisations having consultative status with the I.L.O., the following non-governmental international organisations should be invited to be represented by observers at the Eighth Session of the Committee: International Federation of Christian Miners' Unions; International Federation of Commercial, Clerical and Technical Employees; International Federation of Christian Trade Unions of Salaried Employees, Technicians, Managerial Staff and Commercial Travellers; Miners' International Federation.

Reports of the Committee on Operational Programmes

On the basis of the reports of its Committee on Operational Programmes the Governing Body took the following action.

UNICEF-I.L.O. Co-operation
I.L.O. Regional and Interregional Programmes
Evaluation of Training Methods and Techniques
Recruitment of Experts
Over-all Evaluation of the Various Technical Assistance Programmes of the I.L.O. in 1963

The Governing Body took note of these sections of the reports.

¹ For the date and place of this Meeting, see p. 160; see also p. 162 below.
Working Group on the Participation of Employers' and Workers' Organisations in I.L.O. Technical Co-operation Programmes

The Committee on Operational Programmes having set up from among its members a working group whose terms of reference are to consider in all their aspects the opportunities for participation of employers' and workers' organisations in the technical co-operation activities of the I.L.O. in developing and contributing countries, the Governing Body noted that the composition of the Working Group would be as follows:

Chairman:

The Chairman of the Committee (Mr. Hauck, France).

Government group:

Mr. Weaver (United States).
Mr. Zaman (India).

Employers' group:

Mr. Fennema (Netherlands).
Mr. Rifaat (United Arab Republic).

Substitutes:

Mr. Ofurum (Nigerian).
Mr. Robinson (Canadian).

Workers' group:

Mr. Ambekar (Indian).
Mr. Collison (United Kingdom).

Substitutes:

Mr. Borha (Nigerian).
Mr. Kaplansky (Canadian).

The Governing Body decided that the resolution (No. 50) on tripartite action concerning technical assistance in the textile industry, adopted by the Textiles Committee at its Seventh Session (Geneva, 6-17 May 1963), should be referred for consideration to the Working Group.

Co-ordination of Technical Assistance Activities:

Report of the Ad Hoc Committee Set Up under Resolution 851 (XXXII) of the Economic and Social Council concerning the Co-ordination of Technical Assistance Activities, and Recommendations of the Administrative Committee on Co-ordination in respect of that Report

The Director-General was authorised to inform the Economic and Social Council that the I.L.O. will continue to seek closer co-ordination of its technical co-operation activities under the various programmes in order to meet the needs expressed by the developing countries, taking into account its constitutional responsibilities and the relationship between its general activities and the technical assistance it provides to such countries.

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1 See also above, "Reports of the International Organisations Committee", p. 144.
Agenda of Future Meetings of the Committee

The Governing Body fixed the agenda for the meeting of the Committee on Operational Programmes to be held in connection with its 160th Session as follows:

I. Magnitude and balance of the programme of operational activities under the I.L.O. ordinary budget for 1966.

II. Evaluation of training methods and techniques.

III. Methods and techniques of evaluating operational activities.

IV. Other questions.

Report of the Committee on Discrimination

The Governing Body had before it a report submitted by its Committee on Discrimination which, on the basis of a paper submitted to it by the Director-General, proposed a programme of action in the field of discrimination. This programme, consisting of an analysis of reports submitted under articles 19 and 22 of the Constitution, research, collection and dissemination of information, and promotional and educational activities, was approved by the Governing Body on the understanding that it would be carried out by the Office with due regard to the discussion and suggestions made by the Committee in its consideration of the paper submitted to it.

Composition and Agenda of Committees and of Various Meetings

Proposals concerning the Convening of a Preparatory Technical Conference on Fishermen’s Questions

When the Governing Body at its 157th Session fixed the agenda of the 49th (1965) Session of the International Labour Conference, it was understood that consideration would be given to the convening of a preparatory meeting on fishermen’s questions, which would deal with three specific topics. At its present session the Governing Body decided that a Preparatory Technical Conference on Fishermen’s Questions should be convened in Geneva in the early autumn of 1965 for a period of 12 days.

Composition.

An invitation to be represented at the Conference by tripartite delegations consisting of one Government delegate, one Employers’ delegate and one Workers’ delegate will be issued to the following member States of the I.L.O.: Belgium, Canada, Chile, Denmark, France, Federal Republic of Germany, Iceland, India, Indonesia, Japan, Morocco, Netherlands, Norway, Peru, Philippines, Poland, Senegal, Spain, U.S.S.R., United Arab Republic, United Kingdom and United States.

Agenda.

The agenda of the Conference will consist of the following three items:

I. Accommodation on board fishing vessels.

II. Vocational training of fishermen.

III. Fishermen’s certificates of competency.

Representation of Non-Governmental International Organisations.

The Governing Body decided that the International Transport Workers' Federation and the International Federation of Christian Trade Unions of Transport Workers should be invited to be represented at the Conference by observers.

Committee of Experts on the Application of Conventions and Recommendations
Reappointments.

The Governing Body reappointed the following members of the Committee for a period of three years:

Mr. G. BEITZKE (Federal Republic of Germany).
Mr. P. M. HERZOG (United States).
Sir Ramaswami MUDALIAR (Indian).
Mr. P. RUEGGER (Swiss).

New Nominations.

In succession to Baron van Asbeck, Mr. Rodrigues Queiró and Mr. Forster, who had resigned from the Committee, and to whom it expressed its thanks, the Governing Body appointed the following new members for a period of three years:

Mr. Sture PETRÉN (Swedish), President of the Court of Appeal of Svea; Deputy Vice-President of the Labour Court; Member of the Permanent Court of Arbitration; Chairman of the European Commission on Human Rights; Member of the Administrative Tribunal of the United Nations.

Mr. Oscar SARAIVA (Brazilian), Judge of the Federal Court of Appeal; former Judge of the Supreme Labour Court; former Legal Adviser to the Ministry of Labour, Industry and Commerce; former President of the Permanent Commission on Labour Legislation in Brazil; former Professor of Constitutional and Administrative Law; former Professor of Political Economy and Public Law.

Mr. E. RAZAFINDRALAMBO (Malagasy Republic), Presiding Judge of the Supreme Court of Madagascar.

The Governing Body appointed the following additional member for a period of three years:

Mr. Joza VILFAN (Yugoslav), Member of the Permanent Court of Arbitration; former Attorney-General of Yugoslavia; former Head of the Yugoslav Mission to the United Nations; former Ambassador of Yugoslavia to India.

Proposals concerning the Convening of the Second Asian Maritime Conference

The Governing Body decided that the Second Asian Maritime Conference should be convened in an Asian country in the early spring of 1965 for a period of ten days.

Composition.

An invitation will be issued to the following countries or territories, to be represented at the Conference by tripartite delegations consisting of two Government delegates, one Employers' delegate and one Workers' delegate: Australia, Burma, Cambodia, Ceylon, China, France, Hong Kong, India, Indonesia, Japan, Malaysia,
Netherlands, New Zealand, Norway, Pakistan, Philippines, Thailand, U.S.S.R., United Kingdom and Viet-Nam.

Agenda.

The agenda of the Conference will consist of the following three items:

I. Report of the Director-General.

II. Vocational training of Asian seafarers.

III. Wages, hours of work on board ship and manning in relation to Asian seafarers.

Representation of Non-Governmental International Organisations.

The Governing Body decided that the International Transport Workers' Federation and the International Federation of Christian Trade Unions of Transport Workers should be invited to be represented at the Conference by observers.

Meeting of Consultants on Workers' Education
(Geneva, 7-18 December 1964)

At its 158th Session the Governing Body had approved the convening of a Meeting of Consultants on Workers' Education and taken a number of decisions in relation thereto. At its present session it authorised the Director-General to invite the following two persons to attend the meeting in place of Mr. Dam-Sy-Hien and Mr. Vanistendael, who had indicated that they would not be able to attend:

Mr. Jean BRUCK, Co-ordinator of Educational Programmes, International Federation of Christian Trade Unions, Brussels.

Mr. TRUONG-Si-Luu, Education Director, Vietnamese Confederation of Christian Labour, Saigon.

The Director-General was also authorised to invite the following additional expert to attend the meeting:

Mr. José MARTINS PERERA, Director, International Institute of Trade Union Studies, Santiago, Chile.

Technical Meeting concerning Certain Aspects of Labour-Management Relations within Undertakings
(Geneva, 5-14 October 1964)

At its 155th, 157th and 158th Sessions the Governing Body had approved the convening of a Technical Meeting concerning Certain Aspects of Labour-Management Relations within Undertakings and the nomination of several of the experts to be invited. At its present session it authorised the Director-General to invite the following experts to attend the meeting:

Mr. Kanti MEHTA (Indian), General Secretary, Indian National Mineworkers' Federation, Calcutta (replacing Mr. Ramanujam, who would be unable to attend the Meeting).

Mr. N. A. COLE (Nigerian), Deputy President, United Labour Congress, Lagos.

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Mr. Hamed Gaye (Senegalese), Chief, Personnel Department, Shell Senegal, Dakar.

Mr. Daniel González (Venezuelan), Member of the General Council of the Confederation of Venezuelan Workers, Caracas.

Meeting of Experts on Welfare Facilities for Industrial Workers

At its 157th Session the Governing Body had approved the convening of a Meeting of Experts on Welfare Facilities for Industrial Workers. At its present session it authorised the Director-General to invite the following experts to attend the meeting:

Dr. Joseph Bowen (Cameroonian), Medical Labour Inspector, Ministry of Labour, Yaoundé.

Miss Ana Rosa Canclini (Argentine), Chief of the Social Service, Lepetit Laboratories; Professor of Industrial Social Service Questions in the Diocesan Social Service School of San Isidoro; Secretary of the National Social Service Committee, Buenos Aires; Founder President of the Centre for Social Service Studies and Research.

Dr. K. Dror (Israeli), Head of the Industrial Medicine Department of Kupat Holim (Workers' Sickness Fund), Histadruth.

Mr. Mohammed Sidky Ahmed El Beheiri (United Arab Republic), Assistant Secretary-General, Arab Federation of Petroleum Workers, Cairo.

Mr. G. Griffin (Nigerian), General Manager, Nigerian Chamber of Mines and Nigerian Mining Employers’ Association.

Professor T. Saguchi (Japanese), Waseda University.

Mr. Evgeny Kuznetsov (U.S.S.R.), Deputy Chief of the Labour Protection Division, All-Union Council of Trade Unions, Moscow.

Mr. Paul Malnoe (French), Secretary, St. Nazaire Shipyards Union, Member of the Governing Board of the Metallurgy Federation.

Mr. Mitodije Mikov (Yugoslav), Chief of the Plant Hygiene and Health Service, Magrahzom Plant, Kraljevo.

Miss Winifred McCullough (United Kingdom), Head of the Catering Advisory Service, Industrial Welfare Society, London.

Mr. Hans Messedat (Federal Republic of Germany), Deputy Director, Department for Social Activities in Enterprises, German Confederation of Employers’ Associations, Cologne.

Mr. Agustín Reyes Ponce (Mexican), Technical Adviser, Mexican Confederation of Chambers of Industry.

Mr. S. R. Vasavada (Indian), General Secretary, Indian National Trade Union Congress.

Mr. Earl S. Willis (United States), Manager of Benefits and Practices, General Electric Corporation, New York.

1 For the date and place of the Meeting see below p. 160.

Mr. Mohammed ZAVOCH (Iranian), Former Under-Secretary of State for Labour and Administration; Former Administrator, General Workers' Social Insurance Organisation, Teheran.

The Governing Body authorised the Director-General to invite the International Conference of Social Work and the Catholic International Union for Social Service to be represented at the meeting by observers.

Inter-American Advisory Committee

The Governing Body nominated the following as members of the Inter-American Advisory Committee:

Government members:
Guatemala.
El Salvador.

Employers’ member:
Mr. J. A. GUTIÉRREZ MATARRITA (Costa Rican).

Substitute:
Mr. V. R. AIZPURÚA (Panamanian).

Workers’ member:
Mr. C. AZAÑEDO GOULDEN (Peruvian).

African Advisory Committee

In accordance with the decision taken by the Governing Body at its 149th Session (June 1961) concerning the composition of the African Advisory Committee, the Governing Body nominated the following as members of the Committee:

Government members:
France.
Libya.
Northern Rhodesia.
United Kingdom.

Employers’ members:
Mr. P. FOURN (Dahomean).

Substitute:
Mr. KONIAN KODJO (Ivory Coast).
Mr. F. BANNERMAN-MENSON (Ghanaian).

Substitute:
Mr. S. GEBREGZIABHER (Ethiopian).

Workers’ members:
Mr. A. B. SOLOMON (Ethiopian).
Mr. J. OUEDRAOGO (Upper Volta).

INTERNATIONAL INSTITUTE FOR LABOUR STUDIES

Composition of the Board of the Institute

The Governing Body decided, as a transitional measure, to authorise the following members of the Board of the Institute to continue to serve in that capacity until

1 See below "Report of the Director-General", pp. 157-158.
the 160th Session of the Governing Body (November 1964) at which time proposals regarding appointments under article II 2 (c) of the Regulations of the Institute will be laid before the Governing Body:

Mr. J. A. BARBOZA-CARNEIRO (Brazilian), Ambassador; Representative of the Government of Brazil accredited to the I.L.O.

Mr. T. H. CARROLL (United States), President, George Washington University, Georgetown, Washington, D.C.

Mr. A. E. GRIGORIEV (U.S.S.R.), Professor of Labour Economics and Deputy Director of the Moscow State Institute of Economics.

Mr. Ali GRITLY (United Arab Republic), Chairman, Bank of Alexandria.

Mr. L. I. PINTO (Dahomean), Permanent Representative of the Republic of Dahomey to the European office of the United Nations.

INTERNATIONAL CENTRE FOR ADVANCED TECHNICAL AND VOCATIONAL TRAINING

Amendment of the Statute

The Governing Body amended article VI (2) of the Statute of the Centre to read as follows:

2. The budget of income and expenditure of the Centre shall be drawn up in United States dollars and contributions to the income budget of the Centre shall be payable in United States dollars. (Words "expressed and" before "payable " deleted.)

Composition of the Board of the Centre

The Governing Body appointed the following 12 of its members as members of the Board of the International Centre for Advanced Technical and Vocational Training, in accordance with article III (2) (c) of the Centre's Statute:

Government members:
  Mr. CHAIN (Poland).
  Mr. HAYTHORNE (Canada).
  Mr. KEITA (Mali).
  Mr. MIGONE (Argentina).

Employers' members:
  Mr. CAMPANELLA (Italian).
  Mr. RIFAAT (United Arab Republic).
  Mr. VÉGH-GARZÓN (Uruguayan).
  Mr. WALINE (French).

Workers' members:
  Mr. AMBEKAR (Indian).
  Mr. BEERMANN (Federal Republic of Germany).
  Mr. FAUPL (United States).
  Mr. PONGAULT (Congo (Brazzaville)).

1 See also above p. 143.
Arrangements with the Italian Government

The Governing Body expressed its appreciation for the progress accomplished thanks to the generosity of the Italian Government and the city of Turin. Pursuant to article IX of the Statute of the Centre, it—

(a) approved the text of the Draft Agreement between the Italian Government and the International Labour Organisation and agreed to the Director-General's pursuing his negotiations with that Government on the basis of the Draft Agreement and proceeding to the signing of the Agreement as soon as possible, it being understood that further approval by the Governing Body would be required for entry into force of the Agreement only if further changes were to be made in the present text; and

(b) approved the text of the Covenant with the city of Turin.

INTER-AMERICAN VOCATIONAL TRAINING RESEARCH AND DOCUMENTATION CENTRE

Pro memoria. No document was before the Governing Body on this item.

REPORT OF THE DIRECTOR-GENERAL

Obituary

The Governing Body paid tribute to the memory of Prime Minister Jawaharlal Nehru of India. It recalled the outstanding personality of the late Prime Minister and his great interest in the work of the I.L.O., to which his opening addresses to the Preparatory Asian Regional Conference and the Fourth Asian Regional Conference, held at New Delhi in 1947 and 1957 respectively, bore witness. The Director-General was requested to convey the Governing Body's deepest sympathy to the Indian Government and nation and to the Nehru family.

The Governing Body also paid tribute to the memories of Mr. Sigfrid Edström, former substitute Employers' member of the Governing Body; Mr. Arnold Sölven, former Workers' member of the Governing Body; Mr. Dimitar Ganev, Chairman of the Presidium of the National Assembly of the People's Republic of Bulgaria, and Mr. José Luis Laris, former substitute representative of the Government of Mexico on the Governing Body.

Composition of the Governing Body

Progress of International Labour Legislation

Internal Administration

Publications

The Governing Body took note of these sections of the Director-General's Report.

Communication from the Government of the Republic of South Africa

The Governing Body took note without discussion of the report submitted on this question.

Proposals for the Establishment of an Inter-American Advisory Committee

The Governing Body decided to establish an Inter-American Advisory Committee for the areas covered by the Conference of the American States Members of the International Labour Organisation.
The terms of reference of the Committee were fixed as follows:

To advise the Governing Body on American problems and on American aspects of general problems and in particular to make recommendations concerning the advisability of I.L.O. meetings in the Western Hemisphere and the composition and agenda of such meetings.

It was agreed in principle that the Committee should meet in an American country, although meetings could be held in Geneva if generally convenient, and that the question of the frequency of the meetings would be postponed for consideration at the spring 1965 session of the Governing Body.

The Governing Body decided that the Committee should consist of 32 members: 16 Government, eight Employers' and eight Workers' members—and should comprise—

(a) automatic or ex officio members, consisting of the Government, Employers' and Workers' members and deputy members of the Governing Body who are nationals of one of the member States falling within the area;

(b) members elected by the International Labour Conference to complete, with the ex officio members, a total of 14 Government, seven Employers' and seven Workers' members. Those eligible for election would be, in the case of governments, the States Members of the Organisation belonging to the area and, in the case of employers and workers, nationals of those States; the electoral colleges would consist of the delegates of the member States entitled to attend the Conference of American States Members of the International Labour Organisation;

(c) four members (two Government, one Employers' and one Workers' member) to be nominated by the Governing Body from countries entitled to attend the Conference.¹

It was decided that the term of office of the members would normally be three years, the Committee being reconstituted at the time of Governing Body elections.

Interpretation of Decisions of the International Labour Conference

First Report of the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association Appointed by the Governing Body of the International Labour Office to Examine the Complaints of Alleged Infringements of Trade Union Rights in Japan²

Information Received from the Government of Czechoslovakia

The Governing Body took note of the information submitted by the Director-General under these headings.

Report of the Officers of the Governing Body

On the recommendation of its Officers the Governing Body took the decisions set out below concerning the representation of non-governmental international organisations at I.L.O. meetings.

Requests by Non-Governmental International Organisations to Be Represented by Observers at the 48th Session of the International Labour Conference.

The following organisations were invited to be represented by observers at the 48th (1964) Session of the International Labour Conference, it being understood

¹ See above p. 155.
that it would be for the Selection Committee of the Conference to consider their requests to participate in the work of the committees dealing with items on the agenda in which they had expressed an interest:

Confederation of Arab Trade Unions.
International Association for Social Progress.
International Confederation of Midwives.
International Confederation of Senior Officials.
International Council of Commerce Employers.
International Council of Nurses.
International Federation of Business and Professional Women.
International Federation of Commercial, Clerical and Technical Employees.
International Federation of Industrial Organisations and General Workers' Unions.
International Metalworkers' Federation.
International Union of Family Organisations.
International Union of Food and Allied Workers' Associations.
International Young Christian Workers.
Miners' International Federation.
Open Door International.
Postal, Telegraph and Telephone International.
Public Services International.
St. Joan's International Alliance.
Women's International Democratic Federation.
World Assembly of Youth.
World Union of Catholic Women's Organisations.
World Young Women's Christian Association.

Requests by Non-Governmental International Organisations to Be Represented by Observers at the Second African Regional Conference

The World Young Women's Christian Association and the International Confederation of Midwives were invited to be represented by observers at the Second African Regional Conference.

Reappointment of Members of the Appeals Board

The Governing Body recommended the Conference to appoint the following four persons to the panel from which the Appeals Board established to hear complaints lodged by delegates concerning the composition of committees of the International Labour Conference is selected by the Governing Body each year:

Mr. René Cassin (French).
Sir Hector Hetherington, G.B.E. (United Kingdom).
Mr. Caracciolo PARRA-PÉREZ (Venezuelan).
Mr. M. K. Vellodi (Indian).

The Governing Body noted that, for reasons expressed on previous occasions, the Employers' members were not taking part in the consideration of this question.

Second African Regional Conference

Place.
The Governing Body gratefully accepted the invitation of the Government of Ethiopia to hold the Second African Regional Conference at Addis Ababa.

Composition.
Invitations to participate in the Conference will be addressed to—
(a) all States Members of the I.L.O. which were invited to participate in the First African Regional Conference (Lagos, 1960), with the exception of the Republic of South Africa, which the Governing Body decided at its 156th Session (June 1963) to exclude from all meetings whose composition is fixed by the Governing Body; and
(b) all African States which had become Members of the Organisation since the First Regional Conference or which might become Members of the Organisation before the date of the Second African Regional Conference.

Programme of Meetings

Programme for 1964

The Governing Body approved or confirmed the following programme of meetings for 1964:

<table>
<thead>
<tr>
<th>Date</th>
<th>Title of meeting</th>
<th>Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-16 September</td>
<td>Meeting of Experts on Statistics of Wages and Labour Costs</td>
<td>Geneva</td>
</tr>
<tr>
<td>21 September-2 October</td>
<td>Tripartite Technical Meeting for the Clothing Industry</td>
<td></td>
</tr>
<tr>
<td>5-14 October</td>
<td>Technical Meeting concerning Certain Aspects of Labour-Management Relations within Undertakings</td>
<td></td>
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<tr>
<td>5-16 October</td>
<td>Meeting of Experts on Welfare Facilities for Industrial Workers</td>
<td></td>
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<tr>
<td>19-30 October</td>
<td>Coal Mines Committee (Eighth Session)</td>
<td></td>
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<tr>
<td>9-20 November</td>
<td>160th Session of the Governing Body and its Committees</td>
<td></td>
</tr>
<tr>
<td>30 November-12 December</td>
<td>Second African Regional Conference</td>
<td>Addis Ababa</td>
</tr>
<tr>
<td>7-18 December</td>
<td>Meeting of Consultants on Workers' Education</td>
<td>Geneva</td>
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<tr>
<td>End of year</td>
<td>Joint I.L.O.-I.M.C.O. Committee on the Training of Seafarers in the Use of Safety Devices on Board Ship</td>
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</table>

1 See also pp. 159 and 162.
**Programme for 1965**

The Governing Body approved the following draft programme of meetings for 1965, on the understanding that further proposals would be made by the Director-General in due course:

<table>
<thead>
<tr>
<th>Date</th>
<th>Title of meeting</th>
<th>Place</th>
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</thead>
<tbody>
<tr>
<td>1-9 February</td>
<td>Meeting of Consultants on the Problems of Women Workers</td>
<td>Geneva</td>
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<tr>
<td>15 February-5 March 1</td>
<td>161st Session of the Governing Body and its Committees</td>
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<tr>
<td>March-April (two weeks)</td>
<td>Committee of Experts on the Application of Conventions and Recommendations (35th Session)</td>
<td></td>
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<tr>
<td>Latter half of April (about 10 calendar days)</td>
<td>Asian Maritime Conference</td>
<td>(an Asian country)</td>
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<tr>
<td>10-19 May</td>
<td>Meeting of Experts on Conditions of Work in Urban Transport Services</td>
<td>Geneva</td>
</tr>
<tr>
<td>21-29 May and 25 June 1</td>
<td>162nd Session of the Governing Body and its Committees</td>
<td></td>
</tr>
<tr>
<td>2-24 June</td>
<td>49th Session of the International Labour Conference</td>
<td></td>
</tr>
<tr>
<td>Second half of the year (12 calendar days)</td>
<td>Meeting of Experts on Respiratory Function Tests in Pneumoconioses</td>
<td></td>
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<tr>
<td>Early autumn (12 calendar days)</td>
<td>Tripartite Technical Meeting for Hotels, Restaurants and Similar Establishments</td>
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<tr>
<td>October (12 calendar days)</td>
<td>Preparatory Technical Conference on Fishermen's Questions</td>
<td></td>
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<tr>
<td>8-20 November 1</td>
<td>Metal Trades Committee (Eighth Session)</td>
<td></td>
</tr>
<tr>
<td>Last quarter (13 calendar days)</td>
<td>163rd Session of the Governing Body and its Committees</td>
<td></td>
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<tr>
<td>Last quarter (12 calendar days)</td>
<td>Permanent Agricultural Committee (Seventh Session)</td>
<td></td>
</tr>
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1 Provisional dates.
The Governing Body appointed as follows the delegations which will represent it at the meetings below.

*Tripartite Technical Meeting for the Clothing Industry*  
*(Geneva, 21 September-2 October 1964)*

**Chairman and Government group representative:**  
Mr. CLAUSSEN (Federal Republic of Germany).

**Employers' group:**  
Mr. KUNTSCHEN (Swiss).  
*Substitute:*  
Mr. MURO DE NADAL (Argentine).

**Workers' group:**  
Mr. BOTHEREAU (French).  
*Substitute:*  
Mr. AMBEKAR (Indian).

*Coal Mines Committee (Eighth Session, Geneva, 19-30 October 1964)*

**Chairman and Government group representative:**  
Mr. GOROSHKIN (U.S.S.R.).

**Employers' group:**  
Mr. FENNEMA (Netherlands).  
*Substitute:*  
Mr. VÉGH-GARZÓN (Uruguayan).

**Workers' group:**  
Mr. NIELSEN (Danish).  
*Substitute:*  
Mr. BEERMANN (Federal Republic of Germany).

*Second African Regional Conference (Addis Ababa, 30 November-12 December 1964)*

**Government group:**  
The Chairman of the Governing Body.  
Mr. WEAVER (United States).  
Mr. ZAMAN (India).

**Employers' group:**  
Mr. RIFAA (United Arab Republic).  
*Substitute:* Mr. GAYE (Senegalese).  
Mr. NASR (Lebanese).  
*Substitute:* Mr. WAGNER (United States).

**Workers' group:**  
Mr. MÖRI (Swiss).  
Mr. SÁNCHEZ MADARIAGA (Mexican).  
*Substitutes:*  
Mr. FAUPL (United States).  
Mr. KAPLANSKY (Canadian).
QUESTIONS ARISING OUT OF THE 48TH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE

Action to Be Taken in Pursuance of the Declaration concerning the Policy of “Apartheid” of the Republic of South Africa

At its 48th Session (June-July 1964) the International Labour Conference adopted a Declaration concerning the Policy of “Apartheid” of the Republic of South Africa, in which the Governing Body was invited to take certain steps. At its sitting at the close of the Conference the Governing Body took the action described below.

It requested the Government of the Republic of South Africa to supply annual reports under article 19, paragraphs 5 (e) and 6 (d), of the Constitution on the Forced Labour Convention, 1930, the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955, the Abolition of Forced Labour Convention, 1957, the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, such reports to cover the period ending on 30 June of each year.

It further decided, with respect to all of the Conventions enumerated above, except the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955, that such reports should be prepared on the basis of the special forms of report adopted by the Governing Body in previous years in connection with requests to States which have not yet ratified these Conventions to provide reports under article 19 of the Constitution and that, with respect to the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955, and the Discrimination (Employment and Occupation) Recommendation, 1958, the general form adopted by the Governing Body for reports under article 19 could be used.

The Governing Body also requested the Director-General to submit to the Conference at its subsequent sessions the special report called for in the Declaration.

Action to Be Taken on Certain Resolutions Adopted by the Conference

The Governing Body had before it proposals concerning the action to be taken on the resolution concerning the programme and structure of the I.L.O., which invited the Governing Body to take certain measures. The Governing Body requested the Director-General—

(a) to initiate the action indicated in paragraph (1) of the operative part of the resolution;

(b) to submit to an early session or sessions of the Governing Body proposals for further action in connection with paragraphs (2) and (3) of the operative part of the resolution.

ELECTION OF THE OFFICERS OF THE GOVERNING BODY FOR 1964-65

After the spokesmen of the three groups had paid tribute to the outgoing Chairman, Mr. E. Calderón Puig, the Governing Body elected unanimously and by acclamation Mr. George V. Haythorne, representative of the Government of Canada on the Governing Body, as its Chairman for the year 1964-65.

1 See above p. 133.


3 For the text of this resolution see Supplement I to this issue, pp. 72-73.
Mr. P. WALENE and Mr. J. MöRI were unanimously re-elected Employers’ Vice-Chairman and Workers’ Vice-Chairman respectively for the year 1964-65.

DATE AND PLACE OF THE 160TH SESSION OF THE GOVERNING BODY

The 160th Session of the Governing Body will be held in Geneva. Meetings of the standing committees will be held from Monday, 9 November to Saturday, 14 November. Group meetings will be held on Monday, 16 November. The Governing Body itself will meet from Tuesday, 17 November to Friday, 20 November 1964.

QUORUM AT THE INTERNATIONAL LABOUR CONFERENCE

The Governing Body referred this matter to its Committee on Standing Orders and the Application of Conventions and Recommendations.

OTHER QUESTIONS

Reorganisation of the Office¹

The Governing Body took note of a statement by the Director-General on the subject of the reorganisation of the Office.

 Arrest of a Workers’ Deputy Member Convened to the 159th Session of the Governing Body

The Director-General had been informed by the Workers’ Vice-Chairman of the Governing Body, Mr. Möri, that Mr. Clodsmith Riani (Brazilian), a Workers’ deputy member who had been duly convened to attend the session, had been arrested and deprived of his political rights. The Workers’ Vice-Chairman had asked the Director-General to make representations to the Brazilian Government in order that Mr. Riani might be allowed to perform his functions on the Governing Body, in accordance with article 40 of the Constitution. Pursuant to this request the Director-General had drawn the Brazilian Government’s attention to the relevant provisions of the I.L.O. Constitution and had requested it to inform him as to the position before the opening of the 159th Session.

The Director-General informed the Governing Body of the reply from the Government, which stated that Mr. Riani was in custody on account of criminal proceedings in respect of acts unconnected with his activities as a member of the Governing Body and that, in the Government’s opinion, article 40 of the Constitution was not applicable. A short discussion took place, following which it was understood that the Director-General would pursue his discussions with the Brazilian Government concerning the granting of authorisation to Mr. Riani to leave Brazil to participate in the work of the Governing Body, and that he would report further to the Governing Body on the subject.

Tribute to Mr. Slater

The Governing Body was informed that the 159th Session was the last that Mr. Slater, who is shortly to retire from his country’s civil service, would attend as representative of the United Kingdom Government.

The Chairman expressed the Governing Body's regret at this departure; he paid tribute to Mr. Slater's eminent personality and the contribution he had made to the work of the I.L.O. Several members, speaking on behalf of the Employers' group, the Workers' group and the African countries, together with the representatives of the United States, French and U.S.S.R. Governments, expressed their thanks to Mr. Slater for his valuable co-operation and expressed good wishes on the occasion of his departure.
Building, Civil Engineering and Public Works Committee

(Seventh Session, Geneva, 4-15 May 1964)

The Seventh Session of the Building, Civil Engineering and Public Works Committee was held at the International Labour Office, Geneva, from 4 to 15 May 1964.

The agenda of the Seventh Session consisted of the consideration of a general report and the following two technical items: technological changes in the construction industry and their socio-economic consequences; and practical measures for the regularisation of employment in the construction industry.

Twenty-five member States were represented by tripartite delegations.

The Committee set up two subcommittees to deal with the two technical questions, as well as a steering committee, and a working party instructed to consider the effect given to the conclusions and resolutions adopted at the previous sessions.

The Committee adopted the reports and conclusions of the two technical subcommittees and of the working party, and also five resolutions.

In the “Documents” section of this issue will be found a note on this session of the Committee, including a summary of the general discussion, the reports of the subcommittees and the working party and the texts adopted by the Committee.¹

¹ See below p. 209.
Asian Advisory Committee

(12th Session, Geneva, 29 May-2 June 1964)

The 12th Session of the Asian Advisory Committee was held in Geneva from 29 May to 2 June 1964. The session was attended by nine Government members (from Australia, Ceylon, China, India, Japan, Pakistan, Philippines, U.S.S.R. and Viet-Nam), six Employers’ members (Mr. Ferrier (Australian), Mr. Greve (Ceylonese) Mr. Reyes (Philippine), Mr. Tata (Indian), Mr. Tran-Van-Loc (Vietnamese) and Mr. Wajid Ali (Pakistani)), and four Workers’ members (Mr. Faiz Ahmad (Pakistani), Mr. Hernandez (Philippine) Mr. Monk (Australian), and Mr. Thondaman (Ceylonese)). Also present were representatives of the United Nations and the Food and Agriculture Organisation of the United Nations, and observers from the International Confederation of Free Trade Unions and the International Organisation of Employers.

Mr. S. W. Zaman (Government member, India) was elected Chairman, and Mr. D. H. Greve (Employers’ member, Ceylonese) and Mr. A. E. Monk (Workers’ member, Australian) were elected Vice-Chairmen.

The agenda of the session as fixed by the Governing Body at its 154th Session (March 1963) consisted of the following items:

I. Progress report on the effect given to the recommendations made at the previous sessions of the Asian Advisory Committee.

II. Review of developments under the I.L.O. operational activities in Asia.

III. Social, labour and welfare aspects of planning for economic development in Asia, with particular reference to the participation of employers’ and workers’ organisations in planning processes.

IV. Rural development in Asia.

V. Impact of national economies on the wage structures and the movement of real wages in relation to increase in productivity in Asian countries.

VI. Freedom of association of employers’ and workers’ organisations in Asia.

In addition to the items on its agenda, the Committee was invited by the Director-General to review various aspects of its arrangements, including its composition, functioning and methods of work, on the basis of his letter of 22 April 1964 addressed to the members of the Committee, together with his memorandum on the subject.

Before the Committee proceeded to a discussion on the items of its agenda, it unanimously adopted a proposal to ask its Chairman to convey to the Government and people of India its profound grief and deep condolences at the passing of Mr. Nehru, Prime Minister of India. Members of the Committee recalled his contribution to the fight for freedom, democracy, social justice and peace for the people of India and for the world at large. The Committee observed one minute’s silence in honour of Mr. Nehru.

The Committee also unanimously decided to place on record its deep appreciation and gratitude of the long and distinguished services of Mr. Raghunath Rao,
who recently retired as Assistant Director-General of the International Labour Office, to the work of the Committee as well as to the countries of the Asian region.

The Committee discussed the items on its agenda, with the exception of item V. It was suggested that the Committee might consider this item, with its scope suitably modified, at its next session. The Committee also indicated that it could not fully discuss item VI of its agenda owing to lack of time. In the course of the discussion members of the Committee made a number of useful comments and suggestions bearing on the operational and research activities of the International Labour Office in regard to Asia.

The Committee noted with satisfaction that it was planned to hold the Second Asian Maritime Conference in 1965, thus giving effect to a recommendation it had made at its Tenth Session (Geneva, 1960). It expressed the hope that this Conference would be held in Asia and in the early part of 1965.

In the discussion of the various items on its agenda, the Committee laid particular stress on the importance of the I.L.O. operational activities in Asia. It urged, among other things, the intensification of the operational activities and the strengthening of the field organisation of the I.L.O. in Asia; solutions to the problems of finding and retaining suitable national counterpart staff under I.L.O. operational projects; more effective participation of employers' and workers’ organisations in such projects and in their systematic evaluation.

As regards item III on its agenda the Committee reaffirmed the necessity of promoting and achieving the active participation of workers’ and employers’ representatives in the planning processes in Asia. At the same time, it drew attention to the difficulties limiting the possibilities and effectiveness of such participation, especially those with reference to restraints on and denial of freedom of association, and suggested remedial measures.

As to item IV, the Committee noted that rural development was at the heart of the problem of economic and social development of most Asian countries. The problems of rural employment promotion, especially of youth, deserved special attention. The nature of rural development was, however, complex, and there was close interdependence between specific measures that might be taken to deal with employment promotion on the one hand and institutional problems—especially agrarian reform, the development of co-operatives and the use of community development methods—on the other.

The Committee also considered a resolution presented by its Employers’ members concerning the question of participation of Middle Eastern countries in the Asian regional activities of the I.L.O. It unanimously expressed the hope that the Director-General would be in a position to report a satisfactory outcome of his consultations on this question in time for the next session of the Committee.

The report of the Committee was presented to the 159th Session of the Governing Body (June-July 1964). The Governing Body has noted the report and is taking the necessary action for its follow-up, especially as regards the Committee’s recommendations concerning the future organisation and work of the Asian Advisory Committee.
Meeting of Experts on the Maximum Permissible Weight to Be Carried by One Worker

(Geneva, 9-17 March 1964)

In accordance with the decision taken by the Governing Body at its 155th Session (May-June 1963), a Meeting of Experts on the Maximum Permissible Weight to Be Carried by One Worker was held in Geneva from 9 to 17 March 1964. As decided by the Governing Body at the same session, four Government experts, four experts designated by the Employers' group, four experts designated by the Workers' group and two expert physicians appointed by the Director-General were invited to participate in the meeting. One Employers' expert and one Workers' expert were unable to attend the meeting for health reasons.

The following experts attended the meeting:

- Dr. A. H. Baynes (United Kingdom),
- Dr. L. Brouha (United States),
- Dr. E. S. Bustamante (Brazilian),
- Mr. D. Dusiquet (French),
- Mr. M. E. Jallow (Gambian),
- Professor E. A. Müller (Federal Republic of Germany),
- Professor L. Noro (Finnish),
- Mr. T. O'Leary (United Kingdom),
- Mr. L. A. Suggars (Australian),
- Dr. P. V. Thacker (Indian),
- Mr. U. Viviani (Italian),
- Dr. G. Zuyev (U.S.S.R.).

The agenda of the meeting, as approved by the Governing Body at its 155th Session, was as follows:

I. Physiological factors which may affect load-carrying.
II. Working and environmental conditions which may affect the strenuousness of load-carrying.
III. Criteria to be applied in fixing the maximum permissible weight to be carried by one worker.
IV. Measures for reducing the health risks involved in the manual handling of loads.

The meeting considered two working papers prepared by the I.L.O. One of these contained a general summary of the question; the other related to legislation and practice concerning manual handling of loads. Various other documents on the different items on the agenda had been submitted by the participants and provided additional information which was taken into account during the discussion.

General Discussion

In the course of the general discussion the participants reviewed a number of factors which should be taken into account when considering the question of the manual transport of loads. They first discussed whether it was advisable to aim at limits to the weight of loads which would be applicable to the workers of a particular country or region, or whether the problem should be approached as a

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whole with a view to establishing standards valid for all countries. The meeting noted that the development of international trade made it unrealistic to examine the problem on a narrow basis and agreed that a common denominator applicable to all countries should be sought.

The participants also recognised that the effort required for handling a load is much greater if the load must not only be carried, but also lifted and possibly set down or stacked. It was agreed that in most cases the handling of loads involves not only carrying, but also lifting or, at least, a certain amount of bending in order to grasp the load. The participants therefore decided that, for the purpose of the discussion, the expression "load-carrying" should imply some lifting.

As regards the energy expenditure associated with load-carrying, they agreed that the maximum weight of the load ought to be determined in such a way as to make the best use of the physiological resources of the body and, in particular, to avoid fatigue. The participants emphasised that, both in international and domestic trade, there had been a tendency in recent years towards a progressive reduction in the weight of handling units. They were unanimous in considering that an effort should be made in this direction so as to arrive at loads suitable for safe manual carrying.

The participants noted that manual transport of loads was practised regularly in many industries and occasionally in a large number of industrial and commercial activities. In agriculture in particular, the lifting and carrying of loads was a normal operation, although its extent was generally underestimated. The participants agreed that they should consider all operations involving lifting and carrying of loads in all branches of economic activity.

Physiological Factors Which May Affect Load-Carrying

The participants reviewed the various physiological and medical aspects of load-carrying. They noted that, since it was the muscular apparatus which did the work necessary for load-carrying, there was a certain connection between the weight of a worker and the weight of the load he could carry. A person's constitution or his state of nutrition were of importance in this respect. The participants recognised that research and observation indicated that the capacity for muscular effort was greatest between the ages of 20 and 30 in men and somewhat earlier in women. The participants observed that the performance of muscular work by the body led to increased combustion, higher oxygen consumption and the production of wastes which must be eliminated. All this entailed an increase in the respiration processes and in the pulse rate and cardiac output. It followed that factors likely to cause physiological stress, in particular on the circulatory system, might increase the total stress required for load-carrying. Among the methods by which this stress might be measured, the study of the pulse rate before, during and after the effort was considered to be particularly useful.

The lifting and carrying of loads could cause acute ill effects and could also have long-term effects on the human body. Of the acute ill effects, the participants mentioned injury to the joints, discal hernia, lumbago and stretching of the muscles. Among the long-term effects, they stressed the incidence of joint diseases of a degenerative character, skeletal deformities, circulatory disorders and abdominal complaints. They emphasised the fact that the risks involved, especially those caused by a rise in intra-abdominal pressure, were particularly serious for women and might lead to genital disorders which would affect both the health of the woman herself and the physical integrity and health of her progeny. The participants also
drew attention to the health risks to which children and young persons carrying loads were exposed. They stressed, in particular, that adolescence was a very delicate period, during which the effort required for load-carrying might lead to skeletal deformities and permanent organic disorders.

Working and Environmental Conditions Which May Affect the Strenuousness of Load-Carrying

It was apparent that climatic and environmental conditions greatly affected the total body effort required for load-carrying. In tropical areas and, in general, in hot and humid environments, the loss of body heat was hindered, and this might lead to stress on the circulatory system. All factors which facilitated loss of body heat—such as ventilation, air-conditioning, appropriate consumption of beverages, etc.—had a favourable effect on the body. The participants stressed the desirability of protecting workers against radiant heat and providing them with properly air-conditioned rest rooms which would make possible a better recovery in a shorter period. Reference was also made to the part played by atmospheric pollution—especially pollution caused by dust and toxic vapours.

The participants also considered certain factors inherent in the organisation of load-carrying, such as the nature and difficulty of the ground to be covered, the manner of carrying the load, the work-rate, etc. They expressed the view that methods of incentive payments might lead workers to disregard safety rules and tax themselves beyond the normal limits of physiological recovery. They also considered packaging problems; in this connection they trusted that the size of loads would be kept within reasonable limits, and that large loads would be provided with handholds.

Measures for Reducing the Health Risks Involved in the Manual Handling of Loads

The participants considered that vocational training played an essential part in reducing the risk of ill-balanced effort and in enabling the worker to use his physiological capacity to the best advantage. They therefore recommended that such training should be given systematically, not only to workers regularly engaged in load-carrying, but also to those who were occasionally required to perform handling operations.

The participants stressed the usefulness of regular medical supervision for workers employed on load-carrying work. They considered, in particular, that such workers should undergo a pre-employment medical examination and subsequent periodical medical examinations at least once a year.

Criteria to Be Applied in Fixing the Maximum Permissible Weight to Be Carried by One Worker

The participants felt that, in determining the maximum weight of loads, they should take into consideration all the physiological, medical, psychological, social and economic criteria available to them and endeavour to avoid any residual fatigue. They also considered that the maximum weight to be fixed should take account of the fact that the same loads might have to be handled in different parts of the world and, in consequence, by less favoured workers. The majority of the participants recommended that the maximum weight should be 40 kilogrammes for
male workers regularly employed in load-carrying as part of their normal work. However, a few participants considered that this maximum could be set at 50 kilogrammes.

As regards women, the participants considered that special account should be taken of the unfavourable effects which their work might have on their health and that of their progeny. They were of the opinion that, as far as possible, regular load-carrying should not be permitted for women. They considered that the maximum permissible weight to be carried by a woman should be fixed between 15 and 20 kilogrammes.

With respect to children and young persons, the participants stressed the serious nature of the physiological and pathological effects of load-carrying on the body. They accordingly expressed the view that, as far as possible, regular load-carrying should be prohibited for young workers and that the maximum permissible weight for boys of 16 to 18 years of age should be from 15 to 20 kilogrammes. For girls of 16 to 18 years of age, it should be from 12 to 15 kilogrammes. Below the age of 16, regular load-carrying should be prohibited. It was, however, recognised that, in certain regions, because of special local conditions, occasional load-carrying at an appropriate level might be allowed for young persons of 12 to 16 years of age.

The participants recognised that the present requirements of commerce and industry made it necessary for heavier weights to be carried on occasions by one worker. They therefore considered that, at the present stage, their recommendations should provide a basis for a suitable publication aimed at the reduction of the weight of handling units.
Meeting of Experts on Automation

(Geneva, 16-25 March 1964)

In accordance with the decision taken by the Governing Body at its 155th Session (May-June 1963), a Meeting of Experts on Automation was held in Geneva from 16 to 25 March 1964.

Experts from the following 12 countries attended the Meeting: Brazil, Canada, France, Federal Republic of Germany, India, Japan, Netherlands, Sweden, Switzerland, U.S.S.R., United Kingdom and United States. The United Nations Economic Commission for Europe, the United Nations Educational, Scientific and Cultural Organisation, the Organisation for Economic Co-operation and Development, the European Coal and Steel Community and the European Economic Community were represented by observers.

The terms of reference of the Meeting as approved by the Governing Body at its 155th Session were to attempt to develop methodology for the study and assembly of information on certain problems. Its agenda was as follows:

I. Studies of the introduction of automation and other related technology at the level of the industry and the undertaking with emphasis upon—(a) the effects on employment, occupations and living and working conditions; and (b) problems of adjustment and adaptation of the labour force with a view to reducing any possible adverse consequences of automation upon employees.

II. Studies to secure information on actual and impending technological changes and methods of appraising their effects upon occupations, employment, etc., for use in manpower planning or in training and education.

III. Other items of methodology that need to be explored.

In order to provide a framework for the discussion, a more detailed order of business was prepared and this was adopted by the Meeting. Participants, outside experts in the field of automation, and members of the I.L.O. staff had contributed technical papers related to the various items on the agenda, and these documents formed the main basis for the discussion.

The Meeting unanimously elected Mr. H. Reinoud (Netherlands) as Chairman and Mr. J. P. Francis (Canadian) as Reporter. In addition, the following persons were chosen as co-reporters; Mr. G. Friedrichs (Federal Republic of Germany), Mr. L. Greenberg (United States), Father J. D. Mrawak (Brazilian), Mr. P. Naville (French), and Mr. E. Pettersson (Swedish).

In his opening address, Mr. F. Blanchard, Assistant Director-General, defined the purpose of the Meeting in relation to the I.L.O.'s long-standing interest in the effects on labour and the social consequences of automation and technological change. In view of the growing complexity of the problems raised and the need for further information regarding them, the I.L.O. had recently launched a new programme designed to further research and the dissemination of knowledge about the present effects of the new technology and its possible future impact. The
Meeting of Experts was a first step in an exchange of experience on an international scale regarding the methods of obtaining the knowledge required to solve these problems.

After considering the items on the agenda, the experts adopted a report summarising their discussions at the Meeting and a separate paper setting forth their conclusions and recommendations on research methodology. These were designed to provide practical guidance to government, private and other research groups concerned with the social and economic effects of technological change. In developing these guidelines the experts considered two related questions: what should be the areas of interest in the study of the social and economic effects of innovations, and how such problems should be studied.

The main conclusions and recommendations adopted by the Meeting are summarised in the paragraphs which follow.

The experts emphasised the urgent need for increased research in this field in order to meet widespread concern about the effects of technological change, and to give guidance in planning effective measures to mitigate any possible adverse effects of such progress. This research, it was agreed, required the efforts of skilled workers in various fields such as economics, sociology, psychology, and engineering, and the full support of governments, employers and workers and their organisations, and the community.

It was agreed that the focus of research in this area should be on technological change in its broad sense, with special reference to automation. The working definition given to technological change by the experts was "any change in material, equipment, methods, organisation, or product which alters the quantity or quality of labour required per unit of physical output ".

The experts considered case studies of specific industries, plants, or groups of workers to be particularly useful for the study of the effects on labour and the social consequences of technological change, and as a means of demonstrating effective practices adopted by management and labour. The case-study method lends itself especially to obtaining qualitative information which cannot be drawn from statistical sources. Case studies are also of value in supplementing general surveys and in pointing up areas of interest which may require further investigation on a broader scale.

The type of data required for case studies at the industry and plant level and the means of gathering such information were outlined by the experts in respect of two major fields of interest: firstly, the impact of technological change on employment, occupations and working conditions, and secondly, the problems of adjustment and adaptation of the workforce and of management, and programmes to deal with such problems.

The experts pointed out that a serious drawback of the case-study method is the difficulty of drawing general conclusions from studies which are necessarily restricted in scope. In particular, case studies do not reveal the indirect effects of changes on the situation outside the plant or industry under review, and these are of considerable importance in any assessment of the full impact of innovations.

Techniques for broader studies on a more statistical basis, at the level of an industry or of the economy as a whole, were therefore also considered to be of prime importance in assessing the rate and extent of technological change and its effects on employment, etc. It was recognised that, in carrying out such studies, difficulties might be encountered in distinguishing the effects of technological change from those due to other causes. Research in this field is still highly experimental, but a number of techniques which are being used in different countries were outlined.
National statistics on labour productivity provide some indication of the rate and extent of technological change and an approximation of its net labour-saving effect. Industry-by-industry analyses of productivity, employment and output provide a more direct measure of the “disemployment” effects of technological change. An estimate of this kind, however, underestimates the total amount of disemployment, since it does not take into account intra-industry shifts in employment, nor does it reflect “internal” displacement involving transfers of workers within a plant. These limitations could be lessened by measuring the disemployment on a plant-by-plant basis for each industry and aggregating the results.

Other techniques discussed included the use of production functions and methods of studying those types of technology which may be expected to have far-reaching effects on a number of industries (e.g. electronic data-processing, numerically controlled machine tools, and advanced materials-handling equipment). Emphasis was also placed on methods of discerning major technological trends in industry and on studies of changes in occupational breakdown in various sectors of the economy as a basis for forecasting manpower needs.

Another important area for research considered by the experts concerned techniques to evaluate the effectiveness of programmes designed to deal with the impact of technological change, such as training and retraining schemes, relocation programmes, and income maintenance provisions. It was felt that the general acceptance of such programmes would be encouraged if their value were clearly demonstrated by research. The Meeting suggested that three factors of basic importance in such studies are the internal effectiveness of the programmes, the attitudes and reactions of workers to such schemes, and the economic costs and benefits. Particular reference was also made to the need for assessing the non-economic benefits of such programmes which accrue to the individual and to society.

The Meeting discussed the need for international comparative studies and the problems such projects posed. It was agreed that these studies serve a number of significant purposes, including the provision of information by which countries can gauge their relative progress in adopting new technologies and in coping with problems resulting from such changes. It was suggested that greater comparability could be achieved by such means as the development of standard terminology and concepts, the establishment of sound research control procedures by a central research group, and the improvement of national statistical data.

In view of the growing importance of technology in the industrialisation of developing countries, the experts considered the special requirements of research in these areas. It was recognised that the lack of statistical data, widespread illiteracy and the shortage of skilled research workers inevitably influenced the techniques that could be used. Greater emphasis, it was suggested, should be placed initially on descriptive studies of social or economic conditions rather than on statistical approaches. A number of subjects were put forward as requiring study, including obstacles to progress, the relative costs of labour and capital, economies of scale and the manpower effects of existing technology. To overcome the lack of experienced research personnel, the experts recommended the setting up of regional research centres to serve a number of developing countries whose staff would include research workers from industrialised countries.

Finally, the Meeting stressed that the I.L.O. could render valuable service to research by disseminating information on the social and economic effects of automation and other forms of technological change, by publishing information of a bibliographical nature and on research in progress in various countries, and by convening meetings and seminars on different aspects of technological development.
Actuarial Subcommittee of the Committee of Social Security Experts
(Geneva, 6-17 April 1964)

A Meeting of the Actuarial Subcommittee of the Committee of Social Security Experts was held in Geneva from 6 to 17 April 1964.

It was attended by nine experts, from Austria, Chile, Ecuador, France, India, Italy, Norway, Poland and Switzerland. The World Health Organisation, the European Coal and Steel Community, the European Economic Community, the Statistical Office of the European Communities, the International Social Security Association and the Ibero-American Social Security Organisation were represented by observers.

The agenda, which was drawn up by the Governing Body at its 155th Session (May-June 1963), was as follows:

I. Financial and actuarial aspects of employment accident and occupational disease insurance schemes.

II. Financial and actuarial aspects of pensions (old-age, invalidity and survivors') with particular reference to conditions in industrialising countries.

III. Actuarial problems arising from systematic adjustment of benefits to fluctuations in the general level of wages and the cost of living.

The Meeting was opened on behalf of the Director-General of the International Labour Office by Mr. W. Yalden-Thomson, Assistant Director-General. After paying tribute to the work of the Committee of Social Security Experts (Third Session, Geneva, November-December 1962), Mr. Yalden-Thomson pointed out that the agenda was closely linked with the over-all activities of the International Labour Organisation in the field of social security from the point of view of international standards as well as from that of operational activities. He specifically emphasised the interdependence between the first item on the agenda and the second discussion by the 48th Session of the International Labour Conference of a new international instrument concerning benefits in the case of employment injuries. He also emphasised the importance of the second item on the agenda for the implementation of technical assistance projects undertaken by the Office. He went on to point out that the adaptation of social security benefits to fluctuations in the general level of wages or in the cost of living was being applied more and more in national legislations. This question had already been examined by the Actuarial Subcommittee at a previous meeting held in Geneva (1948) and by the Committee of Social Security Experts meeting in Wellington (1950), but developments since then called for further study to enable the Office to obtain the benefit of the latest experience and research work in this field.

The Meeting elected the following Officers:

Chairman: Mr. A. Wanatowski (Polish).
Reporter on Item I: Mr. V. R. Natesan (Indian).
Reporter on Item II: Mr. R. González Bustos (Chilean).
Reporter on Item III: Mr. E. Kaiser (Swiss).
General Reporter: Mr. A. Coppini (Italian).
General Observations of the Subcommittee

The Subcommittee again stressed the growing importance of social security in different countries and the tendency of social security systems to absorb an appreciable and often increasing proportion of the national income and to play an important role in its redistribution. It considered that the co-ordination and planning of economic development could not be achieved without taking due account of social security needs and their financial and economic implications.

In this connection the Subcommittee stressed the importance of studies furnishing complete statistical data. Since such studies required knowledge of actuarial science and economics, it would be desirable to undertake them systematically, both at the national and international level.

The Subcommittee considered it essential that the development of the financial management of social security schemes should be periodically analysed, in order to ensure that it did not depart significantly from the forecasts and—if necessary—to suggest in due time the necessary remedial measures. Such a task required the participation of qualified technicians as well as the regular collection of current statistical data in an appropriate manner.

The Subcommittee was of the opinion that it would be highly desirable for the International Labour Office to continue its periodical inquiry, the results of which were published under the title The Cost of Social Security, and asked the governments of member States to continue to furnish the data requested in connection with this inquiry.

It was convinced of the importance for actuarial work of the collection and analysis of social security statistics at the national and international level. It recalled the conclusions formulated in this connection by the Ninth International Conference of Labour Statisticians (Geneva, April-May 1957), the Committee of Social Security Experts (Geneva, January-February 1959) and the Actuarial Subcommittee of the Committee of Social Security Experts (Geneva, October 1960), with a view to the establishment by the International Labour Office of a minimum programme of social security statistics. The Subcommittee noted with satisfaction the work accomplished in this field by the International Labour Office, in particular the establishment of the “Minimum Programme of Social Security Statistics” and of the “Scheme of Statistical Tables for the Application of a Minimum Programme of Social Security Statistics.” It invited the governments of member States to determine the measures necessary for the practical application of this programme.

The Subcommittee noted that, following a suggestion by the Committee of Social Security Experts, meeting in Geneva in 1959, the International Labour Office had undertaken the compilation and publication of statistical information on the scope of protection of social security schemes. The Subcommittee expressed the wish that such studies should be continued and published systematically.

Considering the technical nature of items II and III on the agenda, the Subcommittee invited the International Labour Office to include in its future programme of activities the preparation and publication of a study devoted to the financial and actuarial aspects of invalidity, old-age and survivors’ pensions. This study would be particularly useful since the mathematical instruments for the analysis of all the technical problems of social security required careful adjustment.

The Subcommittee took note of the technical assistance activities of the I.L.O. in the actuarial field to countries envisaging the introduction of social security schemes or in the first stages of the development of such schemes. It expressed the wish that the I.L.O. should continue to render assistance to countries requesting it, and asked the governments of member States to give favourable consideration to any application by the I.L.O. for the detachment of national experts for this purpose.

Financial and Actuarial Aspects of Employment Accident and Occupational Disease Insurance Schemes

The Subcommittee examined the various types of schemes for providing employment injury benefits and noted a general trend away from schemes based on employers' liability towards schemes based on the principles of social insurance. The Subcommittee confined its discussions principally to the latter.

It noted that in some countries no particular problems were involved in the financing of benefits, since this was effected within the social security scheme in general, no special funds being set aside for employment injury benefits. As regards countries where employment injury insurance schemes were administered by a separate institution or as a separate branch of the general social security system, there were, broadly speaking, three different systems for fixing contribution rates: (a) uniform rates; (b) differential rates by industry or class of risk; (c) experience rates.

The Subcommittee discussed the advantages and drawbacks of each of these systems, especially from the administrative standpoint, together with their likely value in encouraging preventive measures. Some experts emphasised the psychological effect of experience rates as an incentive towards accident prevention. Nevertheless, the Subcommittee did not decide in favour of one or other system for fixing contribution rates, although it took the view that the system of experience rates might sometimes be difficult to apply in new schemes introduced in the developing countries and that it was preferable to employ a combination of the other two systems.

Financial and Actuarial Aspects of Pensions (Old-Age, Invalidity and Survivors') with Particular Reference to Conditions in Industrialising Countries

The Subcommittee first examined the various forms of generally equating the financial equilibrium of a pension scheme and recognised that in practice the choice of a financial system in any given case did not depend only on technical considerations but also on a number of national circumstances, reflecting historical facts as well as prevailing trends in social and economic conditions. It believed that, apart from the method chosen to guarantee balance between the receipts and expenditure of a scheme at different stages of its operation, the soundness of a pension scheme depended on the evolution of the whole national economy, namely on an adequate level of production and consequently a satisfactory wage and employment situation. An important goal of the financial system must be stability of contribution rates during sufficiently long periods; although it was recognised that in particular cases these periods could be shorter, it was important that in all cases the respective rates of contribution should be known in advance.

The Subcommittee noted that, in countries with a long tradition in the field of social insurance and where invalidity, old-age and survivors' pension schemes had been extended to a substantial portion of the economically active population, the
disadvantages of accumulating large funds had led national legislations, for economic and financial considerations, to abandon or considerably reduce funding in favour of financial systems bearing more or less the stamp of the assessment approach. It also noted that, in countries where the pension scheme covered the entire or practically the entire economically active population, the technical reserves which would accrue for instance under the system of individual funding would represent an amount of capital equal to a very large share of the national wealth. If, on the other hand, the system of the permanent level premium was applied, the resulting accumulated fund would not be so large but still very considerable. The investment of such a fund would raise considerable difficulties from all points of view. The disadvantages of a large accumulation of funds under a pension insurance scheme in the event of decreasing purchasing power are dealt with in the conclusions of the Subcommittee in connection with item III of the agenda.

When a pension scheme was first introduced in a developing country, the choice of the financial system had to take into account the fact that benefit expenditure was bound to increase rapidly year by year over a fairly long initial period, even if certain transitory benefit provisions were adopted at the time of introduction of the scheme. The pure assessment system would necessarily entail frequent and substantial increases of the contribution rate, which was highly undesirable. On the other hand, the disadvantages of accumulating a large capital, as would necessarily happen if the full funding or the permanent-level premium system were applied, led the Subcommittee to draw the conclusion that the so-called scaled premium financial system afforded a solution which, while guaranteeing stability of contribution rates over sufficiently long periods, avoided accumulating too much capital. The Subcommittee considered that the scaled premium financial system had undoubted advantages, provided the technical reserves could be placed in long-term investments.

The Subcommittee reasserted that the task of estimating as accurately as possible the future receipts and expenditure of a pension scheme with the aim of providing a sound financial basis continued to be the principal task of the actuary. The legislative authorities should always have available all the information that would enable them to realise the economic and financial repercussions of any project for introducing or revising a pension scheme.

Actuarial Problems Arising from Systematic Adjustment of Benefits to Fluctuations in the General Level of Wages and the Cost of Living

The Subcommittee pointed out that the possibilities as well as the methods of adjusting benefits to fluctuations in the general level of wages and the cost of living depended on the structure of the social security scheme (coverage, system of contributions, system of benefits) and also on its financial system.

As regards the financial system, the Subcommittee noted that the existence of a technical reserve did not preclude the complete adjustment of pensions (either new or in course of payment) when it was possible to introduce an immediate or progressive increase of the contribution rates. The necessary additional resources could be considerable, even exceeding the financial limits of those who would be called upon to provide them, if the individual funding system were applied; they would be less considerable, though still fairly high, under the permanent-level premium system. In particular, during periods of monetary depreciation and if the rate of growth of the level of nominal wages was equal to or greater than the rate of interest, the paradoxical situation might arise that the yield from the reserves did not play any part in the financing of the scheme. In fact, the entire yield—and
possibly even a portion of the contribution income—could be absorbed by the re-establishment of the technical reserves. This example showed that it might be necessary to adopt a more flexible financial system, such as the system of scaled premiums.

The Subcommittee gave particular consideration to the problems of adjustment in the case of schemes in the industrialising countries, where the adjustment of social security benefits to economic developments was as important as in the highly industrialised countries. Nevertheless, in the industrialising countries it was appropriate to take account of the economic and administrative infrastructure; as the adoption of an absolutely automatic solution might prove dangerous, it seemed appropriate that the basic legislation should embody only the principle of adjustment without laying down all the details in advance.
Meeting of Experts on Safety and Health in Agriculture
(Geneva, 20 April-2 May 1964)

A Meeting of Experts on Safety and Health in Agriculture, convened in accordance with the decision of the Governing Body at its 155th Session (May-June 1963), was held in Geneva from 20 April to 2 May 1964.

In accordance with a further decision taken by the Governing Body at its 158th Session (February 1964), the Meeting consisted of seven experts whose names had been submitted by governments, two experts appointed by the Employers' group and two experts appointed by the Workers' group. The persons invited to attend the Meeting were from the following countries: Argentina, Cameroon, Denmark, France, India, Israel, Poland, U.S.S.R., United Arab Republic, United Kingdom and United States. The experts from Argentina and Poland were unable to attend the Meeting. In addition, observers from the following organisations were also invited: United Nations, Food and Agriculture Organisation of the United Nations, World Health Organisation, International Social Security Association, International Federation of Agricultural Producers, International Federation of Christian Unions of Agricultural Workers, International Federation of Plantation, Agricultural and Allied Workers, International Organisation of Employers and World Federation of Trade Unions. Only observers from the World Health Organisation, the International Social Security Association and the International Organisation of Employers attended the Meeting.

In pursuance of a decision taken by the Governing Body at its 155th Session, the agenda of the Meeting was as follows:

I. Preparation of the text of a code of practice on safety and health in agriculture.

II. Examination of a draft handbook (or guide) designed to illustrate and supplement the code of practice.

III. Consideration of I.L.O. activities in the field of occupational safety and health in agriculture and recommendations as to the future programme of action.

The Meeting elected the following Officers:

Chairman: Mr. A. S. ØRSTED-MULLER, Labour Inspectorate, Denmark.
Reporter: Mr. J. BARTHÉLEMY, National Centre of Studies and Experimentation in Agricultural Machinery, Ministry of Agriculture, France.

The experts set up a working party consisting of the Chairman, the Reporter, Mr. N. ANDREEV (U.S.S.R.), Mr. L. W. KNAPP, Jr. (United States), Mr. A. MEIBOOM (Israeli), Mr. A. T. SHAALAN (United Arab Republic) and Mr. D. ANDREONI and Mr. J. HAMELIN, observers from the International Social Security Association and the International Organisation of Employers respectively. The experts also established a Drafting Committee consisting of Mr. G. B. FOGAM (Cameroonian), Mr. G. HOOK (United Kingdom) and Mr. B. K. S. JAIN (Indian).
The code of practice prepared by the I.L.O. was taken as the basis for discussion. It consists of a body of concise recommendations for the guidance of authorities, professional groups and all those with responsibilities in the promotion of occupational safety and health in agriculture, including the self-employed farmer.

The experts examined the provisions of the draft code of practice and made amendments to a number of them. The amendments made were designed mainly to give the text as universal a character as possible in order to allow their application in the most diverse circumstances encountered in agriculture in various countries. In redrafting the provisions of the code, the experts contributed, in particular, their personal experience in the solution of the many problems arising out of the hazards of agricultural work.

Although not basically addressed to manufacturers of machinery and equipment used in agriculture, the code of practice contains some general provisions on the manufacture of such machinery and equipment. There may already exist national or international standards in this field, for example those related to hoisting equipment, pressure vessels and electrical installations. The Model Code of Safety Regulations for Industrial Establishments for the Guidance of Governments and Industry, published by the I.L.O., contains detailed provisions regarding specific categories of industrial equipment which is also commonly used in agriculture.

The Meeting recommended that the text of the code of practice as proposed should be published by the Office as soon as possible and be widely communicated to all persons responsible for safety and health in agriculture.

The experts examined the draft manual on safety in agriculture prepared by the I.L.O. The manual is mainly a descriptive work to give practical solutions for the application of the various preventive measures recommended in the code of practice. It was felt that the developing countries would find the manual especially useful, and the experts coming from these countries expressed approval of the initiative taken by the Office. The experts also considered that the work would have an appreciable value for economically advanced countries. They considered that the manual should be fully illustrated and that special attention should be given to the choice of illustrations.

In discussing at some length the question of the future activities of the I.L.O. in the field of occupational safety and health of agricultural workers, the experts realised at the outset that publication by the Office of the code of practice and of the manual produced by the meeting would be only one step, although an important one, in this field.

The experts were of the unanimous opinion that the Office should set up a panel of consultants on safety and health in agriculture to include a small number of experts specialised in the various branches of this subject, to represent the main agricultural regions of the world. They also were unanimous in their views that labour inspection in agriculture should be the subject of a Convention, inasmuch as labour inspection is generally undertaken to only a very limited extent in this branch of economic activity. In view of the continuing increase in the use of dangerous substances in agriculture, the experts discussed the possibilities of adopting an international instrument on the classification and labelling of these substances. These should be the subject of either a Convention or a Recommendation or, perhaps, a Convention supplemented by a Recommendation. They also thought it desirable that the I.L.O. should examine the possibility of having a new international Convention to prohibit the sale, hire, import and export of agricultural machinery of which the point of operation is not provided with appropriate safety devices.
Some experts were of the opinion that the I.L.O. should prepare and publish, at appropriate intervals, international reports on safety and health in agriculture indicating the state of research in this field in the various countries and the main progress achieved.

The proposed manual on occupational health in agriculture was considered by the experts as a very important step to protect the agricultural workers against the hazards involved in the use of pesticides, herbicides and certain toxic fertilisers. Furthermore, they considered that practically every chapter of the code of practice could be the subject of a separate manual.

The experts also suggested the preparation of an educational manual for agricultural workers.

In considering the project for a permanent exhibition of occupational safety and health equipment at the I.L.O. headquarters, the experts thought that it should be large enough to cover the full range of such equipment and should also include working models. Certain experts suggested that the I.L.O. should establish a mobile exhibition.

Some experts drew attention to the interest which there would be in the promotion by the I.L.O. of research in the field of safety and health in agricultural work. To this effect, one expert suggested that the I.L.O. should recommend that States Members of the Organisation set up research centres.

In the field of education, the experts were unanimous in recognising the importance of stressing the need to include safety and health in any programme of agricultural education.

In examining the activities of the I.L.O. in technical assistance, the experts thought that they should be developed. In this regard they suggested that I.L.O. field offices should be better supplied with staff to meet growing needs in respect of the prevention of hazards in agriculture, especially in developing countries.

With regard to the activities on safety and health in agriculture, the experts were aware that it was necessary to establish an order of priority for the various tasks concerning the protection of the agricultural worker. They proposed, in particular, that priority should be given to the prevention of hazards involved in the use of certain toxic substances, in mechanisation, and also to vocational training and information.

In conclusion, the experts were of the opinion that occupational safety and health are important and positive factors contributing to agricultural productivity and that consequently no efforts should be spared in this respect towards meeting the ever-increasing food requirements which follow population expansion.
Implementation of Instruments Adopted by the International Labour Conference

Ratifications of International Labour Conventions and Declarations concerning the Application of Conventions to Non-Metropolitan Territories

[Note. The publication of information concerning the ratification and application of international labour Conventions does not imply any expression of view by the International Labour Office on the legal status of the State having communicated a ratification or declaration, or on its authority over the territories in respect of which such ratification or declaration is made; in certain cases these may present problems on which the I.L.O. is not competent to express an opinion.]

JORDAN

Ratification of the Guarding of Machinery Convention, 1963 (No. 119).

The ratification by Jordan of Convention No. 119 was registered by the Director-General of the International Labour Office on 4 May 1964.

The following letter from the Minister of Foreign Affairs, addressed to the International Labour Office through the Resident Representative of the Technical Assistance Board and Director of Special Fund Programmes, constitutes the instrument of ratification of the above-mentioned Convention. The text of this letter is as follows:

(Translation)

Amman, 13 April 1964.

Resident Representative of the Technical Assistance Board and Director of Special Fund Programmes.

I beg you to inform the International Labour Office that the Government of Jordan has approved the ratification of the Guarding of Machinery Convention, 1963 (No. 119), in accordance with article 19, paragraph 5 (d), of the Constitution of the International Labour Organisation.

Please accept our highest esteem.

(Signed) Anton ATALLAH,
Minister of Foreign Affairs.

1 Report III (Part III), which has been laid before every session of the Conference since 1950, contains a summary of the information supplied by governments in accordance with article 19 of the Constitution of the International Labour Organisation on the measures taken by member States to bring Conventions and Recommendations before the competent authorities and on relevant action taken by these authorities.
**LUXEMBOURG**

**Ratification of the Final Articles Revision Convention, 1961 (No. 116).**

The ratification by Luxembourg of Convention No. 116 was registered by the Director-General of the International Labour Office on 4 March 1964.

The text of the instrument of ratification of this Convention is as follows:

*(Translation)*

*We, Charlotte*

By the Grace of God, Grand Duchess of Luxembourg, Duchess of Nassau, etc., etc., etc.,

Having seen and examined the Convention concerning the partial revision of the Conventions adopted by the General Conference of the International Labour Organisation at its first thirty-two sessions for the purpose of standardising the provisions regarding the preparation of reports by the Governing Body of the International Labour Office on the working of Conventions, which was adopted by the said Conference at its 45th Session at Geneva on 26 June 1961 and which consists of the text reproduced hereunder,

[Here follows the text of the Convention.]

Have approved and do approve the said Convention, declare that it is accepted, ratified and confirmed, and promise that it shall be executed and observed in the Grand Duchy of Luxembourg according to its form and language.

In faith whereof We have signed these presents and the Grand-Ducal seal has by Our order been affixed thereto.

The Palace, Luxembourg, 15 February 1964.

*For the Grand Duchess,*

Her Lieutenant and Representative:

*(Signed) Jean,*

*Hereditary Grand Duke.*

*(Signed) E. Schaus,*

*Minister of Foreign Affairs.*

**MALAYSIA**

**Ratification of the Minimum Age (Industry) Convention, 1919 (No. 5); Minimum Age (Sea) Convention, 1920 (No. 7); Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8); Right of Association (Agriculture) Convention, 1921 (No. 11); Workmen's Compensation (Agriculture) Convention, 1921 (No. 12); Weekly Rest (Industry) Convention, 1921 (No. 14); Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15); Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16); Workmen's Compensation (Accidents) Convention, 1925 (No. 17); Equality of Treatment ( Accident Compensation) Convention, 1925 (No. 19); Seamen's Articles of Agreement Convention, 1926 (No. 22); Forced Labour Convention, 1930 (No. 29); Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32); Underground Work (Women) Convention, 1935 (No. 45); Recruiting of Indigenous Workers Convention, 1936 (No. 50); Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64); Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); Labour Inspection Convention, 1947 (No. 81); Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86); Employment Service Convention, 1948 (No. 88); Labour Clauses (Public Contracts) Convention, 1949 (No. 94); Protection of Wages Convention, 1949 (No. 95); Migration for Employment Convention (Revised), 1949 (No. 97); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); and Abolition of Forced Labour Convention, 1957 (No. 105).**

By a communication dated 26 February 1964 to the Director-General of the International Labour Office the Minister of Foreign Affairs of Malaysia confirmed that his Government remains bound for all the constituent states of Malaysia by
the obligations assumed by these states or on their behalf in respect of international labour Conventions Nos. 29, 50, 64, 65, 81, 98 and 105.

The Government of Malaysia declares itself bound, moreover, in respect of each of the following constituent states by the obligations of Conventions which they had assumed or which had been accepted on their behalf:

**States of Malaya**: Conventions Nos. 11, 12, 17, 19, 45 and 95.

**State of Sabah**: Conventions Nos. 15, 16, 86, 94, 95 and 97.

**State of Sarawak**: Conventions Nos. 7, 11, 12, 14, 15, 16, 19, 86, 94 and 95.

**State of Singapore**: Conventions Nos. 5, 7, 8, 11, 12, 15, 16, 19, 22, 32, 45, 86, 88 and 94.

The Director-General of the International Labour Office therefore registered on 3 March 1964 the confirmation of the obligations arising under these various Conventions.

**REPUBLIC OF MALI**

*Ratification of the Labour Inspection Convention, 1947 (No. 81); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).*

The ratification by the Republic of Mali of Conventions Nos. 81, 98 and 111 was registered by the Director-General of the International Labour Office on 2 March 1964.

The communication which constitutes the instrument of ratification of these Conventions is as follows:

*(Translation)*

**Bamako, 27 February 1964.**

Sir,

I have the honour to inform you of the ratification of the following Conventions by the Republic of Mali:

- The Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
- The Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
- The Labour Inspection Convention, 1947 (No. 81).

This action bears witness to my country's confidence in the international organisations and its desire to respect its obligations.

The ratification of Conventions Nos. 81, 98 and 111 by Mali is but the confirmation of the principles already proclaimed in our Constitution and will therefore have no other consequence than to strengthen our own relevant regulations.

I append for your information the instruments of ratification of the said Conventions with a view to their registration and notification as prescribed.

I am, Sir, etc.,

*(Signed)*

O. B. DIARRA,

Minister of Labour and Social Affairs.

Decree No. 0.5/PG-RM to promulgate Laws Nos. 63-34, 63-35, 63-36 and 63-37 AN-RM, dated 31 May 1963

**THE PRESIDENT OF THE GOVERNMENT OF THE REPUBLIC OF MALI,**

Acting in accordance with the Constitution of the Republic.

And having regard to Laws Nos. 63-34, 63-35, 63-36 and 63-37 AN-RM of 31 May 1963,
Hereby decrees:

Section 1

The following laws are promulgated:

No. 63-34/AN-RM, dated 31 May 1963, to ratify the international labour Convention concerning the application of the principles of the right to organise and to bargain collectively, 1949 (No. 98).


No. 63-36/AN-RM, dated 31 May 1963, to ratify the international labour Convention concerning labour inspection in industry and commerce, 1947 (No. 81).

No. 63-37/AN-RM, dated 31 May 1963, to ratify the amendment to the Constitution of the International Labour Organisation.

Section 2

The present decree shall be registered, published in the official gazette of the Republic of Mali, and communicated, wherever need be.

Koulouba, 14 June 1963.

(Signed) Modibo Keita,
President of the Government.

Copy certified correct:
Bamako, 7 January 1964.

(Signed) Namory Keita,
National Director of Labour.

ISLAMIC REPUBLIC OF MAURITANIA

Ratification of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) (Part II).

The ratification by the Islamic Republic of Mauritania of Convention No. 96 (Part II) was registered by the Director-General of the International Labour Office on 31 March 1964.

This Convention was the subject of an addendum to Act No. 63-126 of 17 July 1963 which contained a list of 20 Conventions, the ratification of which was registered by the Director-General of the International Labour Office on 8 November 1963.¹

This addendum reads as follows:

(Translation)

ACTS AND ORDINANCES

Corrigendum to Act No. 63-126 dated 17 July 1963
(Journal officiel, Nos. 125-126 of 18 December 1963, p. 333)

Instead of:

“Act No. 63-126 of 17 July 1963 to authorise the ratification of 20 international labour Conventions”

Should be read:

“Act No. 63-126 of 17 July 1963 to authorise the ratification of 21 international labour Conventions”

PERU

Ratification of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The ratification by Peru of Convention No. 98 was registered by the Director-General of the International Labour Office on 13 March 1964.

The text of the instrument of ratification of this Convention is as follows:

(Translation)

Fernando Belaunde Terry,
President of the Republic of Peru

Whereas the 32nd Session of the General Conference of the International Labour Organisation, held at Geneva, adopted on 1 July 1949 a Convention concerning the application of the principles of the right to organise and to bargain collectively, and

The said Convention has been approved by Legislative Resolution No. 14712 of 15 November 1963,

Using the power conferred upon me by the Constitution, I accept, approve and ratify it, deeming it a public law and engaging the honour of the Republic in its observance.

In faith whereof I sign the present ratification, which is sealed with the Arms of the Republic and countersigned by the Minister of External Relations, at the Palace of the Government at Lima this twenty-eighth day of February in the year one thousand nine hundred and sixty-four.

(Signed) Fernando Belaunde Terry.
(Countersigned) Fernando Schwalb L. A.

POLAND

Ratification of the Final Articles Revision Convention, 1961 (No. 116).

The ratification by Poland of Convention No. 116 was registered by the Director-General of the International Labour Office on 22 April 1964.

The text of the instrument of ratification is as follows:

(Translation)

IN THE NAME OF THE PEOPLE'S REPUBLIC OF POLAND,

THE COUNCIL OF STATE OF THE PEOPLE'S REPUBLIC OF POLAND

HEREBY INFORMS ALL WHO SHALL SEE THESE PRESENTS:

Convention No. 116 concerning the partial revision of the Conventions adopted by the General Conference of the International Labour Organisation at its first thirty-two sessions for the purpose of standardising the provisions regarding the preparation of reports by the Governing Body of the International Labour Office on the working of Conventions was adopted by the Conference at its 45th Session at Geneva on 26 June 1961.

Having seen and examined the said Convention, the Council of State has approved it and approves each and every one of the provisions therein contained, and declares that the above-mentioned Convention is accepted, ratified and confirmed, and undertakes that it shall be inviolably observed.

In witness whereof these presents have been delivered, sealed with the seal of the People's Republic of Poland.

Done at Warsaw, 29 February 1964.

(Signed) A. Zawadzki,
President of the Council of State.
(Signed) A. Rapacki,
Minister of Foreign Affairs.
**SIERRA LEONE**

**Ratification of the Guarding of Machinery Convention, 1963 (No. 119).**

The ratification by Sierra Leone of Convention No. 119 was registered by the Director-General of the International Labour Office on 21 April 1964.

The text of the instrument of ratification of this Convention is as follows:

Whereas the Convention No. 119 concerning the guarding of machinery was adopted by the International Labour Conference at its 47th Session in Geneva, Switzerland, on the twenty-fifth day of June one thousand nine hundred and sixty-three.

And whereas Sierra Leone as State Member of the International Labour Organisation fully participated at the said 47th Session of the aforementioned Conference.

Now therefore the Government of Sierra Leone having considered the Convention aforesaid and in accordance with article 19 (5) (d) of the Constitution of the aforesaid Organisation hereby confirms and ratifies the same and undertakes faithfully to observe all the stipulations therein contained.

In witness whereof this Instrument of Ratification is signed and sealed by the Honourable Dr. John Karefa-Smart, M.D., Minister of External Affairs of Sierra Leone for and on behalf of the Government of Sierra Leone.

Done at Freetown on the twenty-eighth day of March one thousand nine hundred and sixty-four.

(Signed) John Karefa-Smart, M.D.,
Minister of External Affairs.

**SYRIAN ARAB REPUBLIC**

**Declaration concerning the Radiation Protection Convention, 1960 (No. 115).**

The Director-General of the International Labour Office registered on 15 January 1964 the ratification by the Syrian Arab Republic of Convention No. 115.1

Following this ratification the Government of the Syrian Arab Republic has communicated, in accordance with Article 3, paragraph 3 (c), of Convention No. 115, a declaration which reads as follows:

(Translation)

Damascus, 23 March 1964.

Sir,

In reply to your letter No. ACD 2-70-00 of 24 January 1964, I have the honour to communicate to you the following declaration in accordance with Article 3, paragraph 3 (c), of the Radiation Protection Convention, 1960 (No. 115).

The Ministry of Health in our country convened a committee of experts to study the methods to be followed to protect workers against radiation and neighbouring establishments against the possible infiltration of such radiation.

You will be informed of these methods shortly as soon as they are perfected.

The categories of workers to which the Convention applies are as follows:

- Workers of laboratories where radioactive substances are used;
- Staff of establishments using ionising rays;
- Staff of establishments practising radiation treatment involving radium or other radioactive substances;
- Workers in factories and manufacturing establishments which use certain radioactive substances in the medical and industrial fields.

I have the honour to be, Sir, etc.,

(Signed) Attrache,
Minister of Social Affairs and Labour.

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United Arab Republic

Ratification of the Radiation Protection Convention, 1960 (No. 115).

The ratification by the United Arab Republic of Convention No. 115 was registered by the Director-General of the International Labour Office on 18 March 1964.

The text of the instrument of ratification of this Convention is as follows:

(Translation)

IN THE NAME OF THE NATION,
WE, GAMAL ABD-AL NASSER,
PRESIDENT OF THE UNITED ARAB REPUBLIC,

Having examined the international labour Convention concerning the protection of workers against ionising radiations (No. 115), which was signed at Geneva on 22 June 1960 and of which the text is appended to the present Instrument,

Whereas we approve the said Convention as a whole and in each of its provisions,

Therefore declare by the present Instrument that we do accept and ratify it.

In faith whereof we have signed the present Instrument and ordered the seal of the Republic to be affixed thereto.

Done at Cairo, 13 Ramadan 1382, 7 February 1963.

(Signed) Gamal Abd-al NASSER,
By order of the President of the Republic:
Mahmoud FAWZI,
Minister of Foreign Affairs.

The Government of the United Arab Republic has communicated, in conformity with Article 3, paragraph 3 (c), of the Convention, the text of the following decree, which indicates the manner in which and the categories of workers to which the provisions of the Convention are applied:

Order No. 170 Promulgating Law No. 59 of 1 March 1960 respecting the Use of Ionising Radiations and Protection against Its Hazards

Section 1

Ionising radiations may not be used for any purpose whatsoever except by those authorised to do so.

Within the meaning of this Law, ionising radiations shall be defined as: any radiations emitted by radioactive materials or from equipment such as X-ray apparatus, reactors or accelerators, and any other sources of radiation.

Section 2

No licence for the installation of equipment or the possession of materials producing ionising radiations for purposes of use shall be granted unless the precautionary measures stipulated under this Law are complied with. The use of such radiations in organisations, institutions and any other establishments shall be allowed only under the supervision of an authorised person controlling the application of the protection requirements. Such person shall be bound to notify the Executive Office referred to in section 6 of this Law of cases of failure on the part of the institutions concerned to fulfil those requirements.

Renewal of licences shall be sought in cases of—

(1) removal of the equipment the installation of which had been licensed, or changes in its specifications;
(2) removal of the installed equipment from its site;
(3) changes likely to affect protection requirements, which have taken place at the site or its surroundings;
(4) increase in the quantity of radioactive materials or addition of a new radioactive material.

Regulations issued in application of this Law shall specify the precautionary requirements to be fulfilled in respect of ionising radiation hazards.

Section 3

The Executive Ministry of Health concerned shall issue the requisite licences for the installation and use of X-ray equipment, accelerators or sealed radioisotopes, and shall supervise all matters relating to protection from radiation hazards.

The Atomic Energy Institute shall supervise the use of unsealed radioisotopes and reactors as well as the issue of the licences required for their installation. It shall also supervise all matters relating to protection from ionising radiation hazards within the Institute and units belonging thereto.

Section 4

A central authority shall be established pursuant to a departmental order from the Central Ministry of Health for supervising the use of ionising radiations and protection from radiation hazards. Its headquarters shall be situated in Cairo and its duties shall include—

(1) establishing the general policy to be followed in regard to protection from the hazards of exposure to ionising radiations;
(2) establishing general rules governing the comparative merits of foreign scientific qualifications in connection with the use of ionising radiations;
(3) dealing with any other matters referred to it by the Central Ministry of Health.

Section 5

In both provinces of the Republic a Technical Committee on Ionising Radiation Questions established by departmental order of the Executive Minister of Health concerned shall be entrusted with the following:

(1) licensing the installation of X-ray equipment, unsealed and sealed isotopes;
(2) licensing the use of ionising radiations in therapy and diagnosis, or both, by physicians not in possession of the specialised qualification referred to in section 11 of this Law;
(3) issuing operators' licences to qualified experts or radiation physicists;
(4) issuing licences to technical assistants to operate X-ray equipment and to use sealed or unsealed isotopes;
(5) licensing the use of all or only certain forms of ionising radiations by non-physicians;
(6) determining the comparative merits of foreign scientific qualifications entitling those so qualified to make use of ionising radiations in accordance with the rules provided for in subsection 2 of the preceding section;
(7) dealing with matters referred to it by the Executive Ministry of Health concerned.

The Committee shall submit in March of each year a report on its activities to the central authority referred to in the preceding section.

Section 6

In each of the two provinces an Executive Office for Protection against the Hazards of Exposure to Ionising Radiations shall be set up by departmental order of the Executive Ministry of Health concerned. Such Office shall be entrusted with the application of this Law and of departmental orders issued in application thereof.

The Office aforesaid shall submit in March of each year a report on its activities to the Committee referred to in the preceding section.

Section 7

Persons licensed under the provisions of this Law to operate as qualified experts on protection against the hazards of exposure to ionising radiations shall belong to either of the two following categories:
health physicists having at least five years' experience in this field;

(2) holders of a Doctor of Science degree in physics from a university of the United Arab Republic or of any equivalent qualification, provided they possess at least two years' experience in the field of protection against exposure to the hazards of ionising radiations, or have published any papers on radiation physics.

The names of qualified experts in the field of protection against hazards of exposure to ionising radiations must be recorded in a special register at the Executive Ministry of Health concerned before they are allowed to practise as such.

Persons licensed to operate as health physicists and making use of ionising radiations must satisfy the following requirements:

(1) possess a Bachelor of Science degree in physics or a Bachelor's degree in applied physics from a university of the United Arab Republic, or any equivalent qualification;

(2) possess a diploma in applied radiation physics from a university of the United Arab Republic, or its equivalent;

(3) submit to the Committee referred to in section 5 of this Law a document from the Atomic Energy Institute, or from any other recognised institution, testifying to the fact that they have received adequate training in the use of radioisotopes and in protection against radiation exposure hazards;

(4) be registered on the roll of health physicists at the Executive Ministry of Health concerned.

Any person licensed to work as a technical assistant operating X-ray equipment or using unsealed radioactive materials shall—

(1) have obtained the Health Institute diploma (radiology technician branch) or an equivalent qualification;

(2) be registered on the roll of radiology assistants at the Executive Ministry of Health concerned.

Persons licensed to work as technical assistants using unsealed radioisotopes shall, in addition to satisfying the requirements specified in the two preceding paragraphs, prove to the satisfaction of the Committee referred to in section 5 of this Law, by a document issued by the Atomic Energy Institute or by any other recognised institution, that they possess adequate training in the use of unsealed radioisotopes.

Section 8

Notwithstanding the provisions of section 21 of this Law, if it is shown upon inspection that the requirements for protection against the hazards of exposure to ionising radiations are not fulfilled, it shall be incumbent upon the responsible licensed person to comply with such requirements within 60 days from the date of the notification transmitted to him to such effect by registered mail. Failure to do so shall result in cancellation of the licence concerned by order of the Executive Ministry of Health at the request of the Executive Office for Protection Questions. Such ministerial order shall be final.

Section 9

A record of persons licensed to use radiation equipment and radioactive material shall be kept in registers at the Executive Ministry of Health, a special register being reserved to each category. A licence holder's name may be recorded in more than one register provided that he complies with the separate requirements stipulated in respect of each register.

Specific provisions regarding the character of these registers and registration procedures shall be contained in regulations issued in application of this Law.

Section 10

[Registration fees.]

Section 11

Physicians shall not be permitted to make use of the various kinds of ionising radiations concerned for medical purposes unless the following requirements are satisfied:

(1) they should have obtained a diploma of specialisation in medical radiology from a university of the United Arab Republic, or an equivalent qualification;

(2) their names shall be recorded in the register of physicians specialising in medical radiology as prescribed in section 9 of this Law.
Section 12

Notwithstanding the provisions of the preceding section, physicians possessing a doctorate in pathology from a university of the United Arab Republic, or an equivalent qualification, or a special diploma in cardiology, chest disease, osteology, and also dentists, shall be authorised to use X-ray equipment for diagnostic purposes, provided that such use is confined to their patients only and is within the scope of their field of specialisation; furthermore, the voltage and current of the equipment used shall not exceed 80 kilovolts and 30 milliamperes respectively.

Similarly, physicians in possession of a special diploma in dermatology from a university of the United Arab Republic, or an equivalent qualification, shall be authorised to use X-ray equipment for external treatment purposes within their respective specialised fields, provided that the voltage rating of the equipment does not exceed 100 kilovolts.

Section 13

Licensed physicians as referred to in the preceding section shall prove to the satisfaction of the Committee referred to in section 5 of this Law, by a document issued by the Atomic Energy Institute or by any other recognised institution, that they possess adequate training in the use of radioisotopes and in protection against radiation exposure hazards.

Section 14

The use of unsealed radioisotopes for therapeutic and diagnostic purposes shall be permitted only to those physicians able to prove to the satisfaction of the Committee referred to in section 5 of this Law, by a document issued by the Atomic Energy Institute or by any other recognised institution, that they have received adequate training in the use of radioisotopes and in protection against the hazards involved in such use.

Section 15

Graduates from technical colleges may be licensed to use ionising radiations for scientific research or for purposes of applied studies in the institutions and organisations to be specified either by the Executive Ministry of Health concerned pursuant to departmental order, or by the Atomic Energy Institute, as the case may be. Such graduates must prove, by a document issued by the Atomic Energy Institute or by any other recognised institution, to the satisfaction of the Committee referred to in section 5 of this Law, that they possess adequate training in the use of radioisotopes and in protection against ionising radiation hazards.

Section 16

Hospitals or hospital departments only may be licensed to use unsealed radioactive materials for medical purposes, provided that the following requirements are satisfied:

1. the protection requirements provided for under this Act must be fulfilled;
2. the work in such hospitals must be entrusted to a team comprising—
   (a) a radiology health physicist;
   (b) a specialist in medical radiology, showing evidence in the form of a document issued by the Atomic Energy Institute or by any other recognised institution that he has received adequate training in the use of ionising radiations and in the field of protection against the hazards inherent therein;
   (c) a medical specialist, showing evidence in the form of a document issued by the Atomic Energy Institute or by any other recognised institution that he has received adequate training in the use of radioisotopes and in the field of protection against the hazards of ionising radiations and that he has one year's practical experience in the use of these isotopes.

The use of the materials aforesaid in private clinics shall be prohibited.

Section 17

Notwithstanding the provisions of this Law, private clinics may be licensed to use sealed radioactive materials subject to the fulfilment of prescribed precautionary requirements in respect of radiation exposure hazards and to the approval of the Technical Committee referred to in section 5 of this Law.
Section 18

Institutions using ionising radiations at the time of the coming into force of this Law shall comply with the precautionary requirements stipulated in regulations issued in application of this Law within six months. This time-limit may be extended by a further period not exceeding six months, pursuant to a departmental order from the Executive Ministry of Health concerned.

Government authorities and institutions shall be bound to provide all necessary means and devices for the personal protection of their staff employed in premises exposed to ionising radiations and to ensure the effectiveness and possibility of application of such means and devices in the course of work performed. Furthermore, the authorities and institutions aforesaid shall undertake to afford all necessary treatments and compensation to such staff in accordance with pertinent laws and regulations on the subject.

Section 19

Protection in mines and quarries and in industries where workers are exposed to radiation hazards shall be governed by a joint departmental order of the Central Ministries of Health and of Social Affairs and Labour respectively.

Section 20

Notwithstanding the provisions of section 21 below, the Executive Office referred to in section 6 of this Law may close down, pursuant to administrative decision, any premises in which ionising radiations are used in the event of any violations of the provisions of sections 1, 2, 6, 16, 17, 18, 22, 23, 24, 26 and 27 of this Law occurring after the coming into force of measures prescribed in regulations issued in application of the Law.

Section 21

[Penal provisions.]

TEMPORARY PROVISIONS

Section 22

Physicians not possessing the specialised qualifications prescribed in section 11 of this Law may be licensed to use some or all forms of ionising radiations, provided that they satisfy the following requirements:

(1) on the date of the coming into force of this Law they have already had at least three years' experience in the use of all or some of the forms of ionising radiations employed in government or private hospitals with a capacity of at least 50 beds, or five years' experience in hospitals with a capacity of less than 50 beds, or in their own clinics;
(2) they make application, within a period not exceeding six months of the date of the coming into force of this Law, for a licence to continue to use ionising radiations;
(3) they submit to the Committee referred to in section 5 of this Law a document issued by the Atomic Energy Institute or by any other recognised institution testifying to their having received adequate training in the use of radioisotopes and in protection against the hazards inherent therein.

Section 23

Physicians possessing or using sealed radioactive materials at the time of the coming into force of this Law may continue to hold or use them under the conditions stipulated in the preceding section.

Section 24

Persons not in possession of the Health Institute diploma (in radiology) prescribed in section 7 of this Law may continue to work as assistant radiographers, if they already had at least three years' experience in this field at the time of the coming into force of this Law.

Section 25

Notwithstanding the provisions of section 12 of this Law, physicians in possession, on the date of the coming into force of the Law, of equipment the specifications of which exceed the ratings prescribed in the section aforesaid, may continue to use it provided that they make application for a licence to the Committee referred to in section 5 within three months of the date of coming into force of this Law.

This provision shall apply equally to institutions possessing such equipment.
Section 26

Notwithstanding the provisions of section 12 of this Law, physicians not possessing a doctorate in pathology or any equivalent qualification, and making use of X-ray equipment at the date of the coming into force of this Law, may apply to the Committee referred to in section 5 for a licence to use such equipment for diagnostic purposes, and submit a document issued by the Atomic Energy Institute or by any other recognised institution testifying to their having received adequate training in the use of radioisotopes and precautions against the hazards inherent therein.

Section 27

Annexes to this Law shall be considered as an integral part thereof. The Central Ministry of Health may, at the request of the authority referred to in section 4 of this Law, amend such annexes pursuant to a departmental order to be issued by the Ministry.

Section 28

The Central Ministry of Health shall issue all regulations necessary for the application of this Law.

Section 29

This Law shall come into force as from the date of its publication in the Official Gazette.

ANNEXES

1. Definitions: [Contains definitions of the following terms: effective radiation, direct radiation, secondary radiation, scattered radiation, stray radiation, roentgen, rad curie, dose, personal dose, absorbed dose, dose rate, integral or accumulative absorbed dose, dosemeter, maximum weekly permissible dose rate, personal monitoring, radiation hazards, half-value layer, lead equivalent, primary protective barrier, therapeutic tube housing, diagnostic tube housing, fully protective tube housing, film badge, correction factor, observation window, medical X-rays.]

2. Calculation of the thickness of protective barriers: [Contains tables indicating the thickness of various barriers for protection against—(1) X-rays; (2) radium; (3) radioactive cobalt.]

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Declarations concerning the Unemployment Convention, 1919 (No. 2); the Minimum Age (Industry) Convention, 1919 (No. 5); the Minimum Age (Sea) Convention, 1920 (No. 7); the Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8); the Minimum Age (Agriculture) Convention, 1921 (No. 10); the Seamen's Articles of Agreement Convention, 1926 (No. 22); the Sickness Insurance (Industry) Convention, 1927 (No. 24); the Sickness Insurance (Agriculture) Convention, 1927 (No. 25); the Protection against Accidents (Dockers) Convention, (Revised), 1932 (No. 32); the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35); the Old-Age Insurance (Agriculture) Convention, 1933 (No. 36); the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37); the Invalidity Insurance (Agriculture) Convention, 1933 (No. 38); the Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39); the Survivors' Insurance (Agriculture) Convention, 1933 (No. 40); the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42); the Unemployment Provision Convention, 1934 (No. 44); the Minimum Age (Industry) Convention (Revised), 1937 (No. 59); the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63); the Certification of Able Seamen Convention, 1946 (No. 74); the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85); the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Employment Service Convention, 1948 (No. 88); the Protection of Wages Convention, 1949 (No. 95); and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The Director-General of the International Labour Office registered, on the dates indicated below, the following declarations communicated under article 35 of the
Constitution of the International Labour Organisation, concerning the application to certain non-metropolitan territories of the international labour Conventions mentioned below:

**Convention No. 2.**

Applicable without modification: Malta—21 May 1964.

Applicable with the following modification: Gambia—21 May 1964: Article 1: No administrative arrangements exist at present for the periodical publication of information on unemployment which can be communicated to the I.L.O.

**Convention No. 5.**

Applicable with the following modification: Bechuanaland—21 May 1964: Article 2: The minimum age in industry is 12, although children under 14 years may be employed only under licence of the Resident Commissioner.

**Convention No. 7.**

Applicable with the following modification: Fiji—3 March 1964: Article 1: The definition of "ship" under section 65 (1) of the Labour Ordinance, Cap. 92, empowers the Governor in Council by notice in the Fiji Royal Gazette to exclude from the provisions of the Ordinance controlling the employment of children at sea ships of less than a prescribed maximum tonnage and carrying a crew of less than a prescribed maximum number.

**Convention No. 8.**

Decision reserved: Bermuda—3 March 1964.

**Convention No. 10.**

Applicable without modification: Grenada, Malta—13 April 1964; Bermuda—21 May 1964.

**Convention No. 22.**

Applicable with the following modifications: Gambia—21 May 1964: Articles 10, 11, 12, 13 and 14: Excluded.

**Convention No. 24.**

Applicable with the following modifications: Malta—21 May 1964: Article 3 (1): Cash benefits are payable for 13 weeks. Articles 4 and 5: Not applied.

**Convention No. 25.**

Applicable with the following modifications: Malta—21 May 1964: Article 3 (1): Cash benefits are payable for 13 weeks Articles 4 and 5: Not applied.

**Convention No. 32.**

Applicable with the following modifications: Gambia—21 May 1964: Articles 17 and 18: Excluded.

**Convention No. 35.**

Applicable without modification: Gibraltar, Malta—21 May 1964.

Applicable with the following modification: Falkland Islands—21 May 1964: Article 2: Compulsory schemes of old-age insurance apply to all male manual and non-manual workers, with pensions for widows of contributors. The schemes do not apply at present to female workers.

Decision reserved: Bahamas, Bermuda, Hong Kong—13 April 1964; Bechuanaland, British Honduras, Fiji, Gambia, Grenada, Mauritius, Swaziland—21 May 1964.

**Convention No. 36.**

Applicable without modification: Malta—21 May 1964.

Applicable with the following modification: Falkland Islands—21 May 1964: Article 2: Compulsory schemes of old-age insurance apply to all male manual and non-manual workers, with pensions for widows of contributors. The schemes do not apply at present to female workers.

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1 This declaration supersedes the declaration of 18 December 1963.
workers, with pensions for widows of contributors. The schemes do not apply at present to female workers.

Decision reserved: Bahamas, Bermuda, Hong Kong—13 April 1964; Bechuanaland, British Honduras, Fiji, Gambia, Grenada, Mauritius, Swaziland—21 May 1964.

Not applicable: Gibraltar—21 May 1964.

Convention No. 37.

Decision reserved: Bahamas, Bermuda, Hong Kong—13 April 1964; Bechuanaland, British Honduras, Falkland Islands, Fiji, Gambia, Gibraltar, Grenada, Malta, Mauritius, Swaziland—21 May 1964.

Not applicable: Gibraltar—21 May 1964.

Convention No. 38.

Decision reserved: Bahamas, Bermuda, Hong Kong—13 April 1964; Bechuanaland, British Honduras, Falkland Islands, Fiji, Gambia, Grenada, Malta, Mauritius, Swaziland—21 May 1964.

Not applicable: Gibraltar—21 May 1964.

Convention No. 39.

Applicable with the following modifications: Gibraltar—Article 10: Excluded. Satisfactory alternative provision exists for the benefits in kind prescribed; Malta—Article 10: No benefits in kind can be authorised. The local insurance scheme does not provide for benefits in kind in connection with invalidity—21 May 1964.

Decision reserved: Bahamas, Bermuda, Hong Kong—13 April 1964; Bechuanaland, British Honduras, Falkland Islands, Fiji, Gambia, Grenada, Malta, Mauritius, Swaziland—21 May 1964.

Not applicable: Gibraltar—21 May 1964.

Convention No. 40.

Applicable with the following modification: Malta—21 May 1964: Article 10: No benefits in kind can be authorised. The local insurance scheme does not provide for benefits in kind in connection with invalidity.

Decision reserved: Bahamas, Bermuda, Hong Kong—13 April 1964; Bechuanaland, British Honduras, Falkland Islands, Fiji, Gambia, Grenada, Malta, Mauritius, Swaziland—21 May 1964.

Not applicable: Gibraltar—21 May 1964.

Convention No. 42.

Applicable without modification: British Honduras, Gibraltar, Malta, Mauritius—21 May 1964.

Applicable with the following modification: Gambia—21 May 1964: Article 2: Excluded.

Decision reserved: Bahamas, Bermuda, Hong Kong—13 April 1964; Falkland Islands, Fiji, Grenada—21 May 1964.

Convention No. 44.

Applicable with the following modification: Malta—21 May 1964: Article 3: Benefit is paid only where a person is deemed to be unemployed.

Convention No. 59.

Applicable without modification: Bermuda—21 May 1964.

Convention No. 63.

Applicable without modification: Barbados (excluding Part III), Gambia (excluding Parts III and IV), Gilbert and Ellice Islands (excluding Parts II and IV)—21 May 1964.

Convention No. 74.

Applicable without modification: Barbados—13 April 1964.

Convention No. 85.

Applicable without modification: Swaziland—13 April 1964.

1 This declaration supersedes the declaration of 27 March 1950.
2 This declaration supersedes the declaration of 8 March 1961.
3 This declaration supersedes the declaration of 27 March 1950.
Convention No. 87.
Applicable without modification: Barbados 1—13 April 1964.

Convention No. 88.
Applicable with the following modification: Mauritius 2—3 March 1964: Article 7: There is no specialisation by occupation or industry or special provision for the particular categories of applicants for employment referred to.

Convention No. 95.
Applicable without modification: Swaziland 3—13 April 1964.

Convention No. 98.
Applicable without modification: Barbados 1—13 April 1964.

1 This declaration supersedes the declaration of 13 March 1961.
2 This declaration supersedes the declaration of 22 March 1958.
3 This declaration supersedes the declaration of 10 June 1958.
Relations with Other International Organisations

Recognition of the Jurisdiction of the Administrative Tribunal of the International Labour Organisation by the European Organisation for the Safety of Air Navigation (EUROCONTROL)

In a letter dated 20 March 1964 the Director-General of the Air Traffic Services Agency of the European Organisation for the Safety of Air Navigation communicated to the Director-General of the International Labour Office a declaration recognising the jurisdiction of the Administrative Tribunal of the I.L.O. to hear complaints alleging non-observance, in substance or in form, of the provisions of the Service Regulations of the Agency. This declaration also recognises the Tribunal's Rules of Procedure.

This matter was brought to the attention of the Governing Body of the International Labour Office at its 159th Session (June-July 1964); it approved the application of the Statute of the Administrative Tribunal to the European Organisation for the Safety of Air Navigation.

The letter sent by the Director-General of the Agency to the Director-General of the I.L.O. is reproduced below.

Letter from the Director-General of the Air Traffic Services Agency of the European Organisation for the Safety of Air Navigation to the Director-General of the International Labour Office

(Translation)


Sir,

I have the honour to inform you that the competent authorities of EUROCONTROL have finally approved the Service Regulations of the Agency. These Service Regulations came into force on 1 September 1963.

Article 93 of the Service Regulations provides as follows:

1. Any dispute between the Agency and one of the persons referred to in the present Service Regulations involving non-observance, in substance or in form, of the provisions of the present Statute, shall be referred to the Administrative Tribunal of the International Labour Organisation in the absence of a competent national jurisdiction.

2. A complaint to the Tribunal shall not be receivable unless the decision impugned is a final decision, and the person concerned has exhausted such other means of resisting it as are open to him under the present Service Regulations.

To be receivable, a complaint must also have been filed within 90 days after the complainant was notified of the decision impugned or, in the case of a decision affecting a class of officials, after the decision was published.

Where the competent Agency authority fails to take a decision upon any claim of an official within 60 days from the notification of the claim to it, the person concerned may have recourse to the Tribunal, and his complaint shall be receivable in the same manner as a complaint against a final decision.

The period of 90 days provided for by the last preceding subparagraph shall run from the expiration of the 60 days allowed for the taking of the decision by the aforementioned authority.

The filing of a complaint shall not involve suspension of the execution of the decision impugned.
3. Appeals shall be filed and heard under the conditions laid down by the Rules of Procedure of the Tribunal.

By virtue of the powers vested in me by article 102, paragraph 3, of the EUROCONTROL Service Regulations and in pursuance of the article quoted above, I have the honour to inform you, in conformity with article II, paragraph 5, of the Statute of the Administrative Tribunal of the International Labour Organisation and the Annex to that Statute, that I hereby recognise on behalf of EUROCONTROL the jurisdiction of the Administrative Tribunal of the I.L.O. to hear complaints alleging non-observance, in substance or in form, of the provisions of the EUROCONTROL Service Regulations, and that I likewise accept on behalf of this Agency the Rules of Procedure of the Tribunal.

The present declaration applies to complaints alleging a non-observance of the Service Regulations subsequent to the date of receipt of this declaration by the Director-General of the International Labour Office.

I have the honour, to be, Sir, etc.,

(Signed) R. BULIN,
Director-General.
Office Publications and Documents

INTERNATIONAL LABOUR REVIEW

The following, in addition to the regular section "Information" and the Bibliography, are the contents of recent issues of the International Labour Review.

May 1964:
Labour Cost as a Factor in International Trade.
The Status of Women in the United States, by Esther Peterson.
Industrial Relations in Post-War Finland, by Raf. RINNE.

June 1964:
Manpower Planning and the Restructuring of Education, by Avner HOVNE.
Labour Policy in Ethiopia, by Georg Graf von Baudissin.
Medical Care Protection under Social Security Schemes: A Statistical Study of Selected Countries.

July 1964:
Youth and Work in Latin America. I: The Employment of Children.
Upgrading Training of Skilled Workers in the U.A.R., by Moujid ELIA.
Manpower Policy in Japan, by Saburo OKITA.

The statistical supplement for May contains statistics on unemployment and consumer price indices. The June supplement contains statistics on employment and unemployment, consumer price indices, wages and hours of work. The July supplement contains statistics on employment and consumer price indices. A special issue of the July supplement contains the results of the October 1963 inquiry into hourly wages of adult wage earners and monthly salaries and normal hours of work per week of employees in selected occupations, as well as retail prices of selected consumer goods.

LEGISLATIVE SERIES

The March-April 1964 issue of the Legislative Series contains texts promulgated in 1962-63 dealing with the following subjects.

Labour legislation:
Australia (New South Wales) 1 (1962) : Employment in factories, shops and industries.
Dominican Republic 1 (1963) : Constitution.
Germany (Democratic Republic) 1 (1962) : Occupational hygiene and safety.
Iraq 1 (1963) : Dismissal.
Norway 1 (1963) : Domestic workers.

Social security legislation:

The May-June 1964 issue contains texts promulgated in 1961 and 1962 dealing with the following subjects.

Labour legislation:

Social security legislation:

These issues also contain lists of recent labour legislation.

DOCUMENTS OF THE INTERNATIONAL LABOUR CONFERENCE (48TH SESSION)

In preparation for the 48th Session of the Conference (June-July 1964) the Office published the following reports.

SUMMARY OF REPORTS ON RATIFIED CONVENTIONS

This volume represents the first part of the report submitted in connection with the third item on the agenda: “Information and reports on the application of Conventions and Recommendations.”

Article 22 of the Constitution of the I.L.O. requires each Member to agree to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. Article 23 provides that the Director-General of the I.L.O. shall lay before the Conference a summary of the reports communicated in pursuance of article 22.

The present summary, which covers the period from 1 July 1961 to 30 June 1963, contains information on the Conventions in force at that time, and in certain cases


information received too late for inclusion in last year’s summary. A table indicating ratifications and, in the case of non-metropolitan territories, declarations of application, appears under each Convention. Voluntary reports (in respect of Conventions which are not in force for the countries concerned) supplied by certain governments are also summarised.

The present publication conforms to a decision taken by the Governing Body at its 134th Session (March 1957) laying down new criteria for the inclusion of information in the summary of annual reports, in order to reduce its size and to focus attention on the detailed particulars given in the first reports submitted following ratification and on important changes in the subsequent application of a Convention. This volume includes, therefore, as regards first reports, the principal legislation and regulations giving effect to a Convention, information on the manner in which each of its substantive Articles is implemented and a brief record of the way in which it is applied in practice. In the case of all subsequent reports mention is made only of information supplied in response to a request or an observation of the Committee of Experts or of the Conference Committee on the Application of Conventions and Recommendations (unless these replies have already appeared in the reports of one or the other of these Committees, in which case the summary merely refers to the relevant document), or of important changes which have occurred in the legislation or practice of a country. Information on practical application (statistics, etc.) and on changes of secondary importance is no longer summarised, but separate mention is made, under each Convention, of countries which have supplied such data and of countries which refer to or repeat information previously reported.

As decided by the Governing Body at its 142nd Session and endorsed by the Conference at its 43rd Session (both held in June 1959), and confirmed by these bodies in 1961, governments need supply detailed reports only every two years. For this purpose Conventions in force have been divided into two groups, and detailed reports are requested in alternate years on one of these groups. This year’s summary covers primarily the reports on the Conventions in the second of these groups as well as other reports which are also due under the above-mentioned decision (first reports or cases of serious divergences between the national law and practice and the provisions of a ratified Convention observed by the Committee of Experts or the Conference Committee).

The summaries of reports on the application of Conventions in non-metropolitan territories are printed in a separate section, following that concerning metropolitan countries.

At the end of the respective sections of the summary information is given regarding the communication by governments of copies of their reports to the representative organisations of employers and workers.

Information supplied by the governments of new member States, which is summarised in the metropolitan countries section of the report, is limited to particulars not previously included in the non-metropolitan territories section of the report.

REPORT OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

This volume contains the report of the 34th Session (Geneva, 13-25 March 1964) of the Committee of Experts appointed by the Governing Body of the I.L.O. to examine the information and reports submitted under articles 19, 22 and 35 of the Constitution by Members of the International Labour Organisation upon the application by them of Conventions and Recommendations.

The Committee's report is divided into three parts.

The first, "General Report", contains the general observations of the Committee on the application of Conventions and Recommendations and their submission to the competent authorities. The Committee notes that from 1 January to 31 December 1963 a total of 126 ratifications were registered (82 new ratifications and 44 resulting from the continuance by new member States of the obligations undertaken on their behalf by the States which were previously responsible for their international relations). At the time of the adoption of the Committee's report the total number of ratifications amounted to 2,882, and there was a total of 1,250 declarations of application to non-metropolitan territories (1,099 without modifications and 151 with modifications). The total number of reports and other information examined this year by the Committee and supplied by governments in virtue of articles 19, 22 and 35 of the Constitution amounted to approximately 2,400.

The second part of the report contains the observations of the Committee concerning particular countries, divided into three chapters: observations concerning annual reports on ratified Conventions (article 22 of the Constitution); observations on the application of Conventions in non-metropolitan territories (article 22 and article 35, paragraphs 6 and 8, of the Constitution); and observations concerning the submission to the competent authorities of the Conventions and Recommendations adopted by the International Labour Conference (article 19 of the Constitution). An index by countries of the observations made by the Committee may be found at the beginning of the report. Governments have the opportunity of replying to these observations during the International Labour Conference.

The third part of the report deals with the reports furnished by governments under articles 19 and 22 of the Constitution in respect of unratified Conventions and of Recommendations selected by the Governing Body. It consists of two surveys. The first covers the Holidays with Pay Convention, 1936 (No. 52), the Holidays with Pay Recommendation, 1936 (No. 47), the Holidays with Pay Recommendation, 1954 (No. 98) and the Holidays with Pay (Agriculture) Convention, 1952 (No. 101). The second survey covers the Weekly Rest (Industry) Convention, 1921 (No. 14), the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) and the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103). In the general conclusions on the first survey the Committee notes that it is particularly opportune that, in conformity with the resolution on holidays with pay adopted by the Conference in 1961, the I.L.O. is now considering measures with a view to raising present international standards on annual holidays with pay. In the general conclusions on the second survey the Committee notes that weekly rest is undoubtedly the best observed, or one of the best observed, terms of employment in the world. Its length is increasing, especially under the influence of collective bargaining. This tendency is more notable in industrialised countries, owing no doubt to the radical changes which modern industry has brought in the methods of production.

**DOCUMENTS OF THE INTERNATIONAL LABOUR CONFERENCE (49TH SESSION)**

In preparation for the 49th (1965) Session of the International Labour Conference the Office has published the following report.

**THE ROLE OF CO-OPERATIVES IN THE ECONOMIC AND SOCIAL DEVELOPMENT OF DEVELOPING COUNTRIES**

In February 1964, at its 158th Session, the Governing Body decided to include in the agenda of the 49th (1965) Session of the International Labour Conference the question of the role of co-operatives in the economic and social development of developing countries.

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developing countries, with a view to—(a) a general discussion; and (b) the formulation of a Recommendation to deal with certain practical aspects of co-operation.

The report, which was prepared by the Office in pursuance of article 39 of the Conference Standing Orders, has three chapters relating respectively to the co-operative solution to economic and social problems, factors impeding development and conditions for success, and final remarks. The report is completed by a questionnaire to which governments are requested to reply.

MINUTES OF THE GOVERNING BODY
156TH SESSION

This volume contains a record of the discussions of the Governing Body, the documents relating to the various items on the agenda, and the decisions taken at its 156th Session (28 and 29 June 1963).

STUDIES AND REPORTS

The Office has recently published a study entitled Employment and Economic Growth in its new series of studies and reports.

EMPLOYMENT AND ECONOMIC GROWTH

In the introduction the I.L.O.'s activities are reviewed in relation to problems of employment, unemployment and underemployment. Chapter I, entitled "Employment, Unemployment and Underemployment: Trends and Problems", gives statistics and analyses regarding the employment problems and policies discussed in Chapters II to VIII.

Chapter II examines the objectives of employment policy and its relation to other economic and social objectives, in particular rapid economic development. Chapter III contains a discussion of certain general principles of employment policy which would seem generally applicable in countries at different stages of economic development. Chapter IV deals with employment problems associated with fluctuations in the general level of economic activity, and Chapter V with employment problems in relation to structural change. Chapter VI deals with employment problems linked with insufficient economic development. Chapter VII studies the role of employers and workers and their organisations. Lastly, in Chapter VIII, international action to promote employment objectives is envisaged.

The report is completed by eight tables, two graphs and a general alphabetical index.

MANUAL OF INDUSTRIAL RADIATION PROTECTION

PART IV: GUIDE ON PROTECTION AGAINST IONISING RADIATIONS IN INDUSTRIAL RADIOGRAPHY AND FLUOROSCOPY

This guide sets forth the specific safeguards required to control radiation exposures in radiography and fluoroscopy. In preparing it, the Office has consulted the International Atomic Energy Agency (I.A.E.A.).
PART V: GUIDE ON PROTECTION AGAINST IONISING RADIATIONS IN THE APPLICATION OF LUMINOUS COMPOUNDS

This is the fifth and last part of the manual and is complementary to Part III. It describes the specific safeguards required to control radiation exposures in the luminising industry. The protection criteria are based on the recommendations of the International Commission on Radiological Protection (I.C.R.P.), and I.A.E.A. was again consulted.

WORKERS' EDUCATION MANUALS

The Office has recently published Wages, sixth manual in a series which gives concise documentation to stimulate interest among workers attending study courses or seminars and to serve as a starting point for discussion and further study. The first five manuals have been published by the I.L.O. in Arabic, English, French, Spanish, German, Hindi, Japanese and Urdu. In addition, local versions have been published in Burmese, Chinese, Greek, Gujerati, Hebrew, Persian, Serbo-Croat, Sindhi, Tamil and Turkish, with the authorisation of the I.L.O.

WAGES

The manual consists of an introduction and 16 lessons, each of which begins with a summary, which defines the nature and scope of the points discussed, and ends with a series of questions designed to stimulate further thought. After a historical survey, four lessons deal with the bases for fixing wages. Systems of payment by results, fringe benefits and profit-sharing schemes are analysed in the sixth, eighth and ninth lessons, while the seventh deals with job evaluation as a basis for rational wage fixing. The tenth to thirteenth lessons cover wage-fixing methods, women's wages, wage protection and theories relating to wages. The fourteenth and fifteenth are concerned with the main problems encountered by national wages policies and refer to certain aspects of the systems in operation in the Scandinavian countries and the United Kingdom, as well as in centrally planned economies. The last lesson deals with the international problems caused by wage differences and the measures advocated by the International Labour Conference in its Conventions and Recommendations on the subject (reproduced in an appendix). The manual is completed by a list of publications to facilitate further study.

MIMEOGRAPHED DOCUMENTS

Reports on Various Meetings

Reunión técnica sobre formación profesional y empleo en el medio rural en relación con la reforma agraria (Technical Meeting on Vocational Training and Employment in the Rural Sector in Relation to Agrarian Reform) (Caracas, September-October 1963).

Final Report of the Meeting (organised by the Office jointly with the Food and Agriculture Organisation of the United Nations, with the participation of the Organisa-

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4 Limited quantities of these documents are available; copies are obtainable from the I.L.O., Geneva.

Reunión técnica latinoamericana sobre cooperativas (Latin American Regional Technical Meeting on Co-operation) (Santiago, Chile, November-December 1963).


(These reports are issued in Spanish only.)

I.L.O. Technical Assistance Mission Reports

Cameroon:
La réorganisation de la caisse de compensation des prestations familiales (Reorganisation of the Family Benefits Equalisation Fund) (OIT/OTA/Cameroun/R.5).

Central African Republic:
Les besoins en personnel d'encadrement moyen et subalterne et sa formation professionnelle (Requirements and vocational training for medium- and lower-grade supervisory personnel) (OIT/OTA/Centrafricaine/R.1).

Chile:
Formación profesional agrícola (Vocational training in agriculture) (OIT/OTA/Chile/R.7).

Congo (Leopoldville):
Mission d'éducation ouvrière en République du Congo (Léopoldville) (Workers' education mission to the Republic of the Congo (Leopoldville)) (OIT/ONUC/Congo (Léo)/R.6).

Ghana:
The development of the employment and manpower information programme (ILO/TAP/Ghana/R.7).

Lebanon:
L'éducation ouvrière au Liban (Workers' education in the Lebanon) (OIT/OTA/Liban/R.5).

Nicaragua:
Los servicios médicos del Instituto Nacional de Seguridad Social (OIT/OTA/Nicaragua/R.4).

Nigeria:
Workers' education in Nigeria (ILO/OTA/Nigeria/R.7).

Pakistan:
Development of an apprenticeship scheme (ILO/TAP/Pakistan/R.28).
Labour problems in inland water transport in East Pakistan (ILO/TAP/Pakistan/R.29).
A manpower assessment and planning programme (ILO/TAP/Pakistan/R.30).

Peru:
El perfeccionamiento del programa de información acerca del empleo del Servicio del Empleo y Recursos Humanos (Improvement of the Employment and Manpower Service information programme) (OIT/TAP/Perú/R.8).

Senegal:
L'organisation du service de la main-d'œuvre (Organisation of the manpower service) (OIT/TAP/Sénégal/R.5).

Syrian Arab Republic:
L'éducation ouvrière dans la République arabe syrienne (Workers' education in the Syrian Arab Republic) (OIT/OTA/Syrte/R.4).
Interim report on the development of accelerated training (automobile mechanics section) (ILO/TAP/Syria/R.5).

Yugoslavia:
The vocational rehabilitation and employment of the disabled in Skopje (ILO/TAP/Yugoslavia/R.3).
Building, Civil Engineering and Public Works Committee

(Seventh Session, Geneva, 4-15 May 1964)

Note on the General Discussion, Reports of the Subcommittees, Conclusions and Resolutions Adopted

The Seventh Session of the Building, Civil Engineering and Public Works Committee\(^1\) was held at the International Labour Office, Geneva, from 4 to 15 May 1964.

The agenda of the Meeting, which had been drawn up by the Governing Body of the International Labour Office at its 153rd Session (November 1962), was as follows:

I. General Report, dealing particularly with—
   (a) action taken in the various countries in the light of the conclusions adopted at previous sessions of the Committee;
   (b) steps taken by the Office to follow up the studies and inquiries proposed by the Committee;
   (c) recent events and developments in the construction industry.

II. Technological changes in the construction industry and their socio-economic consequences.

III. Practical measures for the regularisation of employment in the construction industry.

The International Labour Office had prepared a report on each of the above items.

In accordance with the decision of the Governing Body the Chairman of the Seventh Session was Mr. G. C. H. Slater, Under-Secretary, Ministry of Labour, London, and representative of the United Kingdom Government on the Governing Body.

The Committee elected two Vice-Chairmen: Mr. R. Becker (Federal Republic of Germany) for the Employers’ group and Mr. G. Berger (Swiss) for the Workers’ group.

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All of the 25 countries which are members of the Committee were represented at the Seventh Session:

Argentina.  
Australia.  
Austria.  
Brazil.  
Canada.  
Chile.  
Denmark.  
Finland.  
France.  
Federal Republic of Germany.  
India.  
Japan.  
Mexico.  
Morocco.  
Netherlands.  
Norway.  
Poland.  
Sweden.  
Switzerland.  
U.S.S.R.  
United Arab Republic.  
United Kingdom.  
United States.  

The Government of Iran was represented by an observer.

The Governing Body was represented by a delegation composed as follows:

**Government group**: Mr. G. C. H. Slater (United Kingdom).

**Employers’ group**: Mr. N. H. Tata (Indian).

**Workers’ group**: Mr. E. Nielsen (Danish).

Representatives of the United Nations and the European Economic Community were present at the session. In addition, observers from the following non-governmental international organisations were present at the session: European Federation of National Associations of Engineers; Inter-American Federation of the Construction Industry; International Secretariat of Catholic Technologists, Agriculturists and Economists; International Confederation of Free Trade Unions; International Federation of Asian and Western Pacific Contractors’ Associations; International Federation of Building and Public Works; International Federation of Building and Woodworkers; International Federation of Christian Trade Unions; International Federation of Christian Trade Unions of Building and Woodworkers; International Federation of Building and Woodworkers; International Organisation of Employers; International Union of Architects; and World Federation of Trade Unions.

The Committee was divided into two Subcommittees, namely a Subcommittee on Technological Changes in the Construction Industry and a Subcommittee on Regularisation of Employment, for the examination of the two technical items on the agenda. In addition, the Committee set up a Steering Committee and a Working Party to Consider the Effect Given to the Conclusions Adopted by the Committee at Its Previous Sessions.

Eight plenary sittings were held during the session, six of them being devoted in particular to a general discussion of the problems of the construction industry.

This note gives an outline of the deliberations in the plenary sitting, the text of the reports, conclusions and resolutions adopted by the Committee, and a summary of the discussions leading to the adoption of these texts.

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1 Organisation with consultative status.
OPENING SPEECHES

Addressing the opening sitting of the Committee, Mr. Abbas Ammar, the Secretary-General, referred to the unprecedented boom which the construction industry was experiencing. The industry was, at the same time, becoming increasingly international in character: important construction projects, involving two or more countries, were being planned and executed in all parts of the world, and in many cases large construction firms from highly industrialised countries were undertaking major economic development projects in less industrialised countries. The numerous problems which arose when industrially advanced countries carried out works in industrially less developed countries deserved special attention.

If the industry was efficiently to meet the huge demand for its products, both in industrially advanced countries and in countries which were still in the process of developing, it would have to adapt itself so as to derive the maximum advantage from technological progress. Moreover, the stabilisation of the industry remained the basic problem which had to be solved, in spite of the fact that its importance was in many countries largely masked by the current building boom. In working out ways and means for solving such major problems of the industry the Committee would be serving not only the countries whose delegations had come to the session, but also the world as a whole.

The Chairman pointed out that the importance of the products of the construction industry was greater than ever before: the rapidly increasing world population needed housing and the amenities which should go with housing—roads, water supplies, sewerage, electricity, etc. It also increasingly needed shops, schools and hospitals, as well as the factories and offices where other industries and services could provide employment for the increasing population. With all these growing needs throughout the world, it might be asked whether, in practice, the industry could meet the demand for its products. It was to be hoped that the work of the Committee would facilitate the industry’s response to this challenge.

Mr. Tata said that the work which the Committee was called upon to do was of particular importance in the world today: modern techniques could prove of real help in solving the housing problem, which was particularly acute in the less developed countries. Such countries could benefit greatly from meetings of this kind.

Mr. Nielsen expressed particular satisfaction at the practical nature of the items on the agenda of the session; the two technical items related to real problems, the solution of which could bring great benefit to mankind. It was to be hoped that the Committee would reach detailed and practical conclusions.

GENERAL DISCUSSION

The State of the Industry

Several delegates described the current situation in the industry in their respective countries. In most countries activity in the industry was at the highest level hitherto known, and the prospects were of an ever-increasing demand. Thus, for instance, the construction industry in the United Kingdom was being called upon to raise its output by 50 per cent. over the coming decade—without, however, any appreciable increase in its labour force; at present one male worker in 11 was employed in this industry.

In Canada the construction industry, and the industries supplying it, accounted for 18 to 22 per cent. of the gross national product, and for 18 per cent. of the total national labour force. In Poland building undertakings were experiencing a shortage of labour, except in winter, while in the U.S.S.R. the progress of the entire national economy and the improvement of the workers’ standard of living depended on the development of the construction industry. In Japan the value of construction work completed in 1963 represented an increase of as much as 300 per cent. over 1958. Construction had now become the principal industry in the United States, accounting for 15 per cent. of the
gross national product: one worker in seven was employed directly or indirectly in construction, and 4 per cent. of the total work force was employed on site work, while since 1943 employment in construction had grown at treble the rate for all industries. Similarly, in France, employment in the building sector of the construction industry had increased by 55 per cent. during the period from 1947 to 1963.

Despite the boom the industry was faced with a number of very real problems. Thus, for instance, the German Workers' delegate, who was also Chairman of the Workers' group, pointed out that stability of employment and earnings had yet to be achieved; in too many countries the level of construction activity was left to haphazard influences. The General Secretary of the Trade Unions International of Workers in the Building, Wood and Building Materials Industries (F.S.M.) pointed out that the speeding up of production was in some countries resulting in greater risk of accidents, in monotony and, paradoxically, in unemployment. In this latter connection the Brazilian Employers' delegate drew attention to the need for governments to establish suitable means for controlling and stimulating the industry. He urged contractors to speed the technological development of the industry, bearing in mind the well-being of their workers, who had the important—and sometimes thankless—task of carrying out the physical construction work. The Argentine Employers' delegate pointed out that shortage of capital was paralysing the industry.

The Situation in Developing Countries

Many delegates expressed concern at the situation of the industry in developing countries. There was general agreement on the need for technical assistance to enable the industry in such countries to meet the needs of the community.

Man or Machine?

Particular reference was made to the value of considering the advantages which might be derived from the use of labour-intensive building and civil engineering techniques in those less developed countries which were suffering from large-scale unemployment and underemployment and in which, moreover, there was often a shortage of foreign exchange reserves. The German Workers' delegate felt that in many cases decisions to use highly mechanised techniques had been reached not as a result of any consideration of the interests of the national economy as a whole, or of the employment situation in the country concerned, but rather as the result of sales pressure from persons commercially interested in selling mechanised earth-moving and similar equipment. Would it not be more intelligent, he asked, to provide some thousands of workers with picks, shovels and similar simple equipment, and to create large-scale employment, rather than incur heavy expenditure on the purchase of costly machines which would give practically no employment? Labour-intensive construction techniques could in many cases prove to be no less efficient than capital-intensive techniques.

The Indian Employers' delegate commented that, although India had large reserves of unskilled labour, modern mechanised techniques were now frequently being employed for the execution of building and civil engineering works. Workers in India had apparently adjusted themselves to such technological changes.

In this connection the Moroccan Employers' delegate raised the question of the extent to which the techniques practised in highly industrialised countries were compatible with the interests and circumstances of less developed countries; techniques which were appropriate to the carrying out of works in the former were not necessarily suitable for application, unmodified, in the latter. Thus the importation of foreign machines, merely because of their productive efficiency and because of their low labour requirements, could not be justified; it should not be forgotten that these machines had to be not only purchased, but also maintained and replaced—generally at heavy cost.

The Contractor Abroad.

The United Kingdom Employers' delegate referred to the important role which was being played by contracting firms based in highly industrialised countries and
carrying out building and civil engineering works in less industrialised countries. In this connection the standard form of contract prepared by the International Federation of Building and Public Works in collaboration with the International Federation of Consulting Engineers was proving its value in many countries. In the United Kingdom alone there were at present no less than 63 building and civil engineering firms contracting in some 70 overseas countries.

Manpower Problems

Recruitment.

Several delegates referred to the marked reluctance of young workers to enter the construction industry, and to the fact that many workers in the industry were leaving it in order to take up more attractive employment in other industries. This state of affairs called for immediate action; employment in the industry had to be stabilised, while conditions of work had to be significantly improved before there could be any hope of a reversal of these trends. The French Employers' delegate pointed out, however, that in France young people were in fact being attracted to the building industry: thus, for instance, the 25-to-29 age group, which constituted 9.6 per cent. of the total male population in France, represented no less than 20 per cent. of the manpower at present employed in the construction industry.

Vocational Training.

The Netherlands Government delegate pointed out that the manpower situation in the industry might be improved if unskilled adult unemployed workers could receive adequate training to enable them to enter skilled employment in building and civil engineering. In the Netherlands some 24 centres were providing training of this kind for 1,500 adult workers. The Japanese Government delegate reported that similar concern was felt in Japan with regard to the need for the training of building workers; the Government was increasing the number of training centres, and at present approximately 40 per cent. of those attending them were being trained for the construction industry. The Japanese Workers' delegate, however, deplored the fact that in his country measures for retraining to enable workers to adapt themselves to technological progress were being largely left to small firms and to the trade unions; the assistance offered by the Government and large firms in this field was, he felt, negligible.

The U.S.S.R. Government delegate pointed out that his country had acquired considerable experience in the training of workers and of supervisors, and would be prepared to give every assistance to the I.L.O. in the organisation of a seminar for improving methods of training construction workers, in particular among the young. The United Kingdom Government delegate gave an account of the special steps which were being taken to improve vocational training in the construction industry in his country; the United Kingdom Minister of Labour had recently stated that the period of five or sometimes four years which was still being required for the training of many skilled construction workers could no longer be justified.

The United Kingdom Workers' delegate urged that vocational training be regarded by trade unions as the key to the future of the construction industry; workers should keep abreast of technological change, for an inadequately trained worker was a danger not only to other workers and to the industry as a whole, but also to himself.

With regard to the question of whether an individual worker should acquire more than one of the traditionally separate skills, the U.S.S.R. Workers' delegate reported that the organisation of work was much better in cases in which each worker had acquired two or three skills.

International Migration

The German Workers' delegate stressed the need to ensure that in practice—and not merely in theory—immigrant construction workers should be treated no less favourably than other workers. It was not sufficient to proclaim that the immigrant worker was entitled to a dwelling; he must be provided with one. The immigrant
should, moreover, be informed in his own language of the detailed provisions of his contract of employment, of the intergovernmental agreements covering his migration and of the collective agreements relating to his conditions of work. In this connection the General Secretary of the Trade Unions International of the Building, Wood and Building Materials Industries, as well as the Netherlands Workers’ adviser, pointed out that, despite the guarantees contained in legislation and in collective agreements, immigrant construction workers did not in practice always enjoy equality with nationals of the host country; the I.L.O. should do more to supervise the application of its recommendations in this field.

The French Government delegate recognised that, in practice, the basic right to accommodation was not always matched by physical occupation of a dwelling; because of the housing shortage in France, a choice had sometimes to be made between a French family which had been waiting for accommodation for years and the family of a foreign worker who had illegally entered France. His Government was, however, concerned with the problems faced by immigrant workers and was establishing a fund for social action on their behalf. The Government delegate from the Federal Republic of Germany pointed out that his Government was also aware of these problems and had set aside credits for the housing of immigrant workers.

The German Workers’ delegate drew attention to the existence of some serious abuses with regard to the international migration of construction workers. He stated that, in Turkey for instance, unscrupulous operators had set up private agencies which offered, in return for exorbitant sums, to place workers in foreign countries. These agencies further attempted to extract from the worker, once he had taken up the job in question, a substantial proportion—which in some cases amounted to as much as one-third—of his subsequent earnings. Nor were these the only abuses from which migrant construction workers suffered. In Spain, for instance, the Government compelled prospective emigrants to pay a substantial sum for which there was no justification. The French Workers’ delegate pointed out that, although immigrants accounted for 25 per cent. of the construction labour force in France, they were deprived of a number of rights and advantages enjoyed by their French workmates and found that promises made at the time of recruitment were often not being honoured.

The Moroccan Employers’ delegate drew attention to the fact that the use of large numbers of foreign workers in industrialised countries had also created serious problems in the field of human relations. These problems had not yet been solved.

The Argentine Workers’ delegate called for the prohibition of the employment in the construction industry of foreign workers during periods of unemployment; in his country the over-supply of labour had reached the point where skilled workers were now being forced to accept jobs as ordinary labourers. The Indian Employers’ delegate referred to the problems which had resulted from the large-scale forced migration of workers who had been compelled to seek refuge from neighbouring territories in India.

**Conditions of Work**

Several delegates stressed the need to improve conditions of work in the industry. The Workers’ delegate from the Federal Republic of Germany pointed out that public opinion frequently criticised the disparity between conditions of work in the construction industry and those which existed in other industries; such a situation could not be allowed to continue. The President of the International Federation of Christian Trade Unions of Building and Woodworkers called for better “housekeeping” and cleanliness on sites, and for abandonment of the practice whereby construction workers were transported by lorry to and from the sites on which they were employed; the worker should, moreover, be able to be in a clean and presentable condition when leaving his work. The President of the International Federation of Building and Woodworkers said it was intolerable that building workers should often be compelled to take their “holidays” during periods of bad weather, with the result that they were the only people to suffer from excessive exposure to the sun during their hours of work, without being able to enjoy the sun during the normal holiday season. The Indian Employers’ delegate pointed out, however, that construction workers in India
now enjoyed better conditions than ever before, this being partly due to legislation on minimum wages, holidays with pay, workmen's compensation and measures for the settling of labour-management disputes. The fact that unemployment was now at a minimum had also contributed to this situation. The Australian Workers' delegate called for the introduction of long-service leave for workers who had worked in the industry for a number of years.

**Hours of Work.**

Several Workers' delegates complained about the unsatisfactory position with regard to hours of work. In particular, the Japanese Workers' delegate stated that hours of work were quite excessive, while the French Workers' delegate reported that the actual hours being worked in this industry were breaking all records; a recent inquiry conducted by the French Ministry of Labour had shown that 20.9 per cent. of all building workers worked from 49 to 52 hours per week, while 39.9 per cent. worked 53 hours or more.

**Wages**

The Australian Workers' delegate complained that, as regards wages, it seemed that many employers were more concerned with the materials used than with the human beings employed on building and civil engineering works. The Japanese Workers' delegate mentioned that while, as the result of a long struggle, the Japanese law fixing maximum wages had been repealed, workers there found it almost impossible to obtain a decent standard of living. The French Workers' delegate reported that a recent study which had been carried out by the French Ministry of Labour had brought out the fact that in comparison with other industries the construction industry ranked sixteenth as regards the wages paid to skilled workers, and eighteenth as regards those paid to unskilled labour.

The Chilean Employers' delegate recognised that the position with regard to wages could not be said to be everywhere satisfactory; in his country monetary devaluation had kept wages well behind the rising cost of living, while competition between contractors to build at the lowest possible price also contributed to keeping wages depressed. An investigation undertaken by the Chilean Chamber of Construction, an employers' organisation, had, indeed, brought out the fact that the basic wage of a Chilean worker should be at least 50 to 60 per cent. higher than the present minimum legal wage. The efforts of the Chamber towards this end had, however, not yet resulted in any increase in wages.

The French Employers' delegate pointed out, however, that while in his country the Government's stabilisation policy was now admittedly preventing an increase in wages, the index of wages had increased by 39.5 per cent. between the beginning of 1960 and the end of 1963, whereas the cost of living had increased by only 17.9 per cent. over the same period. The United States Employers' delegate reported that building workers were amongst the highest paid in his country, their average weekly wage being 11 per cent. higher than those of miners, and 2.8 per cent. more than those paid to workers in the manufacturing industry.

**Labour-Management Relations**

The United Kingdom Government delegate paid tribute to the good labour-management relations which existed in the industry in his country, where the time lost in trade disputes was less than one hour per man per year; ultimately every problem was, he said, a human problem, and what was needed was to arrange for the right people to do the right things in the right way. The Chilean Employers' delegate reported that, in its desire to see a strong labour movement, free from politics, develop in the construction industry, employers in Chile had collaborated in the establishment of a labour-management relations committee. The President of the International Federation of Building and Woodworkers deplored the fact that, despite a recommendation made by the General Assembly of the International Federation of Building and Public Works, a contractors' organisation, at Edinburgh in 1962, some employers gave evidence of continuing reluctance to tackle problems in collaboration with trade unions.
The observer from the International Federation of Building and Woodworkers referred to the studies which had been carried out and to the documents which had been prepared by the Office at the request of the Organisation for European Economic Co-operation in the execution of the European Productivity Agency's project on human relations in the building industry: it was deplorable that, because of the dissolution of that Agency, the documents in question had not yet been published.

Social Security

The General Secretary of the Trade Unions International of Workers of the Building, Wood and Building Materials Industries pointed out that modern equipment and materials were causing new occupational diseases and were resulting in severe hardship for many workers. Sick workers should be relieved of all financial anxiety, and provision for adequate pensions should be made.

The President of the International Federation of Building and Woodworkers also called for special consideration to be given to the problems of sick and aged workers.

In connection with occupational accidents the Australian Workers' delegate deplored the absence in his country of any special compensation for a worker who, through no fault of his own, was maimed for life because reasonable safety measures had not been taken. As regards pensions the French Employers' delegate informed the Committee that construction workers in his country were now entitled not only to the retirement pensions and sickness allowances provided for within the framework of the national social security scheme, but also to supplementary pensions and sickness allowances from a special fund which had been created within the industry.

The Working of the Committee

Languages.

There were several references to the fact that, because of language difficulties, many persons attending the session were debarred from effective participation in the work of the Committee. These difficulties would be considerably alleviated if the full texts of the reports published by the Office prior to sessions, as well as all the working documents issued in the course of sessions, were to be made available not only in English and in French, but also in German, Russian and Spanish.

Periodicity.

Numerous references were made to the desirability of reducing the intervals between sessions of the Committee. The rapidly changing nature of the problems which had to be faced by the construction industry clearly warranted the holding of sessions at shorter intervals.

Membership.

The Workers' delegate from the Federal Republic of Germany called for more equitable geographical distribution of the countries which the Governing Body selected for membership of the Committee; Africa was notably under-represented. The Indian Government delegate drew attention to the anomaly of such a populous continent as Asia being represented by only three countries, while no less than 13 European countries were members.

Implementation of Conclusions.

Views differed with regard to the effect which had been given to the conclusions reached by the Committee at its previous sessions. The President of the International Federation of Christian Trade Unions of Building and Woodworkers was gratified to note numerous instances of the Committee's recommendations having been put into practice, but the President of the International Federation of Building and Woodworkers drew attention to the fact that the relevant information which had been supplied by governments for the session contained many gaps; he hoped that these did not imply failings in the social policies of the governments concerned.
The Chilean Employers' delegate called for the setting up of national tripartite committees to implement the conclusions of the Committee and to maintain a permanent link with the I.L.O. On this point the French Workers' delegate commented that experience had taught workers that recommendations by the Committee were effective only when there was an organisation to enforce them.

The Indian Employers' delegate recalled that on the occasion of the Sixth Session of the Committee he had submitted a draft resolution calling upon the Director-General to arrange for the carrying out of on-the-spot studies into working conditions, welfare, safety and productivity in the construction industry, in accordance with the wishes which had been expressed by the Committee and approved by the Governing Body. He had been prevailed upon to withdraw that draft resolution on the assurance that prior to the present session every effort would, in practice, be made to carry out such investigations. He considered it deplorable that, despite that assurance, no on-the-spot studies had in fact been undertaken in the interval. The representative of the United Nations pointed out that on-the-spot studies of the characteristics of the construction industry in different countries would be of real value, while the Swedish Employers' delegate stated his belief that the practical solution of the problems of the industry could be found only from an analysis of the proved facts about the characteristic features of the industry in the country concerned.

**REPLY OF THE ASSISTANT SECRETARY-GENERAL**

The Assistant Secretary-General replied to the general discussion. All 25 members of the Committee were represented at the session, and 202 persons had officially attended it.

The discussion had shown that the construction industry was going through a rapid evolutionary phase, with new techniques developing fast; the exchange of views which had taken place should help to propagate the best practices which had been evolved anywhere by the industry.

The work of the Committee was a direct contribution to the achievement of the basic aims of the I.L.O. While the standard of living, including conditions of work, of the construction worker had been improving, at least in the industrially advanced countries, his desire for a steady job was still largely unfulfilled. Was it compatible with the status of the building worker or was it efficient that men should be recruited by the job only, without being offered any job security? Would enough workers, especially skilled workers, be found on this basis? Arrangements whereby a construction worker could be ensured employment or pay over long periods could now surely be contemplated. Job security was, however, largely related to training, and a complete rethinking of the whole approach to training was now called for. The Vocational Training Recommendation, 1962, could assist in providing guidelines, but the issue had to be considered in the light of the construction industry in particular. In many cases the industry was now training the builders of the twenty-first century along patterns which largely dated from the nineteenth century.

Many references had been made to the migrant worker. In spite of measures taken to facilitate his moving to another country, the migrant worker had still to face difficult problems of adaptation and had difficulty in finding suitable accommodation within his means. His employer also had problems in regard, for instance, to relations with workers speaking different languages, safety, welfare and productivity and social security.

Many speakers in the general discussion had referred to the marked improvements which had taken place as regards conditions of work. Some problems, however, still remained. Long and irregular hours of work were still a frequent occurrence, and there appeared to be many cases in which the recommendations of the Committee with regard to welfare on construction sites could usefully be applied—even though in other cases higher standards might prevail.

One of the major tasks of the construction industry was to provide decent homes for the peoples of the world. In this connection it was of special interest to note that the Workers' Housing Recommendation, 1961, adopted by the International Labour
Conference at its 45th Session, embodied many ideas which had originally been put forward by the Building, Civil Engineering and Public Works Committee. Much, however, remained to be done to enable all workers to secure adequate and decent housing accommodation and a suitable living environment within their means. This, of course, depended not only on the construction industry but on action by governments and by public authorities.

The discussions on regularisation of employment had revealed significant changes in thinking and policy since the war. All parties concerned now recognised the necessity of long-term programming in the construction industry and the importance of consultations between government and representatives of employers' and workers' organisations.

It had been suggested that, in less developed countries with a large surplus of manpower, labour-intensive rather than capital-intensive methods should be preferred where both techniques might be deemed to be economic; practical considerations, of course, set limitations to such a policy. Back-breaking methods of physical toil need not be retained, but sometimes simpler equipment removing much of the hard labour would be advantageous. The Technical Meeting on Productivity and Employment in Public Works in African Countries, which had been held under I.L.O. auspices in Lagos in December 1963, had aroused considerable interest; and the Office was receiving many requests for assistance on this problem.

The Office was heavily engaged in operational activities to help developing countries. These activities were not a matter for governments alone; the industry could help by providing experts on such matters as the vocational training of building workers, self-help housing schemes or the organisation of civil engineering works. It could also help by making arrangements to ensure that experts who thus became temporarily detached from their companies did not lose seniority, pension rights or prospects of promotion. The industry could further help by receiving holders of fellowships awarded to nationals of developing countries. Many consulting engineers and contractors were now involved in the execution of large-scale projects in countries other than their own. An exchange of views might indeed usefully take place on the kind of consideration a firm operating outside its own country should bear in mind when dealing with national labour departments and with employers' and workers' organisations of the country in which it was operating, especially as regards personnel problems and local conditions of work.

A number of speakers had expressed anxiety about the future work of the International Labour Organisation in regard to the industry-by-industry approach to labour and social problems. The 48th Session of the International Labour Conference in June 1964 would provide a further opportunity for all concerned to take up the points thus raised.

The Office was anxious that the conclusions of Committees should be made available to all those concerned in various member States in languages they could understand.

The conclusions of the Committee would be laid before the Governing Body and would, if the usual practice were followed, be sent to all States Members of the Organisation. The Committee was thus acting as an adviser to the world as a whole. It was, however, supremely important that everything possible be done, within each country, to put the Committee's recommendations into practice.

REPORTS AND CONCLUSIONS ADOPTED

Report of the Subcommittee on Technological Changes in the Construction Industry

Composition and Officers of the Subcommittee and of Its Working Party

1. The Subcommittee on Technological Changes in the Construction Industry was composed of one Government titular member, one Employers' titular member and one Workers' titular member from each of the delegations attending the Seventh Session of the Building, Civil Engineering and Public Works Committee.
2. The Subcommittee appointed its Officers as follows:

**Chairman:** Mr. A. A. L. Brentwood (Government member, Australia).

**Vice-Chairmen:** Mr. L. J. Holloway (Employers' member, United Kingdom).
Mr. L. C. Kemp (Workers' member, United Kingdom).

**Reporter:** Mr. R. Stein (Government member, Chile).

3. The Subcommittee held seven sittings.

4. At its fourth sitting the Subcommittee appointed a Working Party to draw up draft conclusions in the light of the views which had been expressed by members of the Subcommittee in the course of its deliberations. The Working Party consisted of the following members:

**Government members:**

**Titular members:**
- India: Mr. S. W. Zaman.
- Mexico: Mr. M. de Araoz.
- United States: Mr. E. C. Sylvester.

**Deputy members:**
- Austria: Mr. H. Lebzeltern.
- France: Mr. L. Gas.
- U.S.S.R.: Mr. A. S. Boldarev.

**Employers' members:**

**Titular members:**
- Mr. L. J. Holloway (United Kingdom).
- Mr. M. Parion (French).
- Mr. C. Santiestevan Echavarri (Mexican).

**Deputy members:**
- Mr. N. C. Bhargava (Indian).
- Mr. O. H. Schmith (Danish).
- Mr. H. Wellner (Austrian).

**Workers' members:**

**Titular members:**
- Mr. J. Briquet (French).
- Mr. L. C. Kemp (United Kingdom).
- Mr. G. Nottbohm (Federal Republic of Germany).

**Deputy members:**
- Mr. C. O. Johnson (Swedish).
- Mr. V. J. Martin (Australian).
- Mr. J. C. Turner (United States).

The Chairman of the Subcommittee acted as Chairman of the Working Party.

5. The Subcommittee was called upon to consider the second item on the agenda of the Committee, namely "Technological Changes in the Construction Industry and Their Socio-Economic Consequences". The Subcommittee had before it the report which, in advance of the session, had been prepared by the Office on this subject.¹

6. The representative of the Secretary-General, introducing the report, referred to some of the special features of the construction industry, such as the small average size of the undertakings, the temporary duration of operations on any one site, the geographical mobility of the labour force, the traditional impossibility of stockpiling the industry's products and the widespread lack of effective co-ordination. All these factors had far-reaching effects on the process of adaptation of the industry to modern technological and economic developments.

7. In connection with the lack of co-ordination within the industry the representative of the Secretary-General mentioned in particular the gulf which all too frequently seemed to separate those responsible for the design of building and civil engineering works (architects and consulting engineers) from those immediately responsible for the execution of such work (contractors and construction workers); it was to be hoped that the Subcommittee's work would help to bridge that gulf. The endeavours of the Subcommittee—on which both contractors and construction workers were so well represented—towards that end would be greatly facilitated by the full collaboration of the representatives of the International Union of Architects, the European Federation of National Associations of Engineers, and of the International Secretariat of Catholic Technologists, Agriculturalists and Economists. Each of these three organisations had expressed a keen interest in the item with which the Subcommittee was to deal, and had been invited by the Governing Body to collaborate in the work of the session.

8. The report which had been prepared by the Office had attempted to illustrate the fact that technological changes had—and would continue to have—major repercussions on everyone in the construction industry, including the architect, the civil engineer, the contractor, and the manual worker. It examined the various stages in the evolution and acceptance of innovations and reviewed some of the practical problems which arose at the successive stages of the construction process, from the moment when the prospective client first approached his architect or consulting engineer, until the completion of site operations and the final payment for the works. The report also examined the special problems with which many developing countries were being faced as a result of technological developments relating to the construction industry; it discussed in particular the relative advantages and drawbacks of labour-intensive and capital-intensive techniques, having regard to the employment situation in the country concerned.

General Considerations

9. The Subcommittee was in general agreement in recognising that everyone in the construction industry was affected in one way or another by the repercussions of technological change. The Italian Workers' member pointed out, however, that the repercussions on workers were frequently far from favourable; although highly mechanised techniques had led to major increases in productivity in building and civil engineering operations, the earnings of the construction worker had barely risen. Real progress should result in benefits for everyone. The Italian Government member stated that, while in Italy there had admittedly been a time-lag between increases in productivity and increases in wages, the construction worker had ultimately benefited from technological progress.

10. The Chilean Employers' member urged the Subcommittee to accept as a principle that technological changes should in fact benefit everyone in the industry. This view was supported by the U.S.S.R. Workers' member, who said that such changes should, in particular, result in higher wages, greater occupational safety and more stable employment for building and civil engineering workers.

11. The Argentine Employers' member felt, however, that it would be extremely difficult in practice to ensure that technological changes would benefit everyone. The Employers' member from the Federal Republic of Germany, while concurring in this view, mentioned that in his country collective agreements ensured construction workers an annual increase in earnings roughly corresponding to increases in productivity in the
industry. This was confirmed by the Workers' member from the Federal Republic of Germany, who added that there had, however, also been a marked increase in occupational injuries in the industry. As a result, it could hardly be said that innovations had necessarily been beneficial.

12. The French Workers' member emphasised the wide disparity in the extent to which technological changes resulted in real benefits for different persons. Although major technological progress had been achieved in building and civil engineering operations in France during recent years, neither construction costs nor rents had been reduced. Moreover, the health of many construction workers had suffered from the great fatigue caused by jobs such as the driving of heavy earth-moving equipment for periods as long as ten hours. Skilled building workers who had been transferred from site work to jobs in prefabrication plants had been offered lower wages because of the reduced skill required for work in such plants. The conditions of work on major public works sites—on which the most costly machinery was being used—were simply not good enough. In the light of these facts it was evident that construction workers in France had in no way benefited from technological innovations.

13. The French Government member pointed out that his Government's policy with regard to technological changes in the construction industry was set forth by the Ministry for Construction in an official circular issued as recently as 15 February 1964. This stated expressly that one of the aims of this policy was "to transform conditions in the building trades so as to make them comparable to those in other industries". Stabilisation of the industry was another aim of this policy.

14. The U.S.S.R. Government member, referring to the progress made in his country in the modernisation of building and civil engineering operations, stated that employment had been increased, new occupations had been created within the construction industry and the workers' task had been facilitated. While it was clear that technological changes affected everyone in the industry, it was important that, in any given country, all innovations should be controlled by the government so as to ensure effective safeguards as regards occupational safety and the level of the workers' earnings.

15. The Subcommittee was in general agreement with the Indian Government member's view that—quite apart from such detailed consideration as would undoubtedly be given to the special problems to which technological changes in building and in civil engineering gave rise within industrially less developed countries—the governments of industrialised countries should, as a matter of general principle in the world of today, give every possible aid to the construction industry in developing countries. The industry in the latter countries lacked both material resources and technically qualified personnel, but the countries concerned were in urgent need of housing and of the other products of the industry.

16. The Brazilian Employers' member, referring to the progress which had already been achieved in prefabrication in his country, said that further progress, involving major expansion of this sector of the industry, was essential if the housing problem was to be tackled realistically. Workers employed in prefabrication plants would have the necessary skills and would be remunerated accordingly. They would also enjoy greater stability of employment.

17. The Mexican Workers' member urged that collaboration between different countries should be disinterested. Thanks to the assistance which had been received from France, Italy and other countries in connection with the building of power-houses, the generating capacity of the electricity supply industry in Mexico had been doubled. It had thus been demonstrated that the use of the latest techniques in building and in civil engineering operations could—and did—benefit not only persons within the construction industry, but also the community as a whole.

18. While accepting the principle that any innovation which improves the service which the construction industry gives to the community as a whole is to be welcomed, the Italian Workers' member felt that the impediments which often prevented or
delayed the use of innovations could usefully be investigated. The continued existence of such impediments was not compatible with the urgent need to solve the housing problem.

Consideration of Detailed Points

19. Following the general discussion outlined above, the Subcommittee proceeded to consider the various detailed points suggested in the Office report. In the case of the great majority of these the Subcommittee was able to reach substantial agreement, as reflected in the draft conclusions referred to below. In general, the present report does not deal with points on which agreement was thus reached. Those points which appear to call for special mention are referred to in the following paragraphs.

Man or Machine?

20. With regard to the relative advantages and disadvantages of labour-intensive and capital-intensive construction techniques, particularly in developing countries suffering from large-scale underemployment and unemployment, the Indian Government member pointed out that, while there might in many cases be substantial arguments in favour of using highly mechanised techniques, building and civil engineering contractors should, when selecting the techniques to be adopted for a project in a less developed country, take full account of the extent of unemployment and underemployment.

21. The United Kingdom Employers' member referred to a dilemma which often faced contractors in this connection. This was well illustrated in the case of a harbour construction project carried out some years ago in Ghana. The concern felt by the contractor for the well-being of the labour force on the project was evidenced by the fact that he had entered into an agreement providing for wages to be increased in the event of an increase occurring in the cost of living. The project involved large-scale earth-moving operations, the excavated material having to be deposited at a distance of some one-and-a-half miles from the point of excavation. For this work the latest mechanised earth-moving equipment then available had been used. Had this work had to be accomplished by manual methods, quite unnecessary complications would have been created; it would have been necessary to recruit thousands of additional workers who, moreover, would have had to be housed on the job. While due regard had, of course, to be had to all the factors relevant to any given situation, there could be no real justification for using out-dated methods resulting in such complications.

Occupational Safety.

22. There was general agreement that technological changes should not aggravate the position with regard to occupational safety in this industry. Views differed, however, as to the value of specific measures towards that end. Thus, while several Government and Workers' members expressed themselves in favour of prohibiting the sale, hire or use of innovations not approved following tests by officially recognised testing laboratories, the United Kingdom Employers' member felt that compulsory testing would only restrict the full development of the industry. Where, he asked, would the aviation industry and air transport be today if in the early days of flying the pioneers had had to secure governmental approval for their activities?

Restrictive Practices.

23. The Subcommittee concurred in calling for the abandonment of restrictive practices wherever such existed in the industry. In this connection it was made clear that the expression "restrictive practices" in no way referred to budgetary or legislative restrictions which are imposed by governments or by public authorities—for instance in the field of town and country planning or as regards occupational safety.

Trade Union Problems.

24. The report which had been prepared by the Office had referred to the possibility of the reorganisation of the trade union structure of the industry in countries in which the present structure—for instance of separate unions for each of the major traditional crafts—gave rise to inter-union "demarcation" disputes, particularly in connection with
the introduction of new techniques. The Workers' members felt that this was a matter for trade unions themselves to settle and that the unions could best settle it alone. The Subcommittee shared this view and accordingly decided not to discuss this point.

**Work of the Working Party**

25. After the Subcommittee had concluded its consideration of the various points which had been suggested by the Office for discussion the Working Party met to draw up draft conclusions setting forth the views of the Subcommittee. The Working Party held two sittings, following which it submitted to the Subcommittee draft conclusions concerning technological changes in the construction industry, accompanied by a draft resolution concerning action by the Office relating to technological developments and to safety in the construction industry. The Working Party had been unable, for lack of time, to consider certain other draft conclusions which had been put forward by the Chilean Employers' member; these were accordingly presented separately, for consideration by the Subcommittee itself.

**Consideration of Draft Conclusions concerning Technological Changes in the Construction Industry**

26. The draft conclusions concerning technological changes in the construction industry which were submitted by the Working Party contained 43 operative paragraphs. Of these, 40 were submitted unanimously by the Working Party. The position with regard to the remaining three paragraphs is set forth below.

27. The Argentine and Brazilian Employers' members proposed the deletion of two paragraphs in the draft conclusions. These paragraphs concerned the relative advantages and drawbacks of labour-intensive and capital-intensive construction techniques in industrially less developed countries, and called for further research by the Office into ways and means of increasing the efficiency of labour-intensive techniques. The members in question felt that these paragraphs appeared to interfere with the introduction of new mechanised techniques. The Indian Government member urged, however, that these paragraphs be retained, and the Subcommittee so decided by a show of hands.

28. The first of the above-mentioned paragraphs in the draft conclusions referred in particular to the advantages which might be derived from the use of techniques which provide large-scale employment of manpower "as distinct from highly mechanised techniques, including techniques requiring the use of imported machinery and equipment". The U.S.S.R. Government member proposed the deletion of these words. This proposal was supported by the Canadian Government member, but was rejected by the Subcommittee on a show of hands. The paragraph in question appears as paragraph 3 of the draft conclusions as finally adopted by the Subcommittee.

29. The Italian Government member proposed the deletion of the final sentence of the next paragraph of the draft conclusions, since he felt that the matter was outside the terms of reference of the Subcommittee. This proposal was, however, rejected on a show of hands. The paragraph in question appears as paragraph 4 of the draft conclusions as finally adopted by the Subcommittee.

30. The Canadian Government member proposed that, in the paragraph of the draft conclusions relating to the need to avoid duplication in research work, the words "appropriate steps should be taken to avoid wasteful duplication of work undertaken by different bodies engaged in such research" be amended so as to read: "appropriate steps should be taken to ensure that all relevant fields of applied research are adequately pursued by different bodies engaged in such research." This amendment failed of adoption for want of a seconder. The paragraph in question appears as paragraph 7 of the draft conclusions as finally adopted by the Subcommittee.

31. The Chilean Employers' member proposed that, to the paragraph of the draft conclusions relating to the desirability of supporting international collaboration in the
field of building and civil engineering research, be added the following sentences: “Within schemes for international co-operation in research into new construction techniques and methods, activities should not be confined to industrialised countries. The special features of the construction industry in any given country require that research activities, with international assistance, be carried out within the country concerned.” This proposal was seconded by the U.S.S.R. Government member, and was adopted by the Subcommittee by 35 votes to 24, with 7 abstentions. The paragraph as thus amended appears as paragraph 8 of the draft conclusions as finally adopted by the Subcommittee.

32. The Chilean Employers’ member had further proposed an amendment to a paragraph of the draft conclusions which sought to ensure that persons employed on building and civil engineering research have a realistic knowledge of operating conditions in the construction industry. This amendment called for the addition of the following sentence: “Adequate participation by the private sector in construction research is recommended.” This amendment was adopted by the Subcommittee by 25 votes to 23, with 28 abstentions.

33. A further amendment to the same paragraph of the draft conclusions was proposed by the United Kingdom Government member who wished the word “realistic” to be replaced by “appropriate”. This amendment was also adopted by the Subcommittee by 32 votes to 30, with 13 abstentions. The paragraph, as thus amended, appears as paragraph 9 of the draft conclusions as finally adopted by the Subcommittee.

34. Two paragraphs of the draft conclusions which were before the Subcommittee reflected the views of the Workers’ members with regard to the compensation of construction workers in respect of technological unemployment. The two paragraphs in question were as follows:

In cases where a proposed innovation may reasonably be expected to result in unemployment, and where suitable alternative employment opportunities are not made available, effective steps should be taken by the contractor or other person concerned to ensure that, in return for the acceptance by the workers and by their organisations of the innovation in question, any worker who thus becomes unemployed is fully compensated for any financial and other loss he may suffer.

Because of factors—such as the nomadic character of the construction labour force, the practice of constituting a new labour force for each project, and the resulting widespread absence of a long-term relationship between individual workers and individual employers in the construction industry—which often make it difficult for a construction worker who has been rendered redundant to sustain a claim against an individual employer in respect of such redundancy, employers’ and workers’ organisations in the construction industry should make area-wide or nation-wide collective agreements incorporating provision for the payment of compensation to any construction workers who may suffer as a result of technological unemployment in this industry.

35. The Employers’ members proposed that these two paragraphs be replaced by the following text:

(a) technological change in addition to the adaptations and consequences referred to elsewhere in these conclusions may involve adjustment in the distribution and skills of workers and in the construction industry;

(b) it is important that practicable steps are taken to anticipate such adjustments with a view to effecting a smooth transition and retaining confidence in relations between employers and workers;

(c) measures which might merit consideration to that end include—

(i) an assessment, by appropriate means, of the forward programme of work and the likely impact of technological change in its execution;
(ii) an assessment, by appropriate means, of the likely consequential impact on the requirements of workers' skills and the arrangement in good time of suitable training and retraining facilities without undue financial hardship;

(iii) discussion between employers and workers as regards the possible impact on existing national wage structures in the building and civil engineering industries of the introduction of new skills with a view to maintaining confidence in relations;

(iv) a recognition of the facts—

that such factors as the nomadic character of the construction labour force, the practice of constituting a new labour force for each project, and the resulting widespread absence of a long-term relationship between individual workers and individual employers in the construction industry mean that unemployment in the construction industry, where it occurs, is difficult in the short term, to assign to any specific cause;

that, nevertheless, some appropriate provision must be made to relieve hardship;

that, accordingly, there should be proper financial provision for unemployment in accordance with national practice, during periods when alternative employment is not available; and

(v) discussions between government, employers and workers at appropriate levels with a view to generally facilitating the process of change.

36. After a discussion, in which the French, United States and U.S.S.R. Government members, the United Kingdom Employers' member, and the French, Swiss and United Kingdom Workers' members participated, and in the course of which substantial concessions were made by both sides, the Subcommittee unanimously agreed to adopt the texts of paragraphs 15 and 16 as set out in the draft conclusions as finally adopted by the Subcommittee.

37. One paragraph of the draft conclusions called for consideration to be given to the desirability of achieving a bigger average size of firm. The Government member from the Federal Republic of Germany recorded his abstention with regard to this paragraph. The Italian Government member proposed that the reference to the above-mentioned desirability be deleted, but as there were only 12 votes in favour of this proposal, while there were 48 votes against and 25 abstentions, it was rejected by the Subcommittee. The paragraph in question appears as paragraph 38 of the draft conclusions as finally adopted by the Subcommittee.

38. The Canadian Government member proposed that to the draft conclusions, as they had been submitted by the Working Party, be added a new paragraph inviting the Governing Body to request the Director-General to ensure that the manpower problems arising out of technological changes in the construction industry be given due attention, whenever appropriate, within the framework of the over-all research programme of the Office. This proposal was unanimously adopted by the Subcommittee. The paragraph in question appears as paragraph 45 of the draft conclusions as finally adopted by the Subcommittee.

39. The representative of the Secretary-General suggested that suitable effect might be given to a point which had been raised by the Indian Government member if the draft conclusions were completed by the addition of another new paragraph urging that when consideration is given to the application of the conclusions in any particular country full account should be taken of all the relevant circumstances in the country concerned. The Subcommittee unanimously adopted this suggestion. This paragraph appears as paragraph 46 of the draft conclusions as finally adopted by the Subcommittee.

40. Amongst the proposals presented by the Chilean Employers' member was one urging governments in developing countries actively to promote the adoption of new construction techniques. The Subcommittee unanimously decided to adopt this proposal,
subject to minor drafting changes. The resulting text is reproduced as paragraph 5 of the draft conclusions as finally adopted by the Subcommittee.

Adoption of the Conclusions

41. The draft conclusions, as amended in accordance with the decisions indicated in the preceding paragraphs, and with a number of minor drafting changes, were adopted by the Subcommittee at its sixth sitting, by 64 votes to 0, with 2 abstentions.

Adoption of the Draft Resolution concerning Action by the Office relating to Technological Developments and to Safety in the Construction Industry

42. The Subcommittee at its sixth sitting unanimously adopted the above-mentioned draft resolution, which had been submitted by the Working Party.

Adoption of the Subcommittee's Report

43. The present report was unanimously adopted by the Subcommittee at its seventh sitting on 14 May 1964.


(Signed) A. A. L. BRENTWOOD
Chairman.

R. STEIN,
Reporter.

Examination by the Committee of the Report, of the Draft Conclusions and of the Draft Resolution

At its eighth plenary sitting the Committee had before it the foregoing report, together with the draft conclusions concerning technological changes in the construction industry and the draft resolution concerning action by the Office relating to technological developments and to safety in the construction industry.

In submitting the report, the draft conclusions and the draft resolution, Mr. STEIN (Government delegate, Chile; Reporter of the Subcommittee) stressed the spirit of co-operation which had been manifest on the part of all members of the Subcommittee and which had led to such satisfactory results.

Mr. KEMP (Workers' delegate, United Kingdom; Vice-Chairman of the Subcommittee), on behalf of the Workers' group, expressed the hope that the Committee would show the same unanimity as that which had enabled the Subcommittee to achieve its work.

The Committee unanimously adopted the report, the conclusions (No. 68) concerning technological changes in the construction industry, and the resolution (No. 69) concerning action by the Office relating to technological developments and to safety in the construction industry. The texts of the conclusions and the resolution are reproduced below.

Conclusions (No. 68) concerning Technological Changes in the Construction Industry

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met in its Seventh Session in Geneva from 4 to 15 May 1964,

Having discussed the problems of technological changes in the construction industry and their socio-economic consequences, on the basis of the report prepared on the subject by the International Labour Office,

Recognising the fact that technological changes affect everyone in this industry and not any one group alone,

Adopts this fifteenth day of May 1964 the following conclusions:
General Considerations

1. All concerned—including the manufacturers and distributors who supply the construction industry, as well as everyone within the industry itself—should accept the general principle that any innovation which improves the service which the industry gives to the community as a whole is to be welcomed.

2. Since in developing countries the construction industry may lack material resources and technical personnel, whereas the need for the products of this industry—including housing, roads and dams—is extremely urgent, industrialised countries should give every practicable aid, on the most favourable terms feasible, to the construction industry of developing countries, in the interests of mankind everywhere.

The Situation in Developing Countries

3. In industrially developing countries in which large numbers of workers are unemployed or underemployed, and in which there is a shortage of capital resources, including in particular foreign exchange resources, all concerned with the selection of the techniques to be used for the execution of building and civil engineering works should bear in mind the possible advantages which might be derived by the national economy as a whole, and by the labour force, from the selection of techniques which provide large-scale employment of manpower (as distinct from highly mechanised techniques, including techniques requiring the use of imported machinery and equipment). There should also, however, be borne in mind the possible advantages of utilising mechanised techniques so as to provide more quickly the capital works which will themselves help to accelerate economic development and to provide wider and more permanent economic employment possibilities. The ultimate aim of all developing countries should be to advance towards the use of fully mechanised techniques.

4. In view of the fact that in many developing countries the construction industry still makes extensive use of manual techniques, the Governing Body of the International Labour Office is invited to instruct the Director-General—

(a) to pursue research into ways and means of increasing the efficiency of labour-intensive techniques, where needed, in building and civil engineering operations generally; and

(b) to disseminate the results of such research, in suitable form and languages, amongst those concerned, in order that the construction industry may make its maximum contribution to the betterment of the peoples of the countries in question.

The Governing Body is invited to ensure that the Director-General is provided with the necessary means and personnel in order that the above-mentioned tasks may be undertaken efficiently.

5. Governments in the developing countries should, through their building plans and public works, actively promote the adoption of new techniques. In this connection special account should be taken of the desirability of—

(a) programming works in such a manner as to give contractors a reasonable assurance of continuity of work, so that they may be able to pay off the cost of new equipment;

(b) studying the contracts put out for public tender, so that any purchase of new equipment such as is necessary for the development of the construction industry may be warranted; and

(c) granting adequate facilities, such as import duty or foreign currency concessions, to enable undertakings in the construction industry to adopt new techniques and to acquire the necessary equipment.

The Evolution and Introduction of New Ideas

6. Governments and the industry should collaborate in inviting and rewarding the formulation of new suggestions for the improvement of the industry's efficacy. Inventors of innovations should be adequately protected against unfair use of their inventions.
7. Governments and the industry should collaborate in ensuring adequate investment in building and civil engineering research, and appropriate steps should be taken to avoid wasteful duplication of the work undertaken by different bodies engaged in such research.

8. In furtherance of the view expressed in the preceding paragraph, international co-operation in the field of building and civil engineering research should receive the wholehearted support of governments and of the construction industry. Within schemes for international co-operation in research into new construction techniques and methods, activities should not be confined to industrialised countries. The special features of the construction industry in any given country require that research activities, with international assistance, be carried out within the country concerned.

9. Effective steps should be taken by those responsible for the direction of building and civil engineering research to ensure, by appropriate recruitment and other policies, that the persons employed on such research have an appropriate knowledge of operating conditions in the construction industry. These conditions should, moreover, be taken fully into account when innovations in the field of construction are being evolved. Adequate participation by the private sector in construction research is recommended.

10. The designers and manufacturers of innovations in the fields of building and civil engineering should endeavour to ensure that such innovations, when on the market—

(a) will satisfactorily fulfil the end function for which they have been designed;
(b) will not contain any "bugs" which would otherwise not become manifest until the site stage;
(c) will be ergonomically sound; and
(d) will not incorporate any risks to the occupational safety or health of the workers concerned, including workers subsequently employed on the maintenance of the completed work.

Should an innovation nevertheless incorporate some of the risks referred to in subparagraph (d) above, it should be accompanied by appropriate warnings and other safeguards for the protection of the workers concerned. The designers and manufacturers should, at the design stage, have such consultations as may be appropriate to that end.

11. Innovations which it is intended to propose for use by the construction industry should be subjected to the passing of appropriate tests by a competent authority, such as an independent and officially recognised testing laboratory, before being so proposed. Innovations not complying with national safety standards should not be sold, hired or used.

12. Legislation, national or regional, while setting a high standard of safety and technical performance, should be flexible enough to permit the introduction of suitable innovations in the construction industry, and should be reviewed periodically to that end.

13. Persons planning the use of an innovation should bear in mind the desirability of taking whatever steps may be possible to avoid any misunderstanding which might give rise to resistance towards the innovation concerned. Such steps might, where appropriate and useful, include the following:

(a) the establishment of contact, prior to such introduction, with the representative organisations of those who, within the construction industry, may be affected by the innovation—including in particular those for whom the innovation in question may be expected to create financial hardship;
(b) provision of the organisations referred to in (a) above with full information concerning all relevant—including any adverse—aspects of the innovation in question; and
the exploration, in full and frank discussion with the organisations concerned, of the possibility of taking agreed transitional or permanent measures to alleviate or eliminate any genuine hardship which might result for those engaged in the industry from the introduction of the innovation concerned.

14. Before modern management and other techniques are introduced in building and civil engineering undertakings, full and frank explanations should take place, with briefing at all appropriate levels, so as to avoid opposition resulting from possible misunderstandings on the part of supervisory personnel and workers.

15. In cases where a proposed innovation may reasonably be expected to result in unemployment, and where suitable alternative employment opportunities are not made available, effective steps should be taken by those responsible, such as governments and the construction industry, to ensure that, in return for the acceptance by the workers and by their organisations of the innovation in question, any worker who thus becomes unemployed is compensated for any financial and other loss which he may suffer.

16. Because of factors such as the geographically mobile character of the construction labour force, the practice of constituting a new labour force for each project, and the resulting widespread absence of a long-term relationship between individual workers and individual employers in the construction industry, which often make it difficult for a construction worker who has been rendered redundant to sustain a claim against an individual employer in respect of such redundancy, governments, or employers' and workers' organisations through collective agreements, as may be appropriate, should make suitable arrangements to compensate construction workers who may suffer as a result of technological unemployment in this industry.

17. Trade unions or trade union branches which have confined themselves to safeguarding the interests of workers who have hitherto been employed by building and civil engineering contractors but who, as a result of innovation in the construction industry, may find themselves employed in prefabrication plants or in factories manufacturing building materials or components, should consider how best the interests of the workers concerned may continue to be safeguarded.

18. Restrictive practices, wherever they may occur in the industry, should be abandoned.

19. In order that work in the construction industry may proceed efficiently and safely, persons marketing innovations should provide the various categories of potential users—including not only architects and civil engineers, but also contractors and workers—with all relevant information, in a form and language suited to their respective needs, for instance by means of—

(a) technical exhibitions, such as those organised by national building centres;
(b) explanatory visits to sites by technical representatives;
(c) illustrated brochures or data sheets; and
(d) the provision of demonstration sets for vocational training, for instance to university faculties of engineering and architecture and to technical schools.

20. Employers who acquire machinery or materials with which the workers concerned are not already familiar should provide those workers with all necessary instructions for the safe use of the machinery or materials in question.

**Improving Co-ordination**

21. Those responsible for design should fully co-ordinate their work with that of those responsible for production in the construction industry, with a view to achieving the best human relations, programming of work, and productivity.

22. Adequate steps should be taken to bring to the notice of all concerned that advantages, such as the following, would result from close consultation, before designs
are finalised (if such consultation could be arranged), between the designer and the contractor who will carry out the work:

(a) co-ordinated planning of the design and execution of the project;
(b) advance spotting of possible pitfalls; and
(c) possibility of taking full advantage of the experience, plant and resources of the contractor concerned.

In the light of the possibility of such advantages, tendering procedures for building and civil engineering works should be subjected to a critical review.

23. In cases where competitive tendering between contractors is retained with a view to checking the cost of work, consideration should be given to the possibility of deriving at least some of the advantages mentioned in paragraph 22 above—for instance by final adjustment of plans and specifications in consultation between the designer and the contractor whose tender has been accepted—subject to adequate guarantees against abuse.

24. Adequate steps should be taken to ensure proper co-ordination of the work of all contractors working on the same site. All contractors should, moreover, be designated in good time.

25. Briefing meetings, on the site or elsewhere, can fulfil valuable functions—(a) in making foremen and workers fully conversant with the project concerned, and in particular with the safety, health and technical aspects of innovations; and (b) in improving relations at job level.

26. Joint consultation, at all appropriate levels, between employers and workers with regard to safety in the construction industry can facilitate the safe introduction and operation of innovations.

Keeping Abreast of Progress

27. Architects, civil engineers and other professional and technical personnel should take adequate steps to keep abreast of technical changes in the construction industry generally, for instance by means of—

(a) technical literature, such as professional periodicals and manufacturers' brochures;
(b) attendance at meetings of professional bodies;
(c) visits to sites where innovations are in use; and
(d) attendance at post-graduate and other specialised courses.

28. Professional institutions, societies of architects and of engineers, and educational bodies such as universities and institutes of technology should collaborate closely in the planning and organisation of the post-graduate and other specialised courses referred to under paragraph 27 (d) above.

29. Universities and institutes of technology giving courses in architecture, civil engineering and building should ensure that—

(a) those giving such courses keep abreast of all technological changes in their respective spheres;
(b) adequate arrangements are made to ensure that graduating students—
   (i) have an up-to-date picture of the industry they will be entering, and in particular of the latest technological developments affecting the industry;
   (ii) have received instruction in efficient methods of office (including drawing office) management and in the use of electronic computers for design calculations;
   (iii) have a realistic concept (for instance as a result of periods of joint training and of visits to contractors' and trade union offices) of the teamwork necessary between the designer and the other person—for instance specialist designers, quantity surveyors, all contractors, site agents, foremen and trade unionists—
for the efficient completion of construction projects, as well as a realistic conception of the respective roles of such other persons;

(iv) have received instruction in the broad management considerations relating to occupational safety and to satisfactory labour relations; and

(v) have received instruction in the efficient programming and control of site operations, based, *inter alia*, on the thorough and realistic completion of plans and specifications—including separate drawings for each trade—before contract documents are finalised.

30. Architects, civil engineers and managerial personnel who, when designing a new project, propose to incorporate a new material or to make use of a new technique in its construction, should personally acquire, for instance by—

(a) securing and studying relevant technical literature;

(b) consultation with technical representatives of the marketers;

(c) personal examination of the material or technique in question; and

(d) consultation with others who have already had experience of using the material or technique in question;

a fully realistic conception of the material or technique concerned, with particular regard to the practical steps to be taken for its safe and efficient use.

31. Contractors—and particularly the heads of very small undertakings—should take all steps open to them to improve their personal skills of management and their technical knowledge.

32. The vocational training of construction workers should, in content and duration, be realistically suited to the needs of the workers and of the industry as a whole.

33. The period of vocational training should be as long as is necessary to enable the worker to acquire proficiency in his work.

34. Consideration should, where appropriate in relation to conditions in the country concerned, be given to the possibility for an individual construction worker to acquire additional construction skills so as to increase his usefulness and his employment prospects under conditions of technological change.

35. Adequate facilities should be provided to enable skilled construction workers to keep abreast of technological developments affecting their skills.

36. Adequate facilities should be provided for the vocational retraining of construction workers whose skills are rendered redundant because of technological change.

37. Any worker who may wish to avail himself of either of the kinds of training referred to in paragraphs 35 and 36 above should be enabled to do so without financial hardship.

38. Consideration should be given to the desirability of achieving a bigger average size of firm, where this will facilitate management, facilitate the allocation of resources to research and experimentation, offer more regular employment and enable adequate investment to be made in plant, equipment and "know-how".

39. Smaller firms, which, because of their size, are faced with difficulties arising out of technological change, should consider possibilities such as—

(a) the centralisation and pooling of services;

(b) the formation of contractors' co-operatives; and

(c) the formation of consortia for specific projects.

40. Contractors' associations should consider to what extent they might be able to assist smaller firms in adapting to technological change.
Repercussions

41. Engineers, architects and other specialists should adapt themselves and their training to the greater technological content of modern building processes and practices.

42. Suitable measures should be taken in due time to deal with any redundancy in contractors' offices arising out of the modernisation of the construction industry, including the adoption of modern office techniques.

43. Young persons who may be thinking of entering the construction industry should be given realistic counsel with regard to their future career prospects.

44. The number of workers to be recruited to the construction industry at any given time should not exceed the number which—in the light of all such information as may be available with regard to long-term employment prospects and with regard to the repercussions of technological changes thereon—will offer each worker who enters the industry the prospect of a full career, under satisfactory conditions, in this industry.

45. The Governing Body is invited to request the Director-General to ensure that the manpower problems arising out of technological changes in the construction industry are given due attention, whenever appropriate, within the framework of the over-all research programme of the Office.

46. When consideration is given, in any particular country, to the application of these conclusions, full account should be taken of all the relevant circumstances in the country concerned.

Resolution (No. 69) concerning Action by the Office relating to Technological Developments and to Safety in the Construction Industry

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met at its Seventh Session in Geneva from 4 to 15 May 1964,

Considering that technological developments have created new problems from the point of view of safety,

Considering that the Safety Provisions (Building) Convention and Recommendation, 1937, do not take adequately into account new methods of construction brought into use since these instruments were adopted,

Adopts, this fifteenth day of May 1964, the following resolution:

The Governing Body of the International Labour Office is invited to request the Director-General to—
(1) prepare and publish one or more manuals on safety in the building and civil engineering industries for the guidance of governments and the industries concerned;
(2) prepare and publish one or more codes of practice on safety in these industries; and
(3) to arrange for such consultation as may be necessary and appropriate with a small panel of consultants or a meeting of experts.

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Report of the Subcommittee on Regularisation of Employment

Composition and Officers of the Subcommittee

1. The Subcommittee on Regularisation of Employment was composed of one Government titular member, one Employers' titular member and one Workers' titular member from each of the delegations represented at the Building, Civil Engineering and Public Works Committee.
2. The Subcommittee appointed its officers as follows:

Chairman: Mr. A. Chase (Government member, United States).
Vice-Chairmen: Mr. S. D. Chutter (Employers' member, Canadian).
Mr. H. Umrath (Workers' member, Netherlands).
Reporter: Mr. O. Sørensen (Government member, Denmark).

3. The Subcommittee held seven sittings.

4. At its third meeting the Subcommittee set up a Working Party to draft conclusions. This Working Party was composed of the following members of the Subcommittee:

Government members:

Titular members:
- France: Mr. M. Rustant.
- United Kingdom: Mr. K. G. Sherriff.
- U.S.S.R.: Mr. V. S. Pozharsky.

Deputy members:
- Brazil: Mr. D. Silveira da Mota.
- Federal Republic of Germany: Mr. G. Kranz.
- Israel: Mr. M. Golan.

Employers' members:

Titular members:
- Mr. S. D. Chutter (Canadian).
- Mr. F. O. Jayne (United Kingdom).
- Mr. R. Poisson (French).

Deputy members:
- Mr. A. Álvarez Torres (Mexican).
- Mr. W. Schäfer (Federal Republic of Germany).
- Mr. A. Warnfeldt (Swedish).

Workers' members:

Titular members:
- Mr. J. Mouton (French).
- Mr. P. Rodríguez (Mexican).
- Mr. H. Umrath (Netherlands).

Deputy members:
- Mr. W. T. Dodd (United States).
- Mr. S. Ravizza (Italian).
- Mr. R. Sperner (Federal Republic of Germany).

The Chairman of the Subcommittee acted as Chairman of the Working Party.

Terms of Reference of the Subcommittee

5. The Subcommittee had the task of examining the third item on the agenda of the meeting, namely practical measures for the regularisation of employment in the construction industry. A report prepared by the International Labour Office was submitted to the Subcommittee on this subject.1

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6. In presenting the report the representative of the Secretary-General drew attention to the fact that the Committee had considered the problem of instability of employment on a number of occasions. At its Second Session in 1949 the Committee considered the subject of instability of employment in the construction industries and adopted a memorandum on the subject. At its Third Session in 1951 the Committee considered the subject of seasonal unemployment in the construction industry and adopted a resolution on the subject. At its Fifth Session in 1956 the Committee considered the subject of national housing programmes and full employment and adopted a resolution on the matter. In addition, the International Labour Conference had adopted a number of conclusions relating to public works and the stabilisation of employment in the construction industry. The problem of instability of employment remained one of the persistent characteristics of the construction industry, but it would be useful to review past experience in order to see how recommended measures had worked out in practice. During the post-war period construction demand had in most countries exceeded the capacity of the industry to meet it; this situation had created a number of new problems associated with the overemployment of resources in the construction industry which the Committee had not considered in its previous discussions of the subject.

7. The Subcommittee decided to use as a basis for its deliberations the report and the list of proposed points for discussion as contained therein. It was, however, believed desirable to consider the individual points by groups.

General Discussion

The Nature of the Problem.

8. The Chairman suggested that the problems associated with the growth of the construction industry were closely related to the problems of regularisation of employment. This point of view was supported by the Employers' and the Workers' members, and it was agreed that the discussions should be generally concerned with these two central problems.

9. It was also emphasised that increasing productivity in the industry was a highly relevant aspect of the whole subject under discussion. The Swedish Employers' member believed the basic aim was to get more output from scarce resources and, where possible, to increase the productive capacity of the industry. The Government member from the Federal Republic of Germany likewise insisted that it was not sufficient to achieve stabilisation; productivity must also be raised.

10. Attention was drawn to two types of unemployment that were not dealt with in the report. The French Workers' member recalled that the rate of industrial accidents was much higher in construction than in other industries; it was often the case that injured workers could not find new employment and that as a result their economic status suffered permanently. The Swiss Workers' member referred to the special unemployment problem that arose in the frontier areas in some countries. At Christmas time, for example, when large numbers of foreign workers left, employers frequently closed down work sites for all workers requiring them to take their annual paid holidays at this time.

11. The U.S.S.R. Government member emphasised that in centrally planned economies there was no frictional, technological or cyclical unemployment. Seasonal unemployment in the construction industry was a problem in areas suffering from severe winters, but recently considerable results had been achieved in assuring year-round construction work.

12. There was general recognition of the diversity of conditions among countries. In particular, several members from developing countries pointed out that most of the problems discussed in the report did not directly apply to the developing countries. In some developing countries there was a large volume of general unemployment and underemployment, while in others there was a labour shortage; in both cases, however, the basic problem was to expand enormously the capacity of the construction industry to meet the vast needs of the country.
13. There was general agreement that the emphasis of the discussion should be on practical measures.

The New Environment.

14. Both the Workers' and Employers' members were aware of the basic difference which existed today as compared with 1949, when the Committee had its first detailed discussion of the problem of instability of employment. In 1949 the principal concern had been the possible return of mass unemployment such as had been experienced during the 1930s; today the resources in the construction industry were in most countries not sufficient to meet demand and there were the serious stresses and strains resulting from overemployment. Most of the Workers' members believed that human needs had to be given priority, and that the right approach was to seek to determine priorities through satisfying the most urgent human needs first rather than to submit to market pressure.

15. In the view of the Workers' and Employers' members the inflationary pressures of the post-war period had had serious and regrettable repercussions on the construction industry. Anti-inflationary monetary restriction had been imposed on the economy as a whole, but it had often been the construction industry which suffered most through resources being made idle because of lack of credit. Moreover, general credit restrictions and high rates of interest had had a particularly unfavourable effect on house building, which had a high social priority.

Co-operation in Long-Term Programming.

16. There was practically unanimous agreement that co-operation between governments and workers' and employers' organisations in long-term programming within the industry was necessary and desirable. As one member stated, there was planning in one form or another in all economies; it was only a matter of degree and type of planning.

17. Members of the Swedish delegation described their experience and success in carrying out an active employment policy. There had been tripartite collaboration through the Labour Market Board for more than ten years in long-term programming. Advance planning was essential to ensure effective action against seasonal and cyclical unemployment. The Government had recently abandoned physical controls in favour of monetary and fiscal controls in carrying out its policy; approximately 80 per cent. of all construction was dependent in one way or another on government financial policy.

18. The United Kingdom Employers' member strongly supported the long-term programming that had been launched by the National Economic Development Committee, in which the government had a complete partnership with the employers and workers. There was consultation and agreement at every step, with a view to steady economic growth. This had made possible, among other things, long-term wage agreements for a period of three years. This was an example of the tripartite collaboration which had taken place in line with I.L.O. principles during the past 40 years, and which had brought about so much improvement in conditions of work.

19. The United States Employers' member commended the free collective bargaining system and the co-operation which it made possible. In the United States there was a joint committee of employers and workers in the construction industry which met weekly to study the employment situation, analyse trends and examine threats to the industry and ways of dealing with them. This system had been a factor contributing to the current prosperity in the industry, which had reached an all-time production high of $65,000 million and whose labour force had grown three times as rapidly as other industries during the post-war period.

20. The Government member from the Federal Republic of Germany referred to the social partnership which was developing between employers and workers in the construction industry. Every possible effort should be made to stabilise the industry through collective agreements and statutory provisions. Unemployment in the construction industry had been substantially reduced in his country during the last four years.
21. The Workers' members drew attention to the significant development of consultations between governments, employers and workers in many matters concerning the construction industry in the European Economic Community. Progress had been achieved and a groundwork had been laid for the future.

22. The U.S.S.R. Government member referred to the system of economic planning in his country which had resulted in stability and growth in the construction industry. The building industry had increased by 800 per cent. during the 1940-60 period, and in 1963 cement production totalled 61 million tons.

Priorities in Long-Term Programming.

23. The Workers' members emphasised that under contemporary conditions, where demands exceeded the resources of the construction industry, it was necessary to decide which demands were to be met first. Wise choice required the establishment and application of a system of priorities on the basis of the economic and social requirements for economic growth.

Need for Better Statistics.

24. The Canadian Employers' member stressed the importance of achieving greater depth in construction statistics, particularly with respect to the composition of the labour force. It was clear that, in order to be effective, an active employment policy required a great amount of detailed information, such as the geographical and age distribution and occupational characteristics of unemployed construction workers. Certain Workers' members similarly emphasised the need for more statistics for policy formulation.

The Problem of Timing Counter-Cyclical Action.

25. The Swedish Government member referred to the difficulties that had been encountered in achieving a proper timing of counter-cyclical measures. In practice, action had frequently been taken too late. On the down-swing, for example, the stimulating effects of an expansionary policy were sometimes not felt until after the bottom had been passed and a new upspring was in progress. The conclusion was that it was better to be too early than too late.

Development of New Techniques.

26. A number of Government and Employers' members referred to the rapid development of new techniques for winter construction. In most construction operations it was now possible to continue through the winter. In Sweden less than one-quarter of the unemployment was due to seasonal fluctuations.

27. The Government and Employers' members from the U.S.S.R. pointed out that in their country a significant contribution to employment stability had been made by transferring operations from the site to the factory in large-scale prefabrication programmes. The introduction of new techniques had not led to harmful effects of any kind. By forecasting the use of prefabricated elements it had been possible to take the necessary measures for the retraining of construction workers.

28. The Swiss Workers' member referred to the rapid mechanisation that had taken place in recent years. Construction had become a major industry and played an increasingly important role in the national economy.

Regularisation of Employment and Young Workers in the Industry.

29. There was a general recognition, particularly on the part of Workers' members, of the negative influence which instability of employment had on the entrance of new workers into the industry. Construction work was already tough, dirty and dangerous; it should not be made even more unattractive to the young because of insecurity of income. There had been a marked decline in the percentage of young workers in the Vienna construction labour force. A number of young workers were leaving the construction force in France, to a large extent because of instability of employment. Over 40 per cent. of Swedish construction workers were over 50 years of age.
Importance of Housing.

30. The Workers' members drew particular attention to the importance of housing both within the construction industry as a whole and as an essential element in social policy. The Finnish Workers' member examined the importance of government policy in ensuring employment stability in house building. In his country from 25 to 30 per cent. of the housing was dependent on government financial measures, the interest rate was high and there was a relatively short amortisation period; as a result employment was much less stable in house building as compared with other Scandinavian countries where the interest rate was low, the amortisation period long and 90 per cent. of housing dependent on government financial policies.

Future Role of the I.L.O.

31. Several proposals were made concerning the possible tasks that the I.L.O. might undertake in the construction field. The Government and Employers' members from the U.S.S.R. and the Canadian Employers' member suggested that the I.L.O. might perform a useful function in promoting an exchange of information on techniques for seasonal stabilisation in the construction industry.

32. The Brazilian Government member, believing that the problems of the developing countries had been much neglected in past discussions of the Committee, stressed that these problems merited further study. In carrying out such a study, he proposed that the Office send a questionnaire to developing countries to obtain information concerning the advantages which they might expect to derive from a policy of regularisation of employment in the construction industry, and the measures which they might adopt to carry out such a policy.

33. The Moroccan Government member, believing that the problems of the developing countries were quite distinct from those of the highly industrialised countries, suggested that the following subject be placed on the agenda of a future meeting of the Committee: measures to be taken in the construction industry that may play a significant role in absorbing unemployment in developing countries.

General Observations.

34. The Austrian Workers' member believed that the progress in implementing previous conclusions adopted by the Committee was not as great as it ought to be. If support of the I.L.O. conclusions was to be anything more than lip service, it required conscientious efforts by governments and employers' organisations to apply them in the countries concerned.

35. The United States Workers' member, noting that instability of employment was characteristic of the industry, wondered whether there were practical solutions to the problem. It was no encouragement to the worker who was unemployed to know that unemployment in the industry might be as low as 1 per cent.; he was a person, not a statistic.

36. The Indian Employers' member believed that a certain amount of instability was inherent in the very nature of the industry. For example, after completion of a big dam project, the workers concerned could not be transferred to build a dam in another district; that district would have its own workers to be employed on the new project. Instability might be minimised to some extent by government action, but it could not be eliminated.

37. The Employers' members from Australia and the United States believed that there was no need for any spirit of fatalism to prevail. Although there were no easy, quick remedies, active co-operation between governments, employers and workers would enable their differences to be resolved and solutions found.

Discussion of Points

General Principles in Stabilisation Policy.

38. There was general agreement within the Subcommittee that the construction industry should not be used as a means for compensating for fluctuations in employ-
ment in the economy as a whole. The policy of turning the tap of the construction industry on and off in the interests of national economic policy created great uncertainty for employers and workers and made it impossible to plan production ahead for a period of years. Construction had come to be recognised as a fundamental industry in the economy, and activity in the industry should not be subordinated to external considerations. It was essential to avoid crash programmes without warning.

39. There was general agreement on the part of the Employers' and Workers' members concerning the desirability of using public works to help stabilise fluctuations in employment in private construction. It was, however, necessary to take certain considerations into account. The Workers' members pointed out that it was difficult for many countries to postpone public works during long periods of full employment such as Western European countries had enjoyed during the post-war period. Under such conditions the low period in the cycle during which important public works could be carried out might never come. The private economy could not prosper without a continuous large construction programme in the public sector. Moreover, the Workers' members felt that the traditional concept of "public works" applying primarily to roads, bridges and canals was much too narrow; public compensatory action should embrace all types of construction which were publicly financed or stimulated.

40. On the other hand, the United Kingdom Government member was generally opposed to expanding and contracting public construction as a stabilising device; the policy should be rather to achieve stability in the public sector over the long term. The Austrian Workers' member also suggested that there was now much less interest in the counter-cyclical concept of public works as compared with five to eight years ago. The principal problem was to decide on priorities among various types of public works in carrying out long-term programmes.

41. The Employers' members attached great importance to the creation of a favourable environment for private construction; it was desirable to have consultative arrangements between governments and employers' and workers' organisations in carrying out long-term programmes. The United Kingdom Government member did not want to inhibit growth in the private sector. If private construction was increasing at too rapid a rate, the government should keep only a light rein on private activity through the application of monetary controls. Some Workers' members doubted the efficacy of monetary controls, pointing out their possible detrimental effect on certain types of construction such as housing; under certain circumstances physical controls were more reliable in implementing social and economic priorities.

42. The United Kingdom Government member expressed the view that under present conditions the policy of building up a public works reserve was no longer practicable. All professional personnel—engineers, architects and town planners—were required to prepare the current phase of the long-term programme. They could not be spared to prepare plans that would be put on a shelf for future use. Moreover, as a result of rapid change in materials and technology in construction, plans rapidly became obsolete; consequently, it was necessary to undertake substantial and costly revision of plans after they had been on the shelf for several years. The Employers' members agreed with this general appraisal, but pointed out that in reality properly executed long-term programming was the equivalent of a public works reserve; the rapid expansion of public works—which was the fundamental aim of the public works reserve—could be more effectively achieved by accelerating the rate of completion in the long-term programme.

43. The Workers' members agreed that under contemporary conditions the public works reserve concept had become somewhat obsolete; nevertheless, the essential principle was that governments should be able to react quickly in coping with a threatened decline of employment in the construction industry. In this respect it was important to ensure that there were no budgetary limitations which might impose brakes on the government's ability to act quickly. For example, as the Australian Workers' member emphasised, budgeting over a number of years would be useful to avoid the
situation in which building operations were closed down for three-and-a-half months at the end of the fiscal year because the money had run out.

44. The Workers' members in general favoured a cheap money policy. Construction costs in many countries had become so high that low-income workers could no longer afford to pay the cost of decent housing if not subsidised.

Measures to Reduce Cyclical and General Unemployment.

45. The Employers' members agreed that measures should be taken to regularise private investment, but thought that the adoption of physical controls toward this end was not desirable.

46. With regard to the proposal to vary investment programmes of publicly owned and controlled industries in order to mitigate cyclic effects, the United Kingdom Government member and the Employers' members pointed out that in practice it had been found necessary to expand the construction programme of such enterprises in order to meet the growing requirements of the private sector during periods of high economic activity. Compensatory action in this field held comparatively little promise.

Measures to Reduce Inflationary Pressures.

47. The Workers' and Employers' members generally opposed the idea that the construction industry was in any major way responsible for inflation. There was a general view that the problem of anti-inflationary action went beyond the scope of the Committee and was a more appropriate subject for general economic analysis and policy making.

48. Most speakers were against governmental anti-inflationary restrictions, which had the effect of curbing construction activity. The Workers' members, supported by the Australian Employers' member, believed that the construction industry should not have to bear the brunt of restrictive governmental measures, and that measures should be taken to protect workers from being penalised.

49. If excess demand for construction resources was creating inflationary pressures, the Workers' members maintained that the government should adopt a system of priorities for limiting this demand. The Employers' and Workers' members were agreed as to the general importance of priorities, but there was disagreement concerning the way in which the priorities should be applied.

50. The Employers' members opposed the use of physical controls on general grounds. Moreover, they pointed out that after physical controls were removed, there was often a rush on the part of buyers of construction works to satisfy unfilled demands; this resulted in hastily prepared construction work which tended itself to be inflationary in character and was not good for the construction industry.

51. The Netherlands Workers' member pointed out that, while inflationary pressures arising from excess demand were beyond the control of the construction industry, inflation originating in rising construction costs was something that the industry could do something about. In the opinion of the Workers' members specific action should be taken to check and reduce rising land costs.

52. A Government member emphasised that an expansion of resources in the construction industry was needed to cope with the growing needs for construction, and would in addition be an important factor in helping to overcome the inflationary factor of excess demand.

Measures to Reduce Intermittent, Frictional and Technological Unemployment.

53. After a lengthy exchange of views concerning the desirability of construction workers acquiring more than one skill, it was decided that the matter should be dealt with by the Subcommittee on Technological Changes in the Construction Industry.
54. The Employers' members from Canada and the United States referred to plans permitting workers to make up time lost because of factors beyond their control and that of the employer that were satisfactorily operating in their respective countries. The Workers' members suggested that such a system might be more practical in countries with a 40-hour working week; in their view, in most European countries there was generally a nine-hour day and a 44 to 46-hour week, or in certain cases even 50 hours or more, while travelling time sometimes required another three to four hours a day. In such circumstances the proposal was much less acceptable. Some doubt was also expressed whether such a system could be generally applied during summer time, when workers—who were already probably on overtime rates of pay—would not be interested in making up lost time.

55. The Japanese Government member believed that the guaranteed wage was one desirable way of stabilising workers' income, but that such a system should be introduced on a voluntary basis through collective bargaining.

56. The views expressed by the Workers' members concerning the value of the national employment services were incorporated in the conclusions. Particular attention was drawn to the effective regional collaboration in the manpower field that was taking place within the European Economic Community.

57. Members of the United Kingdom delegation emphasised the importance of public authorities awarding contracts on a long-term basis. A joint committee in the United Kingdom was achieving considerable success in developing new forms of contracting which were facilitating the making of long-term wage agreements. Consortium arrangements among medium-sized firms and among local authorities were proving to be an effective way of facilitating the making of long-term contracts.

Measures to Reduce Seasonal Unemployment.

58. Many countries, particularly those having hard winters, had achieved great technical progress in developing methods of winter construction. It was generally agreed that for most construction operations there were no longer technical obstacles to year-round activity.

59. A number of Government members stressed the importance of adopting intensive and continuous educational programmes to promote winter construction. It was necessary to take all possible measures to overcome deeply rooted traditions which accepted seasonality in construction as a natural consequence of seasonality in weather.

60. There was general agreement that it was not practicable to expect that workers, building materials producers, and contractors would be willing to accept lower wages, prices and profits, respectively, as a means of stimulating winter construction. One Workers' member believed that this was based on the untrue assumption that winter costs were less than summer costs, while another Workers' member stressed the antisocial character of the proposal in so far as it involved a lower winter wage rate and diminished income.

61. There was general agreement that suitable measures should be taken to protect the worker against inclement weather. Such measures might include the provision of suitable clothing and shelter on the working site, and the provision of adequate living accommodation and related facilities on isolated sites or in cases where normal housing was not available.

62. There was general agreement that greater geographical mobility of workers might be of some importance in seasonal stabilisation. The Workers' members drew attention, however, to the extra costs involved in travelling long distances and in setting up a second household. The promotion of greater mobility was therefore acceptable only on condition that allowances were paid to help offset the extra costs involved. The Canadian Workers' member emphasised that geographical mobility of workers should be on a voluntary basis.
63. Certain Government members, the Employers' members and the Workers' members agreed that it was desirable to provide for direct government subsidies to offset additional costs involved in winter construction. The Canadian Employers' member suggested that such subsidies were best directed at the buyers of construction. The Austrian Workers' member thought that this was an effective technique for helping small and financially weak contractors. On the other hand, the United Kingdom Government member opposed winter subsidies because in his country the winter was not sufficiently severe to justify such an expenditure; progressive contractors had already adopted winter construction techniques, and a subsidy would only have the effect of supporting inefficient contractors.

64. Several members endorsed the system of utilising unemployment insurance funds for paying subsidies to contractors to cover extra costs involved in winter construction instead of paying benefits to unemployed workers. From a social point of view it was better to subsidise employment than to support idleness. On the other hand, the Japanese Workers' member opposed the use of social insurance funds for this purpose; payments should go to alleviate unemployment and not for other purposes. Moreover, workers other than those in construction were included in the social insurance system. The United Kingdom Government member thought that it was wrong to subsidise one industry and not another.

65. The Canadian Government member and the Canadian Workers' member supported the policy of loans and grants by the national government to local authorities to stimulate winter construction.

66. The U.S.S.R. Government member stressed the importance of promoting research to improve winter construction techniques.

Alleviating the Burden of Unemployment.

67. The Workers' members were particularly concerned about the alleviation of unemployment arising from restrictions imposed on the construction industry by government measures to cope with inflationary pressures and balance-of-payments difficulties. It was not right that construction workers should have to pay the costs involved in economic policies designed to benefit the whole community. If a worker should be unemployed for such reasons, he should receive his full income, and the economic costs of such national policies should be put where they belonged. If the government shouldered its responsibility properly, it might be able to take better account of the adverse repercussions of its policies on the construction industry.

68. There was general agreement within the Subcommittee concerning the desirability of systems to compensate workers for loss of time arising from bad weather. The Workers' members, supported by some Government members, believed that supplementary benefits were a useful addition to the general unemployment insurance systems. There was some cautioning, however, against setting up schemes which favoured separate classes of workers or industries at the expense of others. The principle should be that the worker should receive the same treatment in all industries.

International Action in Public Works Programmes.

69. While there was a general agreement concerning the importance of international collaboration with respect to compensatory public works policy, several members of the Subcommittee expressed doubts as to how it should deal with this question. It noted that the United Nations Economic and Social Council was also concerned with many issues of economic policy to which this particular issue was related.

70. Several members, particularly those from the developing countries, believed that international capital movement had a very important role to play in the development of the construction industry in the developing countries. Greater attention needed to be given to this question.
Submission and Adoption of Draft Conclusions

71. At the sixth sitting of the Subcommittee the Chairman presented the draft conclusions prepared by the Working Party. In so doing he referred to the excellent spirit of collaboration that had prevailed during the discussions of the Working Party. Some minor changes were made in the text at the request of several members.

72. With regard to paragraph 3 the U.S.S.R. Government member noted that the Working Party had drawn a distinction between the problems which arose in the construction industry in highly industrialised countries and developing countries, and regretted that in the same way a distinction had not been made between the centrally planned economies and the free market economies.

73. The French Government member had certain reservations about paragraphs 27 and 36.

74. The United Kingdom Government member made certain reservations concerning paragraphs 29, 30 and 31, since his Government believed that compensatory public works policy had only a limited role to play in employment stabilisation and that such stabilisation might be better achieved by other methods. He also entered a reservation concerning paragraph 51, since his Government was not in a position to compensate the worker beyond the provisions already contained in the national social insurance system.

75. The draft conclusions as a whole were accepted unanimously.

Adoption of the Report


(Signed) A. CHASE, Chairman.
O. SØRENSEN, Reporter.

Examination by the Committee of the Report and of the Draft Conclusions

At the eighth plenary sitting of the Committee Mr. SØRENSEN (Government delegate, Denmark; Reporter of the Subcommittee) presented the foregoing report, together with the draft conclusions concerning the regularisation of employment in the construction industry.

Mr. UMRATH (Workers' delegate, Netherlands; Vice-Chairman of the Subcommittee) called for the adoption of the report and of the draft conclusions, which had resulted from full co-operation within the Subcommittee.

Mr. CHUTTER (Employers' delegate, Canadian; Vice-Chairman of the Subcommittee) pointed out that there had been full and frank discussions within the Subcommittee. The results of its work should be adopted by the Committee as a whole.

The Committee unanimously adopted the report of the Subcommittee, as well as the conclusions (No. 70) concerning the regularisation of employment in the construction industry.

Conclusions (No. 70) concerning the Regularisation of Employment in the Construction Industry

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met at Geneva in its Seventh Session from 4 to 15 May 1964,
Recalling the fact that the Committee has considered various aspects of the problem of instability of employment on its agenda at its Second Session in 1949, at its Third Session in 1951 and at its Fifth Session in 1956, and has adopted various conclusions on measures to achieve stabilisation of employment in the construction industry;

Adopts this fifteenth day of May 1964 the following conclusions:

A Restatement of the Problem

1. Although traditional instability of employment has been considerably reduced in many countries, it remains today one of the persistent characteristics of the construction industry.

2. During the post-war period the construction industry in certain countries has suffered a new type of instability. In their efforts to cope with inflationary pressures and international balance-of-payments problems, governments in those countries have at certain times placed short-term restrictions on the economy as a whole and on the construction industry in particular, with resulting idle capacity in the industry and unemployment of its workers.

3. While some of the above aspects of instability of employment apply in the developing countries, the entry of new member States into the International Labour Organisation and the increasing importance given to the problems of developing countries during the last 15 years have indicated that these problems are different from those of the highly industrialised countries and accordingly merit a special study by the Building, Civil Engineering and Public Works Committee with a view to recommending practical conclusions.

4. It is recognised today—more than ever before—that the needs for new construction and for the repair and maintenance of existing structures will, for the foreseeable future, exceed the capacity of the construction industry in most countries to meet these needs. The needs originate from such factors as population growth, the movement to urban areas, and rising standards of living being superimposed on the backlog of needs inherited from the war-time and depression years and other periods of low construction activity in some countries.

5. Equally urgent is the need to achieve stability and steady growth in the construction industry in order to provide workers with regularity of employment and steady incomes, and to provide for employers an environment more conducive to efficiency and progress.

6. In the light of recent experience, particularly among many industrialised countries, it is possible to remove many of the factors which have contributed so much to past instability in the construction industry. By co-operation and co-ordination both sides of the construction industry and governments working together can ensure that construction needs will be translated into effective demand for the resources of the construction industry.

The Necessity of Long-Term Construction Programming

7. A fundamental condition for regularisation of employment and steady growth in the construction industry in both the highly industrialised and the less industrialised countries is the adoption of long-range programming in the construction industry within the general framework of a full employment policy.

8. The general objective of such long-term programming should be to enable the industry to meet the construction needs of an expanding economy and rising standards of living.

9. The employment objective of such long-term programming should be to provide continuous employment for all workers in the construction industry, taking into account, where applicable, the hard-core minimum of intermittent unemployment, frictional
unemployment and seasonal unemployment under conditions and in operations where continued work is technically impracticable.

10. National governments and other public authorities should plan their construction programmes ahead for a period of several years. Such programming ensures that all preliminary preparations for the next year's work, such as financial provision, surveys, land acquisition, town planning and design, are completed well in advance, and enables work to be accelerated quickly on all fronts if need should arise. Long-term programmes should be regularly reviewed and, if necessary, modified to meet particular circumstances and changing requirements. In the preparation of long-term programmes appropriate account should be taken of the demands for construction work which are expected to be made in many countries by the private sector during the period of the programme.

11. Governments should consult with employers' and workers' organisations in the construction industry with respect to policies affecting the industry, and particularly with regard to the development and carrying out of construction programmes. Where appropriate, tripartite bodies—composed of representatives of governments, employers and workers—should be established to facilitate the implementation of this policy.

12. To carry out long-term programming effectively it is necessary that governments and the construction industry have immediately available reliable statistical data concerning construction activity and the composition of construction manpower resources. In this respect the International Labour Office is invited to take appropriate steps, in consultation with the other international organisations concerned, to promote improvement and co-ordination in the statistics required for carrying out a policy of long-term programming in the construction industry, particularly in regard to the timing of stabilisation measures.

13. Further technical and economic research in the construction industry should be promoted and co-ordinated among countries, particularly with a view to stabilisation and improvement of employment in the industry, and greater efforts should be made both nationally and internationally to disseminate the results of such research.

14. In order to ensure adequate financial provision for the carrying out of long-term programmes consideration should be given to the possibility of multi-annual financing and the setting up of separate budgets for capital purposes.

15. In so far as practicable, public authorities should award contracts on a long-term basis.

16. Special importance is attached to giving workers long-term contracts whenever possible.

17. Governments should take steps, where necessary, to strengthen the national employment service, so as to facilitate the placement of construction workers who might become unemployed. In many regions an international placement service may play a useful role in helping to relieve pressures in overpopulated areas and in helping workers to move to areas where additional workers are greatly needed.

18. It is generally necessary for the appropriate national authorities to promote and co-ordinate advance planning at all levels of government. In particular, it may be necessary for the national authorities to provide or facilitate the provision of grants and/or loans to local authorities to help finance the planning of public construction programmes.

19. In certain types of construction it may be necessary for the national government, with its larger financial powers and resources, to extend or facilitate the provision of loans and/or grants to appropriate agencies, groups or individuals to help finance construction costs.

20. For the employer, long-term prospects of work facilitate efficient operation of the undertaking and particularly investment in larger items of capital equipment which
can be paid off only over a period of time, and they promote experimentation and innovation in the introduction of new methods and materials.

21. For the worker, long-term programming should aid in removing causes of instability and should afford real prospects of more regular employment.

22. For the government, employer and worker, long-term programming, *inter alia*, will facilitate the organisation and expansion of training programmes.

*Measures to Avoid Idle Resources*

23. Effective demand for public and private construction will be strengthened by improving the basic functioning of the industry through taking all possible measures to increase productivity and thereby contribute to the reduction or stabilisation of construction costs.

24. All possible private and public measures should be taken to create the most favourable environment for the maintenance of a high and stable level of construction. To the extent that success can be achieved in this direction the demands for compensatory measures are correspondingly diminished.

25. Where land prices are so high as to discourage construction work special attention should also be given to measures to reduce or stabilise land prices.

26. A contribution to employment stabilisation can be made and many direct benefits can be realised by private clients by applying the principles of long-term programming to their own investment outlays. Close collaboration between the appropriate governmental body and employers' and workers' organisations in watching, analysing and forecasting general economic conditions may be an important factor in helping to promote greater stability in private capital investment.

27. Where the situation requires, consideration may be given to various government tax concessions to private firms which adopt a counter-cyclical investment policy, such as accelerated depreciation allowances, tax relief on funds set aside for investment and tax reimbursements; such measures may be an effective means of stimulating private investment.

28. In publicly owned and publicly controlled industries, the principles of long-term programming of investment should also be applied; where appropriate and practicable, the possibilities of counter-cyclical action in carrying out construction programmes might also be explored.

29. Government-financed and government-stimulated construction programmes have an important role to play in helping to compensate for fluctuations in private construction.

30. Effective long-term programming in the construction industry makes it possible to minimise delays in expanding publicly financed and publicly stimulated construction to compensate for possible declines in private construction.

31. In order to ensure that work on publicly financed and publicly stimulated construction programmes can be accelerated promptly in the event of a slackening in construction employment it is desirable that the appropriate public body or bodies be given authority to initiate such action and that advance provision should be made to finance such acceleration.

32. Where necessary, the government may effectively stimulate house construction and thus help to stabilise employment in the housing sector by granting subsidies, taking suitable measures to influence interest rates, extending the length of amortisation periods, reducing down-payment requirements and providing insurance or guarantees for home mortgages.
33. With respect to unemployment on account of climatic conditions it is widely recognised now that technological advance has removed the technical obstacles to continued year-round employment in most operations in the construction industry. The two principal reasons for the persistence of the seasonal pattern in the construction industry are, firstly, deeply-rooted habits on the part of the public and of the industry in accepting seasonality in employment as a natural consequence of seasonality in weather, and secondly, the additional direct costs that are involved in maintaining year-round construction.

34. The Committee believes that for many years to come the appropriate government authorities and employers' and workers' organisations in the construction industry, as well as civic groups, should take all possible steps to inform the public, particularly the client and the employers and workers in the industry, concerning the possibilities, the desirability and the economic necessity of maintaining construction throughout the year.

35. Particular importance is attached to continued research to develop more effective and less costly techniques of winter construction and to courses in winter construction for contractors and their staffs.

36. Governments may provide an important stimulus to stabilisation through the provision of financial incentives to offset higher costs of construction during periods of bad weather.

37. Public authorities and private clients should as a general principle schedule an appropriate part of their programme for new construction and maintenance during the bad weather season.

38. Governments should ensure that suitable measures are taken to protect the worker against inclement weather, for example by putting at the workers' disposal free of charge suitable clothing and shelter on the working site, and to provide adequate living accommodation and related facilities on isolated sites or in cases where normal housing is not available.

39. Geographical mobility of construction workers is an important factor in achieving year-round employment. When this requires the travelling of greater distances and/or the maintenance of two households, workers should be provided with allowances to cover the extra costs involved.

40. In certain construction operations prefabrication offers an effective means of increasing work under unfavourable climatic conditions by transferring work from the construction site to the factory or shop.

Measures to Avoid Instability Associated with Overstrained Resources

41. It is recognised that the principal contemporary problem confronting the construction industry in many countries—as it has been throughout most of the post-war period—is that construction demands exceed the capacity of the construction industry.

42. The insufficiency of construction resources emphasises the importance of employers, workers and governments taking all possible measures to eliminate waste and to increase the productivity of existing resources in the industry. The Committee wishes to reaffirm the recommendations made at its Fourth Session in 1953, as set forth in the resolutions concerning methods of improving productivity in the construction industry.

43. The inadequacy of construction resources also underlines the importance of employers, workers and governments taking all possible measures to ensure year-round employment in the construction industry.

44. The inadequacy of construction resources also suggests the desirability of expanding the manpower and capital resources devoted to the construction industry, in
both the highly industrialised and the developing countries, taking proper account of other fundamental requirements in national economic policy.

45. Expansion of manpower resources is encouraged by providing the construction worker with security of employment, good working conditions and a level of income sufficiently high to induce him to make the industry his career.

46. Greater attention should be given to regional planning and development, so as to slow down the movement to large urban centres and to help diminish the congestion and stresses in such areas, which are already overburdened in trying to provide adequate construction facilities for their populations. It is desirable that planners take into account the availability of human and material resources when designing new projects in a particular region, especially in those developing countries where large resources of underemployed labour are available.

47. The application of long-term programming in the construction industry as referred to in paragraphs 7 to 22 above will help to ensure orderly and balanced construction activity and thus help to avoid undue stresses, extremes and disruptions associated with overstrained resources.

48. In some countries, if the desired result of long-term programming has not been achieved, it may be desirable and necessary to influence the volume of construction through adjustments in general fiscal and monetary policy, care being taken through consultation with the construction industry to avoid abrupt changes in construction programmes. Such a policy may be particularly effective in countries where various forms of government financing and stimulation play an important role in the private construction sector.

49. In other countries, taking account of local conditions, it may be necessary and useful—in order to avoid waste, hardships and misuse of scarce resources—to establish a system of economic and social priorities in carrying through large-scale programmes and other urgent work. In working out such a system special consideration should be given to projects of national importance which are essential for the promotion and maintenance of a high rate of economic growth and social progress, such as dams, factories, workers' housing and school and health facilities, etc.

50. In taking measures to curb inflationary pressures or to cope with international balance-of-payments difficulties, governments should take steps to ensure, in so far as possible, that monetary and fiscal restrictions do not result in idle capacity in the construction industry.

51. If unemployment in the construction industry should occur as a consequence of measures referred to in paragraph 50, the individual worker should not be penalised. Therefore, any resulting economic disadvantage to the worker should be compensated as far as possible.

International Action

52. In view of the importance of international collaboration in carrying out a policy of regularisation of employment in the construction industry, the Committee invites the Governing Body to bring this problem to the attention of the United Nations Economic and Social Council in connection with its continuing discussions on full employment policy.

53. The Committee attaches special importance to international capital movements from the highly industrialised countries to the developing countries and technical co-operation between them to assist in the development of their construction industries and to help relieve their problems of unemployment and underemployment. The Governing Body is invited to draw these views to the attention of the appropriate international organisations concerned with the provision of international financial assistance.

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Report of the Working Party on the Effect Given to the Conclusions Adopted by the Building, Civil Engineering and Public Works Committee at Its Previous Sessions

Composition and Officers of the Working Party

1. The Working Party on the Effect Given to the Conclusions Adopted by the Building, Civil Engineering and Public Works Committee at Its Previous Sessions was set up by the Committee at its second plenary sitting on 4 May 1964. It was composed of three titular members and three deputy members from each group.

2. The Working Party appointed its officers as follows:

   **Chairman:** Mr. W. Kulesza (Government member, Poland).
   
   **Vice-Chairmen:** Mr. F. Buche (Employers' member, Swiss).
   Mr. F. Millendorfer (Workers' member, Austrian).

   **Reporter:** Mr. H. Fagel (Government member, Netherlands).

3. The Working Party held four sittings.

   **Terms of Reference of the Working Party**

4. In accordance with article 3, paragraph 4, of the Standing Orders for Industrial and Analogous Committees the Working Party was called upon—

   (a) to examine the information contained in the parts of the General Report concerning the effect given to the conclusions and resolutions adopted at previous sessions;

   (b) to classify the conclusions and resolutions adopted at previous sessions with the object of facilitating the examination of the effect given to them;

   (c) to indicate—

      (i) the conclusions and resolutions, or parts thereof, which are no longer of current concern;

      (ii) as regards the other conclusions and resolutions, or parts thereof, those which for the time being would not appear to call for further information, and those on which further information is considered desirable.

5. To enable it to carry out its first task, that is the examination of information on the effect given to conclusions and resolutions adopted at previous sessions, the Working Party had before it the General Report prepared by the Office. Part I of this report dealt with action taken in the various countries to give effect to certain conclusions adopted by the Committee at previous sessions and was based on information supplied by member States. Part II of the same Report provided information on the measures taken by the Office on the strength of the requests made to it by the Committee. The Working Party also had before it a list of the combined texts placed before the Committee, as well as a list of the resolutions addressed to the Office as classified by the Committee at its Sixth Session.

   **Examination of the Information concerning the Effect Given to the Conclusions and Resolutions Adopted at Previous Sessions**

6. The Working Party emphasised the importance it attached to effective follow-up in the countries concerned, or where appropriate by the International Labour Office, of the conclusions and resolutions adopted by the Committee at its previous sessions. It considered the task of the Working Party in evaluating action taken as essential. It expressed its appreciation of the information provided and invited the Governing Body to request the Director-General to transmit the thanks of the Committee to the governments which had been good enough to supply information.

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7. Several members of the Working Party, expressing the views of the Employers’ and Workers’ members, considered, however, that the information supplied and the manner in which it was presented did not enable the Working Party to obtain a clear idea of the extent to which the conclusions and resolutions of the Committee were being applied in practice in the various countries and had resulted in effective action being taken. The Working Party deplored the fact that many governments, including those of some members of the Committee, had not replied at all or had given only incomplete information, sometimes rather beside the point. In at least one case the information supplied did not reflect the views which the workers’ organisations of the country concerned had communicated to the government for transmission to the Office.

8. The Swiss Employers’ member urged that the information be presented in a tabular form which would at once reveal the gaps. The Italian Government member suggested that a precise questionnaire should be sent to governments by the Office so that the replies could bear on the principal points contained in the conclusions in which the Committee would be mainly interested; this would make it easier to present replies in a more systematic manner. The Austrian Workers’ member suggested that a table be included on the lines of the chart of ratifications of international labour Conventions.

9. The Workers’ members stressed the importance of the employers’ and workers’ organisations being closely associated with the follow-up of the Committee’s work. Clearly, the conclusions should be communicated to all organisations concerned. When the time came to send the information to the Office governments should approach these organisations. A text agreed on a tripartite basis should, if possible, be sent; if that were not feasible, the views of the employers’ and workers’ organisations should be transmitted with, if need be, the government’s views. The French Government member suggested that delegates to the previous sessions should be warned by the Office when governments were being requested to supply information for another session, so that they could assist in making it available. Contacts at a tripartite level should not be confined to sessions of the Committee in Geneva but should continue at the national level. In this connection many delegates stressed the great usefulness of established tripartite or bipartite bodies for the construction industry in the various countries. Such bodies could, no doubt, assist in ensuring a follow-up of the conclusions reached by the Committee, and could perform many other functions. The Committee had already adopted a resolution on the subject, No. 12, at its First Session in 1946, yet it did not appear that this valuable recommendation had been acted upon by enough countries.

10. The French Government member pointed out that the Office had to ask for information long before the session met, and that much of interest might happen during the interval. Further, in view of the long gap between sessions, it would be useful if information could be collected and supplied to members during this interval.

11. Certain members drew attention to the desirability of maintaining as far as possible a measure of continuity in the representation on the Committee, thus facilitating its work and the follow-up of its conclusions.

12. The representative of the Secretary-General welcomed the interest shown by the Working Party in the effective follow-up of the Committee’s conclusions. The Office would give serious consideration to the various proposals which had been made. He pointed out, however, that the position with regard to the conclusions of Industrial Committees was not the same as that which existed with regard to international labour Conventions adopted by the Conference and ratified by States. There was no constitutional obligation on governments to report on the effect given to the conclusions of Industrial Committees, and the action of the Office was based on requests made by the Governing Body to governments.

13. The representative of the Secretary-General also stated that most of the conclusions of Industrial Committees were in the nature of suggestions to employers’ and
workers' organisations in the industry concerned and could be acted upon by them without recourse to legislative measures. The Document concerning the Purposes and Functions of Industrial and Analogous Committees adopted by the Governing Body at its 154th Session (March 1963), and in particular paragraphs 20 to 23, constituted the latest text adopted by the Governing Body on the subject. It made the position clear and had been sent to all governments. Relevant extracts were appended to the letter sent to governments asking for information. The text approved by the Governing Body also contained references to the usefulness of tripartite or bipartite bodies for each industry in the various countries, though it did not go so far as to call upon member States to set up such bodies. Procedures might vary as between the different countries, but it was clearly the intention of the Governing Body that the employers' and workers' organisations, whether through the tripartite or joint bodies or otherwise, should be informed of the Committee's conclusions, should be invited to give effect to them within the scope of their competence, should indicate what action they proposed to take and should be associated with the supply of information to the Office.

14. It would be greatly appreciated if governments, delegates or their organisations would send in spontaneously to the Office information on new developments as these occurred. These could, where appropriate, be included in Office publications.

15. The various proposals made, which had the support of the Working Party as a whole, are embodied in the suggestions which follow this report.

16. The French Government member supplied information on developments which had occurred in France since the reply of his Government had been sent. This related in particular to the measures taken following a "round table" discussion on problems of the construction industry held in Paris during November 1963.

Classification of the Conclusions and Resolutions Adopted by the Committee at Its Previous Sessions

17. The Working Party classified the conclusions and resolutions adopted at earlier sessions under headings which corresponded to its terms of reference as set out in article 3, paragraph 4, of the Standing Orders for Industrial and Analogous Committees. This classification will be found in the Appendix.

18. As regards conclusions and resolutions calling for action mainly in the various countries the Working Party agreed that the basis should be the combined texts prepared by the Office, it being understood that governments would in any case be called upon to supply information on the conclusions adopted at the current session.

19. As regards conclusions and resolutions calling for action mainly by the International Labour Office itself the Working Party took as a basis the classification adopted at the Sixth Session, making a certain number of alterations therein.

20. Attention is drawn in the following paragraphs to some of the observations made in respect of particular conclusions or resolutions.

Timber and Woodworking

21. The Swiss Workers' member asked that the resolution concerning social aspects of the world timber situation and outlook (No. 29) adopted at the Third Session should continue to receive the attention of the Office, because the Workers' members were anxious that a tripartite technical meeting for the woodworking industry should be convened. The Employers' members considered this matter to be outside the scope of the Committee and pointed out that in any case the resolution referred to dealt exclusively with forestry workers. The question of the convening of a meeting on the woodworking industry was the subject of a separate draft resolution. The Working Party agreed to leave resolution No. 29 among those which were no longer of current concern from the point of view of the Building, Civil Engineering and Public Works Committee.
Studies of Problems of the Construction Industry.

22. The Workers' members drew attention to the fact that a number of the studies on problems of the construction industry called for in resolution No. 32 adopted at the Third Session had not yet been carried out or that, where the subjects had been considered, new developments justified further study.

This situation was in their opinion the case in regard to practical measures for accident prevention, action to be taken by employers and workers for the reduction of health risks to workers in the construction industry, payment by results in the construction industry, and the application of a fair wage in the construction industry of the underdeveloped countries. The Working Party accordingly agreed that the relevant paragraphs of this resolution should continue to receive the attention of the Office and appear under Group B. The Working Party expressed the hope that these studies would be carried out.

On-the-Spot Investigations in Underdeveloped Countries.

23. The Indian Employers' member expressed his regret that, in spite of the statements made on the subject at the last session, the Office had indicated that it had been unable in the intervening years to carry out any on-the-spot investigations into welfare, productivity, occupational safety, and the conditions of employment of workers employed by contractors who supply labour only, in industrially less developed countries. He considered that such investigations would be very helpful to the countries concerned and of interest to the Committee as a whole. The representative of the Secretary-General explained that it had not been possible to take any action on this matter because of financial and staff limitations, but that the Office would be anxious to undertake such investigations if and when possible. The Working Party agreed that the resolution on the subject (No. 38) should continue to receive the attention of the Office and expressed its hope that suitable action be taken.

Combined Texts

24. The Working Party expressed its appreciation of the combined texts of the conclusions and resolutions adopted at the first six sessions of the Committee, which had been submitted to it by the Office. These combined texts are reproduced hereinafter. The Working Party requested that these should be regarded as the texts in use for reference purposes and that they should be published together with the proceedings of the session in the Official Bulletin. The Working Party requested that similar texts be prepared for the next session, embodying also the conclusions adopted at the current session. The Swiss Employers' member requested that an indication be given in respect of each of the parts of the combined texts on the voting at the time of its adoption. This information will be found below.

Adoption of the Report

25. The Working Party, after a brief discussion on certain points, unanimously adopted at its fourth sitting on 14 May 1964 this report, together with the accompanying classification of the conclusions and resolutions adopted by the Committee at its first six sessions, and the draft suggestions concerning the effect to be given to the conclusions and resolutions adopted by the Building, Civil Engineering and Public Works Committee. Geneva, 14 May 1964.

(Signed) W. Kulesza,  
Chairman.  
H. Fagel,  
Reporter.
APPENDIX

CLASSIFICATION OF THE CONCLUSIONS AND RESOLUTIONS ADOPTED BY THE BUILDING, CIVIL ENGINEERING AND PUBLIC WORKS COMMITTEE AT ITS FIRST SIX SESSIONS

SECTION I: CONCLUSIONS AND RESOLUTIONS CALLING FOR ACTION IN THE DIFFERENT COUNTRIES

Group A: Conclusions and Resolutions Which Are No Longer of Current Concern
None.

Group B: Conclusions and Resolutions Which, for the Time Being, Would Not Appear to Call for Further Information
Combined text No. I: Recruitment and the young worker in the construction industry.
Combined text No. V: Labour-management relations in the construction industry.

Group C: Conclusions and Resolutions on Which Further Information Is Considered Desirable
Combined text No. II: Vocational training in the construction industry.
Combined text No. III: Conditions of work in the construction industry.
Combined text No. IV: Safety in the construction industry.
Combined text No. VI: Stabilisation of the construction industry.
Combined text No. VII: Productivity in the construction industry.
Combined text No. VIII: Research and documentation in the construction industry.
Combined text No. IX: International migration of manpower in the construction industry.

SECTION II: CONCLUSIONS AND RESOLUTIONS TO WHICH EFFECT IS TO BE GIVEN MAINLY BY THE OFFICE

Group A: Conclusions and Resolutions, or Parts Thereof, Which Are No Longer of Current Concern to the Office
No. 4. Resolution concerning problems of reconstruction.
No. 16. Resolution concerning the establishment of an international institute for building loans.
No. 21. Resolution concerning the agenda of the Third Session of the Committee.
No. 29. Resolution concerning social aspects of the world timber situation and outlook.
No. 30. Resolution concerning the agenda of the Fourth Session of the Building, Civil Engineering and Public Works Committee (application of the principle of a guaranteed wage).
No. 31. Resolution concerning the agenda of the Fourth Session of the Building, Civil Engineering and Public Works Committee (financing housing construction).
No. 32. Resolution concerning studies on problems of the construction industry (paragraph 3 only).
No. 44. Resolution concerning the report of the Meeting of Experts on Payment by Results in the Construction Industry.
No. 47. Memorandum concerning action taken by the Governing Body and the Office in the light of the Committee's conclusions.
No. 50. Resolution concerning action to be taken with regard to the resolution (No. 16) concerning the establishment of an international institute for building loans, adopted by the Committee at its Second Session.
No. 51. Resolution concerning a study on safety in the construction industry.
No. 52. Resolution concerning the agenda of the Fifth Session of the Building, Civil Engineering and Public Works Committee.
No. 56. Suggestions concerning the effect given to the conclusions adopted at previous sessions of the Building, Civil Engineering and Public Works Committee.
No. 60. Proposal concerning the agenda of the Sixth Session of the Building, Civil Engineering and Public Works Committee.
No. 62. Resolution concerning the international migration of labour in the construction industry (paragraph 9 only).
No. 64. Suggestions concerning the action to be taken to give effect to the conclusions adopted at previous sessions of the Committee.
No. 65. Resolution concerning housing.
No. 66. Resolution concerning the impact of new techniques in the construction industry.
Group B: Conclusions and Resolutions, or Parts Thereof, Which Should Continue to Receive the Attention of the Office

No. 3. Resolution concerning production in the construction industries.
No. 5. Resolution concerning recruitment and vocational training of manpower in the construction industries.
No. 7. Resolution concerning general conditions of work.
No. 8. Resolution concerning rural housing.
No. 12. Resolution concerning the establishment of national committees in the construction industries.
No. 13. Resolution concerning a study on industrial relations to be undertaken by the International Labour Office.
No. 17. Resolution concerning vocational training in the construction industry.
No. 18. Resolution concerning recruitment for the construction industry.
No. 22. Resolution concerning welfare in the construction industry in underdeveloped countries.
No. 27. Resolution concerning international arrangements for building research.
No. 32. Resolution concerning studies on problems of the construction industry (paragraphs 1, 2, 4 and 5 only).
No. 33. Resolution concerning national housing programmes.
No. 38. Resolution concerning on-the-spot investigations into productivity in the construction industry in underdeveloped countries.
No. 40. Resolution concerning the importance of research and documentation in relation to productivity in the construction industry.
No. 46. Resolution concerning action taken in the various countries to give effect to the Committee's conclusions (paragraph 3 only).
No. 48. Resolution concerning welfare in the construction industry in underdeveloped countries.
No. 49. Resolution concerning the policy of full employment as related to national housing programmes.
No. 53. Resolution concerning safety in the construction industry.
No. 54. Resolution concerning technical assistance in the field of safety in the construction industry.
No. 57. Memorandum concerning the training of skilled labour in the construction industry in countries not sufficiently developed in this respect.
No. 58. Resolution concerning hours of work.
No. 59. Resolution concerning the agenda of the Sixth Session of the Building, Civil Engineering and Public Works Committee.
No. 61. Resolution concerning the agenda of the Sixth Session of the Building, Civil Engineering and Public Works Committee.
No. 62. Resolution concerning the international migration of labour in the construction industry (paragraphs 6 and 13 only).
No. 67. Proposals concerning the agenda of the Seventh Session of the Committee.

Examination by the Committee of the Working Party's Report and of the Draft Suggestions

At the eighth plenary sitting of the Committee Mr. FAGEL (Government delegate, Netherlands; Reporter of the Working Party), presenting for adoption the report of the Working Party, together with the draft suggestions concerning the effect to be given to the conclusions and resolutions adopted by the Building, Civil Engineering and Public Works Committee, considered that the constructive proposals which had been made by the Working Party deserved the support of the Committee as a whole.

Mr. KULESZA (Government delegate, Poland; Chairman of the Working Party) paid tribute to the good will which had been so manifest throughout the deliberations of the Working Party; its members were unanimous in recommending that the documents now before the Committee should be adopted.

The Committee unanimously adopted the report of the Working Party, together with the suggestions (No. 71) concerning the effect to be given to the conclusions and resolutions adopted by the Building, Civil Engineering and Public Works Committee. The text of the suggestions is reproduced hereinafter.
Suggestions (No. 71) concerning the Effect to Be Given to the Conclusions and Resolutions Adopted by the Building, Civil Engineering and Public Works Committee

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Meeting in its Seventh Session from 4 to 15 May 1964,

Having examined the replies of governments on the effect given to the conclusions and resolutions adopted at its earlier sessions,

Invites the Governing Body to request the Director-General—

(1) to express the thanks of the Committee to the governments which supplied information for the Seventh Session of the Committee;
(2) to transmit to governments, with the conclusions and resolutions adopted at the Seventh Session of the Committee, the combined texts of the conclusions and resolutions adopted at its first six sessions, with a request that they be transmitted to the employers' and workers' organisations concerned, informing them of the importance which the Committee attaches to the proposals contained therein as guides to the solution of some of the major problems facing the construction industry;
(3) to explore the possibility of presenting at future sessions of the Committee the information received in a schematic form which would enable the Committee to evaluate more easily the effect given to its conclusions and resolutions, and for this purpose to define more clearly the questions on which governments should be invited to supply information;
(4) to remind governments that the conclusions of the Committee should be communicated to the employers' and workers' organisations concerned, that any action governments might undertake in regard to these conclusions should be determined in consultation with these organisations, that, when information on the effect given to the conclusions and resolutions of the Committee is being prepared, these organisations should be requested to give their views thereon, and that these views should be communicated to the International Labour Office, together with the views, if need be, of the governments thereon;
(5) to draw the attention of governments to the desirability of the effect to be given to the conclusions and resolutions of the Committee being discussed by industrial relations bodies, whether tripartite or bipartite, for the construction industry;
(6) to invite governments, and through them the employers' and workers' organisations concerned, spontaneously to send in to the International Labour Office current information on measures taken in regard to matters of interest to the Committee;
(7) to include in the publications of the Office more information bearing on the subjects dealt with in the conclusions and resolutions adopted by the Committee;
(8) when sending the communication to governments calling for information for the next session, to inform at the same time delegates to the previous session that this is being done, in order that they may contribute to the supply of information; and
(9) to prepare combined texts of the conclusions and resolutions adopted at the first seven sessions of the Committee.

Combined Texts of the Conclusions and Resolutions Adopted by the Committee at Its First Six Sessions

I. Combined Text of Conclusions Concerning Recruitment and the Young Worker in the Construction Industry

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,
Considered at its Second, Fourth and Sixth Sessions, which were held in 1949, 1953 and 1959 respectively, various matters relating to recruitment and to young workers in the construction industry;

Was convinced of the need for a recruitment policy which will take account of the long-term requirements of the construction industry and particularly of the need for attracting young workers to the various construction crafts (II/18) 1; 

Considered the serious situation which exists in some countries in relation to the recruitment of young workers into the construction industry (IV/41);

Considered the possible effects of this situation on the productivity of the construction labour force and on the output of the industry as a whole (IV/41); and

Adopted the following conclusions:

1. It was recommended to trade unions in the construction industry that—
   (a) freedom of entry within the various building trades be preserved; and
   (b) co-operation be offered in promoting recruitment and training plans that will improve the efficiency of the construction labour force (II/15).

General Provisions

2. Special arrangements between employers and their organisations and the trade unions concerned should be encouraged for the recruitment of workers for the construction industry (II/18).

3. The public employment services in the various countries should be equipped so as to play their part in the recruitment of workers for such undertakings as request it. To this end specialised occupational sections for the construction industry should be established within the employment service at each level of operation (II/18).

4. There should be attached to such specialised sections of the employment service national and local advisory committees on the construction industry consisting of representatives of the employers’ and workers’ organisations concerned and, where appropriate, of public authorities directly interested in the construction industry (II/18).

5. This advisory machinery should be utilised to relate recruitment in the construction industry directly to national economic objectives and to help plan recruitment for the industry, nationally and locally, within the framework of the general manpower plans worked out in connection with these objectives (II/18).

Recruitment of Apprentices

6. Special arrangements, where such are required, should be made to facilitate the recruitment of young workers in the construction industry. These arrangements should include, for example, the setting up, under the national and local employment service advisory committees on the construction industry, of special subcommittees responsible for helping to develop appropriate methods for recruiting an adequate number of suitable young persons for each of the different occupations of the industry and, generally, for advising on all matters affecting the recruitment of young persons, including apprentices (II/18).

Information Services

7. As a basis for recruitment and training policy in the construction industry, the employment service should collect and analyse, on a national and local basis, and in co-operation with the trade organisations concerned, detailed information on—
   (a) the extent and character of the labour and skill requirements of employers;

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1 The Roman numeral in parentheses at the end of each paragraph indicates the session of the Committee at which the text in question was adopted; the Arabic numeral immediately following is that of the relevant conclusion. Thus (II/18) means that the text in question has been taken from conclusion No. 18 (resolution concerning recruitment for the construction industry) which was adopted by the Committee at its Second Session (Rome, March 1949).
(b) the size and characteristics of the labour force in employment;
(c) the number and characteristics of workers available for employment in the construction industry; and
(d) the trend of employment in the construction industry and the factors affecting this trend (II/18).

International Recruitment

8. In order to facilitate the recruitment of construction workers on an international basis for countries which without outside help might suffer from a shortage of manpower, a regular exchange of information should be organised by the International Labour Office concerning—
(a) the extent and the nature of the long- and short-term need for manpower of the immigration country, both as regards numbers and crafts; and
(b) the number and qualifications of the construction workers available in the emigration countries (II/18).

9. International migration of construction workers should be regulated by agreement between the countries concerned (II/18).

Young Workers

Preliminary Conditions.

10. The Governing Body of the International Labour Office is invited to draw the attention of governments, employers and workers to the importance of ensuring that the recruitment of young workers into the construction industry is sufficiently great to ensure that the numerical strength of the labour force be brought to and maintained at a satisfactory level in relation to the needs of the industry (IV/41).

11. In order that the construction industry may be able to carry out its task in each country it is essential that it be assured of an adequate supply of young workers. To this end the attention of all those concerned is drawn to the following considerations:
(i) it is essential to ensure greater stability in the industry if young workers are to be attracted to it;
(ii) this being understood, employers' and workers' organisations and governments—each in so far as they may be concerned—should take appropriate measures—
to survey as far as possible, for instance by means of a periodical assessment, the need for additional workers in the industry;
to attract them to the industry;
to arrange for their recruitment, induction and training; and
to provide such environment, conditions of work and possibilities of advancement as will encourage young workers to make a life career in the construction industry (VI/63).

12. If a sufficient number of young workers of the right quality are to be attracted to the construction industry their prospects should be presented in a favourable light (VI/63).

13. The most important problem is to ensure real stability of employment, since undertakings in the industry cannot ensure steady employment to their young workers unless they can anticipate a steady demand on their resources. To this end capital investment programmes should be stabilised within the framework of general economic policy. Measures to ensure such stability should include, as appropriate—
(i) preparation and careful carrying out of construction programmes extending over a sufficiently long period;
(ii) maintenance by the appropriate authorities of a flexible programme of public works and the maintenance of administrative machinery to enable the construction load to be modified, as may seem necessary, in good time to avoid peaks and troughs of construction activity and also to avoid sudden dislocation of construction plans;
(iii) measures tending to create and to maintain a climate favourable to investment;
(iv) measures to be taken by the employers and the workers with the help of govern-
ments to increase the efficiency and the productivity of the industry and to reduce
the cost of construction (VI/63).

14. Young workers should, as far as possible, be guaranteed employment during
training, either by indenturing of apprentices to employers for a period, or by arranging
for apprentices or trainees to be looked after for this purpose by joint committees of
employers and workers, or by some other arrangement according to national law or
practice (VI/63).

15. The current and future needs for the recruitment of different categories of
construction workers (such as unskilled workers, skilled workers in different trades, fore-
men, draughtsmen and technicians) should receive continuing attention from the com-
petent national authority, in close collaboration with the organisations of employers and
workers in the construction industry and other interested bodies. These studies should
take due account of factors such as the movement of construction workers into other
industries, housing and public works programmes, possible increases in the demand
for the products of the industry, and the influence of mechanisation and new techniques
and materials. In carrying out such studies due account should be taken of local or
regional situations, bearing in mind the limitations on mobility of labour (VI/63).

**Attracting Young Workers.**

16. In order to stimulate recruitment to the necessary extent, full advantage should
be taken of national arrangements for the vocational guidance and placement of young
persons, using such of the following means as may be appropriate and bearing in mind
the importance of presenting material in a manner which will appeal to them:

(i) advice or informal talks by school authorities, contractors, civil engineers, archi-
tects or other appropriate persons;
(ii) exhibitions (including mobile exhibitions), films, broadcasts and television pro-
grammes illustrating various aspects of the life of construction workers;
(iii) preparation and appropriate dissemination of pamphlets giving information con-
cerning the situation and prospects of workers in the construction industry;
(iv) widespread dissemination, among young persons in their final year at school, of
information concerning organisations or individuals who may be approached by
intending entrants; and
(v) conducted visits to sites and workshops (VI/63).

17. Every effort should also be made to interest the prospective young worker's
parents and advisers (VI/63).

18. Full and factual information should be provided regarding conditions of work,
regularity of employment, training opportunities and prospects of advancement (VI/63).

**Induction.**

19. It is important that management should take appropriate action with a view to
ensuring that young workers are encouraged to develop an interest in their work,
including for example—

(i) informal personal reception by the employer or his representative and introduction
to workmates;
(ii) information about the undertaking and the job the young worker has undertaken
and its probable duration;
(iii) information as to the young worker's rights and duties and conditions of work;
(iv) instructions on safety measures and the reasons for them;
(v) information on whom to consult about his problems and the procedures for dealing
with any grievances (VI/63).
20. For this purpose recourse could be had, as appropriate, to verbal communications, pamphlets, lectures, films, filmstrips, posters or house journals. These should be presented in a manner which will appeal to young persons (VI/63).

21. Personnel, welfare and safety officers have an important role to play in this connection (VI/63).

22. It is the responsibility of the appropriate trade union to take all reasonable steps to ensure the young worker's smooth introduction to the construction industry and to promote a sense of comradeship with his workmates. To this end, consideration should be given to—

(i) the provision of information concerning trade union organisation and activities in the locality; and

(ii) the publication and dissemination of trade union periodicals (VI/63).

23. Employers' and workers' organisations, with, where appropriate, government authorities, can assist by organising social and educational activities for the young workers (VI/63).

**Education and Training.**

24. General education and the vocational training of young workers should be such as to equip them for a satisfying life in the industry and in the community as a whole. In this connection workers' education facilities should, where this is not already the case, be made available to young construction workers (VI/63).

25. Joint committees of employers and workers can greatly assist in planning and supervising apprenticeship training programmes, without prejudice to supervision, where appropriate, by governmental authority. Where bodies comprising other authorities are set up to plan and supervise apprenticeship or other training programmes, employers' and workers' organisations should be represented on them (VI/63).

26. Attention should be directed to the desirability of employers' and workers' organisations and, in so far as they are concerned, governments, reviewing training arrangements with a view to adapting them, in so far as this is necessary, to present-day requirements. In particular the following practices deserve special consideration in the light of the circumstances prevailing in the country concerned:

(i) providing preparatory vocational training courses, either in technical schools authorised by a competent authority, in special pre-apprenticeship training schools or at the work sites. Such training, given prior to apprenticeship, may be provided in certain basic trade skills (use of tools, development of a sense of accuracy, properties of materials) on a common basis for a number of crafts;

(ii) allowing sufficient flexibility in the ages of apprenticeship and in the length of the apprenticeship period to take account of the extent of schooling, the school-leaving age, attendance at technical schools or special classes, military service, etc.;

(iii) organisation of vocational training partly in training classes and partly on the job, for instance by arranging for attendance at day schools for part of the week, by longer consecutive periods of special class training at longer intervals, or by correspondence courses. In the case of indentured apprentices who spend part of their time at technical classes during working hours, such time should be paid for; and

(iv) adaptation of training programmes to take account of new techniques, equipment and materials (VI/63).

27. These various training programmes should be designed, among other things, to develop pride in high standards of workmanship, a sense of accuracy and responsibility, and a spirit of efficiency in the carrying out of construction work. One method is the organisation of competitions, with the award of prizes and diplomas (VI/63).

28. Careful records should be kept of the progress of each apprentice or trainee (VI/63).
29. Managements of undertakings in the construction industry should give special attention to ensuring that, in practice, the apprentice is employed on a sequence of operations which will provide him with useful and progressive training, as distinct from being employed on operations of a purely menial character (VI/63).

30. Construction workers should be provided with opportunities to acquire any supplementary training which may be necessary to enable them to handle any new materials and/or techniques, so that the worker's prospects of employment and usefulness to the industry may be improved (VI/63).

31. It is helpful if scholarships are made available—
(i) to enable young persons to train as skilled workers in the construction industry;
(ii) to enable advanced workers to acquire supplementary training to enable them to handle new materials or techniques which may be introduced;
(iii) to enable advanced workers to acquire training which would open the way for advancement within the industry; and
(iv) to trainees from developing countries in the institutions of the technically advanced countries (VI/63).

32. There should be a progression of training opportunities for those able to benefit from them leading right up to general foremanship and management (VI/63).

33. All young entrants to managerial, supervisory and technical positions in the construction industry—such as architects, civil engineers, clerks of works, contractors, agents, personnel officers, welfare officers, foremen—should be properly trained for the functions which they will have to perform and should be competent to deal with the human factors and labour relations problems involved in the discharge of these functions (VI/63).

Conditions of Work.

34. In order to attract and retain young workers in the construction industry remuneration and conditions of work should stand comparison with those in other industries (VI/63).

35. Where the wages and conditions of apprentices are not already fixed by collective agreement, arbitration award or regulation, they should be laid down in the apprenticeship agreement. Rates of wages for all young workers should show a steady progression with age, period of apprenticeship or training served, or standard of proficiency reached (VI/63).

36. Hours of work should have regard to the varying needs of young people at different ages and to the requirements of attendance at classes. Too long a working day for the younger workers should, as far as possible, be avoided (VI/63).

37. Consideration should be given in each country to fixing a minimum age, higher than the minimum age of entry into industry generally, for employment on special types of construction work, such as tunnelling, the handling of explosives and the driving of heavy vehicles, subject to such exceptions as may be necessary to ensure, under strict supervision, facilities for training (VI/63).

Safety, Health and Welfare.

38. The safety record of the industry is an important factor in recruitment (VI/63).

39. It is of great importance that employers, trade unions, and/or other bodies concerned should, by appropriate means, ensure that safety consciousness and natural safety reflexes are inculcated in young workers, the reasons for safety precautions explained, and safe working habits developed from the outset (VI/63).

40. Adequate steps should be taken to safeguard the health and physical fitness of young construction workers. It is, for example, desirable to have pre-employment
medical examinations of those intended to be engaged on special kinds of work, such as tunnelling or work in compressed air (VI/63).

41. Care should be taken to ensure that young workers do not carry out work involving physical exertion beyond their strength or which is dangerous or unhealthy (VI/63).

42. Young construction workers should be made fully aware of the importance of drying wet working clothes and, where necessary, the facilities required for doing so should be provided (VI/63).

43. Suitable changing rooms, lockers and, where possible, showers should be made available to young workers (VI/63).

44. In the interests of young workers it is desirable that all concerned should try to ensure a healthy moral climate on sites (VI/63).

Relations between Young and Older Workers.

45. Special attention should be drawn to the value of good example on the part of older workers in ensuring the standards of safety, efficiency and workmanship, and to the importance of maintaining sound relations between young workers and older workers employed on the same site (VI/63).

II. COMBINED TEXT OF CONCLUSIONS CONCERNING VOCATIONAL TRAINING IN THE CONSTRUCTION INDUSTRY

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Considered at its Second and Fourth Sessions, which were held in 1949 and 1953 respectively, various matters relating to vocational training in the construction industry; and

Adopted the following conclusions:

Principles

1. Vocational training should be organised in the building, civil engineering and public works industries in accordance with the principles set out in the international labour Recommendations (Nos. 57 and 60) concerning vocational training and apprenticeship, 1939 (II/17).

2. With this in view, general schemes should be prepared taking into account—
   (a) the short-term and long-term needs of the undertakings;
   (b) the needs of the workers concerning training and promotion; and
   (c) the particular conditions of the construction industry (II/17).

3. Close co-operation should be ensured between employers and workers in the preparation and execution of these programmes (II/17).

Long-Term Needs: Apprenticeship

4. Apprenticeship for the construction industry should be systematically organised and developed in accordance with national needs (II/17).

5. Where it is not already in existence, machinery should be set up with the participation of all parties concerned to devise schemes—
   (a) giving apprentices a methodical and thorough training safeguarding their subsequent occupational adaptability;
   (b) providing for—
      (i) practical, theoretical and, where necessary, general instruction; and
      (ii) apprenticeship of sufficient duration to acquire an adequate level of skill in one or more allied trades in accordance with national practices;
(c) defining and establishing suitable conditions for the various trades and occupations concerning—

(i) establishment of the apprenticeship contract;
(ii) duration of apprenticeship;
(iii) supervision of apprenticeship;
(iv) organisation of examinations at the end of apprenticeship, and the issue of certificates of skill;
(v) remuneration of apprentices, which should be related to the craftsmen’s rates (II/17).

6. Where it is not already in existence machinery should also be set up to supervise the operation of such schemes (II/17).

7. Provided that apprenticeship should remain the basic form of training in the industry, the establishment and development of apprenticeship centres and schools are necessary, and governments are invited to take action to this end in agreement with employers’ and workers’ organisations (II/17).

**Short-Term Needs: Training of Adult Workers**

8. When it is necessary to supplement normal recruitment through apprenticeship by recruitment of adults in order to correct an unbalance among the various trades or to meet other special conditions, vocational training and retraining should be organised for adult workers who enter the industry for the first time, who have no occupational qualifications or who have to change trades (II/17).

9. With this in view there should be provision for—

(a) training within the undertaking;
(b) vocational training centres (II/17).

10. During the training period adult workers should be given adequate payment in accordance with their position as adult trainees (II/17).

11. Vocational improvement courses should be set up or developed with a view to encouraging access to higher appointments for the workers (II/17).

12. With this in view arrangements should be made for such measures as—

(a) the organisation of supplementary courses in technical schools;
(b) the organisation of part-time courses;
(c) the organisation of night school or correspondence courses (II/17).

13. Workers ought to be afforded the necessary facilities for attending these technical courses when held during working hours (II/17).

**Training of Supervisory Staff and Instructors**

14. Where this is not already being done, vocational training for supervisory staff should be organised relating to—

(a) acquisition of general technical knowledge;
(b) problems of personnel guidance;
(c) scientific organisation of work;
(d) methods of work instruction (II/17).

15. Prior training in methods of teaching could with advantage be given to instructors in vocational training centres, and to skilled workers responsible for the guidance of apprentices (II/17).

**Methods and Programmes for Vocational Training**

16. A systematic study should be made of training methods with a view to adapting them to the principles of modern teaching and to the new techniques in the construction industry (II/17).
17. Model teaching programmes should be drawn up for apprenticeship and for the training of adult workers in the construction industry (II/17).

18. Analyses should be developed of trades and working processes in the construction industry for the purpose of drawing up vocational training methods and schemes (II/17).

**International Co-operation**

**Exchange of Information.**

19. Regular exchanges of information on the organisation, development, programmes and methods of vocational training, including apprenticeship, should be arranged through the agency of the International Labour Office (II/17).

**Exchange of Trainees.**

20. In this connection it is desirable to disseminate on an international basis information on techniques both in regard to the training of workers in the construction industry and in regard to construction methods. In particular suitable schemes should be devised permitting workers at all appropriate levels to acquire additional knowledge and specialisation by undertaking training in countries other than their own. Such exchanges of trainees should be organised with due regard to the interests of the nationals in the country where the training is given (II/17).

**Training for Emigration.**

21. Training of workers for emigration should be organised as an entirely separate programme (II/17).

22. Suitable courses should be provided in the home country and in the country of arrival as appropriate and should be organised on an effective basis. Details concerning the number of emigrants and the trades for which they are to be trained and, in appropriate cases, the financial aspects involved and any other necessary provisions should be subject to agreement between the countries concerned (II/17).

23. The above measures for the exchange of trainees and training for emigration should be co-ordinated internationally through the International Labour Office (II/17).

**Vocational Training in relation to Productivity**

24. The importance of productivity at all levels of the construction industry should be constantly brought out in the vocational training of engineers, architects, technicians, contractors, foremen and construction workers (IV/36).

25. In courses for the training of architects and engineers, particular importance should be laid on the need for the advanced programming of work, scientific organisation of work on the site and the advantages of organising work in repetitive operations (IV/36).

26. In courses for the training of all managerial staff and supervisors in the construction industry special stress should be laid on the importance of satisfactory handling of labour problems for productivity in the industry (IV/36).

27. Vocational training instructors should keep in constant touch with recent events and developments in the industry in order that those learning from such instructors may be introduced to the latest techniques in the industry (IV/36).

28. Consideration should be given to the possibility of retraining in new trades of any workers who may be affected by technological unemployment (IV/36).

**III. Combined Text of Conclusions concerning Conditions of Work in the Construction Industry**

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,
Considered at its First, Third and Fourth Sessions, which were held in 1946, 1951 and 1953 respectively, various matters relating to conditions of work in the construction industry:

Recalled that the Declaration of Philadelphia recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve, among others "...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; the effective recognition of the right to collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency...the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care; adequate protection for the life and health of workers in all occupations..." (I/7);

Recognised that the activities of the construction industries are necessarily affected by special conditions such as frequent changes in work sites, the short-term nature of most projects, the substantial fluctuations in the size and the composition of the labour force required during the course of a project, the preponderance of outdoor operations, the great influence of climatic and regional conditions, and the importance of unpredictable factors, especially in civil engineering (I/7); and

Adopted the following conclusions:

**Social Security**

1. The Committee recognised the necessity for ensuring to the workers in the construction industries protection during periods of ill-health or unemployment and against the needs of old age, and recommended that, in order to maintain fully the dignity of the individual and to provide such security, systems of social insurance should be developed in all countries to guarantee compensation in case of industrial diseases and accidents, unemployment, sickness, disability and old age, maternity benefits and assistance to workers in meeting their family responsibilities (I/7).

**Daily Working Hours and Methods of Remuneration**

2. The Committee recognised that, while general principles can be enunciated concerning conditions of employment in the construction industries, there must be a considerable measure of flexibility in methods of remuneration and of prescribing daily working time, and further noted that certain of the construction industries are characterised by the fact that most of the work is carried out in the open air, that there are marked differences in the climatic conditions of various countries, and that the useful hours in the day change with the seasons. It recommended that wages and hours should be established on the basis of free negotiations between the representatives of the employers' and workers' organisations, and, in the event that no employers' organisations exist, between representatives of the workers' organisations and those of the appropriate organisation (I/7).

**Weekly Hours of Work**

3. The Committee noted that the question of the 40-hour week had already been considered on three occasions by Conferences of the International Labour Organisation and that a draft Convention on this subject had been adopted in 1936 for public works (I/7).

4. Further, the Committee was convinced that the reduction in the hours of work in the construction industries—while it was not practicable for all countries in the immediate future, owing to the excessive amount of work with which these countries were faced in nearly every country of the world—was nevertheless an objective to be attained as soon as conditions permitted (I/7).

**Holidays with Pay**

5. The Committee considered that the trend towards holidays with pay indicated a general recognition that the workers in the construction industries have a right to the
same. In order to overcome the practical difficulties in this matter arising from the
fluctuations in employment which are characteristic of the construction industries the
Committee recommended the creation of compensation funds or other devices to
ensure such payment (I/7).

Welfare

6. The Committee considered the question of the facilities and amenities for the
welfare of building and construction workers which should be provided by their
employers at or near the site of the work. It appreciated that the precise nature and
extent of the facilities and amenities which should be so provided vary widely according
to economic factors and to differing conditions, such as the location of the site,
transport facilities, the duration of the work, the numbers and classification of workers,
their habits and customs, the extent to which facilities suitable and available for workers
already exist on or near the site, and other circumstances. The Committee concluded that
it would not be advantageous, even if it were practicable, to formulate precise rules of
general application on the subject of welfare facilities on construction sites (III/25).

7. The welfare facilities to be provided for workers on construction sites should be
specified in the contract documents. In this connection architects and engineers should
inform themselves of any relevant provisions in official regulations or in collective
agreements and should, wherever necessary, seek guidance in the matter from employers’
and workers’ organisations in the area (IV/34).

8. Before commencement of work on a construction site, and subsequently from time
to time if relevant conditions change in the course of the work, the employer should,
having regard to legislation and to any collective agreement with representatives of the
workers, and after such other consultation as may be appropriate in the circumstances
of the case, plan for, and in due course provide, as required by the conditions of the
particular site, appropriate welfare facilities and amenities, taking for guidance the
following standards or such other guidance as may be issued by the competent national
authorities:

(1) Weatherproof shelter during interruptions of work resulting from inclement
weather: the shelter should have adequate heating, lighting and ventilation, protection
against fire hazards and sufficient seating accommodation for the workers. It should be
kept clean and in good state of repair.

(2) Dining arrangements: suitable weatherproof places and facilities should be
provided for meals. Such places should have adequate heating, lighting and ventilation
and should be provided with sufficient seating and table accommodation for the workers.
Furnishing should be at least of normal standards and kept in hygienic condition.

(3) Supplies of wholesome drinking water.

(4) Facilities for obtaining food or cooked meals provided under hygienic conditions.

(5) Reasonable washing facilities.

(6) Sanitary facilities: reasonable facilities should be provided and maintained in
hygienic condition. Sewerage should be water-borne wherever reasonably possible, con-
nections being made to sewerage systems as early as possible after commencement of
the work. In cases where water-borne sewerage is not possible, adequate supplies of
chloride of lime and earth should be used in trench-type conveniences. Where bucket-
type conveniences are used, they should be emptied at least once a day and cleaned with
creosol or other adequate disinfectant. Toilet paper should be provided.

(7) Storage and drying of clothing, including protective clothing, and facilities for
the changing of clothing: appropriate provision should be made for changing clothing
and depositing it, together with such arrangements as may be reasonably practicable for
drying clothing, including protective clothing.

(8) Transport facilities: if transportation to and from the site is provided by the
employer, conveyances should be equipped with seating accommodation and the workers
should be protected against inclement weather.

(9) Special facilities for women workers, if employed: separate rest rooms, separate
washing and sanitary facilities, with curtains and screens, as required.
(10) Residential camp or hostel accommodation, including—(a) healthy sleeping accommodation in rooms having sufficient height and air space; (b) provision of beds and bedding: each worker should have a separate bed; hammocks, tiered beds or straw mattresses should not be used; sheets should be changed once a week at least; mosquito nets should be supplied where required; (c) adequate heating, lighting and ventilation; (d) adequate precautions against fire; (e) storage of clothing and other personal property, in accordance with standards not less than those set out under item (7) above; (f) a separate recreation room; (g) facilities for washing, including washing and drying of clothes; (h) special sanitary facilities for the camp, to standards not less than those set out under item (6) above; (i) pleasant layout and appearance of camp, including pathways and environment; (j) camp supervision; (k) recreational and cultural activities; (l) adequate first-aid and medical facilities and conveyance to hospital where necessary; and (m) facilities for religious worship.

Legislative Measures for Welfare Facilities.

9. The Committee recognised that it is usually preferable, having regard to the extent to which conditions vary in particular cases, to ensure the provision of facilities and amenities for the welfare of the workers by means of agreements between employers and workers rather than by legislation. It recognised at the same time that there are countries where the means for achieving or enforcing such agreements are inoperative or non-existent.

10. The Committee requested the Governing Body of the International Labour Office to invite States Members of the Organisation to consider whether, in so far as such legislative requirements do not already exist, there should be at least some minimum legal requirements as to the facilities and amenities which should be provided for the welfare of the workers in the construction industry and which should encourage the promotion of appropriate measures of joint co-operation on welfare in countries where such co-operation has not yet been established, having regard to considerations such as those mentioned in the preceding paragraph and to the conditions prevailing in their particular countries.

Employment of Women and Children

11. The Committee considered that the conditions of the employment of women and children on construction work should be regulated with special care on account of both the risks involved in the industry and the excessive strain caused by the varying location of work sites and the handling of building materials. It invited the Governing Body of the International Labour Office to recommend governments and employers' and workers' organisations to consider as soon as possible measures designed—

(1) in general, to prohibit, at an early date, by means of regulations or collective agreements, the employment on work sites of women and children in jobs requiring strength and causing strain beyond their physical powers; and

(2) in particular, for the industrially underdeveloped countries which are still obliged to call on this labour force, the early preparation of a list of especially heavy jobs in which women and children should in no circumstances be employed.

IV. COMBINED TEXT OF CONCLUSIONS CONCERNING SAFETY IN THE CONSTRUCTION INDUSTRY

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation at its Fifth Session, which was held in 1956,

Recognising that in view of the characteristics of and the risks inherent in construction operations there is need for constant and determined efforts to secure greater practicable measures of safety (V/53),

Considering that the rate of accidents is still particularly high amongst construction workers (V/53),
Considering that improvement of occupational safety in the construction industry is of primary importance because of the human suffering inflicted by occupational accidents through the material loss to workers and to their families on the one hand, and on the other hand, to the construction industry and the national economy as a whole (V/53),

Believing that an improvement of safety conditions in the construction industry, retains workers in their occupations and facilitates the recruitment of new workers (V/53),

Considering that such an improvement requires the mobilisation of the joint effort of employers, of workers, of employers' organisations and of workers' organisations where such organisations exist, and of governments (V/53),

Welcoming the increasing interest attached by the International Labour Organisation, by public authorities, as well as by management and workers, to occupational safety in general and to occupational safety in the construction industry in particular (V/53),

Recalling that at its Fourth Session (October-November 1953) the Committee unanimously adopted resolutions in which the Governing Body of the International Labour Office was invited—(a) to place the question of prevention of industrial accidents in the construction industry on the agenda of the Fifth Session of the Committee, and (b) to instruct the Office to carry out a study on safety in the construction industry, with special reference to the position regarding ratification of the Safety Provisions (Building) Convention, 1937 (V/53),

Noting that the International Labour Organisation has adopted a Model Code of Safety Regulations for the Building Industry (V/53), and

Noting that the Governing Body has decided in principle that the Office should prepare an Encyclopaedia on Occupational Health and Safety, and being of the opinion that the publication of such an Encyclopaedia would make a positive contribution towards the achievement of greater safety in the construction industry (V/53),

Being of the opinion that more detailed studies may be usefully made of the methods of accident prevention in the construction industry (V/53),

Considering further that constant study is necessitated by the continuous development of the construction industry (V/53),

Adopted the following conclusions:

1. All practicable steps with a view to ensuring the highest degree of safety for workers in the construction industry in all countries should be taken through all available and appropriate agencies. Such steps include—

   (a) arrangements to ensure that safety is given due importance in all schemes for vocational training and at all levels of such training;

   (b) the appointment, where appropriate, under national legislation, industrial agreements or custom, of safety officers with responsibilities and powers necessary to promote the safe conduct of the work;

   (c) the establishment, where appropriate, under national legislation, industrial agreement or custom, of suitably constituted joint safety committees. Workers should have an opportunity of putting forward views and suggestions concerning safety on sites without fear of jeopardising their employment;

   (d) effective arrangements for first-aid training and treatment, including the provision of adequate first-aid equipment and availability of qualified personnel;

   (e) inquiries as necessary into the causes and circumstances of accidents by competent and qualified persons of appropriate status, including, wherever suitable, representatives of joint safety committees where such committees exist;

   (f) the compilation and dissemination in the construction industry of adequate statistics, on a uniform basis in the industry, on the causes and incidence of accidents;

   (g) advice as to measures to be taken for the avoidance of accidents;
(h) effective enforcement of legal provisions through an adequate and trained labour inspectorate, which should be fully informed on working methods and technical developments in the industry; and

(i) the prescribing of adequate safety rules and/or standards as appropriate in respect of the manufacture and operation of machinery and equipment, and the regular examination and maintenance of such machinery and equipment, governments being recommended to enact laws and regulations prohibiting the sale and hire of particular machines that are not so designed and built as to enable the user to comply with national laws and regulations concerning safety in the use of the machines in question (V/53).

2. Safety in daily practice requires consciousness on the part of responsible representatives of management and on the part of each worker of its vital importance. In view of this fact the Governing Body of the International Labour Office is invited to request governments and, through governments, organisations of employers and of workers—(a) to take effective steps to emphasise to the members of such organisations the need for safety-consciousness; and (b) to bring the Committee's conclusions, and in particular the points in paragraph 1 above, to their attention (V/53).

3. In view of the fact that fatigue, including that arising from excessive hours of work, constitutes an element of danger to workers, attention is drawn to the disadvantages which may result from fatigue (V/53).

4. It is desirable that, in so far as is warranted, the scope of the Safety Provisions (Building) Convention, 1937, and of the Recommendations adopted by the International Labour Conference on the same occasion be extended to cover the construction industry as a whole (V/53).

V. COMBINED TEXT OF CONCLUSIONS CONCERNING LABOUR-MANAGEMENT RELATIONS IN THE CONSTRUCTION INDUSTRY

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Considered at its First, Second and Fourth Sessions, held in 1946, 1949 and 1953 respectively, various aspects of labour-management collaboration in the construction industry;

Noted that evidence from many countries showed a progressive improvement in relations between employers and workers in the construction industries and noted also that the close relationship obtaining between most individual employers and their workers placed these industries in a specially advantageous position for the development of mutual good will and the use of practical commonsense measures in overcoming difficulties (particularly at the present time) (I/9);

Considered that the right to safeguard their collective interests and to seek remedies for their respective grievances must be accorded equally to employers and workers, but recognised that in exercising this right both parties must at all times have full regard to the overriding necessity for furthering the public welfare (I/9);

Recognised the necessity for ensuring industrial peace with a view to promoting production (I/10);

Realised that such peace can be established only on the basis of mutual confidence and good faith (I/10);

Emphasised that there must be strict observance of all conditions and agreements between the two parties in the industry (I/10);

Considered in particular that—

(a) relations between employers and workers, and between both these parties and the government, should be so organised that employers and workers feel themselves in a satisfactory position so that production is increased;
close co-operation of workers with management should be encouraged in order to give the workers an opportunity of following the development of the undertaking without interference in the exercise of the proper functions of the management at any stage; and that

with these objects in view the following principles should be accepted: freedom of association, recognition of trade unions as bargaining agents, and participation of the workers, or their representatives, in ensuring the standards of safety, health and welfare on the site (I/11);

Recommended, as a basis for proper relations in the construction industries, the establishment of free and recognised trade union organisations, the acceptance of practical systems of negotiation between employers and workers and the maintenance or creation of such conditions as will permit construction workers to achieve a living standard corresponding to the industries' importance in the national economy (I/11);

Recommended to governments and to employers' and workers' organisations that they examine the possibility of establishing in each country national joint committees for the construction industries; these committees should have the double function of exploring the social and economic problems of the various branches of these industries and of providing means for consideration of questions arising from the proceedings of the Building, Civil Engineering and Public Works Committee of the International Labour Organisation (I/12);

Recommended to trade unions in the construction industry that active and continuous co-operation be extended to employers in the effort to increase man-hour productivity (II/15);

Noted that the general principles contained in the Freedom of Association and Protection of the Right to Organise Convention, 1948, are appropriate to the construction industry (II/19);

Noted that there is a need for employers and workers in the construction industry to be fully informed of the provisions of the Convention (II/19);

Recognised that the effective application of the provisions of the Convention in the building, civil engineering and public works industries requires consideration of the special conditions obtaining in the industries and in particular of the following points: 
(a) the multiplicity of small units, involving a high degree of competition; 
(b) the non-continuous nature of the work and the temporary character of the sites; 
(c) the mobility of labour between undertakings; and 
(d) the geographical dispersal of the industry (II/19);

Noted that full understanding of the problems of management and labour on the part of workers and employers is of vital importance to the efficiency of the industry, and that for this purpose close co-operation between employers and workers on all matters of common interest should be promoted (II/20);

Noted that the structure of the construction industry and the conditions of employment obtaining in it present special difficulties in the way of establishing close and continuous co-operation between labour and management (II/20);

Considered that measures to stimulate productivity can be applied effectively only if the right psychological "climate" is created, in which both employers and workers can dedicate themselves to the achievement of their common task in a spirit of full collaboration and good will (IV/42); and

Adopted the following conclusions:

1. Each agreement, when entered into, should include provision for the resolution of any differences of interpretation that may arise during its currency, whether by negotiation, mediation or arbitration (I/10).

2. Jurisdictional disputes as between competing organisations of labour should have no effect upon the sanctity of an agreement during the period of its application (I/10).
3. In view of the acute need for construction, it is especially important (at this time) that there should be no stoppages of work but that labour disputes should be prevented or peacefully settled (I/10).

4. Employers' and workers' organisations in the building, civil engineering and public works industries should take steps to develop their organisation to the fullest extent in accordance with the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (II/19).

5. Employers' and workers' organisations in the building, civil engineering and public works industries should take steps to make the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948, as widely known as possible (II/19).

6. Employers and workers in the building, civil engineering and public works industries should take steps to make the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948, as widely known as possible (II/19).

7. Employers and workers in the building, civil engineering and public works industries should take steps to make the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948, as widely known as possible (II/19).

8. Where machinery at the site level is established as envisaged in paragraph 6 above, the activity of the officials of the representative trade unions in relation to such machinery, including their access to representatives of management and attendance at site committees, should be in accordance with the provisions, if any, in agreements in the industry and should be such as to promote the objects of these conclusions (II/20).

9. No machinery established for the purposes set out above should interfere with the exercise of the proper function of management (II/20).

10. In courses for the training of all managerial staff and supervisors in the construction industry, special stress should be laid on the importance of satisfactory handling of labour problems for productivity in the industry (IV/36).

11. Steps should be taken by all concerned to create and develop a satisfactory psychological climate on construction sites (IV/42).

12. These steps should be based on mutual good will and should include joint consultation, collaboration, information and propaganda (IV/42).

13. It is essential for the achievement and maintenance of high productivity that, in view of the importance of human relations, close collaboration be established between all those taking part at every level in the planning and the actual execution of construction work (IV/42).

VI. COMBINED TEXT OF CONCLUSIONS CONCERNING THE STABILISATION OF THE CONSTRUCTION INDUSTRY

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Considered at its first five sessions, which were held in 1946, 1949, 1951, 1953 and 1956 respectively, various matters relating to the stabilisation in the construction industry;

Appealed to governments to stimulate and maintain the efforts of the industry by establishing programmes of work to cover a fairly long period subject to annual review (I/2);
Considered that, in the preparation and execution of such programmes, governments should consult representatives of the appropriate organisations of employers and workers (I/2);

Recognised that work in the construction industry is interrupted or retarded by climatic conditions in varying degrees as between different countries and as between different types of work and workers (III/26);

Recognised further that this has been detrimental in varying degrees to the construction industry and to countries' economies as a whole (III/26);

Recognised that in several countries seasonal unemployment has reduced, in varying degrees, the output of the industry, resulted in only partial utilisation of its resources and equipment, lowered earnings, discouraged the recruitment of new workers into the industry and caused, to a large extent, workers already in the industry to leave the industry (III/26);

Considered that it is possible, by the utilisation of modern knowledge and techniques and by changing traditional habits adopted by the trade and its customers, nearly or completely to remove this instability by measures which may not unduly increase the real cost of work, when account is taken of the additional output produced and of savings in other respects, such as unemployment benefits (III/26);

Considered that, in many areas, the application of modern techniques has made it possible all the year round to erect many buildings and carry out much work, the quality of which need not suffer on account of climatic conditions (III/26);

Recognised that in several countries the existence of full employment, together with measures already taken by governments, employers and workers individually and collectively, appears from the statistics available to have substantially reduced seasonal unemployment in the post-war period (III/26);

Considered that, although in many countries full employment has prevailed since the war, instability of employment is liable to give rise to considerable unemployment among construction workers in certain countries and is liable not only to lead to serious losses in earnings but also to have repercussions on other industries (IV/45);

Noted that improvements have been achieved in some countries by raising the average wage of construction workers above that of industrial workers generally (IV/45);

Noted that in certain countries a guaranteed wage scheme is part of the efforts made to secure a more stable income for construction workers (IV/45);

Noted that in some countries a guarantee having effect over a period of one week or more is now in operation (IV/45);

Considered that losses of earnings and hardships caused by instability of employment are not compatible with the dignity and responsibility of the workers concerned and should be avoided so far as possible for social, economic and political reasons (IV/45); and

Adopted the following conclusions:

Measures for Stabilising the Industry Generally

Basic Considerations.

1. The Governing Body of the International Labour Office was invited to recommend governments to consider the construction industry as a permanent basic economic factor and not simply as a means of overcoming cyclical or other crises (III/28).

2. The Committee emphasised the universal necessity of achieving maximum production and full employment in the construction industries, thereby making possible a high level of consumption and the payment of proper wages and the provision of satisfactory terms and conditions of employment. To this end, the Committee suggested that governments should continuously review their existing policies relating to expenditure, taxation, home and foreign trade, and that they should take into account the views of the employers' and workers' organisations on such matters, in so far as they relate to the construction industries (I/6).
3. Having in mind the regularisation of activities in the industry, with a view to the stabilisation of employment, and conscious of the necessity of acting promptly on the approach of any possible threat of an economic depression, the Committee drew the attention of governments to the necessity of putting in hand the collection of statistical information which would facilitate the prediction of impending crisis, and for planning ahead with a view to maintaining full activity and stabilising employment in the industry (I/6).

4. The Committee suggested that governments maintain close and permanent contacts with the employers' and workers' organisations, such contacts bearing on the study of public works programmes and on the means proper to their rapid and easy execution at the right moment. To permit the advantageous utilisation of all construction elements pertaining to the nation, tripartite bodies composed of representatives of governments, employers and workers should participate in the preparation of public works programmes and in the search for ways and means of carrying them out, revising them regularly and taking into account the necessary modifications to suit changing circumstances in the country concerned (I/6).

The Objective of Construction Policy.

5. The Committee affirmed its approval of the policy, first adopted by the International Labour Conference in 1919 and reaffirmed in 1937 and 1944, that as a matter of public policy all practicable measures should be taken to stabilise the construction industry in each country at a level that is sufficient to meet the economy's requirements for private and public construction, taking into consideration the productive capacity of the economy (I/14).

The Criteria for Stabilisation.

6. Construction stabilisation policy should not be tied to a given level of production in terms of physical quantities or money values, if this is to imply rigidity and stagnation. Rather, the objective should be to maintain a level of employment in the construction industry as a whole, determined in accordance with the principles laid down in paragraph 5 above (I/14).

Action by Employers and Workers.

7. The Committee called upon both employers and workers to take all measures, with the help of governments, which would contribute to the stabilisation of employment in the industry at the level indicated in paragraph 5 above. Such measures should include action for increasing the efficiency and productivity of the industry, for reducing the costs of construction work, and for encouraging greater co-operation between employers and workers (I/14).

Encouragement of Private Construction.

8. Measures should be taken by governments to create the most favourable environment for the expansion of private investment. Such measures might include, among others, an examination of the effects upon construction activity of rent control laws and of the lightening of taxation on venture capital during an initial period (I/14).

Importance of Maintenance Work.

9. The national economy must be supported regularly by an extensive programme of repairs, extensions and renewals, public and private. An extensive programme of this kind is necessary to maintain existing public and private investment. This organisational and financial structure could be available for short-term unforeseen developments (I/14).

Preparation of a Public Works Reserve.

10. Governments at all levels should prepare an adequate and balanced reserve of public works, and sufficient funds should be provided by the appropriate authority for the securing of sites and preparing of the design of structures (I/14).
The Timing of Public Works.

11. While bearing in mind the non-deferable character of certain public emergency projects, the Committee believed that, in principle, the construction of public works should be timed on a counter-cyclical basis. Non-essential public construction should be postponed during periods of high private construction activity so as to lessen inflationary pressures, and should be expanded when the volume of private construction first begins to show definite signs of decline. The Committee did not believe that the expansion of public works should be delayed until the volume of private construction had declined substantially, or until the economy had reached the bottom of the business cycle and there were definite signs that an upturn was coming (II/14).

Criteria for Timing Public Works.

12. The main bases for timing the expansion and contraction of public works should be indices of employment and of contracts awarded. Supplementary guidance may be obtained from other indices (II/14).

Financial Co-ordination of Public Construction.

13. Mindful of the difficulties of achieving financial co-ordination in countries with a federal system of government, the Committee recommended that the various sources of revenue and patterns of public works expenditure should be surveyed. The leadership in this study might reasonably be taken by the national government. Co-ordination of these financial resources is necessary to ensure a proper timing of all public construction (II/14).

Methods of Finance.

14. The Committee recognised that an expanded public works programme may call for many different methods of financing. The Committee favoured the loan and the grant-in-aid methods, but under proper safeguards it also recommended for countries with a federal form of government the use of outright grants to public bodies (II/14).

Geographical Mobility of Labour.

15. The Committee believed it desirable to develop a high degree of geographical mobility of labour forces, fostered by co-operation and mutual understanding between governments, employers and workers (II/14).

Administrative Co-ordination.

16. It is desirable that a central authority should be set up in those countries where it is appropriate, with responsibility for framing policies designed to ensure greater stability in the construction industry and for promoting the actual application of such policies, and that in other countries these tasks should be fulfilled by the appropriate authorities already in existence. In all countries the authorities concerned would have responsibility more specifically for—

(a) seeing that an adequate, balanced and geographically well-distributed public works reserve was maintained at all times;

(b) formulating the timing policy for all public construction;

(c) ensuring such financial co-ordination among the various levels of government as may be necessary to implement the policy of stabilisation; and

(d) advising private industry on what construction policies are most conducive to the maintenance of high levels of production and employment in the construction industry and in the economy as a whole (II/14).

Public Works and Large-Scale Unemployment.

17. The Committee believed it practicable for the construction industry to provide alternative employment for a limited number of workers from other industries in case of large-scale unemployment, but was strongly opposed to using the construction
industry as a sponge for absorbing too large a number of unemployed non-construction workers in cases of depression (II/14).

18. Alternative employment for the jobless should be sought mainly in other types of public employment programmes. The Committee pointed out, however, that, while the on-site employment developed by an expanded public construction programme may be relatively limited, the off-site employment generated by public works expenditure may amount to as much as four times the volume of on-site employment (II/14).

Reduction of Seasonal Unemployment

Fundamental Conditions.

19. There are two indispensable conditions for the most effective reduction of seasonal unemployment:

1. the maintenance of full employment in a country's economy as a whole; and
2. further development of co-operation between governments, employers and workers in the application of proved techniques of winter construction and in the adoption of other measures designed to minimise seasonal unemployment in the construction industries, and a willingness to depart, where necessary, from traditional habits in planning and organising work (III/26).

20. No specific measures taken to reduce seasonal unemployment should have the effect of lowering existing standards of working conditions (III/26).

Specific Measures.

21. The Committee believed that a number of measures can be taken through the individual and combined efforts of governments, employers and workers to solve the problem of seasonal unemployment. These measures include the following:

1. readiness of construction workers, in countries where it is considered appropriate, to take other employment which they are reasonably capable of performing in individual jobs in the industry, with a view to minimising seasonal unemployment in particular trades;
2. vocational training, in countries where it is considered appropriate, so as to diversify the skills of construction workers;
3. co-operation of workers in moving voluntarily to work in other areas;
4. provision of suitable facilities to enable workers to continue working to the greatest extent possible in the winter season;
5. taking of appropriate measures in countries where leasing dates and social customs present obstacles to a reduction of seasonal unemployment;
6. utilisation of the appropriate agencies in the various countries to the greatest extent possible—(a) in gathering employment information which would be available for maintaining maximum continuous employment of workers on all construction projects; (b) in supplying statistics to all interested parties; and (c) in making available to the International Labour Office from time to time the results of such information in a form which will show the pattern of seasonal unemployment in the construction industries in the various countries;
7. stimulation of private demand by making it known that much winter construction is economically desirable, technically possible, and not of inferior quality; this might be done, for example, through the medium of pamphlets and other publications, advisory services and, above all, by the successful execution of winter work;
8. planning by governments and public authorities of their own construction programmes with a view to minimising seasonal fluctuations in employment;
9. consideration by governments, in countries where systems of control of programmes of work and of materials exist, of the possibility of exercising controls in such a way as to contribute to the year-round stabilisation of employment in the industry;
(10) consideration of the possibility of the granting by governments of subsidies, where appropriate, for the purpose of stimulating winter construction;

(11) further research directed towards the methods and techniques of winter construction;

(12) dissemination at the international and national levels of the results of such research among the professions and the employers and workers in the construction industry;

(13) fullest utilisation of all simple methods to facilitate the progress of work in winter, and in addition the fullest use, subject to economic operation, of equipment designed for this purpose;

(14) the designing of projects by engineers and architects using appropriate materials and techniques and having regard to the conditions that are likely to prevail during construction;

(15) arranging the commencement of work on the site at an appropriate time of the year, having regard to all stages of the work to be done; and

(16) phasing of work with a view to minimising adverse seasonal effects, by consultation between all appropriate parties (III/26).

Guaranteed Wages

Compensation for Time Lost owing to Inclement Weather.

22. The Committee, recognising that the nature of the construction industries subjects the workers of these industries to periods of inactivity due to inclement weather, recommended to the employers' and workers' organisations that they consider the principle of assuring to the worker payment for a minimum number of hours each week irrespective of time lost owing to inclement weather, provided his work is interrupted by the employer or his agent, and he remains available for work and is willing to accept reasonable alternative work (I/7).

Purpose of a Guaranteed Wage Scheme.

23. It is well known that there is a problem of insecurity of employment and earnings in the construction industry. This insecurity may involve hardship for workers (IV/45).

24. It would be an advantage to take appropriate measures, in each country where this has not yet been done, to ensure that workers in the construction industry are protected from the consequences of instability of employment (IV/45).

25. Pending the application of such measures, this objective should be attained in particular by granting to workers for the whole period of the contract of employment an equitable minimum guarantee of earnings for the longest period possible in the circumstances of the country concerned (IV/45).

26. A guaranteed wage scheme is only one of several methods of providing a solution to this problem. Long-term, cyclical and seasonal factors making for insecurity of employment and earnings must be dealt with by other means such as those which have been adopted in countries where the community has adapted its financial policy with a view to establishing full employment and where well-conceived employment policies have facilitated the carrying on of construction activities throughout the year (IV/45).

Meaning of a Guaranteed Wage Scheme.

27. A guaranteed wage scheme is an arrangement whereby (subject, it may be, to certain limitations and conditions) 1 employers individually or collectively undertake in advance, or are required by law or regulation, either—

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1 If payment is made to compensate for or mitigate the effects of the loss of wages, it should be subject to certain limitations and conditions defined in collective agreements, legislation or orders of wage-fixing authorities.
(a) to provide for workers in their employment a specified period of work at ordinary rates of pay; or

(b) to pay to such workers a minimum sum during this specified period if, the workers being available, neither their customary work nor reasonable alternative work can be provided for the whole of this period (IV/45).

28. The guarantee should apply only to temporary stoppages of work in hand which are involuntary on the part of workers and are due to inclement weather, plant breakdowns or circumstances within the control of employers. It is desirable that all reasonable and practicable action should be taken to eliminate or at least reduce the insecurity of workers' earnings arising from such factors. However, the introduction and application of a guaranteed wage scheme in any country must above all take account of the social conditions already existing in that country. Social security provisions should not be duplicated (IV/45).

Duration of the Guarantee.

29. Once a guarantee, which should cover a reasonable period, has begun to operate, a worker's contract of employment should not be terminated before the expiry of the period of the guarantee as prescribed in national regulations or collective agreements (IV/45).

Some Economic Considerations to Be Taken into Account in Applying a Guaranteed Wage Scheme in the Construction Industry.

30. The cost of a guaranteed wage scheme is of fundamental importance. Its introduction will generally involve some increase in production costs. The size of the increase will depend on the details of the scheme and on a number of other considerations, including the effectiveness of policies at the national level designed to maintain a high and stable level of employment and other provisions in respect of wages and conditions of employment. Within the industry itself, an important economic consideration will be the relative proportion of labour cost to total production cost, which varies in different countries and in different branches of the construction industry (IV/45).

31. Any guaranteed wage scheme will also have to be examined in relation to other provisions for obtaining increased security of incomes which may already exist on a national or industrial scale, and which may be financed in part or in whole by the industry and therefore represent an addition to its costs (IV/45).

32. Any guaranteed wage scheme which may be introduced should be so devised that it does not present obstacles to the mobility of labour within a country (IV/45).

33. In case of a temporary stoppage the worker cannot refuse to accept an alternative temporary job at his normal rate of pay, even if it fails to come fully up to his qualifications or speciality or if it involves his transfer to another site (IV/45).

34. A scheme should ensure that it is always in the worker's interest to continue at his job, or to accept alternative employment, rather than to benefit by the guarantee (IV/45).

Final Considerations.

35. It is noted that the question of introducing a system of guarantee does not arise in countries where the wage level is already high enough to guarantee to construction workers compensation for time lost (IV/45).

36. It is recommended that the measures envisaged in the above paragraphs should be introduced by means of legislation, official regulations or collective agreements, as is most appropriate in the circumstances of each country (IV/45).

The Role of National Housing Programmes

37. The relationship between national housing programmes and full employment is a question of social importance (V/55).
38. Adequate housing is a basic need of the people as a whole and an important factor in promoting good human relations and increasing productivity (V/55).

39. Sound housing programmes can be a beneficial stimulant in the economic and social field and useful in achieving full employment in the construction industry (V/55).

40. The solution of housing problems is to be found in well-planned, continuing and regular building activity which takes into account—

(a) the existing housing shortage, clearly and objectively determined, in order that each family may be accommodated in a decent dwelling as soon as possible;

(b) current and future needs, based on predictable fluctuations in total population and in the composition of households;

(c) the number of dwellings which need to be replaced because they are substandard or because they can no longer be used owing to town planning needs or owing to conversion to non-residential use; and

(d) the need to preserve the mobility of labour and to combat unemployment by building dwellings near centres of production or in places easily accessible therefrom (V/55).

41. In order to increase housing construction in the various countries it is essential to avoid an atmosphere unfavourable to investment by private persons or by private institutions in the building of dwellings (V/55).

42. The standard and amount of housing to be built vary according to the standard of living and resources in each country. The standard of accommodation and its cost to the occupant should be in accordance with his requirements and resources, without endangering general living standards and particularly the living standard of low-income groups (V/55).

43. If the level of employment in general is such that the construction of a sufficient number of dwellings is threatened because manpower and building materials are used in increasing proportion in other sectors of the construction industry, building activity—other than housing, industrial building and projects of national or public importance—should be limited by postponing investment in less important types of construction (V/55).

44. In order to maintain a high rate of housing construction and to ensure an adequate supply of dwellings at reasonable rentals in accordance with the general level of wages, the amount of financial aid for new dwellings should always be adjusted in line with changes in the rate of interest payable on the loans necessary to construct them (V/55).

45. Adequate town and country planning and a reasonable land policy are most desirable for the realisation of housing programmes and the ensuring of continuous full employment (V/55).

46. In the less developed countries and in countries suffering from large-scale unemployment or underemployment, simultaneously with the construction of industrial and other installations, provision should be made for workers' housing projects. As far as national resources allow, permanent dwellings should be built. If this would be premature, sites should be prepared for temporary dwellings, which can be built by unskilled workers—who in most cases are available—and with locally available materials. These sites should be provided with adequate water supplies and sewerage systems (V/55).

47. It would be desirable to create, in those countries where they do not as yet exist, housing bodies under the auspices of the competent public authorities, in order to try to solve the problem of housing and to achieve full employment in the construction industry (V/55).
VII. COMBINED TEXT OF CONCLUSIONS CONCERNING PRODUCTIVITY IN THE CONSTRUCTION INDUSTRY

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Considered at its First, Second and Fourth Sessions, which were held in 1946, 1949 and 1953 respectively, various matters related to productivity in the construction industry.

While recognising that the methods of mass production suitable for modern manufacturing industries are of only limited application in the conditions of the construction industry, the Committee recommended that no means be neglected of increasing productivity in the industry by the adoption of new techniques, including the use of alternative materials and of modern mechanical equipment (I/3).

The Committee further—

Stressed the considerable advantages that can be secured in the construction industry by the standardisation of components employed in construction and by the preparation of codes of practice (I/3);

Urged on all concerned the importance of further developing such standardisation of building components, and the preparation of such codes of practice in order to facilitate and to expedite the execution of the large construction programmes (at present) being undertaken in most countries (I/3);

Invited governments to request their various departments and subsidiary services to set the example in and to encourage the utilisation of the rules of standardisation and codes of practice (I/3);

Stated its belief that reduction in costs is one of the best means of increasing the market for construction and thereby promoting stabilisation of construction at high levels of production (II/15); and

Stated its further belief that employers and trade unions should concern themselves less about preserving their position in a fixed market and more about increasing the size of the total market in the future (II/15).

The Committee considered that—

Action by architects and engineers at the planning stage of construction works has direct effects on productivity on the site (IV/34);

Closer contact between architects, engineers, employers and workers at appropriate stages of construction works is highly desirable in the interests of productivity (IV/34);

Mechanisation in the construction industry enables output to be greatly increased, while at the same time relieving workers of arduous physical effort (IV/37);

By contributing to productivity and thus to the reduction of costs, mechanisation can also enable increases to be made in wage levels, without raising, and frequently while simultaneously reducing, the over-all cost of the work (IV/37);

Measures to stimulate productivity can be applied effectively only if the right psychological climate is created, in which both employers and workers can dedicate themselves to the achievement of their common task in a spirit of full collaboration and good will (IV/42);

One of the most important results of increased productivity in the construction industry should be a reduction in the cost of the products of the industry; such a reduction in the cost of the products of the industry would contribute to the reduction of the cost of living, and thus benefit workers in general (IV/43); and that

Construction workers should receive a fair share of any benefits resulting from increased productivity in the industry (IV/43);

The Committee adopted the following conclusions:

Action by Employers

1. It is recommended to employers in the construction industry that—

(a) all further practicable measures be taken to increase efficiency within the industry and to reduce costs;
(b) the use of modern construction plant and equipment be developed to the fullest possible extent;
(c) further investigation be made of the possibilities of utilising new materials;
(d) further steps be taken in standardising building materials;
(e) prefabrication off-site and on-site be fully explored;
(f) research in construction methods be promoted by employers' organisations in association with all other interested bodies;
(g) further investigation be made of measures for reducing seasonal unemployment; and that
(h) the attention of those responsible for design be called to the fact that in many instances costs may be reduced by consultation at an early stage with those responsible for carrying out the work (II/15).

Action by Trade Unions

2. It is recommended to trade unions in the construction industry that—
(a) freedom of entry within the various building trades be preserved;
(b) active and continuous co-operation be extended to employers in the effort to increase man-hour productivity;
(c) the possibility of the adoption of incentive wage systems be investigated;
(d) co-operation be offered in promoting recruitment and training plans that will improve the efficiency of the construction labour force; and that
(e) steps be taken to avoid jurisdictional labour disputes within the industry (II/15).

Action by Architects and Engineers

3. Plans and specifications for construction works should, in all cases where the nature of the work allows, be prepared and completed in full detail before work on the site is commenced (IV/34).
4. Detailed working drawings should be prepared for each trade. Such drawings help to avoid delays in the interpretation of general drawings and thus have a beneficial effect on productivity (IV/34).

5. Unless the nature of the work itself requires otherwise, plans and specifications for construction work should not be altered once site work has commenced. In this connection architects and engineers are urged to ensure that their clients obtain a clear and realistic idea of all proposed works before plans and specifications are prepared in their final form, and emphasis should be laid on the increased costs and adverse effects on productivity which may result from changes once the work has commenced (IV/34).

6. Architects and engineers should, at the design stage of construction work, take into account, as far as possible, the desirability of facilitating the layout of construction plant, equipment and material on the site (IV/34).

7. The welfare facilities to be provided for workers on construction sites should be specified in the contract documents. In this connection architects and engineers should inform themselves of any relevant provisions in official regulations or in collective agreements and should, wherever necessary, seek guidance in the matter from employers' and workers' organisations in the area (IV/34).

8. Closer contact between architects and engineers on the one hand and, on the other hand, employers and workers in the construction industry, is to be desired with a view to improving human relations and productivity in the construction industry. In particular, site briefing meetings should be encouraged, since such meetings not only
help to make foremen and workers fully conversant with the project on which they are engaged, and especially with any new features of technical interest, but also improve human relations at job level (IV/34).

9. Architects and engineers should devote special attention to the adoption of designs based on standardisation and which facilitate the scientific organisation of work on the site (IV/34).

Contracts and Financial Arrangements

10. "Cost plus" contracts should be avoided wherever possible (IV/35).

11. In the case of works the execution of which is expected to continue for a period of years, it is desirable that long-term contracts should be backed by adequate financial arrangements on the part of the building owner (whether a private individual or public authority) (IV/35).

Vocational Training in relation to Productivity

12. The importance of productivity at all levels of the construction industry should be constantly brought out in the vocational training of engineers, architects, technicians, contractors, foremen and construction workers (IV/36).

13. In courses for the training of architects and engineers, particular importance should be laid on the need for the advanced programming of work, scientific organisation of work on the site and the advantages of organising work in repetitive operations (IV/36).

14. In courses for the training of all managerial staff and supervisors in the construction industry, special stress should be laid on the importance of satisfactory handling of labour problems for productivity in the industry (IV/36).

15. Vocational training instructors should keep in constant touch with recent events and developments in the industry, in order that those learning from such instructors may be introduced to the latest techniques in the industry (IV/36).

16. Consideration should be given to the possibility of retraining in new trades of any workers who may be affected by technological unemployment (IV/36).

Mechanisation

17. The mechanisation of construction work should be proceeded with judiciously, taking into account the economic circumstances of the different countries, and with due safeguards to ensure that its introduction does not result in an increase in unemployment (IV/37).

Standardisation and Simplification

18. Standardisation and simplification can, in cases where the nature of the work allows, have a beneficial effect on productivity in the construction industry. Due regard should, however, be had to the need to avoid any adverse effects of excessive simplification of operations on the skills of workers in the industry (IV/39).

Building Codes and By-Laws

19. In view of the fact that in many cases building codes and by-laws are drafted in terms which do not facilitate the utilisation of new techniques and materials, the Governing Body of the International Labour Office is invited to draw the attention, through appropriate channels, of the authorities concerned to the need to consider the revision, wherever necessary, of such codes and by-laws, in order to facilitate the modernisation of the industry (IV/39).
The Psychological Climate

20. Steps should be taken by all concerned to create and develop a satisfactory psychological climate on construction sites (IV/42).

21. These steps should be based on mutual good will and should include joint consultation, collaboration, information and propaganda (IV/42).

22. It is essential for the achievement and maintenance of high productivity that, in view of the importance of human relations, close collaboration be established between all those taking part at every level in the planning and the actual execution of construction work (IV/42).

Sharing the Benefits from Increased Productivity

23. Workers in the construction industry should receive a fair share of any benefits resulting from increased productivity in the industry (IV/43).

24. Workers in the construction industry should participate in any benefits resulting from increased productivity on the sites on which they are engaged (IV/43).

VIII. COMBINED TEXT OF CONCLUSIONS CONCERNING RESEARCH AND DOCUMENTATION IN THE CONSTRUCTION INDUSTRY

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Considered at its first four sessions, which were held in 1946, 1949, 1951 and 1953 respectively, various matters related to research and documentation in the construction industry; and

Adopted the following conclusions:

1. With a view to assisting the national construction industries, the Committee invited the International Labour Office to establish, in collaboration with the competent international organisations, statistics relating to the needs, resources, materials and supplies of manpower, and to the capacity of production of the construction industries (I/4).

2. It was further recommended that all available information with regard to new or alternative materials on the one hand, and methods of construction, including prefabrication, on the other hand, as disclosed by the work being undertaken at various research institutes throughout the world, should be collected by the I.L.O. for dissemination. Countries in which research institutes are not provided should be urged to consider the provision thereof (I/4).

3. In connection with the exchange of trainees between countries, it is desirable to disseminate on an international basis information on techniques both in regard to the training of workers in the construction industry and in regard to construction methods (II/17).

4. The Committee noted the recommendation of the Conference held in Geneva in November 1950 under the auspices of the Economic Commission for Europe that arrangements be initiated to facilitate international collaboration in studies and research in the field of housing and building. The Committee considered that these efforts are at present aimed primarily at countries participating in the work of the Economic Commission for Europe, and was convinced that similar efforts are urgently required in other regions of the world, and particularly in underdeveloped areas (III/27).

5. The Committee invited the Governing Body of the International Labour Office—(a) to bring to the attention of the appropriate organs of the United Nations, and particularly the United Nations Social Commission and the United Nations Regional Economic Commissions, the need for initiating arrangements which would facilitate
collaboration in studies and research on housing and building in all regions of the world, and particularly in underdeveloped areas, and, further, the need to consider arrangements whereby information and experience in these fields may be exchanged between the various regions; and (b) to instruct the Office to participate actively in such activities (III/27).

Research and Documentation in relation to Productivity

6. The Governing Body of the International Labour Office was further invited—

(1) to draw the attention of all concerned to the need for research by competent bodies into the problems of the construction industry, and to the special importance of ensuring that those carrying out such research have a realistic idea of conditions within the construction industry, if the maximum contribution is to be made to increasing productivity;

(2) to draw the attention of all concerned to the importance of bringing the results of research, in a suitable form, to the knowledge of architects, engineers, technicians, contractors and workers in the construction industry, in order that full advantage may be taken of any progress made in the development of new techniques or materials; and

(3) to instruct the Office—

(a) to take an active part in all measures designed to promote research and documentation affecting the social aspects of productivity in the construction industry; and

(b) to keep the Committee informed of all major developments which may take place in this sphere (IV/40).

IX. COMBINED TEXT OF CONCLUSIONS CONCERNING THE INTERNATIONAL MIGRATION OF MANPOWER IN THE CONSTRUCTION INDUSTRY

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation, at its Sixth Session (1959), adopted the following conclusions:

1. In cases where the number of migrant construction workers is sufficiently large, their migration should be covered by intergovernmental agreements or arrangements relating to migrants generally or by intergovernmental agreements or arrangements restricted to workers in the construction industry. The employers' and workers' organisations concerned, both in the countries of emigration and in the countries of immigration, should be consulted before the detailed provisions of such intergovernmental agreements or arrangements are fixed (VI/62).

2. (1) As full up-to-date information as is possible should be made available by the country of immigration to the countries of emigration concerning—

(a) possibilities of migration to and employment in countries of emigration; and

(b) conditions of life and work in the countries of immigration, with particular reference to the construction industry.

(2) Such information should also be made available by the country of emigration to the country of immigration concerning the availability of construction workers for migration (VI/62).

3. (1) Appropriate training should, where necessary, be offered so as to facilitate occupational adaptation. Steps should be taken by the competent authorities in emigration and immigration countries to co-ordinate training courses.

(2) Such training should be offered—

(a) partly in the emigration country and partly in the immigration country; or

(b) solely in the emigration country; or
(c) in cases where no training facilities are available in the emigration country and/or where building techniques and circumstances in the immigration country are to a large degree different as compared with those in the emigration country, solely in the immigration country (VI/62).

4. In cases where there is a shortage of financial resources for the training of migrant construction workers, consideration should be given to—
(a) obtaining grants from international funds;
(b) participation in training costs of both the emigration and immigration countries directly concerned; and
(c) obtaining contributions from employers (VI/62).

5. The competent authorities, as well as employers' and workers' organisations, should ensure the practical application in respect of construction workers of the general principle laid down in Article 6 1 of the Migration for Employment Convention (Revised) (No. 97), adopted by the International Labour Conference at its 32nd Session in 1949, providing that immigrant construction workers should, in respect of the matters mentioned, receive treatment no less favourable than that applied to the nationals of the country of immigration (VI/62).

6. The Governing Body is invited to instruct the Director-General of the International Labour Office to continue the collection and dissemination of information concerning international variations in the work content and requirements of selected occupations in the construction industry in which there is a substantial level of international movement (VI/62).

7. Employers' and workers' organisations in the construction industry should be consulted concerning the admission and employment of immigrant construction workers in order to provide a sound basis for good relations between national and immigrant workers. The admission of immigrant workers to trade unions may be facilitated by agreements between the unions of emigration and immigration countries (VI/62).

8. (1) In immigration countries suffering from a housing shortage, access to housing should be offered to immigrant construction workers and their families on equal terms with national workers of the country concerned, bearing in mind that—
(a) immigrant construction workers help to increase the productive capacity of the building and construction industry of the receiving country immediately and with considerably less cost than normal training of apprentices would require; and
(b) the provision of housing for immigrant construction workers facilitates the early integration of the immigrants and thereby enables them to make their full and rapid contribution to the national economy.

(2) For nationals as well as immigrant construction workers without family, accommodation might be made available wherever construction on a large scale is going on. For instance, when new towns or vast industrial or commercial projects, such as refineries and harbours, are being built, permanent buildings, to be used later as schools, offices, etc., might be erected first and, for the time being, equipped as up-to-date hostels for such single building workers (VI/62).

9. Convinced of the need to ensure to migrant workers equality of treatment with national workers as from the date of their arrival with regard to national social security legislation and regulations, the Committee draws the attention of the Governing Body to the importance of having this question placed on the agenda of the International Labour Conference (VI/62).

10. The principle of equality of treatment should logically also apply to provisions of collective agreements. To make this principle fully effective, governments which

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1 The text of Article 6 is appended to this text.
consider it appropriate to do so should enable all workers of a given occupation and region, including migrant workers, to enjoy the appropriate provisions of collective agreements by means of legal or other measures (VI/62).

11. In order to avoid conflicts of law and the lack of protection which would result from them, the principle should be generalised according to which workers, from the moment of their arrival, are brought under the jurisdiction and protection of the legislation of the country in which they work, even if the employer or the seat of the undertaking in which they are employed should be in another country (VI/62).

12. Continuous co-operation between national authorities, employers' organisations and trade unions should be established in the field of social security. Apart from the I.L.O., where it already exists, such co-operation should also be given the special attention of intergovernmental and international organisations and supranational institutions (VI/62).

13. On the regional level, the Committee requests the Governing Body to ask the Director-General of the I.L.O. to continue his efforts to ensure a more complete protection of migrant workers and their families; it requests the governments concerned to facilitate the implementation of these efforts (VI/62).

14. With a view to facilitating the adaptation of immigrant construction workers in the receiving country, the competent authorities and organisations in both the emigration and immigration countries should enable immigrant workers to profit from appropriate language instruction, e.g. evening classes, radio lessons or correspondence courses (VI/62).

15. It would be desirable to take measures to ensure that an insufficient knowledge of the language of the immigration country and consequent inability to understand occupational health and safety regulations do not result in the exposure of immigrant construction workers to risk of accidents and diseases (e.g. translation of documents as well as distribution of bi- or multilingual bulletins issued by health services and safety bodies, provision of oral instructions on safety and health measures in the foreign workers' language) (VI/62).

16. Special attention should be paid to the welfare and related needs of national and immigrant construction workers on isolated sites—for instance in matters of recreation, diet, religious worship, etc. (VI/62).

17. Under the special circumstances of isolated and other large-scale sites, cooperation between management and labour, both national and foreign, is of the highest importance for the smooth flow of work, including the prevention of accidents and epidemics. Therefore, wherever substantial numbers of migrant workers are employed on a certain site, their peculiar problems should be catered for by various means, such as by welfare officers or by including representatives of such migrant workers on joint committees or works councils, where appropriate (VI/62).

18. For the purpose of these conclusions the term "migrant workers in the construction industry" does not cover frontier workers (VI/62).

ANNEX

TEXT OF ARTICLE 6 OF THE MIGRATION FOR EMPLOYMENT CONVENTION (REVISED), 1949 (No. 97)

1. Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters:

(a) in so far as such matters are regulated by law or regulations, or are subject to the control of administrative authorities—
(i) remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women's work and the work of young persons;

(ii) membership of trade unions and enjoyment of the benefits of collective bargaining;

(iii) accommodation;

(b) social security (that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) national laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension;

(c) employment taxes, dues or contributions payable in respect of the person employed; and

(d) legal proceedings relating to the matters referred to in this Convention.

2. In the case of a federal State the provisions of this Article shall apply in so far as the matters dealt with are regulated by federal law or regulations or are subject to the control of federal administrative authorities. The extent to which and manner in which these provisions shall be applied in respect of matters regulated by the law or regulations of the constituent states, provinces or cantons, or subject to the control of the administrative authorities thereof, shall be determined by each Member. The Member shall indicate in its annual report upon the application of the Convention the extent to which and manner in which these provisions shall be applied in respect of matters regulated by the law or regulations of the constituent states, provinces or cantons, or subject to the control of the administrative authorities thereof, the Member shall take the steps provided for in paragraph 7 (b) of article 19 of the Constitution of the International Labour Organisation.

**Resolutions Adopted**

**Discussion and Adoption of the Draft Resolutions**

At its eighth plenary sitting the Committee had before it, in addition to the documents reproduced above, five draft resolutions. These were presented by the Chairman, in his capacity as Chairman of the Steering Committee. The proceedings of the Committee with regard to each of these five draft resolutions are indicated below.

1. **Draft Resolution concerning Undesirable Practices with regard to the International Migration of Construction Workers**

The Chairman pointed out that the first draft of this text had been submitted to the Steering Committee by the Workers' group. That draft strongly condemned "the abuses of certain private intermediaries" whereby construction workers who wished to emigrate to take up employment in the industry in another country were being compelled to pay sums of money prior to leaving their home country and were being further compelled to part with a proportion of their earnings in the country of immigration. It also strongly condemned any substantial governmental levy or tax imposed by the government of a
country on construction workers who proposed to emigrate. The drafting of the text had been modified by the Officers of the Steering Committee, the term "abuses" being replaced by the term "undesirable practices". A paragraph had been added to draw attention to the provisions of the relevant international labour Conventions—namely the Fee-Charging Employment Agencies Conventions, 1933 and 1949, and the Migration for Employment Convention (Revised), 1949, as well as to the accompanying Recommendations. Other changes which had been made by the Officers of the Steering Committee had been of a drafting nature.

The Committee unanimously adopted the resolution (No. 72) concerning undesirable practices with regard to the international migration of construction workers. The text of this resolution is reproduced hereinafter.

2. Draft Resolution concerning a Study to Be Undertaken by the Office on Occupational Health in the Construction Industry

The CHAIRMAN reported that the original draft of this text had been submitted by the Workers' group. When it came before the Steering Committee minor changes, largely of a drafting character, had been made. In particular, a reference had been included to provide for co-operation with the World Health Organisation, since the proposed study would cover aspects of environmental hygienic conditions. The text now before the Committee accordingly concluded with the phrase: "the study on this latter subject being undertaken in co-operation, as appropriate, with the World Health Organisation." In order, however, to leave it to the discretion of the Governing Body to consider such measures as might be taken with regard to co-operation with W.H.O., the phrase in question should be amended so as to read as follows: "this study being undertaken in co-operation, as appropriate, with the World Health Organisation."

The Committee unanimously adopted the resolution (No. 73) concerning a study to be undertaken by the Office on occupational health in the construction industry. The text of the resolution, as thus adopted, is reproduced hereinafter.

3. Draft Resolution concerning the Future Action of the I.L.O. with regard to the Construction Industry

The CHAIRMAN informed the Committee that the original draft of this text had been submitted by the Workers' group. It expressed the wish that the next session should be convened not later than May 1966. In the Steering Committee, however, it had been agreed to delete that specific time limit, and the text had consequently been altered so as to urge that the Committee should meet again "as soon as practicable". Other changes which had been made by the Steering Committee had been of a drafting nature.

Mr. SYLVESTER (Government delegate, United States), Mr. SHERRIFF (Government delegate, United Kingdom), Mr. BRENTWOOD (Government delegate, Australia), Mr. HIROSE (Government delegate, Japan) and Mr. HOLLOWAY (Employers' delegate, United Kingdom), while not opposing the adoption of the draft resolution, expressed reservations because of the financial implications of subparagraph (3) of the draft: this called for the publication in German, Russian and Spanish of the full texts of all reports issued by the Office prior to sessions of the Committee, as well as of all documents issued in the course of the sessions in question.

Mr. UMRATH (Workers' Adviser, Netherlands) pointed out that a considerable sum of money was being spent to cover the travelling expenses and subsistence allowances of delegates coming to sessions of the Committee from distant parts of the world. It was inconceivable that delegates who had come from, say, Latin America, should be debarred from fully participating in the work of the Committee simply because documents in their own language were not available. Mr. DE ARAOZ (Government delegate, Mexico) and Mr. CORIA (Workers' delegate, Argentine) strongly supported the point which had been made by Mr. Umrah.

Mr. HERBST (Government delegate, Federal Republic of Germany) called for adoption of the draft resolution: the work of the present session had repeatedly been delayed because of language difficulties, and the Governing Body's attention should be drawn to the matter.
Mr. Kemp (Workers’ delegate, United Kingdom) felt it was high time for the problem of languages used in the proceedings of the Committee to be re-examined: the fact that some important languages were placed in an unfavourable position as compared with other languages was, in practice, proving detrimental to the work of the Committee.

The Chairman believed that such reservations as had been expressed with regard to the financial implications of the draft resolution did not indicate any formal opposition to the adoption of the resolution as a whole. If this view was correct, he felt that the Committee would wish formally to adopt the resolution.

The Committee adopted the resolution (No. 74) concerning the future action of the I.L.O. with regard to the construction industry.

4. Draft Resolution concerning the Agenda of the Eighth Session of the Building, Civil Engineering and Public Works Committee

This draft resolution listed five items, which the Governing Body was invited to consider with a view to selecting two for inclusion in the agenda of the Eighth Session of the Committee. The Chairman, in presenting the draft resolution, pointed out that, if adopted, the items listed therein were simply proposals addressed to the Governing Body in connection with the agenda of the next session of the Committee. When the time came to determine that agenda, it would be for the Governing Body to take a decision in the matter. In doing so, the Governing Body would undoubtedly wish to take into consideration not only such proposals as might now be formulated by the Committee, but also the suggestions made at earlier sessions, any relevant decisions of the International Labour Conference, the situation at the time, and any views which might be expressed by the international employers’ and workers’ organisations concerned.

The Chairman then outlined the origin of each of the five items in question.

(1) Industrialisation. The first item represented a merger of two proposals. The Employers’ members of the Steering Committee had proposed an item worded as follows:

Social implications of the progressive industrialisation of the techniques of the construction industry, with particular reference to the need for rationalisation of the deployment of manpower and resources;

while the Workers’ members of the Steering Committee had proposed the following item:

Prefabrication and its consequences in the construction industry.

After preliminary discussion within the Steering Committee, the Officers of the Steering Committee had endeavoured to merge these two texts into one, the result being the first item of the draft now under consideration.

The Committee unanimously adopted the first item listed in the draft resolution concerning the agenda of the Eighth Session of the Building, Civil Engineering and Public Works Committee. The wording of the item thus adopted will be found in the text of resolution No. 75 reproduced hereinafter.

(2) Hours of work. With regard to the second item in the list contained in the draft resolution the Chairman recalled that the wording now before the Committee was practically identical with that which had originally been submitted by the Workers’ group to the Steering Committee. The Employers’ members of the Steering Committee had felt that they could not support such a proposal, even though the Workers’ members had made it clear that it related to the actual position affecting hours of work and not to a claim for the reduction of hours of work. In these circumstances the item in question was now sponsored by the Workers’ group alone. In reply to Mr. Herbst (Government delegate, Federal Republic of Germany), the Chairman explained that if, on a vote, this item were to be rejected by the Committee, the item in question would disappear from the resolution and would not be transmitted as a proposal to the Governing Body.

Mr. Evensen (Employers’ delegate, Norwegian) said that numerous Employers’ delegates were opposed to the item in question.
Mr. LEBER (Workers’ delegate, Federal Republic of Germany) feared that the purpose of the Workers’ group in proposing this item had been misunderstood. If the Governing Body should ultimately select this item for inclusion in the agenda of the next session of the Committee, the Workers’ group in no way intended to avail itself of the occasion to discuss a reduction in hours of work or to press for conclusions which might have political implications at the national level as regards any such reduction. What they did want to discuss, however, was a very different aspect of hours of work—namely the practical problem of the disorder which prevailed on individual sites when hours of work were not adequately regulated. The very Constitution of the I.L.O. specified “the regulation of hours of work” amongst the aims of the Organisation, and the achievement of this aim should not be hindered.

Mr. MILLENDORFER (Workers’ delegate, Austrian) felt that the Employers who were now opposed to this item being discussed at the next session of the Committee were hardly consistent. At the present session, in the Subcommittee on Regularisation of Employment, a discussion of hours of work had in fact taken place. The Employers’ members of the Subcommittee had actively participated in that discussion, the substance of which was recorded in paragraph 54 of the Subcommittee’s unanimously adopted report. Since the Employers’ members of the Subcommittee had manifestly been in no way opposed to the principle—or to the practice—of a discussion on hours of work, it was inconsistent for the Employers’ members of the Steering Committee to have opposed, on principle, a proposal that hours of work be discussed at the next session of the Building, Civil Engineering and Public Works Committee, particularly when the Workers had clearly placed on record the fact that they did not intend to raise any question of reducing hours of work. If, indeed, the Workers should wish to raise that particular aspect of hours of work, there were in any case plenty of opportunities for them to do so.

Mr. BRIQUET (Workers’ delegate, French) recalled that, on the occasion of the Fifth Session of the Committee in 1956, the Employers’ group had opposed the placing of the question of hours of work as an item on the agenda of the Sixth Session. In 1962, however, the International Labour Conference had adopted a Recommendation concerning the reduction of hours of work, but it seemed that some Employers were taking too little account of this Recommendation. As Mr. Leber had rightly pointed out, the purpose of this item was not to achieve a reduction of hours of work, but simply to bring out the discrepancies which existed between the legally stipulated hours of work on the one hand and, on the other hand, the hours actually worked. From the opposition to this item it appeared that some Employers did not wish light to be thrown on the real situation as regards the hours actually being worked in the construction industry in different countries. This, however, was a matter of major interest to workers.

Mr. BOLDAREV (Government delegate, U.S.S.R.) recalled statements which had been made by a number of delegates to the effect that in some cases hours of work had been unofficially extended, and that certain practices with regard to overtime went beyond all acceptable standards. The item now under discussion concerned a very real problem, and should be supported.

Mr. BERGER (Workers’ delegate, Swiss) said that practical experience at the national level indicated that a study of the actual hours being worked would be very useful for the future work of the Committee. The item under discussion was intended simply to bring to light the real situation as regards hours of work: it was not—as some Employers appeared to fear—intended to provide a pretext for demands for a reduction of hours of work. Since, however, there were differences of opinion, the matter should be decided by a record vote. This proposal was supported, on behalf of the Workers’ group, by Mr. KEMP (Workers’ delegate, United Kingdom).

Mr. TURNER (Workers’ delegate, United States) pointed out that hours of work were recognised as constituting an essential element in employment, for they affected the well-being of the worker. A study of this question would enable a clearer view to be obtained of what was actually happening in different countries. No other international organisation was better placed than the I.L.O. to undertake such a study, and it was important that the I.L.O. should bring out the real facts in the matter.
On a record vote the Committee adopted—by 76 votes to 18, with 31 abstentions—the second item listed in the draft resolution concerning the agenda of the Eighth Session of the Building, Civil Engineering and Public Works Committee. The wording of the item, as thus adopted, will be found in the resolution (No. 75), reproduced hereinafter.

(3) Occupational health. The Chairman reported that the third item in the list contained in the draft resolution had been originally proposed by the Workers' group. It was now presented, unchanged, by the Steering Committee.

The Committee unanimously adopted the third item listed in the draft resolution concerning the agenda of the Eighth Session of the Building, Civil Engineering and Public Works Committee. The text of the item, as thus adopted, will be found in resolution No. 75, reproduced hereinafter.

(4) Migrant workers. The Chairman reported that the fourth item in the list contained in the draft resolution had originally been proposed by the Employers' group. The Steering Committee had been unanimous in putting it forward.

Mr. Gas (Government member, France) proposed that the item in question be amended so as to read as follows:

Conditions for the reception and adaptation to local conditions of legally immigrated workers in the construction industry.

Many of the problems which existed in connection with immigrant workers arose mainly in cases in which the workers—and their families—had illegally entered the country concerned. A government, in collaboration with employers and workers, had of course to do all that was necessary for the reception and housing of workers who had legally immigrated, but could not be expected to deal in a like manner with persons who had entered the country clandestinely.

Mr. Poisson (Employers' delegate, French) supported the proposed amendment. Employers in France were often obliged to accept—and to overcome great difficulties in housing—unskilled workers who had entered the country illegally, and it was galling for the employers concerned to find themselves reproached afterwards for their actions in this respect.

Mr. Posteraro (Government delegate, Italy) pointed out that the proposed amendment would discriminate amongst immigrant workers, depending on whether or not their entry into the country concerned had been legal. Such discrimination was not acceptable. Every effort should, of course, be made to prevent clandestine immigration, but once an employer had actually engaged a worker there could be no justification whatever for treating that worker any less favourably than any other worker—and, in the case of immigrant workers who were taken into employment, it would be simply inhuman to discriminate on the basis of the legality or illegality of their entry into the country. The I.L.O. could not be expected to approve of such discrimination.

Mr. Léber felt that the proposer of the amendment had perhaps been mainly concerned with the situation in Europe, and particularly with that in the countries of the European Economic Community. The situation in those countries was, however, changing. Immigrant workers had in the past been recruited through official government employment agencies. But in recent years more and more employers had been directly recruiting their manpower in other countries, without calling upon the services of the government agencies, while to an increasing extent foreign workers who had been employed with a particular firm during one building season returned to resume their jobs with the same firm the following year. These developments made sense. The French Government would hardly wish to confine to those persons who had been recruited by government agencies the benefits of whatever measures might be adopted for the reception and adaptation of immigrant workers. In any case, within the European Economic Community workers were now officially allowed to move much more freely from country to country. Since all immigrant workers should receive equal treatment, irrespective of whether their entry into the country concerned had been effected on a private basis or through a governmental employment agency, the Workers' group could not support the proposed amendment.
Mr. MOUTON (Workers' delegate, French) remarked that, as far as France was concerned, most illegal immigrants came from countries which were outside the European Economic Community. French workers were opposed to illegal immigration, which created great difficulties as regards the organisation of measures for the reception and adaptation of immigrant workers. But, as illegal immigration was in fact taking place, and as many illegal immigrants were faced with acute hardships, any consideration of the measures to be adopted for the reception and adaptation of immigrant workers should cover all such workers. The item in question should therefore remain unchanged.

In the light of the discussion which had taken place Mr. Gas withdrew the amendment which he had previously proposed.

The Committee thereupon unanimously adopted, without change, the fourth item of the list contained in the draft resolution concerning the agenda of the Eighth Session of the Building, Civil Engineering and Public Works Committee. The wording of this item will be found in resolution No. 75, reproduced hereinafter.

(5) Developing countries. The CHAIRMAN reported that the fifth item listed in the draft resolution represented a merger of two proposals. The Employers' group had originally proposed an item worded as follows:
Special aspects of labour problems in the construction industry in developing countries, with particular reference to visiting contractors and to labour-management relations;
while the Workers' group had proposed the following item:
Methods and techniques to combat unemployment and underemployment in the construction industry in developing countries.
The Steering Committee was unanimous in putting forward the item as now worded in the draft resolution.

The Committee unanimously adopted the fifth item listed in the draft resolution concerning the agenda of the Eighth Session of the Building, Civil Engineering and Public Works Committee. The wording of the item will be found in resolution No. 75, reproduced hereinafter.

Following its separate adoption of each of the five items referred to above, the Committee adopted resolution No. 75 as a whole. The text of this resolution concerning the agenda of the Eighth Session of the Building, Civil Engineering and Public Works Committee is reproduced hereinafter.

5. Draft Resolution concerning the Convocation of a Tripartite Technical Meeting for the Woodworking Industry

At its eighth plenary sitting the Committee also had before it a draft resolution which referred to the great importance of wood products in relation to the construction industry and invited the Governing Body to convene as early as possible a tripartite technical meeting for the woodworking industry.

In presenting this draft resolution the CHAIRMAN reported that the original text had been submitted by the Workers' group. The Employers' member of the Steering Committee considered that it should be declared irreceivable, on the grounds that it went beyond the competence of the Building, Civil Engineering and Public Works Committee. The Workers' members of the Steering Committee, on the other hand, had drawn attention to the close links which existed between woodworking and building. On a vote being taken on the matter in the Steering Committee, there had been seven votes in favour of the draft resolution being declared irreceivable and seven votes in favour of its being regarded as receivable. In these circumstances the motion as to irreceivability had failed of adoption, and the Steering Committee had considered the text itself on its merits. The Employers' members, for the reasons stated, had abstained in the discussion of this subject, and the Steering Committee, with that reservation, now placed the draft resolution before the Committee.

Mr. EVENSEN (Employers' delegate, Norwegian) said that many Employers' delegates would wish to abstain with regard to this draft resolution.
Mr. Hill (Employers' delegate, United Kingdom) pointed out that, in the view of many employers, woodworking could not be deemed to constitute a separate industry; this was evident from the fact that woodworking operations took place not only within the construction industry, but also in connection with such diverse industries as furniture-making, toy-making and boat-building. Each of these industries had its own way of settling its affairs and had little in common with the construction industry. In these circumstances, a meeting such as that which was now being proposed would bring together people from widely disparate sectors of activity and would find itself in a very confusing position. Moreover, it was far from clear that any such meeting would bring any benefit to the construction industry. The draft resolution could not be accepted.

Mr. Leber (Workers' delegate, Federal Republic of Germany) said that the Workers' group had submitted this draft resolution because of its conviction that there should at some time be held, under I.L.O. auspices, a meeting which would deal with the special problems which arose in woodworking—a sector of activity which, while not confined to the construction industry, was none the less closely linked with that industry. Thus, for instance, many factors arising out of woodworking operations closely affected building and civil engineering work. The woodworking industry was, moreover, going through a period of complete transformation. An ad hoc tripartite technical meeting for the woodworking industry would therefore meet a very real need, and its conclusions might well prove to be applicable in the construction industry. More than a decade had now gone by since the holding of such a meeting had first been called for.

The Committee then voted on the draft resolution. There were 53 votes in favour of adoption, 8 against, and 50 abstentions. For lack of a quorum (71 votes) however, this draft resolution failed of adoption.

TEXT OF THE RESOLUTIONS ADOPTED

Resolution (No. 72) concerning Undesirable Practices with regard to the International Migration of Construction Workers

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met in its Seventh Session in Geneva from 4 to 15 May 1964,

Recalling the provisions of the Fee-Charging Employment Agencies Conventions, 1933 and 1949, and of the Migration for Employment Convention (Revised), 1949, and the accompanying Recommendations;

Having particularly in mind the practices of certain private intermediaries whereby construction workers who wish to emigrate to take up employment in this industry in another country are compelled to pay substantial sums of money prior to leaving their home country or who are further compelled to part with a proportion of their earnings in the country of immigration; and the practice by which a substantial government levy or tax is imposed by the government of a country on construction workers who propose to migrate;

Adopts this fifteenth day of May 1964 the following resolution:

The Governing Body of the International Labour Office is invited to request the Director-General—

(1) to urge all governments concerned to take effective steps for the elimination of the above-mentioned practices, which are strongly condemned; and

(2) to invite organisations concerned to submit to the International Labour Office information on such practices affecting migrant workers in the construction industry, so that consideration may be given to the taking of appropriate action.

1 Adopted unanimously.
Resolution (No. 73) concerning a Study to Be Undertaken by the Office on Occupational Health in the Construction Industry

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met in its Seventh Session in Geneva from 4 to 15 May 1964,

Adopts this fifteenth day of May 1964 the following resolution:

The Governing Body of the International Labour Office is invited to request the Director-General to carry out a study on occupational health in the construction industry, having regard also to industrial diseases and environmental hygienic conditions in the industry, this study being undertaken in co-operation, as appropriate, with the World Health Organisation.

Resolution (No. 74) concerning the Future Action of the I.L.O. with regard to the Construction Industry

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met in its Seventh Session in Geneva from 4 to 15 May 1964,

Noting that four-and-a-half years have elapsed between the Sixth and the Seventh Sessions of the Committee;

Considering the rapid development of production techniques in the construction industry, both in developed and in less developed countries;

Considering that language difficulties hamper the effective participation of delegates from many countries in the work of the Committee,

Adopts this fifteenth day of May 1964 the following resolution:

The Governing Body of the International Labour Office is invited—

(1) to convene the Eighth Session of the Building, Civil Engineering and Public Works Committee as soon as practicable; 

(2) to request the Director-General to arrange, between sessions of the Committee, for increased research as well as for tripartite activities with regard to current labour and social problems of the construction industry; 

(3) to request the Director-General to arrange for the publication, in German, Russian and Spanish, of the full texts of all reports issued by the Office prior to sessions of the Committee, and of all documents issued in the course of the sessions in question; and

(4) to urge the governments of member States to transmit, as soon as possible, the conclusions of the Committee to the employers' and workers' organisations concerned, not only in an official language of the I.L.O. but also in the national language of the country concerned.

Resolution (No. 75) concerning the Agenda of the Eighth Session of the Building, Civil Engineering and Public Works Committee

The Building, Civil Engineering and Public Works Committee of the International Labour Organisation,

Having met in its Seventh Session in Geneva from 4 to 15 May 1964,

Adopts this fifteenth day of May 1964 the following resolution:

1 Adopted unanimously.

2 Adopted without opposition (see above "Discussion and Adoption of the Draft Resolutions").
The Governing Body of the International Labour Office is invited to consider selecting two of the following items for inclusion in the agenda of the next session of the Building, Civil Engineering and Public Works Committee:

1. The consequences of the progressive industrialisation of the techniques of the construction industry, in particular the increased introduction of prefabricated methods of building.¹

2. Hours of work in the construction industry, it being understood that the report to be prepared by the Office would examine in particular the contrast between legislative and contractual provisions regarding hours of work on the one hand and, on the other hand, the hours actually worked in this industry.²

3. Occupational health in the construction industry with particular reference to industrial diseases and to hygienic conditions.¹

4. Conditions for the reception and adaptation to local conditions of migrant workers in the construction industry.¹

5. Special aspects of labour problems in the construction industry in developing countries, it being understood that the report to be prepared by the Office would cover methods of combating unemployment and underemployment; vocational training and education; labour-management relations; questions associated with contractors from other countries; and international co-operation in these fields.³

APPENDIX

LIST OF THE CONCLUSIONS AND RESOLUTIONS ADOPTED BY THE BUILDING, CIVIL ENGINEERING AND PUBLIC WORKS COMMITTEE ⁸

First Session (Brussels, November-December 1946)

No. 1. Statement concerning the problems of production and reconstruction in the construction industries.
No. 2. Resolution concerning programmes of work in the construction industries.
No. 3. Resolution concerning production in the construction industries.
No. 4. Resolution concerning problems of reconstruction.
No. 5. Resolution concerning recruitment and vocational training of manpower in the construction industries.
No. 6. Resolution concerning stabilisation of employment in the construction industries.
No. 7. Resolution concerning general conditions of work.⁴
No. 8. Resolution concerning rural housing.
No. 9. Resolution concerning general principles.
No. 10. Resolution concerning industrial peace.
No. 11. Resolution concerning collaboration in the construction industries.
No. 12. Resolution concerning the establishment of national committees in the construction industries.
No. 13. Resolution concerning a study on industrial relations to be undertaken by the International Labour Office.

¹ Adopted unanimously.
² Adopted by 76 votes to 18, with 31 abstentions.
³ Except where otherwise indicated by footnote, the Committee’s conclusions have been adopted unanimously.
⁴ Adopted by 63 votes to 2, with no abstentions.
Second Session (Rome, March 1949)


No. 15. Resolution concerning action by employers and workers with a view to promoting stability of employment in the construction industry.

No. 16. Resolution concerning the establishment of an international institute for building loans.

No. 17. Resolution concerning vocational training in the construction industry.

No. 18. Resolution concerning recruitment for the construction industry.

No. 19. Resolution concerning the general principles of industrial relations in the construction industry.

No. 20. Resolution concerning labour-management co-operation in the construction industry.

No. 21. Resolution concerning the agenda of the Third Session of the Committee.

Third Session (Geneva, February 1951)

No. 22. Resolution concerning welfare in the construction industry in underdeveloped countries.

No. 23. Resolution concerning legislative measures for welfare facilities in the construction industry.

No. 24. Resolution concerning the employment of women and children in the construction industry.

No. 25. Resolution concerning welfare in the construction industry.

No. 26. Resolution concerning the reduction of seasonal unemployment in the construction industry.

No. 27. Resolution concerning international arrangements for building research.

No. 28. Resolution concerning stabilisation of employment in the construction industry.

No. 29. Resolution concerning social aspects of the world timber situation and outlook.

No. 30. Resolution concerning the agenda of the Fourth Session of the Building, Civil Engineering and Public Works Committee (application of the principle of a guaranteed wage).

No. 31. Resolution concerning the agenda of the Fourth Session of the Building, Civil Engineering and Public Works Committee (financing housing construction).

No. 32. Resolution concerning studies on problems of the construction industry.

No. 33. Resolution concerning national housing programmes.

Fourth Session (Geneva, October-November 1953)

No. 34. Resolution concerning action by engineers and architects with a view to raising productivity in the construction industry.

No. 35. Resolution concerning contract practices in the construction industry.

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1 Adopted by 78 votes to 9, with no abstentions.
2 Adopted by 76 votes to 9, with no abstentions.
3 Adopted by 62 votes to 3, with 20 abstentions.
4 Adopted by 71 votes to nil, with 10 abstentions.
5 Adopted by 59 votes to 13, with 11 abstentions.
6 Adopted by 78 votes to 9, with no abstentions.
7 Adopted by 76 votes to 9, with no abstentions.
8 Adopted by 62 votes to 3, with 20 abstentions.
9 Adopted by 71 votes to nil, with 10 abstentions.
10 Adopted by 59 votes to 13, with 11 abstentions.
11 This resolution put forward the following items for consideration in connection with the agenda of the Third Session: (1) stability of employment in the construction industry; (2) safety, health and welfare in the construction industry; and (3) guaranteed weekly wages in the construction industry. Items 1 and 2 were adopted by 61 votes to nil, with 3 abstentions. Item 3 was adopted, on a record vote, by 44 votes to 38, with 8 abstentions.
12 Adopted by 73 votes to 6, with 2 abstentions.
13 Adopted by 81 votes to nil, with 2 abstentions.
14 Adopted by 77 votes to nil, with 8 abstentions.
15 Adopted by 78 votes to nil, with 4 abstentions.
16 Adopted by 80 votes to nil, with 7 abstentions.
17 Adopted by 110 votes to nil, with 3 abstentions.
18 Adopted by 101 votes to 8, with 11 abstentions.
No. 36. Resolution concerning vocational training in relation to productivity in the construction industry.

No. 37. Resolution concerning mechanisation in the construction industry.

No. 38. Resolution concerning on-the-spot investigations into productivity in the construction industry in underdeveloped countries.¹

No. 39. Resolution concerning certain technical factors affecting productivity in the construction industry.²

No. 40. Resolution concerning the importance of research and documentation in relation to productivity in the construction industry.

No. 41. Resolution concerning the importance of recruitment in relation to productivity in the construction industry.

No. 42. Resolution concerning the establishment of a satisfactory psychological climate at the workplace.

No. 43. Resolution concerning the sharing of benefits resulting from increased productivity in the construction industry.³

No. 44. Resolution concerning the report of the Meeting of Experts on Payment by Results in the Construction Industry.⁴

No. 45. Memorandum concerning a guaranteed wage scheme in the construction industry.⁵

No. 46. Resolution concerning action taken in the various countries to give effect to the Committee's conclusions.⁶

No. 47. Memorandum concerning action taken by the Governing Body and the Office in the light of the Committee's conclusions.⁷

No. 48. Resolution concerning welfare in the construction industry in underdeveloped countries.

No. 49. Resolution concerning the policy of full employment as related to national housing programmes.

No. 50. Resolution concerning action to be taken with regard to the resolution (No. 16) concerning the establishment of an international institute for building loans, adopted by the Committee at its Second Session.⁸

No. 51. Resolution concerning a study on safety in the construction industry.

No. 52. Resolution concerning the agenda of the Fifth Session of the Building, Civil Engineering and Public Works Committee.⁹

**Fifth Session (Geneva, May 1956)**

No. 53. Resolution concerning safety in the construction industry.

No. 54. Resolution concerning technical assistance in the field of safety in the construction industry.

No. 55. Resolution concerning national housing programmes and full employment.¹⁰

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¹ Adopted by 115 votes to 2, with 7 abstentions.
² Adopted by 110 votes to nil, with 1 abstention.
³ Adopted by 108 votes to 1, with 5 abstentions.
⁴ Adopted by 109 votes to 1, with no abstentions.
⁵ Adopted by 114 votes to nil, with 6 abstentions.
⁶ Adopted by 111 votes to nil, with 2 abstentions.
⁷ Adopted by 119 votes to nil, with 1 abstention.
⁸ Adopted by 98 votes to nil, with 10 abstentions.
⁹ This resolution proposed the following four items in connection with the agenda of the Fifth Session of the Committee: (1) protection of the conditions of employment and living conditions of young workers in the construction industry; (2) prevention of industrial accidents in the construction industry; (3) reduction of hours of work in the construction industry; and (4) practical measures for securing and maintaining full employment in the construction industry. Items (1), (2) and (4) were adopted unanimously. Item (3) was adopted, on a record vote, by 58 votes to 39, with 24 abstentions.
¹⁰ The operative part of this resolution consisted of eight paragraphs, seven of which were adopted unanimously. The remaining paragraph—which is reproduced as paragraph 43 of the combined text (No. VI) of the conclusions concerning the stabilisation of the construction industry was adopted by 91 votes to 5, with 12 abstentions. The resolution as a whole was adopted by 107 votes to nil, with 2 abstentions.
No. 56. Suggestions concerning the effect given to the conclusions adopted at previous sessions of the Building, Civil Engineering and Public Works Committee.

No. 57. Memorandum concerning the training of skilled labour in the construction industry in countries not sufficiently developed in this respect.

No. 58. Resolution concerning hours of work.¹

No. 59. Resolution concerning the agenda of the Sixth Session of the Building, Civil Engineering and Public Works Committee.²

No. 60. Proposal concerning the agenda of the Sixth Session of the Building, Civil Engineering and Public Works Committee.

No. 61. Resolution concerning the agenda of the Sixth Session of the Building, Civil Engineering and Public Works Committee.

Sixth Session (Geneva, October 1959)

No. 62. Resolution concerning the international migration of labour in the construction industry.

No. 63. Conclusions concerning young workers in the construction industry.

No. 64. Suggestions concerning the action to be taken to give effect to the conclusions adopted at previous sessions of the Committee.

No. 65. Resolution concerning housing.

No. 66. Resolution concerning the impact of new techniques in the construction industry.

No. 67. Proposals concerning the agenda of the Seventh Session of the Committee.

Seventh Session (Geneva, May 1964)

No. 68. Conclusions concerning technological changes in the construction industry.

No. 69. Resolution concerning action by the Office relating to technological developments and to safety in the construction industry.

No. 70. Conclusions concerning the regularisation of employment in the construction industry.

No. 71. Suggestions concerning the effect to be given to the conclusions and resolutions adopted by the Building, Civil Engineering and Public Works Committee.

No. 72. Resolution concerning undesirable practices with regard to the international migration of construction workers.

No. 73. Resolution concerning a study to be undertaken by the Office on occupational health in the construction industry.

No. 74. Resolution concerning the future action of the I.L.O. with regard to the construction industry.³

No. 75. Resolution concerning the agenda of the Eighth Session of the Building, Civil Engineering and Public Works Committee.³

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¹ Adopted on a record vote by 53 votes to 33, with 16 abstentions.
² Adopted by 100 votes to nil, with 2 abstentions.
³ See above “Discussion and Adoption of the Draft Resolutions”. 
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Declaration concerning the Policy of “Apartheid” of the Republic of South Africa

Adopted by the International Labour Conference at Its 48th Session

(Geneva, 1964)

Whereas all Members of the International Labour Organisation have, by the Declaration of Philadelphia embodied in the Constitution as a statement of the aims and purposes of the Organisation, solemnly affirmed that “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”;

Whereas, by an instrument of ratification of the Constitution as amended in 1946, signed by the Prime Minister of the Union of South Africa at Pretoria on 12 June 1947, the Government of South Africa has undertaken “faithfully to perform and carry out” all the stipulations of the Constitution,

Whereas the Constitution provides that the International Labour Organisation exists for the promotion of the objects set forth in the Preamble thereto and in the Declaration of Philadelphia,

Whereas the Government of the Republic of South Africa has not merely failed to co-operate in promoting the objects set forth in the Preamble to the Constitution and in the Declaration of Philadelphia, but has promulgated and is practising the inhuman policy of apartheid, which is wholly incompatible with the aims and principles of the Constitution and the Declaration of Philadelphia, thus creating an alarming situation,

Whereas the Declaration of Philadelphia affirms that the principles set forth therein are fully applicable to all peoples everywhere and recognises that their implementation is a matter of concern to the whole civilised world,

Whereas the application of the principle of equal opportunity for all human beings, irrespective of race, has therefore ceased to be solely the domestic concern of the Republic of South Africa, and whereas the Security Council of the United

1 Adopted unanimously by acclamation on 8 July 1964.

The Conference likewise unanimously adopted the report of its Committee on the Declaration concerning Apartheid and in so doing approved the practical recommendations contained in the I.L.O. Programme for the Elimination of Apartheid in Labour Matters in the Republic of South Africa. A recapitulation of these recommendations (paras. 144-150 of the Programme) will be found on pp. 84-88 hereafter. The full text of the Programme appears as Part II of a publication of which Part I contains the text of the Declaration (INTERNATIONAL LABOUR ORGANISATION: Declaration concerning the Policy of “Apartheid”, and I.L.O. Programme for the Elimination of “Apartheid” in Labour Matters in the Republic of South Africa (Geneva, I.L.O., 1964).
Nations, by Resolution S/5471, adopted unanimously on 4 December 1963, has affirmed the conviction that the situation in South Africa is seriously disturbing international peace and security.

Whereas the Republic of South Africa persistently and flagrantly violates this principle by means of legislative, administrative and other measures incompatible with the fundamental rights of man, including freedom from forced labour, freedom of association, and freedom of choice of employment and occupation,

Whereas such persistent and flagrant violation of the principle has been established by the International Labour Organisation by inquiries relating to forced labour, freedom of association and freedom from discrimination in respect of employment and occupation,

Whereas, for instance, the United Nations-International Labour Organisation Ad Hoc Committee on Forced Labour has found that there exists in South Africa "a legislative system applied only to the indigenous population and designed to maintain an insuperable barrier between these people and the inhabitants of European origin", that "the indirect effect of this legislation is to channel the bulk of the indigenous inhabitants into agricultural and manual work and thus to create a permanent, abundant and cheap labour force" and that in this sense "a system of forced labour of significance to the national economy appears to exist in the Union of South Africa",

Whereas, moreover, the Governing Body Committee on Freedom of Association has found that the provisions of the Industrial Conciliation Acts and Native Labour (Settlement of Disputes) Act involve discrimination against workers on grounds of race which is incompatible with the principle that workers without distinction should have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation and that all workers should enjoy the right of collective bargaining,

Whereas the Committee of Experts on the Application of Conventions and Recommendations has likewise found, on the basis of information furnished by the Government of South Africa and the relevant legislation, that the legislation and practice of South Africa establish extensive discrimination in employment and occupation on grounds of race,

Whereas the International Labour Conference, by a resolution adopted on 29 June 1961, condemned the racial policies of the Government of the Republic of South Africa and called upon the Republic of South Africa to withdraw from the International Labour Organisation until such time as the Government of the said Republic abandons apartheid,

Whereas South Africa, having declined the invitation of the International Labour Conference to withdraw from membership of the Organisation, has nevertheless, as the result of discussions and developments at the 1963 Session of the Conference and the decisions taken by the Governing Body in June 1963, November 1963 and February 1964, stated in a communication dated 11 March 1964 its decision to withdraw from the Organisation,

Whereas paragraph 5 of article 1 of the Constitution of the International Labour Organisation provides as follows:

"No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Con-
vention, such withdrawal shall not affect the continued validity for the period
provided for in the Convention of all obligations arising thereunder or relating
thereto."

Whereas South Africa continues to violate her undertaking to respect the right of
"all human beings irrespective of race, creed or sex" to "pursue both their
material well-being and their spiritual development in conditions of freedom and
dignity, of economic security and equal opportunity",

Whereas the United Nations Declaration on the Elimination of All Forms of
Racial Discrimination has called for an end to "be put without delay to govern-
mental and other public policies of racial segregation and especially policies of
apartheid, as well as all forms of racial discrimination and separation resulting from
such policies",

Whereas the Security Council of the United Nations by Resolution S/5471
adopted unanimously on 4 December 1963 expressed "the firm conviction that the
policies of apartheid and racial discrimination as practised by the Government of
the Republic of South Africa are abhorrent to the conscience of mankind and that
therefore a positive alternative to these policies must be found through peaceful
means" and condemned "the non-compliance by the Government of the Republic
of South Africa with the appeals contained in" the resolutions addressed to it by
the General Assembly and the Security Council,

Whereas some member States have already taken practical measures in pursu-
ance of certain other decisions adopted by the United Nations to compel South
Africa to renounce its odious policy of apartheid,

The General Conference of the International Labour Organisation,
Determined to fulfil its responsibility to promote and take its part in securing
the freedom and dignity of the people of South Africa, and to oppose the policy of
apartheid practised by the Government of South Africa,

Acting as spokesman of the social conscience of mankind,
Reiterating that a government which deliberately practises apartheid is unworthy
of the community of nations but nevertheless making another appeal to the Govern-
ment of South Africa to abandon its disastrous policy and to co-operate with
employers' and workers' organisations in placing the relations between the various
elements of the population of South Africa, and the relations between the people of
South Africa and the rest of the world, on the basis of the equality of man, justice
for all, good neighbourliness and mutual respect—

1. Solemnly reaffirms its fidelity to the fundamental principle of the Declaration
of Philadelphia, according to which "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"

2. Emphatically reaffirms its condemnation of the degrading, criminal and
inhuman racial policies of the Government of the Republic of South Africa, which
policies are a violation of fundamental human rights and thus incompatible with
the aims and purposes of the I.L.O.

3. Calls upon the Government of South Africa to recognise and fulfil its under-
taking to respect the freedom and dignity of all human beings, irrespective of race,
and to this end,

   to renounce without any further delay its policy of apartheid and, in like manner,
to repeal all legislative, administrative and other measures which are a violation of
the principle of the equality and dignity of man and a direct negation of the inherent
rights and freedoms of the peoples of South Africa,
to establish and consistently to pursue the policy of equal opportunity and treatment for all, in employment and occupation, irrespective of race,

to repeal, without delay, the statutory provisions which provide for compulsory job reservation or institute discrimination on the basis of race as regards access to vocational training and employment,

to repeal, without delay, all legislation providing for penal sanctions for contracts of employment, for the hiring of prison labour for work in agriculture or industry, and for any other form of direct or indirect compulsion to labour, including discrimination on grounds of race in respect of travel and residence, which involves racial discrimination or operates in practice as the basis for such discrimination,

to repeal, without delay, the statutory discrimination on grounds of race in respect of the right to organise and to bargain collectively, and the statutory prohibitions and restrictions upon mixed trade unions including persons of more than one race, and so to amend the Industrial Conciliation Acts that all workers, without discrimination of race, enjoy the right to organise and may participate in collective bargaining.


5. Decides to consider each year a special summary of such reports to be submitted to the Conference by the Director-General in pursuance of article 23 of the Constitution.

6. Invites the Governing Body to request the Director-General to follow the situation in South Africa in respect of labour matters and to submit every year for consideration by the Conference a special report concerning the application of the present Declaration including any necessary recommendations concerning any measures which should be adopted with a view to bringing to an end the policy of apartheid in the Republic of South Africa.

7. Makes a pressing appeal to the governments, employers and workers of all States Members of the International Labour Organisation to combine their efforts and put into application all appropriate measures to lead the Republic of South Africa to heed the call of humanity and renounce its shameful policy of apartheid.

8. Reaffirms its resolve to co-operate with the United Nations in seeking and guaranteeing freedom and dignity, economic security and equal opportunity for all the people of South Africa.
Instruments for the Amendment of the Constitution of the International Labour Organisation, Adopted by the International Labour Conference at Its 48th Session

(Geneva, 1964)

Instrument for the Amendment of the Constitution of the International Labour Organisation (No. 1), 1964 1 (Substitution for Article 35 of the Constitution of the International Labour Organisation of the Proposals Referred to the Conference by the Governing Body at Its 157th Session)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Having decided upon the substitution for article 35 of the Constitution of the International Labour Organisation of the proposals referred to the Conference by the Governing Body at its One hundred and fifty-seventh Session, a question which is the ninth item on the agenda of the session,

adopts this sixth day of July of the year one thousand nine hundred and sixty-four the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment (No. 1), 1964.

Article 1

As from the date of the coming into force of this Instrument of Amendment, article 19 of the Constitution of the International Labour Organisation shall be amended by the addition of the following paragraph:

"9. With a view to promoting the universal application of Conventions to all peoples, including those who have not yet attained a full measure of self-government, and without prejudice to the self-governing powers of any territory, Members ratifying Conventions shall accept their provisions so far as practicable in respect of all territories for whose international relations they are responsible.

(a) Where the subject-matter of the Convention is within the self-governing powers of any territory, the obligation of the Member

1 Adopted on 6 July 1964 by 300 votes to 0, with 31 abstentions.
responsible for the international relations of that territory shall be to bring the Convention to the notice of the government of the territory as soon as possible with a view to the enactment of legislation or other action by such government; if the government of the territory so agrees, the Member shall communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.

(b) A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office—

(i) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or

(ii) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

(c) Acceptance of the obligations of a Convention in virtue of subparagraph (a) or subparagraph (b) of this paragraph shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions.

(d) Each Member or international authority which has communicated a declaration in virtue of this paragraph may, in accordance with the provisions of the Convention relating to the denunciation thereof, communicate a further declaration terminating the acceptance of the obligations of the Convention on behalf of any territory specified in the declaration.

(e) With a view to encouraging the universality of application envisaged above, the Member or Members or international authority concerned shall, as requested by the Governing Body, report to the Director-General of the International Labour Office the position of the law and practice of territories for which the Convention is not in force in regard to the matters dealt with in the Convention and the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the acceptance of the Convention.

(f) This transitory paragraph shall cease to be applicable to the peoples of dependent territories as they become independent."

**Article 2**

As from the coming into force of the amendment to article 19 provided for in the preceding article, article 35 of the Constitution of the International Labour Organisation shall cease to have effect.

**Article 3**

On the coming into force of this Instrument of Amendment, the Director-General of the International Labour Office shall cause an official
text of the Constitution of the International Labour Organisation as modified by the provisions of this Instrument to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labour Organisation.

Article 4

Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

Article 5

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provisions of article 36 of the Constitution of the Organisation.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment (No. 1), 1964, duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

The President of the Conference,
ANDRÉS AGUILAR MAWDSLEY.

The Director-General of the International Labour Office,
DAVID A. MORSE.
Instrument for the Amendment of the Constitution of the International Labour Organisation (No. 2), 1964 ¹ (Inclusion in the Constitution of the International Labour Organisation of a Provision Empowering the Conference to Suspend from Participation in the International Labour Conference Any Member Which Has Been Found by the United Nations to Be Flagrantly and Persistently Pursuing by Its Legislation a Declared Policy of Racial Discrimination Such as "Apartheid")

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and
Having decided upon the inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to suspend from participation in the International Labour Conference any Member which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid, a question which is the twelfth item on the agenda of the session, adopts this ninth day of July of the year one thousand nine hundred and sixty-four the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment (No. 2), 1964:

Article 1

As from the date of the coming into force of this Instrument of Amendment, the Constitution of the International Labour Organisation shall be amended by the insertion at the end of the Constitution of a new article in the following terms:

"The General Conference of the International Labour Organisation may, at any session in the agenda of which the subject has been included and by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, suspend from participation in the International Labour Conference any Member of the International Labour Organisation which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid; such suspension shall not affect the obligations of the Member under the Constitution and Conventions to which it is a party; it shall continue until the Conference, on the

¹ Adopted on 9 July 1964 by 179 votes to 27, with 41 abstentions.
proposal of the Governing Body, finds by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, that the Member has changed its policy."

_**Article 2**_

On the coming into force of this Instrument of Amendment, the Director-General of the International Labour Office shall cause an official text of the Constitution of the International Labour Organisation as modified by the provisions of this Instrument to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labour Organisation.

_**Article 3**_

Two copies of this Instrument of Amendment shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

_**Article 4**_

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provisions of article 36 of the Constitution of the Organisation.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment (No. 3), 1964, duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.
IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

The President of the Conference,
ANDRES AGUILAR MAWDSLEY.

The Director-General of the International Labour Office,
DAVID A. MORSE.

Instrument for the Amendment of the Constitution of the International Labour Organisation (No. 3), 1964\(^1\) (Inclusion in the Constitution of the International Labour Organisation of a Provision Empowering the Conference to Expel or Suspend from Membership Any Member Which Has Been Expelled or Suspended from Membership of the United Nations)

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Having decided upon the inclusion in the Constitution of the International Labour Organisation of a provision empowering the Conference to expel or suspend from membership any Member which has been expelled or suspended from membership of the United Nations, a question which is the eleventh item on the agenda of the session,

adopts this ninth day of July of the year one thousand nine hundred and sixty-four the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment (No. 3), 1964.

\textit{Article 1}

As from the date of the coming into force of this Instrument of Amendment, article 1 of the Constitution of the International Labour Organisation shall be amended by the insertion after paragraph 5 of the following new paragraph, the present paragraph 6 becoming paragraph 7:

"6. The General Conference of the International Labour Organisation may, at any session in the agenda of which the subject has been included and by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates

\(^1\) Adopted on 9 July 1964, by 238 votes to 0, with 2 abstentions.
present and voting, expel from membership of the International Labour Organisation any Member which the United Nations has expelled therefrom or suspend from the exercise of the rights and privileges of membership of the International Labour Organisation any Member which the United Nations has suspended from the exercise of the rights and privileges of membership; suspension shall not affect the continued validity of the obligations of the Member under the Constitution and Conventions to which it is a party.”

Article 2

On the coming into force of this Instrument of Amendment, the Director-General of the International Labour Office shall cause an official text of the Constitution of the International Labour Organisation as modified by the provisions of this Instrument to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labour Organisation.

Article 3

Two copies of this Instrument of Amendment shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labour Organisation.

Article 4

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provision of article 36 of the Constitution of the Organisation.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment (No. 2), 1964, duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.
The English and French versions of the text of this Instrument of Amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

The President of the Conference,
ANDRÉS AGUILAR MAWDSLEY.

The Director-General of the International Labour Office,
DAVID A. MORSE.
Conventions and Recommendations Adopted by the International Labour Conference at Its 48th Session

(Geneva, 1964)

Convention 120

Convention concerning Hygiene in Commerce and Offices

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and
Having decided upon the adoption of certain proposals with regard to hygiene in commerce and offices, which is the fourth item on the agenda of the session, and
Having determined that certain of these proposals shall take the form of an international Convention,
adopts this eighth day of July of the year one thousand nine hundred and sixty-four the following Convention, which may be cited as the Hygiene (Commerce and Offices) Convention, 1964:

PART I. OBLIGATIONS OF PARTIES

Article 1

This Convention applies to—

(a) trading establishments;
(b) establishments, institutions and administrative services in which the workers are mainly engaged in office work;
(c) in so far as they are not subject to national laws or regulations or other arrangements concerning hygiene in industry, mines, transport or agriculture, any departments of other establishments, institutions or administrative services in which departments the workers are mainly engaged in commerce or office work.

Article 2

The competent authority may, after consultation with the organisations of employers and workers directly concerned, where such exist, exclude from the application of all or any of the provisions of this Convention specified classes of the establishments, institutions or administrative

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1 Adopted on 8 July 1964, by 311 votes to 0, with 5 abstentions.
services, or departments thereof, referred to in Article 1, where the circumstances and conditions of employment are such that the application to them of all or any of the said provisions would be inappropriate.

Article 3

In any case in which it is doubtful whether an establishment, institution or administrative service is one to which this Convention applies, the question shall be settled either by the competent authority after consultation with the representative organisations of employers and workers concerned, where such exist, or in any other manner which is consistent with national law and practice.

Article 4

Each Member which ratifies this Convention undertakes that it will—

(a) maintain in force laws or regulations which ensure the application of the General Principles set forth in Part II; and

(b) ensure that such effect as may be possible and desirable under national conditions is given to the provisions of the Hygiene (Commerce and Offices) Recommendation, 1964, or to equivalent provisions.

Article 5

The laws or regulations giving effect to the provisions of this Convention and any laws or regulations giving such effect as may be possible and desirable under national conditions to the provisions of the Hygiene (Commerce and Offices) Recommendation, 1964, or to equivalent provisions, shall be framed after consultation with the representative organisations of employers and workers concerned, where such exist.

Article 6

1. Appropriate measures shall be taken, by adequate inspection or other means, to ensure the proper application of the laws or regulations referred to in Article 5.

2. Where it is appropriate to the manner in which effect is given to this Convention, the necessary measures in the form of penalties shall be taken to ensure the enforcement of such laws or regulations.

Part II. General Principles

Article 7

All premises used by workers, and the equipment of such premises, shall be properly maintained and kept clean.

Article 8

All premises used by workers shall have sufficient and suitable ventilation, natural or artificial or both, supplying fresh or purified air.
Article 9
All premises used by workers shall have sufficient and suitable lighting; workplaces shall, as far as possible, have natural lighting.

Article 10
As comfortable and steady a temperature as circumstances permit shall be maintained in all premises used by workers.

Article 11
All workplaces shall be so laid out and work-stations so arranged that there is no harmful effect on the health of the worker.

Article 12
A sufficient supply of wholesome drinking water or of some other wholesome drink shall be made available to workers.

Article 13
Sufficient and suitable washing facilities and sanitary conveniences shall be provided and properly maintained.

Article 14
Sufficient and suitable seats shall be supplied for workers and workers shall be given reasonable opportunities of using them.

Article 15
Suitable facilities for changing, leaving and drying clothing which is not worn at work shall be provided and properly maintained.

Article 16
Underground or windowless premises in which work is normally performed shall comply with appropriate standards of hygiene.

Article 17
Workers shall be protected by appropriate and practicable measures against substances, processes and techniques which are obnoxious, unhealthy or toxic or for any reason harmful. Where the nature of the work so requires, the competent authority shall prescribe personal protective equipment.

Article 18
Noise and vibrations likely to have harmful effects on workers shall be reduced as far as possible by appropriate and practicable measures.
Article 19

Every establishment, institution or administrative service, or department thereof, to which this Convention applies shall, having regard to its size and the possible risk—

(a) maintain its own dispensary or first-aid post; or

(b) maintain a dispensary or first-aid post jointly with other establishments, institutions or administrative services, or departments thereof; or

(c) have one or more first-aid cupboards, boxes or kits.

PART III. FINAL PROVISIONS

Article 20

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 21

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 22

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 23

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall
draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

**Article 24**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

**Article 25**

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

**Article 26**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

   (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22 above, if and when the new revising Convention shall have come into force;

   (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

**Article 27**

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.

IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

*The President of the Conference,*  
ANDRÉS AGUILAR MAWDSLEY.

*The Director-General of the International Labour Office,*  
DAVID A. MORSE.
**Recommendation 120**

**Recommendation concerning Hygiene in Commerce and Offices**

The General Conference of the International Labour Organisation, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and having decided upon the adoption of certain proposals with regard to hygiene in commerce and offices, which is the fourth item on the agenda of the session, and having determined that these proposals shall take the form of a Recommendation, adopts this eighth day of July of the year one thousand nine hundred and sixty-four the following Recommendation, which may be cited as the Hygiene (Commerce and Offices) Recommendation, 1964:

I. **Scope**

1. This Recommendation applies to all the following establishments, institutions and administrative services, whether public or private:

   (a) trading establishments;
   
   (b) establishments, institutions and administrative services in which the workers are mainly engaged in office work, including offices of persons engaged in the liberal professions;
   
   (c) in so far as they are not included in establishments referred to in Paragraph 2 and are not subject to national laws or regulations or other arrangements concerning hygiene in industry, mines, transport or agriculture, any departments of other establishments, institutions or administrative services in which departments the workers are mainly engaged in commerce or office work.

2. This Recommendation also applies to the following establishments, institutions and administrative services:

   (a) establishments, institutions and administrative services providing personal services;
   
   (b) postal and telecommunications services;
   
   (c) newspaper and publishing undertakings;
   
   (d) hotels and boarding houses;
   
   (e) restaurants, clubs, cafés, and other catering establishments;
   
   (f) theatres and places of public entertainment and other recreational services.

3. (1) Where necessary, appropriate arrangements should be made to define, after consultation with the representative organisations of employers and workers concerned, the line which separates establishments,
institutions or administrative services to which this Recommendation
applies from other establishments.

(2) In any case in which it is doubtful whether an establishment,
institution or administrative service is one to which this Recommendation
applies, the question should be settled either by the competent authority
after consultation with the representative organisations of employers and
workers concerned, or in any other manner which is consistent with natio-
nal law and practice.

II. METHODS OF APPLICATION

4. Having regard to the diversity of national circumstances and prac-
tices, effect may be given to the provisions of this Recommendation—
(a) by national laws or regulations ;
(b) by collective agreement or as otherwise agreed by the employers and
workers concerned ;
(c) by arbitration awards ; or
(d) in any other manner approved by the competent authority after con-
sultation with the representative organisations of employers and
workers concerned.

III. MAINTENANCE AND CLEANLINESS

5. All places in which work is carried on, or through which workers
may have to pass, or which contain sanitary or other facilities provided
for the common use of workers, and the equipment of such places, should
be properly maintained.

6. (1) All such places and equipment should be kept clean.
(2) In particular the following should be regularly cleaned :
(a) floors, stairs and passages ;
(b) windows used for lighting, and sources of artificial lighting ;
(c) walls, ceilings and equipment.

7. Cleaning should be carried out—
(a) by means raising the minimum amount of dust ;
(b) outside working hours, except in particular circumstances or where
cleaning during working hours can be effected without disadvantage
for the workers.

8. Cloakrooms, lavatories, washstands and, if necessary, other faci-
lities for the common use of workers should be regularly cleaned and
periodically disinfected.

9. All refuse and waste likely to give off obnoxious, toxic or harmful
substances, or be a source of infection, should be made harmless, removed
or isolated at the earliest possible moment; disposal should be in accord-
ance with standards approved by the competent authority.

10. Removal and disposal arrangements for other refuse and waste
should be made and sufficient receptacles for such refuse and waste should
be provided in suitable places.
IV. VENTILATION

11. In all places in which work is carried on, or which contain sanitary or other facilities for the common use of workers, there should be sufficient and suitable ventilation, natural or artificial or both, supplying fresh or purified air.

12. In particular—

(a) apparatus ensuring natural or artificial ventilation should be so designed as to introduce a sufficient quantity of fresh or purified air per person and per hour into an area, taking into account the nature and conditions of the work;

(b) arrangements should be made to remove or make harmless, as far as possible, fumes, dust and any other obnoxious or harmful impurities which may be generated in the course of work;

(c) the normal speed of movement of air at fixed work stations should not be harmful to the health or comfort of the persons working there;

(d) as far as possible and in so far as conditions require, appropriate measures should be taken to ensure that in enclosed premises a suitable hygrometric level in the air is maintained.

13. Where a workplace is wholly or substantially air conditioned, suitable means of emergency ventilation, natural or artificial, should be provided.

V. LIGHTING

14. In all places in which work is carried on, or through which workers may have to pass or which contain sanitary or other facilities provided for the common use of workers, there should be, as long as the places are likely to be used, sufficient and suitable lighting, natural or artificial, or both.

15. In particular, all practicable measures should be taken—

(a) to ensure visual comfort—

(i) by openings for natural lighting which are appropriately distributed and of sufficient size;

(ii) by a careful choice and appropriate distribution of artificial lighting;

(iii) by a careful choice of colours for the premises and their equipment;

(b) to prevent discomfort or disorders caused by glare, excessive contrasts between light and shade, reflection of light and over-strong direct lighting;

(c) to eliminate harmful flickering whenever artificial lighting is used.

16. Wherever sufficient natural lighting is reasonably practicable it should be adopted in preference to any other.

17. Suitable standards of natural or artificial lighting for different types of work and premises and various occupations should be fixed by the competent authority.
18. In premises where there are large numbers of workers or visitors, emergency lighting should be provided.

VI. TEMPERATURE

19. In all places in which work is carried on, or through which workers may have to pass, or which contain sanitary or other facilities provided for the common use of workers, the best possible conditions of temperature, humidity and movement of air should be maintained, having regard to the nature of work and the climate.

20. No worker should be required to work regularly in an extreme temperature. Accordingly, the competent authority should determine either maximum or minimum standards of temperature, or both, having regard to the climate and to the nature of the establishment, institution or administrative service and of the work.

21. No worker should be required to work regularly in conditions involving sudden variations in temperature which are considered by the competent authority to be harmful to health.

22. (1) No worker should be required to work regularly in the immediate neighbourhood of equipment radiating a large amount of heat or causing an intense cooling of the surrounding air, considered by the competent authority to be harmful to health, unless suitable control measures are taken, the time of the worker's exposure is reduced, or he is provided with suitable protective equipment or clothing.

   (2) Fixed or movable screens, deflectors or other suitable devices should be provided and used to protect workers against any large-scale intake of cold or heat, including the heat of the sun.

23. (1) No worker should be required to work at an outdoor sales counter in low temperatures likely to be harmful unless suitable means of warming himself are available.

   (2) No worker should be required to work at an outdoor sales counter in high temperatures likely to be harmful unless suitable means of protection against such high temperatures are available.

24. The use of methods of heating or cooling likely to cause harmful or obnoxious fumes in the atmosphere of premises should be forbidden.

25. When work is carried out in a very low or a very high temperature, workers should be given a shortened working day or breaks included in the working hours, or other relevant measures taken.

VII. WORKING SPACE

26. (1) All workplaces should be so laid out and work-stations so arranged that there is no harmful effect on the health of the worker.

   (2) Each worker should have sufficient unobstructed working space to perform his work without risk to his health.

27. The competent authority should specify—
(a) the floor area to be provided in enclosed premises for each worker regularly working there;
(b) the minimum unobstructed volume of space to be provided in enclosed premises for each worker regularly working there;
(c) the minimum height of new enclosed premises in which work is to be regularly performed.

VIII. DRINKING WATER

28. A sufficient supply of wholesome drinking water or of some other wholesome drink should be made available to workers. Wherever the distribution of running drinking water is practicable, preference should be given to this system.

29. (1) Any containers used to distribute drinking water or any other authorised drink should—
(a) be tightly closed and where appropriate fitted with a tap;
(b) be clearly marked as to the nature of their contents;
(c) not be buckets, tubs or other receptacles with a wide open top (with or without a lid) in which it is possible to dip an instrument to draw off liquid;
(d) be kept clean at all times.

(2) A sufficient number of drinking vessels should be provided and there should be facilities for washing them with clean water.

(3) Cups the use of which is shared by a number of workers should be forbidden.

30. (1) Water which does not come from an officially approved source for the distribution of drinking water should not be distributed as drinking water unless the competent health authority expressly authorises such distribution and holds periodical inspections.

(2) Any method of distribution other than that practised by the officially approved local supply service should be notified to the competent health authority for its approval.

31. (1) Any distribution of water not fit for drinking should be so labelled at the points where it can be drawn off.

(2) There should be no inter-connection, open or potential, between drinking water systems and systems of water not fit for drinking.

IX. WASHSTANDS AND SHOWERS

32. Sufficient and suitable washing facilities should be provided for the use of workers in suitable places and should be properly maintained.

33. (1) These facilities should, to the greatest possible extent, include washstands, with hot water if necessary, and, where the nature of the work so requires, showers with hot water.

(2) Soap should be made available to workers.
(3) Appropriate products (such as detergents, special cleansing creams or powders) should be made available to workers wherever the nature of the work so requires; the use for personal cleanliness of products harmful to health should be forbidden.

(4) Towels, preferably individual, or other suitable means of drying themselves should be made available to workers. Towels for common use which do not provide a fresh clean portion for each use should be forbidden.

34. (1) Water provided for washstands and showers should not present any health risks.
(2) Where water used in washstands and showers is not fit for drinking, this should be clearly indicated.

35. Separate washing facilities should be provided for men and women, except in very small establishments where common facilities may be provided with the approval of the competent authority.

36. The number of washstands and showers should be fixed by the competent authority having regard to the number of workers and the nature of their work.

X. SANITARY CONVENIENCES

37. Sufficient and suitable sanitary conveniences should be provided for the use of workers in suitable places and should be properly maintained.

38. (1) Sanitary conveniences should be so partitioned as to ensure sufficient privacy.
(2) As far as possible sanitary conveniences should be supplied with flushing systems and traps and with toilet paper or some other hygienic means of cleaning.
(3) Appropriately designed receptacles with lids or other suitable disposal units such as incinerators should be provided in sanitary conveniences for women.
(4) As far as possible, conveniently accessible washstands in sufficient number should be provided near conveniences.

39. Separate sanitary conveniences should be provided for men and women, except, with the approval of the competent authority, in establishments where not more than five persons or only members of the employer's family are employed.

40. The number of W.C.'s and urinals for men, and of W.C.'s for women, should be fixed by the competent authority having regard to the number of workers.

41. Sanitary conveniences should be adequately ventilated and so located as to prevent nuisances. They should not communicate directly with workplaces, rest rooms or canteens, but should be separated therefrom by an antechamber or by an open space. Approaches to outdoor conveniences should be roofed.
XI. SEATS

42. Sufficient and suitable seats should be supplied for workers and workers should be given reasonable opportunities of using them.

43. To the greatest possible extent, work-stations should be so arranged that workers who work standing may discharge their duties sitting whenever this is compatible with the nature of the work.

44. Seats supplied for workers should be of comfortable design and dimensions, be suited to the work performed, and facilitate good working posture in the interest of the worker's health; if necessary, foot-rests should be supplied for the same purpose.

XII. CLOTHING ACCOMMODATION AND CHANGING ROOMS

45. Suitable facilities, such as hangers and cupboards, for changing, leaving and drying clothing which is not worn at work should be provided and properly maintained.

46. Where the number of workers and the nature of their work so require, changing rooms should be provided.

47. (1) Changing rooms should contain—
   (a) properly ventilated personal cupboards or other suitable receptacles of sufficient dimensions, which can be locked;
   (b) a sufficient number of seats.

(2) Separate compartments for street clothes and working attire should be provided whenever workers are engaged in operations necessitating the wearing of working attire which may be contaminated, heavily soiled, stained or impregnated.

48. There should be separate changing rooms for men and women.

XIII. UNDERGROUND AND SIMILAR PREMISES

49. Underground or windowless premises in which work is normally performed should comply with appropriate standards of hygiene laid down by the competent authority.

50. As far as circumstances allow, workers should not be required to work continuously in underground or windowless premises, but should work there in rotation.

XIV. OBDINOUS, UNHEALTHY OR TOXIC SUBSTANCES, PROCESSES AND TECHNIQUES

51. Workers should be protected by appropriate and practicable measures against substances, processes and techniques which are obnoxious, unhealthy, or toxic or for any reason harmful.

52. In particular—
(a) all appropriate and practicable measures should be taken to replace such substances, processes and techniques by substances, processes and techniques which are not obnoxious, unhealthy or toxic or for any reason harmful, or which are not to the same extent;

(b) the competent authority should encourage and advise on the measures of substitution referred to in clause (a) and, with regard to retail sales, the use of processes and techniques and containers excluding any harmful effects;

(c) where the measures of substitution referred to in clause (a) are not possible, engineering control methods such as enclosure, isolation and ventilation should be used;

(d) equipment to control or eliminate obnoxious, unhealthy or toxic or for any reason harmful substances should be kept in good repair at all times;

(e) all appropriate and practicable measures should be taken to protect workers against risks such as those resulting from knocking over, spilling, emanation or splashing of substances which are obnoxious, unhealthy or toxic or for any reason harmful;

(f) it should be forbidden to smoke, eat, drink or put on make-up when toxic or for any reason harmful substances are handled; food, drink, tobacco or make-up used by workers should not be exposed to contamination from such substances.

53. Receptacles containing dangerous substances should bear—

(a) a danger symbol which is in accordance with recognised international standards, and, where necessary, defines the nature of the risk;

(b) the name of the substance or an indication to identify it; and

(c) as far as possible the essential instructions giving details of the first aid that should be administered if the substance should injure health or cause bodily injury.

54. (1) When, despite the measures taken in pursuance of Paragraphs 51 and 52, operations being performed are exceptionally dirty, or involve processes or techniques or the use or handling of substances that are unhealthy, toxic or for any reason harmful, then, depending on the extent and nature of the risks, workers should be adequately protected by protective clothing or such other personal protective equipment or devices as may be necessary.

(2) Such clothing, equipment and devices should include, for example, one or more of the following, depending on the nature of the operation: coats, overalls, aprons, goggles, gloves, hats, helmets, masks, footwear, barrier creams and special powders.

(3) If necessary the competent authority should fix minimum standards of efficiency for personal protective equipment and devices.

(4) Wherever special public health measures or the protection of workers’ health necessitate the wearing of protective clothing and other personal protective equipment or devices at work, this clothing and equipment should be supplied, cleaned and maintained at the employer’s expense.
55. Where the use of personal protective equipment or devices does not entirely eliminate the effect of substances, processes or techniques which are unhealthy or toxic or for any reason harmful, the competent authority should recommend, if necessary, that additional preventive measures be taken.

56. (1) Where necessary a minimum age for employment in work involving such substances, processes and techniques should be laid down by the competent authority.

(2) The competent authority should prescribe medical examinations (initial and periodical) for workers exposed to the effects of substances which are unhealthy or toxic or for any reason harmful.

XV. NOISE AND VIBRATION

57. (1) Noise (including sound emissions) and vibrations likely to have harmful effects on workers should be reduced as far as possible by appropriate and practicable measures.

(2) Particular attention should be paid—

(a) to the substantial reduction of noise and vibrations caused by machinery and sound-producing equipment and devices;

(b) to the enclosure or isolation of sources of noise or vibrations which cannot be reduced;

(c) to the reduction of intensity and duration of sound emissions, including musical emissions; and

(d) to the provision of sound-insulating equipment, where appropriate, to keep the noise of workshops, lifts, conveyors or the street away from offices.

58. If the measures referred to in subparagraph (2) of Paragraph 57 prove to be insufficient to eliminate harmful effects adequately—

(a) workers should be supplied with suitable ear protectors when they are exposed to sound emissions likely to produce harmful effects;

(b) workers exposed to sound emissions and vibrations likely to produce harmful effects should be granted regular breaks included in the working hours in premises free of such sound emissions and vibrations;

(c) systems of work distribution or rotation of jobs should be applied where necessary.

XVI. METHODS AND PACE OF WORK

59. Work methods should as far as possible be adapted to the requirements of hygiene and to the physical and mental health and comfort of workers.

60. Appropriate measures should be taken, among others, to ensure that the mechanisation of operations or methods of accelerating them do not impose a work rate likely, because of the concentrated attention or rapid movements required, to produce harmful effects on workers, in
particular, physical fatigue or nervous fatigue which causes medically recognisable disorders.

61. Where the conditions of work make it necessary, the competent authority should fix a minimum age for employment in the operations referred to in Paragraph 60.

62. In order to prevent harmful effects or to limit them to the greatest possible extent, there should be breaks included in the working hours or, where possible, systems of work distribution or rotation of jobs.

XVII. FIRST AID

63. Every establishment, institution or administrative service, or department thereof, to which this Recommendation applies should, having regard to its size and the possible risk—

(a) maintain its own dispensary or first-aid post; or
(b) maintain a dispensary or first-aid post jointly with other establishments, institutions or administrative services, or departments thereof; or
(c) have one or more first-aid cupboards, boxes or kits.

64. (1) The equipment of the dispensaries, and first-aid posts, cupboards, boxes or kits referred to in Paragraph 63 should be determined by the competent authority having regard to the number of workers and the nature of the risks.

(2) The contents of first-aid cupboards, boxes or kits should be kept in an aseptic condition and properly maintained, and should be checked at least once every month. These cupboards, boxes or kits should be restocked at such times or, where necessary, immediately after use.

(3) Each first-aid cupboard, box or kit should contain simple and clear instructions regarding the first aid to be given in emergency cases and indicating clearly the name of the person designated in conformity with Paragraph 65; all its contents should be carefully labelled.

65. Dispensaries and first-aid posts, cupboards, boxes or kits should at all times be readily accessible and easy to find and should be under the charge of a designated person able, as prescribed by the competent authority, to give first aid.

XVIII. MESS ROOMS

66. In cases to be determined by the competent authority, mess rooms should be provided for workers.

67. (1) Mess rooms should be provided with sufficient seats and tables.

(2) Within or in the immediate vicinity of mess rooms arrangements for heating meals, cool drinking water and hot water should be available.

(3) Covered waste bins should be provided.

68. (1) Mess rooms should be separate from any place in which there is exposure to toxic substances.
80. (1) The competent authority should encourage and, if necessary, itself undertake the study of any measures designed to ensure the hygiene of workers in connection with their work.

(2) The competent authority should give wide circulation to any documentation on means of ensuring the hygiene of workers in connection with their work.

(3) Full information and advice on all subjects dealt with in this Recommendation should be available from the competent authority.

81. (1) In establishments, institutions or administrative services, or departments thereof, in respect of which the competent authority deems it desirable having regard to the possible degree of risk, at least one delegate or official for matters of hygiene should be designated.

(2) Hygiene delegates or officials should co-operate closely with employers and workers in eliminating risks to workers' health and to this end should, in particular, keep in touch with employers' and workers' representatives.

(3) In establishments, institutions or administrative services in respect of which the competent authority deems it desirable having regard to the possible degree of risk, a hygiene committee should be set up.

(4) Hygiene committees should endeavour, in particular, to eliminate risks to the health of workers.

82. The competent authority, in collaboration with employers and workers concerned or their representative organisations, should carry out investigations with a view to assembling information regarding diseases likely to arise from work and to perfecting measures to eliminate the causes and conditions which give rise to these diseases.

XXIV. ENFORCEMENT

83. Appropriate measures should be taken, by adequate inspection or other means, to ensure the proper application of laws, regulations or other provisions concerning hygiene.

84. Where it is appropriate to the manner in which effect is given to this Recommendation, the necessary measures in the form of penalties should be taken to ensure the enforcement of its provisions.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.

IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

The President of the Conference,

ANDRÉS AGUILAR MAWDSLEY.

The Director-General of the International Labour Office,

DAVID A. MORSE.
Convention 121

Convention concerning Benefits in the Case of Employment Injury

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Having decided upon the adoption of certain proposals with regard to benefits in the case of industrial accidents and occupational diseases, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this eighth day of July of the year one thousand nine hundred and sixty-four the following Convention, which may be cited as the Employment Injury Benefits Convention, 1964:

Article 1

In this Convention—

(a) the term "legislation" includes any social security rules as well as laws and regulations;

(b) the term "prescribed" means determined by or in virtue of national legislation;

(c) the term "industrial undertaking" includes all undertakings in the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity, gas, water and sanitary services; and transport, storage and communication;

(d) the term "dependent" refers to a state of dependency which is presumed to exist in prescribed cases;

(e) the term "dependent child" covers—

(i) a child under school-leaving age or under 15 years of age, whichever is the higher, and

(ii) a child under a prescribed age higher than that specified in sub-clause (i) and who is an apprentice or student or has a chronic illness or infirmity disabling him for any gainful activity, on conditions laid down by national legislation: Provided that this requirement shall be deemed to be met where national legislation defines the term so as to cover any child under an age appreciably higher than that specified in subclause (i).

Article 2

1. A Member whose economic and medical facilities are insufficiently developed may avail itself by a declaration accompanying its ratification

1 Adopted on 8 July 1964 by 239 votes to 6, with 65 abstentions.
of the temporary exceptions provided for in the following Articles: Article 5, Article 9, paragraph 3, clause (b), Article 12, Article 15, paragraph 2, and Article 18, paragraph 3. Any such declaration shall state the reason for such exceptions.

2. Each Member which has made a declaration under paragraph 1 of this Article shall include in its report upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement in respect of each exception of which it avails itself—

(a) that its reason for doing so subsists; or
(b) that it renounces its right to avail itself of the exception in question as from a stated date.

**Article 3**

1. Any Member which ratifies this Convention may, by a declaration accompanying its ratification, exclude from the application of the Convention—

(a) seafarers, including seafishermen,
(b) public servants,

where these categories are protected by special schemes which provide in the aggregate benefits at least equivalent to those required by this Convention.

2. Where a declaration under paragraph 1 of this Article is in force, the Member may exclude the persons belonging to the category or categories excluded from the application of the Convention from the number of employees when calculating the percentage of employees in compliance with paragraph 2, clause (d), of Article 4, and with Article 5.

3. Any Member which has made a declaration under paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of this Convention in respect of a category or categories excluded at the time of its ratification.

**Article 4**

1. National legislation concerning employment injury benefits shall protect all employees, including apprentices, in the public and private sectors, including co-operatives, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.

2. Any Member may make such exceptions as it deems necessary in respect of—

(a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business;
(b) out-workers;
(c) members of the employer's family living in his house, in respect of their work for him;
(d) other categories of employees, which shall not exceed in number 10 per cent. of all employees other than those excluded under clauses (a) to (c).

Article 5

Where a declaration provided for in Article 2 is in force, the application of national legislation concerning employment injury benefits may be limited to prescribed categories of employees, which shall total in number not less than 75 per cent. of all employees in industrial undertakings, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries.

Article 6

The contingencies covered shall include the following where due to an employment injury:

(a) a morbid condition;

(b) incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national legislation;

(c) total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and

(d) the loss of support suffered as the result of the death of the breadwinner by prescribed categories of beneficiaries.

Article 7

1. Each Member shall prescribe a definition of "industrial accident", including the conditions under which a commuting accident is considered to be an industrial accident, and shall specify the terms of such definition in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation.

2. Where commuting accidents are covered by social security schemes other than employment injury schemes, and these schemes provide in respect of commuting accidents benefits which, when taken together, are at least equivalent to those required under this Convention, it shall not be necessary to make provision for commuting accidents in the definition of "industrial accident".

Article 8

Each Member shall—

(a) prescribe a list of diseases, comprising at least the diseases enumerated in Schedule I to this Convention, which shall be regarded as occupational diseases under prescribed conditions; or

(b) include in its legislation a general definition of occupational diseases broad enough to cover at least the diseases enumerated in Schedule I to this Convention; or

(c) prescribe a list of diseases in conformity with clause (a), complemented by a general definition of occupational diseases or by other
provisions for establishing the occupational origin of diseases not so listed or manifesting themselves under conditions different from those prescribed.

Article 9

1. Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of the following benefits:

(a) medical care and allied benefits in respect of a morbid condition;
(b) cash benefits in respect of the contingencies specified in Article 6, clauses (b), (c) and (d).

2. Eligibility for benefits may not be made subject to the length of employment, to the duration of insurance or to the payment of contributions: Provided that a period of exposure may be prescribed for occupational diseases.

3. The benefits shall be granted throughout the contingency: Provided that in respect of incapacity for work the cash benefit need not be paid for the first three days—

(a) where the legislation of a Member provides for a waiting period at the date on which this Convention comes into force, on condition that the Member includes in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement that its reason for availing itself of this provision subsists; or

(b) where a declaration provided for in Article 2 is in force.

Article 10

1. Medical care and allied benefits in respect of a morbid condition shall comprise—

(a) general practitioner and specialist in-patient and out-patient care, including domiciliary visiting;
(b) dental care;
(c) nursing care at home or in hospital or other medical institutions;
(d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;
(e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances kept in repair and renewed as necessary, and eyeglasses;
(f) the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner; and

(g) the following treatment at the place of work, wherever possible:
   (i) emergency treatment of persons sustaining a serious accident;
   (ii) follow-up treatment of those whose injury is slight and does not entail discontinuance of work.
2. The benefits provided in accordance with paragraph 1 of this Article shall be afforded, using all suitable means, with a view to maintaining, restoring or, where this is not possible, improving the health of the injured person and his ability to work and to attend to his personal needs.

Article 11

1. Any Member which provides medical care and allied benefits by means of a general health scheme or a medical care scheme for employed persons may specify in its legislation that such care shall be made available to persons who have sustained employment injuries on the same terms as to other persons entitled thereto, on condition that the rules on the subject are so designed as to avoid hardship.

2. Any Member which provides medical care and allied benefits by reimbursing expenses may in its legislation make special rules in respect of cases in which the extent, duration or cost of such care exceed reasonable limits, on condition that the rules on the subject are not inconsistent with the purpose stated in paragraph 2 of Article 10 and are so designed as to avoid hardship.

Article 12

Where a declaration provided for in Article 2 is in force, medical care and allied benefits shall include at least—

(a) general practitioner care, including domiciliary visiting;
(b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
(c) the essential pharmaceutical supplies on prescription by a medical or other qualified practitioner;
(d) hospitalisation, where necessary; and
(e) wherever possible, emergency treatment at the place of work of persons sustaining an industrial accident.

Article 13

The cash benefit in respect of temporary or initial incapacity for work shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20.

Article 14

1. Cash benefits in respect of loss of earning capacity likely to be permanent or corresponding loss of faculty shall be payable in all cases in which such loss, in excess of a prescribed degree, remains at the expiration of the period during which benefits are payable in accordance with Article 13.

2. In case of total loss of earning capacity likely to be permanent or corresponding loss of faculty, the benefit shall be a periodical payment
calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20.

3. In case of substantial partial loss of earning capacity likely to be permanent which is in excess of a prescribed degree, or corresponding loss of faculty, the benefit shall be a periodical payment representing a suitable proportion of that provided for in paragraph 2 of this Article.

4. In case of partial loss of earning capacity likely to be permanent which is not substantial but which is in excess of the prescribed degree referred to in paragraph 1 of this Article, or corresponding loss of faculty, the cash benefit may take the form of a lump-sum payment.

5. The degrees of loss of earning capacity or corresponding loss of faculty referred to in paragraphs 1 and 3 of this Article shall be prescribed in such manner as to avoid hardship.

Article 15

1. In exceptional circumstances, and with the agreement of the injured person, all or part of the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof when the competent authority has reason to believe that such lump sum will be utilised in a manner which is particularly advantageous for the injured person.

2. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for periodical payments, the periodical payment provided for in paragraphs 2 and 3 of Article 14 may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.

Article 16

Increments in periodical payments or other supplementary or special benefits, as prescribed, shall be provided for disabled persons requiring the constant help or attendance of another person.

Article 17

The conditions in which periodical payments due in respect of loss of earning capacity or corresponding loss of faculty shall be reassessed, suspended or cancelled by reference to a change in the degree of loss shall be prescribed.

Article 18

1. The cash benefit in respect of death of the breadwinner shall be a periodical payment to a widow as prescribed, a disabled and dependent widower, dependent children of the deceased and other persons as may be prescribed; this payment shall be calculated in such a manner as to comply either with the requirements of Article 19 or with the requirements of Article 20: Provided that it shall not be necessary to make provision for
a benefit to a disabled and dependent widower where the cash benefits to other survivors are appreciably in excess of those required by this Convention and where social security schemes other than employment injury schemes provide to such widower benefits which are appreciably in excess of those in respect of invalidity required under the Social Security (Minimum Standards) Convention, 1952.

2. In addition, a funeral benefit shall be provided at a prescribed rate which shall not be less than the normal cost of a funeral: Provided that where cash benefits to survivors are appreciably in excess of those required by this Convention the right to funeral benefit may be made subject to prescribed conditions.

3. Where a declaration provided for in Article 2 is in force and the Member concerned considers that it lacks the necessary administrative facilities for periodical payments, the periodical payment provided for in paragraph 1 of this Article may be converted into a lump sum corresponding to the actuarial equivalent thereof, as computed on the basis of available data.

Article 19

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in Schedule II to this Convention, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.

3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.

4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.

5. For the other beneficiaries the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

6. For the purpose of this Article, a skilled manual male employee shall be—
(a) a fitter or turner in the manufacture of machinery other than electrical machinery; or
(b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or

(c) a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent. of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or

(d) a person whose earnings are equal to 125 per cent. of the average earnings of all the persons protected.

7. The person deemed typical of skilled labour for the purpose of clause (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.

9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances, if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.

10. No periodical payment shall be less than a prescribed minimum amount.

**Article 20**

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in Schedule II to this Convention, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.

4. For the purpose of this Article, the ordinary adult male labourer shall be—

(a) a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
(b) a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.

5. The person deemed typical of unskilled labour for the purpose of clause (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.

7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.

8. No periodical payment shall be less than a prescribed minimum amount.

Article 21

1. The rates of cash benefits currently payable pursuant to paragraphs 2 and 3 of Article 14 and paragraph 1 of Article 18 shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

2. Each Member shall include the findings of such reviews in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation, and shall specify any action taken.

Article 22

1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed—

(a) as long as the person concerned is absent from the territory of the Member;

(b) as long as the person concerned is maintained at public expense or at the expense of a social security institution or service;

(c) where the person concerned has made a fraudulent claim;

(d) where the employment injury has been caused by a criminal offence committed by the person concerned;
(e) where the employment injury has been caused by voluntary intoxication or by the serious and wilful misconduct of the person concerned;

(f) where the person concerned, without good cause, neglects to make use of the medical care and allied benefits or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries; and

(g) as long as the surviving spouse is living with another person as spouse.

2. In the cases and within the limits prescribed, part of the cash benefit otherwise due shall be paid to the dependents of the person concerned.

**Article 23**

1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.

2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.

3. Where a claim is settled by a special tribunal established to deal with employment injury benefit questions or with social security questions in general and on which the persons protected are represented, no right of appeal shall be required.

**Article 24**

1. Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national legislation may likewise decide as to the participation of representatives of employers and of the public authorities.

2. The Member shall accept general responsibility for the proper administration of the institutions or services concerned in the application of this Convention.

**Article 25**

Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.

**Article 26**

1. Each Member shall, under prescribed conditions—
(a) take measures to prevent industrial accidents and occupational diseases;

(b) provide rehabilitation services which are designed to prepare a disabled person wherever possible for the resumption of his previous activity, or, if this is not possible, the most suitable alternative gainful activity, having regard to his aptitudes and capacity; and

(c) take measures to further the placement of disabled persons in suitable employment.

2. Each Member shall as far as possible furnish in its reports upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation information concerning the frequency and severity of industrial accidents.

Article 27

Each Member shall within its territory assure to non-nationals equality of treatment with its own nationals as regards employment injury benefits.

Article 28

1. This Convention revises the Workmen's Compensation (Agriculture) Convention, 1921, the Workmen's Compensation (Accidents) Convention, 1925, the Workmen's Compensation (Occupational Diseases) Convention, 1925, and the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934.

2. Ratification of this Convention by a Member which is a party to the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934, shall, in accordance with Article 8 thereof, ipso jure involve the immediate denunciation of that Convention, if and when this Convention shall have come into force, but the coming into force of this Convention shall not close that Convention to further ratification.

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

Article 30

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the
said Convention shall cease to apply to any Member having ratified the
said Convention as from the date at which the said Convention comes into
force for that Member.

**Article 31**

1. The International Labour Conference may, at any session at which
the matter is included in its agenda, adopt by a two-thirds majority amend-
ments to Schedule I to this Convention.

2. Such amendments shall take effect in respect of any Member
already a party to the Convention when such Member notifies the Direc-
tor-General of the International Labour Office of its acceptance thereof.

3. Unless the Conference otherwise decides when adopting an amend-
ment, an amendment shall be effective, by reason of its adoption by the
Conference, in respect of any Member subsequently ratifying the Conven-
tion.

**Article 32**

The formal ratifications of this Convention shall be communicated to
the Director-General of the International Labour Office for registration.

**Article 33**

1. This Convention shall be binding only upon those Members of the
International Labour Organisation whose ratifications have been regis-
tered with the Director-General.

2. It shall come into force twelve months after the date on which
the ratifications of two Members have been registered with the Director-
General.

3. Thereafter, this Convention shall come into force for any Member
dollce months after the date on which its ratification has been registered.

**Article 34**

1. A Member which has ratified this Convention may denounce it
after the expiration of ten years from the date on which the Convention
first comes into force, by an act communicated to the Director-General of
the International Labour Office for registration. Such denunciation shall
not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does
not, within the year following the expiration of the period of ten years
mentioned in the preceding paragraph, exercise the right of denunciation
provided for in this Article, will be bound for another period of ten years
and, thereafter, may denounce this Convention at the expiration of each
period of ten years under the terms provided for in this Article.

**Article 35**

1. The Director-General of the International Labour Office shall
notify all Members of the International Labour Organisation of the regis-
tration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 36

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 37

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 38

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 34 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 39

The English and French versions of the text of this Convention are equally authoritative.
SCHEDULE I. LIST OF OCCUPATIONAL DISEASES

<table>
<thead>
<tr>
<th>Occupational diseases</th>
<th>Work involving exposure to risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pneumoconioses caused by sclerogenetic mineral dust (silicosis, anthraco-silicosis, asbestosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death.</td>
<td>All work involving exposure to the risk concerned.</td>
</tr>
<tr>
<td>2. Diseases caused by beryllium or its toxic compounds.</td>
<td>&quot;</td>
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<tr>
<td>3. Diseases caused by phosphorus or its toxic compounds.</td>
<td>&quot;</td>
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<tr>
<td>4. Diseases caused by chrome or its toxic compounds.</td>
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<td>7. Diseases caused by mercury or its toxic compounds.</td>
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<td>8. Diseases caused by lead or its toxic compounds.</td>
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<td>9. Diseases caused by carbon bisulphide.</td>
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<td>10. Diseases caused by the toxic halogen derivatives of hydrocarbons of the aliphatic series.</td>
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<td>11. Diseases caused by benzene or its toxic homologues.</td>
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<td>12. Diseases caused by nitro- and amido-toxic derivatives of benzene or its homologues.</td>
<td>&quot;</td>
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<tr>
<td>13. Diseases caused by ionising radiations.</td>
<td>All work involving exposure to the action of ionising radiations.</td>
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<tr>
<td>14. Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.</td>
<td>All work involving exposure to the risks concerned.</td>
</tr>
<tr>
<td>15. Anthrax infection.</td>
<td>Work in connection with animals infected with anthrax. Handling of animal carcasses or parts of such carcasses including hides, hoofs and horns. Loading and unloading or transport of merchandise which may have been contaminated by animals or animal carcasses infected with anthrax.</td>
</tr>
</tbody>
</table>

SCHEDULE II. PERIODICAL PAYMENTS TO STANDARD BENEFICIARIES

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<th>Standard beneficiary</th>
<th>Percentage</th>
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<td>1. Temporary or initial incapacity for work</td>
<td>Man with wife and two children</td>
<td>60</td>
</tr>
<tr>
<td>2. Total loss of earning capacity or corresponding loss of faculty</td>
<td>Man with wife and two children</td>
<td>60</td>
</tr>
<tr>
<td>3. Death of breadwinner</td>
<td>Widow with two children</td>
<td>50</td>
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### List of Divisions and Major Groups

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<th>Description</th>
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Division 8. Services

81. Government services.
82. Community services.
83. Business services.
84. Recreation services.
85. Personal services.

Division 9. Activities Not Adequately Described

90. Activities not adequately described.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.

IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

The President of the Conference,
ANDRES AGUILAR MAWDSLEY.

The Director-General of the International Labour Office,
DAVID A. MORSE.

Recommendation 121

Recommendation concerning Benefits in the Case of Employment Injury

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Having decided upon the adoption of certain proposals with regard to benefits in the case of industrial accidents and occupational diseases, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Employment Injury Benefits Convention, 1964,

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1 Adopted on 8 July 1964, by 231 votes to 8, with 55 abstentions.
adopts this eighth day of July of the year one thousand nine hundred and sixty-four the following Recommendation, which may be cited as the Employment Injury Benefits Recommendation, 1964:

1. In this Recommendation—
   (a) the term "legislation" includes any social security rules as well as laws and regulations;
   (b) the term "prescribed" means determined by or in virtue of national legislation;
   (c) the term "dependent" refers to a state of dependency which is presumed to exist in prescribed cases.

2. Each Member should extend the application of its legislation providing for employment injury benefits, if necessary by stages, to any categories of employees which may have been excepted in virtue of Article 4, paragraph 2, of the Employment Injury Benefits Convention, 1964, from the protection provided for in that Convention.

3. (1) Each Member should, subject to prescribed conditions, secure the provision of employment injury or analogous benefits, if necessary by stages and/or through voluntary insurance, to—
   (a) members of co-operatives who are engaged in the production of goods or the provision of services;
   (b) prescribed categories of self-employed persons, in particular persons owning and actively engaged in the operation of small-scale businesses or farms;
   (c) certain categories of persons working without pay, which should include—
      (i) persons in training, undergoing an occupational or trade test or otherwise preparing for their future employment, including pupils and students;
      (ii) members of volunteer bodies charged with combating natural disasters, with saving lives and property or with maintaining law and order;
      (iii) other categories of persons not otherwise covered who are active in the public interest or engaged in civil or benevolent pursuits, such as persons volunteering their services for public office, social service or hospitals;
      (iv) prisoners and other detained persons doing work which has been required or approved by the competent authorities.
   (2) The financial resources of voluntary insurance for the categories referred to in subparagraph (1) of this Paragraph should not be provided from contributions intended to finance the compulsory schemes for employees.

4. Special schemes applicable to seafarers, including seafishermen, and to public servants should provide benefits in case of an employment injury which are not less favourable than those provided for in the Employment Injury Benefits Convention, 1964.

5. Each Member should, under prescribed conditions, treat the following as industrial accidents:
(a) accidents, regardless of their cause, sustained during working hours at or near the place of work or at any place where the worker would not have been except for his employment;

(b) accidents sustained within reasonable periods before and after working hours in connection with transporting, cleaning, preparing, securing, conserving, storing and packing work tools or clothes;

(c) accidents sustained while on the direct way between the place of work and—

(i) the employee's principal or secondary residence; or

(ii) the place where the employee usually takes his meals; or

(iii) the place where he usually receives his remuneration.

6. (1) Each Member should, under prescribed conditions, regard diseases known to arise out of the exposure to substances or dangerous conditions in processes, trades or occupations as occupational diseases.

(2) Unless proof to the contrary is brought, there should be a presumption of the occupational origin of such diseases where the employee—

(a) was exposed for at least a specified period; and

(b) has developed symptoms of the disease within a specified period following termination of the last employment involving exposure.

(3) When prescribing and bringing up to date national lists of occupational diseases, Members should give special consideration to any list of occupational diseases which may from time to time be approved by the Governing Body of the International Labour Office.

7. Where national legislation contains a list establishing a presumption of occupational origin in respect of certain diseases, proof should be permitted of the occupational origin of diseases not so listed and of diseases listed when they manifest themselves under conditions different from those establishing a presumption of their occupational origin.

8. Cash benefits in respect of incapacity for work should be paid from the first day in each case of suspension of earnings.

9. The rates of cash benefits in respect of temporary or initial incapacity for work, or in respect of total loss of earning capacity likely to be permanent, or corresponding loss of faculty, should be—

(a) not less than two-thirds of the injured person's earnings: Provided that a maximum limit may be prescribed for the rate of benefit or for the earnings taken into account for the calculation of the benefit; or

(b) where such benefits are provided at flat rates, not less than two-thirds of the average earnings of persons employed in the major group of economic activities with the largest number of economically active male persons.

10. (1) The cash benefit payable by reason of loss of earning capacity likely to be permanent, or corresponding loss of faculty, should take the form of a periodical payment for the duration of such loss in all cases in which the degree of loss equals at least 25 per cent.

(2) In cases in which the degree of loss of earning capacity likely to be permanent, or corresponding loss of faculty, is less than 25
per cent. a lump sum may be paid in lieu of a periodical payment. Such lump sum should bear an equitable relationship to periodical payments and should not be less than the periodical payments which would be due in respect of a period of three years.

11. Provision should be made to defray the reasonable cost of the constant help or attendance of another person in cases in which the injured person requires such services; alternatively, the periodical payment should be increased by either a prescribed percentage or a prescribed amount.

12. Where an employment injury entails unemployability or disfigurement and this is not taken fully into account in the evaluation of the loss sustained by the injured person, supplementary or special benefits should be provided.

13. Where the periodical payments made to the surviving spouse and children are less than the maximum amounts prescribed, a periodical payment should be made to the following categories of persons if they were dependent on the deceased for support:
   (a) parents;
   (b) brothers and sisters;
   (c) grandchildren.

14. Where a maximum limit upon the total benefits payable to all the survivors is prescribed, such maximum should be not less than the rate of benefits payable in respect of total loss of earning capacity likely to be permanent, or corresponding loss of faculty.

15. The rates of cash benefits currently payable pursuant to paragraphs 2 and 3 of Article 14 and to paragraph 1 of Article 18 of the Employment Injury Benefits Convention, 1964, should be periodically adjusted, taking account of changes in the general level of earnings or the cost of living.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.

IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

The President of the Conference,
ANDRÉS AGUILAR MAWDSLEY.

The Director-General of the International Labour Office,
DAVID A. MORSE.
Convention 122

Convention concerning Employment Policy ¹

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and

Considering that the Declaration of Philadelphia recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve full employment and the raising of standards of living, and that the Preamble to the Constitution of the International Labour Organisation provides for the prevention of unemployment and the provision of an adequate living wage, and

Considering further that under the terms of the Declaration of Philadelphia it is the responsibility of the International Labour Organisation to examine and consider the bearing of economic and financial policies upon employment policy in the light of the fundamental objective that “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”, and

Considering that the Universal Declaration of Human Rights provides that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”, and

Noting the terms of existing international labour Conventions and Recommendations of direct relevance to employment policy, and in particular of the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation, 1962, and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and

Considering that these instruments should be placed in the wider framework of an international programme for economic expansion on the basis of full, productive and freely chosen employment, and

Having decided upon the adoption of certain proposals with regard to employment policy, which are included in the eighth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

¹ Adopted on 9 July 1964, by 206 votes to 54, with 37 abstentions.
adopts this ninth day of July of the year one thousand nine hundred and sixty-four the following Convention, which may be cited as the Employment Policy Convention, 1964:

**Article 1**

1. With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

2. The said policy shall aim at ensuring that—

   (a) there is work for all who are available for and seeking work;
   
   (b) such work is as productive as possible;
   
   (c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

3. The said policy shall take due account of the stage and level of economic development and the mutual relationships between employment objectives and other economic and social objectives, and shall be pursued by methods that are appropriate to national conditions and practices.

**Article 2**

Each Member shall, by such methods and to such extent as may be appropriate under national conditions—

(a) decide on and keep under review, within the framework of a co-ordinated economic and social policy, the measures to be adopted for attaining the objectives specified in Article 1;

(b) take such steps as may be needed, including when appropriate the establishment of programmes, for the application of these measures.

**Article 3**

In the application of this Convention, representatives of the persons affected by the measures to be taken, and in particular representatives of employers and workers, shall be consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their full co-operation in formulating and enlisting support for such policies.

**Article 4**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.
Article 5

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 6

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 7

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 8

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 9

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a
report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 10

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—
   
   (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 6 above, if and when the new revising Convention shall have come into force;
   
   (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 11

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.

IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

The President of the Conference,

ANDRÉS AGUILAR MAWDSLEY.

The Director-General of the International Labour Office,

DAVID A. MORSE.
The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-eighth Session on 17 June 1964, and
Considering that the Declaration of Philadelphia recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve full employment and the raising of standards of living, and that the Preamble to the Constitution of the International Labour Organisation provides for the prevention of unemployment and the provision of an adequate living wage, and
Considering further that under the terms of the Declaration of Philadelphia it is the responsibility of the International Labour Organisation to examine and consider the bearing of economic and financial policies upon employment policy in the light of the fundamental objective that "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 ", and
Considering that the Universal Declaration of Human Rights provides that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment ", and
Noting the terms of existing international labour Conventions and Recommendations of direct relevance to employment policy, and in particular of the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation, 1962, and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and
Considering that these instruments should be placed in the wider framework of an international programme for economic expansion on the basis of full, productive and freely chosen employment, and
Having decided upon the adoption of certain proposals with regard to employment policy, which are included in the eighth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Recommendation,
adopts this ninth day of July of the year one thousand nine hundred and sixty-four the following Recommendation, which may be cited as the Employment Policy Recommendation, 1964 :

1 Adopted on 9 July 1964, by 275 votes to 0, with 10 abstentions.
I. OBJECTIVES OF EMPLOYMENT POLICY

1. (1) With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member should declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

(2) The said policy should aim at ensuring that—

(a) there is work for all who are available for and seeking work;
(b) such work is as productive as possible;
(c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

(3) The said policy should take due account of the stage and level of economic development and the mutual relationships between employment objectives and other economic and social objectives, and should be pursued by methods that are appropriate to national conditions and practice.

II. GENERAL PRINCIPLES OF EMPLOYMENT POLICY

2. The aims of employment policy should be clearly and publicly defined, wherever possible in the form of quantitative targets for economic growth and employment.

3. Representatives of employers and workers and their organisations should be consulted in formulating policies for the development and use of human capacities, and their co-operation should be sought in the implementation of such policies, in the spirit of the Consultation (Industrial and National Levels) Recommendation, 1960.

4. (1) Employment policy should be based on analytical studies of the present and future size and distribution of the labour force, employment, unemployment and underemployment.

(2) Adequate resources should be devoted to the collection of statistical data, to the preparation of analytical studies and to the distribution of the results.

5. (1) Each Member should recognise the importance of building up the means of production and developing human capacities fully, for example through education, vocational guidance and training, health services and housing, and should seek and maintain an appropriate balance in expenditure for these different purposes.

(2) Each Member should take the necessary measures to assist workers, including young people and other new entrants to the labour force, in finding suitable and productive employment and in adapting themselves to the changing needs of the economy.

(3) In the application of this Paragraph particular account should be taken of the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation, 1962, and the Employment Service Convention and Recommendation, 1948.
6. (1) Employment policy should be co-ordinated with, and carried out within the framework of, over-all economic and social policy, including economic planning or programming in countries where these are used as instruments of policy.

(2) Each Member should, in consultation with and having regard to the autonomy and responsibility in certain of the areas concerned of employers and workers and their organisations, examine the relationship between measures of employment policy and other major decisions in the sphere of economic and social policy, with a view to making them mutually reinforcing.

7. (1) Where there are persons available for and seeking work for whom work is not expected to be available in a reasonably short time, the government should examine and explain in a public statement how their needs will be met.

(2) Each Member should, to the fullest extent permitted by its available resources and level of economic development, adopt measures taking account of international standards in the field of social security and of Paragraph 5 of this Recommendation to help unemployed and underemployed persons during all periods of unemployment to meet their basic needs and those of their dependants and to adapt themselves to opportunities for further useful employment.

III. GENERAL AND SELECTIVE MEASURES OF EMPLOYMENT POLICY

General Considerations

8. Employment problems attributable to fluctuations in economic activity, to structural changes and especially to an inadequate level of activity should be dealt with by means of—

(a) general measures of economic policy; and

(b) selective measures directly connected with the employment of individual workers or categories of workers.

9. The choice of appropriate measures and their timing should be based on careful study of the causes of unemployment with a view to distinguishing the different types.

General Measures: Long Term

10. General economic measures should be designed to promote a continuously expanding economy possessing a reasonable degree of stability, which provides the best environment for the success of selective measures of employment policy.

General Measures: Short Term

11. (1) Measures of a short-term character should be planned and taken to prevent the emergence of general unemployment or underemployment associated with an inadequate level of economic activity, as well as to counterbalance inflationary pressure associated with a lack of balance in the employment market. At times when these conditions are present
or threaten to appear, action should be taken to increase or, where appropriate, to reduce private consumption, private investment and/or government current or investment expenditure.

(2) In view of the importance of the timing of counter-measures, whether against recession, inflation or other imbalances, governments should, in accordance with national constitutional law, be vested with powers permitting such measures to be introduced or varied at short notice.

Selective Measures

12. Measures should be planned and taken to even out seasonal fluctuations in employment. In particular, appropriate action should be taken to spread the demand for the products and services of workers in seasonal occupations more evenly throughout the year or to create complementary jobs for such workers.

13. (1) Measures should be planned and taken to prevent the emergence and growth of unemployment or underemployment resulting from structural changes, and to promote and facilitate the adaptation of production and employment to such changes.

(2) For the purpose of this Recommendation the term "structural change" means long-term and substantial change taking the form of shifts in demand, of the emergence of new sources of supply, national or foreign (including supplies of goods from countries with lower costs of production) or of new techniques of production, or of changes in the size of the labour force.

(3) The dual objective of measures of adaptation to structural changes should be—

(a) to obtain the greatest benefit from economic and technical progress;
(b) to protect from financial or other hardship groups and individuals whose employment is affected by structural changes.

14. (1) To this end, and to avoid the loss of production entailed by delays in filling vacancies, Members should establish and adequately finance programmes to help workers to find and fit themselves for new jobs.

(2) Such programmes should include—

(a) the operation of an effective employment service, taking account of the provisions of the Employment Service Convention and Recommendation, 1948;
(b) the provision or encouragement of training and retraining facilities designed to enable workers to acquire the qualifications needed for lasting employment in expanding occupations, taking account of the provisions of the Vocational Training Recommendation, 1962;
(c) the co-ordination of housing policy with employment policy, by the provision of adequate housing and community facilities in places where there are job vacancies, and the provision of removal grants for workers and their dependants by the employer or out of public funds.

15. Special priority should be given to measures designed to remedy the serious, and in some countries growing, problem of unemployment
among young people. In the arrangements for young persons envisaged in the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, and the Vocational Training Recommendation, 1962, full account should be taken of the trends of structural change, so as to ensure the development and the use of the capacities of young persons in relation to the changing needs of the economy.

16. Efforts should be made to meet the particular needs of categories of persons who encounter special difficulties as a result of structural change or for other reasons, such as older workers, disabled persons and other workers who may find it particularly difficult to change their places of residence or their occupations.

17. Special attention should be given to the employment and income needs of lagging regions and of areas where structural changes affect large numbers of workers, in order to bring about a better balance of economic activity throughout the country and thus to ensure a productive utilisation of all resources.

18. (1) When structural changes of exceptional magnitude occur, measures of the kinds provided for in Paragraphs 13 to 17 of this Recommendation may need to be accompanied by measures to avoid large-scale, sudden dislocation and to spread the impact of the change or changes over a reasonable period of time.

(2) In such cases governments, in consultation with all concerned, should give early consideration to the determination of the best means, of a temporary and exceptional nature, to facilitate the adaptation to the structural changes of the industries affected, and should take action accordingly.

19. Appropriate machinery to promote and facilitate the adaptation of production and employment to structural changes, with clearly defined responsibilities in regard to the matters dealt with in Paragraphs 13 to 18 of this Recommendation, should be established.

20. (1) Employment policy should take account of the common experience that, as a consequence of technological progress and improved productivity, possibilities arise for more leisure and intensified educational activities.

(2) Efforts should be made to take advantage of these possibilities by methods appropriate to national conditions and practice and to conditions in each industry; these methods may include—

(a) reduction of hours of work without a decrease in wages, within the framework of the Reduction of Hours of Work Recommendation, 1962;
(b) longer paid holidays;
(c) later entry into the labour force, combined with more advanced education and training.
IV. EMPLOYMENT PROBLEMS ASSOCIATED WITH ECONOMIC UNDER-DEVELOPMENT

Investment and Income Policy

21. In developing countries employment policy should be an essential element of a policy for promoting growth and fair sharing of national incomes.

22. With a view to achieving a rapid expansion of production, investment and employment, Members should seek the views and active participation of employers and workers, and their organisations, in the elaboration and application of national economic development policy, and of the various aspects of social policy, in accordance with the Consultation (Industrial and National Levels) Recommendation, 1960.

23. (1) In countries where a lack of employment opportunities is associated with a shortage of capital, all appropriate measures should be taken to expand domestic savings and to encourage the inflow of financial resources from other countries and from international agencies, with a view to increasing productive investment without prejudicing the national sovereignty or the economic independence of the recipient countries.

(2) In order to utilise the resources available to these countries rationally and to increase employment therein as far as possible, it would be desirable for them to co-ordinate their investments and other development efforts with those of other countries, especially in the same region.

Promotion of Industrial Employment

24. (1) Members should have regard to the paramount need for the establishment of industries, public or private, which are based on available raw materials and power, which correspond to the changing pattern of demand in domestic and foreign markets and which use modern techniques and appropriate research, in order to create additional employment opportunities on a long-term basis.

(2) Members should make every effort to reach a stage of industrial development which ensures, within the framework of a balanced economy, the maximum economic production of finished products, utilising local manpower.

(3) Particular attention should be given to measures promoting efficient and low-cost production, diversification of the economy and balanced regional economic development.

25. Besides promoting modern industrial development, Members should, subject to technical requirements, explore the possibility of expanding employment by—

(a) producing, or promoting the production of, more goods and services requiring much labour;

(b) promoting more labour-intensive techniques, in circumstances where these will make for more efficient utilisation of available resources.

26. Measures should be taken—

(a) to promote fuller utilisation of existing industrial capacity to the extent compatible with the requirements of domestic and export
markets, for instance by more extensive introduction of multiple shifts, with due regard to the provision of amenities for workers on night shift and to the need for training a sufficient number of key personnel to permit efficient operation of multiple shifts;

(b) to create handicrafts and small-scale industries and to assist them to adapt themselves to technological advances and changes in market conditions so that they will be able to provide increasing employment without becoming dependent on such protective measures or special privileges as would impede economic growth; to this end the development of co-operatives should be encouraged and efforts should be made to establish a complementary relationship between small-scale and large-scale industry and to develop new outlets for the products of industry.

Promotion of Rural Employment

27. (1) Within the framework of an integrated national policy, countries in which there is much rural underemployment should place special emphasis on a broadly based programme to promote productive employment in the rural sector by a combination of measures, institutional and technical, relying as fully as possible on the efforts of the persons concerned. Such a programme should be founded on adequate study of the nature, prevalence and regional distribution of rural underemployment.

(2) Major objectives should be to create incentives and social conditions favourable to fuller utilisation of local manpower in rural development, and to improve productivity and quality of output. Means appropriate to local conditions should be determined, where possible, by adequate research and the instigation of multi-purpose pilot projects.

(3) Special attention should be devoted to the need for promoting opportunities for productive employment in agriculture and animal husbandry.

(4) Institutional measures for the promotion of productive employment in the rural sector should include agrarian reforms, adapted to the needs of the country, including land reform and improvement of land tenure; reform in methods of land taxation; extension of credit facilities; development of improved marketing facilities; and promotion of co-operative organisation in production and marketing.

Population Growth

28. Countries in which the population is increasing rapidly, and especially those in which it already presses heavily on the economy, should study the economic, social and demographic factors affecting population growth with a view to adopting economic and social policies that make for a better balance between the growth of employment opportunities and the growth of the labour force.

V. ACTION BY EMPLOYERS AND WORKERS AND THEIR ORGANISATIONS

29. (1) Employers and workers in the public and private sectors, and their organisations, should take all practicable measures to promote the
achievement and maintenance of full, productive and freely chosen employment.

(2) In particular, they should—

(a) consult one another, and as appropriate the competent public authorities, employment services or similar institutions, as far in advance as possible, with a view to working out mutually satisfactory adjustments to changes in the employment situation;

(b) study trends in the economic and employment situation, and in technical progress, and propose as appropriate, and in good time, such action by governments and by public and private undertakings as may safeguard within the framework of the general interest the employment security and opportunities of the workers;

(c) promote wider understanding of the economic background, of the reasons for changes in employment opportunities in specific occupations, industries or regions, and of the necessity of occupational and geographical mobility of manpower;

(d) strive to create a climate which, without prejudicing national sovereignty, economic independence or freedom of association, will encourage increased investment from both domestic and foreign sources, with positive effects on the economic growth of the country;

(e) provide or seek the provision of facilities such as training and retraining facilities, and related financial benefits;

(f) promote wage, benefit and price policies that are in harmony with the objectives of full employment, economic growth, improved standards of living and monetary stability, without endangering the legitimate objectives pursued by employers and workers and their organisations; and

(g) respect the principle of equality of opportunity and treatment in employment and occupation, taking account of the provisions of the Discrimination (Employment and Occupation) Convention and Recommendation, 1958.

(3) In consultation and co-operation as appropriate with workers' organisations and/or representatives of workers at the level of the undertaking, and having regard to national economic and social conditions, measures should be taken by undertakings to counteract unemployment, to help workers find new jobs, to increase the number of jobs available and to minimise the consequences of unemployment; such measures may include—

(a) retraining for other jobs within the undertaking;

(b) transfers within the undertaking;

(c) careful examination of, and action to overcome, obstacles to increasing shift work;

(d) the earliest possible notice to workers whose employment is to be terminated, appropriate notification to public authorities, and some form of income protection for workers whose employment has been terminated, taking account of the provisions of the Termination of Employment Recommendation, 1963.
VI. INTERNATIONAL ACTION TO PROMOTE EMPLOYMENT OBJECTIVES

30. Members, with the assistance as appropriate of intergovernmental and other international organisations, should co-operate in international action to promote employment objectives, and should, in their internal economic policy, seek to avoid measures which have a detrimental effect on the employment situation and the general economic stability in other countries, including the developing countries.

31. Members should contribute to all efforts to expand international trade as a means of promoting economic growth and expansion of employment opportunities. In particular, they should take all possible measures to diminish unfavourable repercussions on the level of employment of fluctuations in the international terms of trade and of balance-of-payments and liquidity problems.

32. (1) Industrialised countries should, in their economic policies, including policies for economic co-operation and for expanding demand, take into account the need for increased employment in other countries, in particular in the developing countries.

(2) They should, as rapidly as their circumstances permit, take measures to accommodate increased imports of products, manufactured, processed and semi-processed as well as primary, that can be economically produced in developing countries, thus promoting mutual trade and increased employment in the production of exports.

33. International migration of workers for employment which is consistent with the economic needs of the countries of emigration and immigration, including migration from developing countries to industrialised countries, should be facilitated, taking account of the provisions of the Migration for Employment Convention and Recommendation (Revised), 1949, and the Equality of Treatment (Social Security) Convention, 1962.

34. (1) In international technical co-operation through multilateral and bilateral channels special attention should be paid to the need to develop active employment policies.

(2) To this end, such co-operation should include—

(a) advice in regard to employment policy and employment market organisation as essential elements in the field of general development planning and programming; and

(b) co-operation in the training of qualified local personnel, including technical personnel and management staff.

(3) Technical co-operation programmes relating to training should aim at providing the developing countries with suitable facilities for training within the country or region. They should also include adequate provision for the supply of equipment. As a complementary measure, facilities should also be provided for the training of nationals of developing countries in industrialised countries.

(4) Members should make all efforts to facilitate the release for suitable periods, both from governmental and non-governmental employment, of highly qualified experts in the various fields of employment.
policy for work in developing countries. Such efforts should include
arrangements to make such release attractive to the experts concerned.

(5) In the preparation and implementation of technical co-operation
programmes, the active participation of employers' and workers' organi-
sations in the countries concerned should be sought.

35. Members should encourage the international exchange of techno-
logical processes with a view to increasing productivity and employment,
by means such as licensing and other forms of industrial co-operation.

36. Foreign-owned undertakings should meet their staffing needs by
employing and training local staff, including management and supervisory
personnel.

37. Arrangements should be made, where appropriate on a regional
basis, for periodical discussion and exchange of experience of employment
policies, particularly employment policies in developing countries, with the
assistance as appropriate of the International Labour Office.

VII. SUGGESTIONS CONCERNING METHODS OF APPLICATION

38. In applying the provisions of this Recommendation, each Member
of the International Labour Organisation and the employers' and workers'
organisations concerned should be guided, to the extent possible and
desirable, by the suggestions concerning methods of application set forth
in the Annex.

ANNEX

SUGGESTIONS CONCERNING METHODS OF APPLICATION

I. GENERAL AND SELECTIVE MEASURES OF EMPLOYMENT POLICY

1. (1) Each Member should—

(a) make continuing studies of the size and distribution of the labour force and the
nature and extent of unemployment and underemployment and trends therein,
including, where possible, analyses of—

(i) the distribution of the labour force by age, sex, occupational group, qualifica-
tions, regions and economic sectors; probable future trends in each of these;
and the effects of demographic factors, particularly in developing countries with
rapid population growth, and of technological change on such trends;
(ii) the volume of productive employment currently available and likely to be
available at different dates in the future in different economic sectors, regions
and occupational groups, account being taken of projected changes in demand
and productivity;

(b) make vigorous efforts, particularly through censuses and sample surveys, to improve
the statistical data needed for such studies;

(c) undertake and promote the collection and analysis of current indicators of economic
activity, and the study of trends in the evolution of new techniques in the different
sectors of industry both at home and abroad, particularly as regards automation,
with a view, inter alia, to distinguishing short-term fluctuations from longer-term
structural changes;
(d) make short-term forecasts of employment, underemployment and unemployment sufficiently early and in sufficient detail to provide a basis for prompt action to prevent or remedy either unemployment or shortages of labour;
(e) undertake and promote studies of the methods and results of employment policies in other countries.

(2) Members should make efforts to provide those responsible for collective bargaining with information on the results of studies of the employment situation undertaken in the International Labour Office and elsewhere, including studies of the impact of automation.

2. Attainment of the social objectives of employment policy requires co-ordination of employment policy with other measures of economic and social policy, in particular measures affecting—
(a) investment, production and economic growth;
(b) the growth and distribution of incomes;
(c) social security;
(d) fiscal and monetary policies, including anti-inflationary and foreign exchange policies; and
(e) the promotion of freer movement of goods, capital and labour between countries.

3. With a view to promoting stability of production and employment, consideration should be given to the possibility of making more use of fiscal or quasi-fiscal measures designed to exert an automatic stabilising influence and to maintain a satisfactory level of consumer income and investment.

4. Measures designed to stabilise employment may further include—
(a) fiscal measures in respect of tax rates and investment expenditure;
(b) stimulation, or restraint, of economic activity by appropriate measures of monetary policy;
(c) increased, or reduced, expenditure on public works or other public investment of a fundamental nature, for example roads, railways, harbours, schools, training centres and hospitals; Members should plan during periods of high employment to have a number of useful but postponable public works projects ready to be put into operation in times of recession;
(d) measures of a more specific character, such as increased government orders to a particular branch of industry in which recession threatens to provoke a temporary decline in the level of activity.

5. Measures to even out seasonal fluctuations in employment may include—
(a) the application of new techniques to make it possible for work to be carried out under conditions in which it would have been impracticable without these techniques;
(b) the training of workers in seasonal occupations for complementary occupations;
(c) planning to counteract seasonal unemployment or underemployment; special attention should be given to the co-ordination of the activities of the different public authorities and private enterprises concerned with building and construction operations, so as to ensure continuity of activity to meet the employment needs of workers.

6. (1) The nature of the special difficulties which may be encountered as a result of structural changes by the categories of persons referred to in Paragraph 16 of the Recommendation should be ascertained by the competent authority and appropriate action recommended.
(2) Special measures should be taken to provide suitable work for these groups and to alleviate hardship.
(3) In cases where older or disabled workers face great difficulty in adjusting to structural changes, adequate benefits for such workers should be provided within the framework of the social security system, including, where appropriate, retirement benefits at an age below that normally prescribed.

7. (1) When structural changes affect large numbers of workers concentrated in a particular area and especially if the competitive strength of the area as a whole is impaired,
Members should provide, and should, by the provision of effective incentives and consultation with the representatives of employers and workers, encourage individual enterprises to provide, additional employment in the area, based on comprehensive policies of regional development.

(2) Measures taken to this end may include—

(a) the diversification of existing undertakings or the promotion of new industries;

(b) public works or other public investment including the expansion or the setting up of public undertakings;

(c) information and advice to new industries as to conditions of establishment;

(d) measures to make the area more attractive to new industries, for example through the redevelopment or improvement of the infrastructure, or through the provision of special loan facilities, temporary subsidies or temporary tax concessions or of physical facilities such as industrial estates;

(e) preferential consideration in the allocation of government orders;

(f) appropriate efforts to discourage excessive industrial concentration.

(3) Such measures should have regard to the type of employment which different areas, by reason of their resources, access to markets and other economic factors, are best suited to provide.

(4) The boundaries of areas which are given special treatment should be defined after careful study of the probable repercussions on other, particularly neighbouring, areas.

II. EMPLOYMENT PROBLEMS ASSOCIATED WITH ECONOMIC UNDERDEVELOPMENT

8. Measures to expand domestic saving and encourage the inflow of financial resources from other countries, with a view to increasing productive investment, may include—

(a) measures, consistent with the provisions of the Forced Labour Convention, 1930, and the Abolition of Forced Labour Convention, 1957, and taken within the framework of a system of adequate minimum labour standards and in consultation with employers and workers and their organisations, to use available labour, with a minimum complement of scarce resources, to increase the rate of capital formation;

(b) measures to guide savings and investment from unproductive uses to uses designed to promote economic development and employment;

(c) measures to expand savings—

(i) through the curtailment of non-essential consumption, with due regard to the need for maintaining adequate incentives; and

(ii) through savings schemes, including contributory social security schemes and small savings schemes;

(d) measures to develop local capital markets to facilitate the transformation of savings into productive investment;

(e) measures to encourage the reinvestment in the country of a reasonable part of the profits from foreign investments, as well as to recover and to prevent the outflow of national capital with a view to directing it to productive investment.

9. (1) Measures to expand employment by the encouragement of labour-intensive products and techniques may include—

(a) the promotion of labour-intensive methods of production by means of—

(i) work study to increase the efficiency of modern labour-intensive operations;

(ii) research and dissemination of information about labour-intensive techniques, particularly in public works and construction;

(b) tax concessions and preferential treatment in regard to import or other quotas to undertakings concerned;

(c) full exploration of the technical, economic and organisational possibilities of labour-intensive construction works, such as multi-purpose river valley development projects and the building of railways and highways.
In determining whether a particular product or technique is labour-intensive, attention should be given to the proportions in which capital and labour are employed not merely in the final processes, but in all stages of production, including that of materials, power and other requirements; attention should be given also to the proportions in which increased availability of a product will generate increased demand for labour and capital respectively.

10. Institutional measures for the promotion of productive employment in the rural sector may, in addition to those provided for in Paragraph 27 of the Recommendation, include promotion of community development programmes, consistent with the provisions of the Forced Labour Convention, 1930, and the Abolition of Forced Labour Convention, 1957, to evoke the active participation of the persons concerned, and in particular of employers and workers and their organisations, in planning and carrying out local economic and social development projects, and to encourage the use in such projects of local manpower, materials and financial resources that might otherwise remain idle or unproductively used.

11. Means appropriate to local conditions for the fuller utilisation of local manpower in rural development may include—

(a) local capital-construction projects, particularly projects conducive to a quick increase in agricultural production, such as small and medium irrigation and drainage works, the construction of storage facilities and feeder roads and the development of local transport;

(b) land development and settlement;

(c) more labour-intensive methods of cultivation, expansion of animal husbandry and the diversification of agricultural production;

(d) the development of other productive activities, such as forestry and fishing;

(e) the promotion of rural social services such as education, housing and health services;

(f) the development of viable small-scale industries and handicrafts in rural areas, such as local processing of agricultural products and manufacture of simple consumers' and producers' goods needed in the area.

12. (1) In pursuance of Paragraph 5 of the Recommendation, and taking account of the provisions of the Vocational Training Recommendation, 1962, developing countries should endeavour to eradicate illiteracy and promote vocational training for workers in all sectors, as well as appropriate professional training for scientific, technical and managerial personnel.

(2) The necessity of training instructors and workers in order to carry out the improvement and modernisation of agriculture should be taken into account.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Forty-eighth Session which was held at Geneva and declared closed the ninth day of July 1964.

IN FAITH WHEREOF we have appended our signatures this thirteenth day of July 1964.

The President of the Conference,
ANDRÉS AGUILAR MAWSLEY.

The Director-General of the International Labour Office,
DAVID A. MORSE.
Resolution concerning Minimum Living Standards and Their Adjustment to the Level of Economic Growth

The General Conference of the International Labour Organisation,

Considering that in many countries minimum living standards, as determined by the lowest level of wages and basic social legislation, have frequently lagged behind the pace of economic development,

Considering that living conditions of the lowest-paid workers and their families in many countries are still deplorably low,

Considering that, while real improvements in living standards are linked with economic development and with increased skills and resulting greater productivity, conversely the improvement of living standards itself has an important bearing on the pace of economic development; in particular, the contribution of the lowest-paid workers to economic and social development will be enhanced by improvements in their health, housing and other living conditions,

Considering that, in order to bring about balanced economic expansion and social progress, an equitable distribution of incomes ensuring for the lowest-paid categories of workers a minimum standard of living, in conformity with and periodically adjusted to the pace of the country's economic expansion, is needed both for developing and industrially advanced countries,

Considering that, in cases where the level of minimum wages is determined by means of free collective bargaining in adjusting this level of wages, consideration should be given by the parties concerned to the pace of economic growth as well as to increases in the cost of living,

Considering that, in cases where an adequate level of minimum wages covering all workers cannot be secured by means of free collective bargaining, the establishment of effective minimum-wage legislation or other effective machinery for establishing minimum wages is desirable,

Considering that in many member States where minimum-wage legislation exists the rates are frequently either determined at levels insufficient to ensure an adequate minimum standard of living, or not effectively enforced, or lag behind the country’s economic growth or behind increases in the cost of living,

Considering that in order to determine adequate minimum standards of living the participation of workers' and employers' organisations is essential for the determination of minimum wage rates and for basic social security measures as

1 Adopted on 9 July 1964 by 176 votes to 1, with 17 abstentions.
well as for their periodical adjustment, in conformity with the country’s economic growth, and

Considering that, in cases where minimum wages are established through legislation or other effective machinery for establishing minimum wages, actual wages above the minimum rates should be determined by means of free collective bargaining between employers and trade unions;

1. Urges member States to undertake all efforts to ensure adequate minimum standards of living to all workers and their families, by encouraging free collective bargaining and, where appropriate, by the adoption of minimum-wage legislation or resort to other effective machinery for establishing minimum wages, and of basic social legislation, providing for the participation of workers’ and employers’ organisations.

2. Emphasises that adequate minimum standards of living should be ensured through the establishment of a dynamic minimum wage level and a dynamic level of social security measures adjusted periodically to take full account of economic growth and to have due regard to increases in the cost of living.

3. Invites the Governing Body of the International Labour Office to request the Director-General—

(1) to undertake a study dealing with the interdependence of minimum standards of living and economic growth, including—

(a) a survey of minimum wage levels in member States, with particular attention to cases where established rates are either insufficient to ensure an adequate minimum standard of living in conformity with the country’s level of economic development or have been lagging behind the level of economic growth or behind increases in the cost of living;

(b) a study of methods to determine levels of minimum standards of living, including provisions according to which these standards could be periodically adjusted to economic growth and to increases in the cost of living;

(c) a comparative study of social legislation in member States, with particular reference to basic social security measures;

(d) a study of the actual experience of selected countries, including both industrialised and developing countries, in which minimum wages and social security benefits are periodically adjusted to economic growth and/or increases in the cost of living, either automatically or by other means, with a view to obtaining such information as can be ascertained as to the economic and social consequences of such adjustments in various circumstances and conditions;

(2) to work out proposals for a revision of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) and Recommendation, 1928 (No. 30), taking into account the principles enunciated in this resolution.

II

Resolution concerning the International Institute for Labour Studies

The General Conference of the International Labour Organisation,

Noting that the establishment of the International Institute for Labour Studies has aroused widespread interest and expectations, particularly in countries in the process of rapid economic and social development,

1 Adopted unanimously on 9 July 1964.
Noting the resolutions supporting the Institute and drawing attention to the special needs of their respective regions adopted by the First African Regional Conference and the Seventh Conference of the American States Members of the International Labour Organisation,

Considering the desirability of enlarging the scope of the programme of activity of the Institute so that it may better meet the growing need for a better understanding of labour problems and methods for their solution,

Noting that the Institute does not yet have the necessary financial means to achieve this objective,

Considering that it may be difficult for some newly independent countries to provide candidates with the background of education, language and experience demanded for the Institute’s international courses, and

Believing that it is important for the Institute to pay attention to regional and national needs and problems;

1. Urges member States which have not yet done so to contribute to the Endowment Fund of the Institute.

2. Invites the Governing Body of the International Labour Office to consider ways and means of ensuring financial resources, including contributions from sources other than the budget of the International Labour Organisation, which would enable the Institute to increase the effectiveness of its present programmes of study courses, and subsequently to increase both the number of study courses and the number of those who would take part in them, and increase also its other activities.

3. Invites the Governing Body of the International Labour Office to request the Board of the Institute—
   (a) to establish working relationships with regional and national institutions concerned with problems of economic and social development with a view to exchanging experiences and providing such institutions with appropriate assistance by mutual agreement;
   (b) to submit in the light of the resources available to the Institute a programme for regional study groups and round-table conferences which would be organised under the auspices of the Institute as envisaged in its stated aims and functions;
   (c) to consider the desirability and feasibility of giving assistance in the establishment of regional institutes, under the guidance and auspices of, or associated with, the International Institute for Labour Studies, for the furtherance of a better understanding of labour problems of particular regions and methods for their solution.

III

Resolution concerning the Concept of Democratic Decision-Making in Programming and Planning for Economic and Social Development

The General Conference of the International Labour Organisation,

Considering that the need for economic forecasting, programming and/or planning has been increasingly recognised by a number of industrially advanced countries in formulating and executing their economic and social policies,

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1 Adopted on 9 July 1964 by 200 votes to 1, with 15 abstentions.
Considering that in developing countries economic and social programming and planning, in conformity with the specific conditions and requirements of each country, is essential for their rapid economic growth and social advancement,

Considering that long-term economic projections have a definitive role to play in national and international planning for economic development and social advancement,

Considering the growing importance of economic and social programming and planning at the international level, as a basis for co-ordinated international action in such fields as employment and manpower policies, migration of labour, harmonisation of social security policies, trade policies, education and technical training, and technical assistance generally,

Considering the important role the United Nations and the specialised agencies, in particular the International Labour Organisation, have to play in promoting these efforts aiming at the achievement of rapid economic expansion and social advancement in both developing and industrially advanced countries,

Considering that an indispensable condition for achieving the goals of democratic programming and planning for economic development and social advancement is the establishment, in accordance with the principles and aims of the International Labour Organisation, of effective machinery and procedures for active consultation with and participation of free and independent employers' and workers' organisations in the formulation and implementation of such programmes, and

Considering that there is need for study and exchange of experience as to the possible forms of consultation, so as to make such consultations more effective;

1. Calls upon governments of member States to ensure that, where national programming or planning exists, appropriate methods of consultation and participation of free and independent employers' and workers' organisations should take place in working towards and implementing social advancement schemes, and in promoting national economic development at all levels.

2. Calls upon member States to co-ordinate at the international level, through the United Nations and the specialised agencies and other intergovernmental bodies, including regional organisations, their efforts aimed at the achievement of rapid economic expansion and social advancement in both developing and industrially advanced countries.

3. Invites the Governing Body of the International Labour Office to request the Director-General—

(a) to examine ways and means of intensifying studies and research in the field of democratic decision-making as well as techniques of consultation and participation in all aspects of economic forecasting, programming and planning for economic development and social advancement;

(b) to co-operate closely, with the United Nations, the specialised agencies, and other international, regional and national bodies with a view to safeguarding and encouraging, in conformity with the principles and aims of the International Labour Organisation, the consultation and participation of free and independent employers' and workers' organisations in economic forecasting, and in programming and planning for economic development and social advancement.
IV

Resolution concerning Freedom of Association

The General Conference of the International Labour Organisation,

Considering the principle of freedom of association, an essential constituent of human rights, enshrined in the Constitution of the International Labour Organisation (Preamble),

Considering that it constitutes one of the fundamental principles on which the Organisation is based, and that the Declaration of Philadelphia, an integral part of the Constitution, proclaims that “freedom of expression and of association are essential to sustained progress”;

Considering that the International Labour Organisation has unmistakably laid down the minimum standards of freedom of association in international labour Conventions Nos. 87 (Freedom of Association and Protection of the Right to Organise Convention, 1948), and 98 (Right to Organise and Collective Bargaining Convention, 1949),

Considering the resolution concerning the independence of the trade union movement, adopted by the Conference on 26 June 1952, and the resolution on freedom of association and the protection of the right to organise, including the protection of representatives of trade unions at all levels, adopted by the Conference on 29 June 1961,

Considering that the standards so defined have not yet found full expression in the Constitution and Standing Orders of the International Labour Organisation,

Considering that several member States have not yet ratified the above-mentioned Conventions,

Considering that in various member States the principle and the standards of freedom of association established by the International Labour Organisation are violated in defiance of democracy and to the detriment of the harmonious development of those countries,

Considering that the machinery for the protection of freedom of association as at present established by the International Labour Organisation is still inadequate for achieving full efficiency and should be strengthened;

1. Invites the Governing Body of the International Labour Office—

(a) to strengthen its efforts to induce all the States Members of the International Labour Organisation to ratify and apply Conventions Nos. 87 and 98, reminding them that fundamental principles of the Organisation are involved;

(b) to study the possibility of including in the Constitution of the International Labour Organisation certain essential principles contained in these Conventions;

(c) to consider likewise how the machinery of the International Labour Organisation for the protection of freedom of association may best be strengthened;

(d) in the light of findings resulting from the action recommended in (b) and (c) above, to consider including the whole question in the agenda of an early session of the Conference;

2. Urges all governments to co-operate fully in strengthening the activities of the International Labour Organisation in the field of freedom of association.

1 Adopted on 9 July 1964.
V

Resolution concerning Programmes of Technical Assistance and Other Activities of the International Labour Organisation in Africa and Other Developing Regions

The General Conference of the International Labour Organisation,

Considering the fundamental role that labour plays in economic and social development in Africa and other developing regions, and the vital contribution of manpower to all development plans of African and other developing countries,

Stressing the urgent need for accelerating social progress whilst ensuring conditions of stability in the labour force of African and other developing countries,

Emphasising the benefits accruing from the exchange of labour experience and solutions among African countries and other developing countries,

Recognising the responsibilities of the International Labour Organisation in the promotion of a progressive international code for labour, and

Noting the growing world-wide concern with problems of social and economic development, and having regard to the universal responsibilities of the International Labour Organisation;

1. Invites the Governing Body of the International Labour Office to consider, in the context of its regional activities generally, the need to assist African and other developing countries in the field of development at all levels and in the furtherance of workers' education and vocational and technical training schemes to qualify skilled workers of Africa and other developing regions in sufficient numbers to accelerate the implementation of development projects;

2. Requests the Governing Body of the International Labour Office to review the policy to be pursued by the International Labour Organisation generally in relation to regional activities and, in particular, to include in its review the following specific matters:

(a) the role and function of the regional advisory committees and the regional conferences;

(b) the problems associated with the implementation of international labour Conventions and Recommendations in African and other developing countries, and the review by regional conferences of such implementation;

(c) the need to ensure that the programme and structure of the International Labour Organisation are fully adapted to the needs of African and other developing countries;

(d) means of accelerating the appointment to posts in regional offices, including the principal posts, of suitably qualified persons from the region concerned;

(e) the desirability and feasibility of a greater degree of decentralisation of the activities of the International Labour Organisation, for example through offices in the region, without prejudicing the basic objectives of the Organisation.

VI

Resolution concerning the Programme and Structure of the International Labour Organisation

The General Conference of the International Labour Organisation,

Having discussed the report entitled *Programme and Structure of the I.L.O.* submitted by the Director-General,

1 Adopted on 9 July 1964.
Noting that in the years following the Second World War, as indicated in the Report of the Director-General, fundamental transformations of historical importance have occurred on the world scene and have changed the face of the world,

Recognising that these changes in the world situation demand that the International Labour Organisation adapt itself to new tasks of unprecedented importance and that this adaptation must relate both to its work programme and to the structure and working methods of the Organisation,

Recalling that it was in 1944-46 that the Organisation last made an examination of its programme and structure,

Noting that at the 47th and 48th Sessions of the General Conference many delegates submitted important proposals concerning the work programme of the International Labour Organisation, as well as proposals concerning its structure and work methods,

Attaching great importance to the need for practical and thorough consideration of all proposals submitted to the Conference,

Considering that a comprehensive and objective study should be made of all the proposals which have been submitted in order that the Organisation derive the greatest possible benefit from the exchange of views which has taken place;

Invites the Governing Body of the International Labour Office—

(1) To request the Director-General—

(a) to prepare a report and analysis by major category of all the proposals submitted;
(b) to transmit these to all member States and employers’ and workers’ organisations as soon as possible; and
(c) to request member States and employers’ and workers’ organisations to express their views on these proposals;

(2) To consider, as a matter of priority, implementation of such proposals as may be within the competence of the Governing Body and, in accordance with existing procedures, to inform the Conference of action taken;

(3) Further, as a matter of priority, to consider reference of those proposals within the competence of the Conference to one or more of its forthcoming sessions.

VII

Resolution concerning the International Co-operation Year and the Twentieth Anniversary of the United Nations

The General Conference of the International Labour Organisation,

Recalling resolution 1907 (XVIII) of the General Assembly in which 1965, the twentieth anniversary of the United Nations, is designated “International Co-operation Year”.

Noting that resolution 1907 (XVIII) calls upon all member States and the specialised agencies, *inter alia*, to formulate such plans and programmes as seem to them appropriate to promote the purposes of the International Co-operation Year,

1 Adopted on 9 July 1964.
Convinced that this decision by the United Nations will contribute to greater international understanding and co-operation,

Recalling the provisions of the agreement between the United Nations and the International Labour Organisation, especially articles IV and V;

Invites the Governing Body of the International Labour Office to request the Director-General—

(1) to provide such information and necessary support as may be requested by the Committee of Twelve in respect of the International Co-operation Year, the twentieth anniversary of the United Nations;

(2) to consider the possibilities of International Labour Organisation participation in the International Co-operation Year, presenting appropriate proposals to the Governing Body.

VIII

Resolution concerning the Convening of a Committee of Experts and the Revision of the List of Occupational Diseases

The Committee on Social Security set up by the International Labour Conference at its 48th Session,

Considering that the proposed Convention concerning benefits in the case of employment injury includes a list of occupational diseases giving right to benefit,

Considering that this list should be brought up to date in the light of the most recent technical and medical progress,

Noting that Article 31 of the text of the Convention allows the amendment of the same list of occupational diseases;

Requests the Governing Body of the International Labour Office to—

(1) convene as soon as possible a committee of experts charged to prepare a draft list of occupational diseases which would take account of all recent information on this subject; and

(2) include the question of the revision of the list of occupational diseases appended to the present Convention in the agenda of a future session of the Conference.

IX

Resolution concerning the Placing on the Agenda of the Next Ordinary Session of the Conference of the Question of the Employment of Young Persons in Underground Work in Mines of All Kinds

The General Conference of the International Labour Organisation,

Having adopted the reports of the Committee appointed to consider the seventh item on the agenda, and

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Convention concerning the minimum age for admission to employment in underground work in mines of all kinds, with a supplementary Recommendation, for a Convention concerning medical examina-

1 Adopted on 6 July 1964.

2 Adopted on 7 July 1964 by 245 votes to 0, with 55 abstentions.
tion of young persons for fitness for employment in underground work in mines of all kinds, and for a Recommendation embodying certain provisions concerning the employment of young persons in underground work in mines of all kinds;

Decides that the question of the employment of young persons in underground work in mines of all kinds shall be included in the agenda of its next Ordinary Session for second discussion, with a view to the adoption of two Conventions and two Recommendations.

X

Resolution concerning the Activities of the International Labour Organisation in the Field of Employment Policy

The General Conference of the International Labour Organisation,

Having adopted the Employment Policy Convention, 1964, and the Employment Policy Recommendation, 1964, and

Considering that action by member States to implement these instruments should be supplemented by the technical co-operation of the International Labour Organisation in the field of employment policy;

1. Invites the Governing Body to give particular attention to the continuance and expansion of International Labour Organisation research and technical co-operation activities regarding employment problems and policies, with due regard to regional requirements and in close co-ordination with related activities of the United Nations and specialised agencies so as to increase the effectiveness of the work of all the organisations.

2. Recommends that International Labour Organisation activities take the form in particular of—

(a) the provision of experts, as well as of technical manuals, other documentation and teaching materials, to help developing countries in—

(i) defining and implementing active employment policies, taking account of population growth, as part of their development planning or programming;

(ii) developing appropriate manpower information programmes and employment and vocational guidance services;

(iii) training workers at all levels, including technical personnel and management staff, for productive employment;

(iv) improving labour force statistics;

(b) research into employment problems and policies with the practical purpose of evaluating experience gained in different countries and improving the quality of the advice and assistance that the International Labour Organisation is able to provide to member States under each of the four headings in clause (a) above; this should include research into the employment capacity and productivity of different economic sectors at different levels of technology, including research into measures to increase productivity, as a basis for improved co-ordination between employment policies and policies for economic and social development;

(c) assistance to member States from time to time in organising regional meetings for the exchange of experience on employment problems and policies.

1 Adopted on 7 July 1964.
3. Recommends that the active co-operation of the employers’ and workers’ organisations in the countries concerned should be sought in the preparation and implementation of such activities.

XI

Resolution concerning International Action for
the Promotion of Employment Objectives

The General Conference of the International Labour Organisation,
Considering that the Declaration of Philadelphia recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve full employment and the raising of standards of living,

Having, in pursuance of this responsibility, adopted the Employment Policy Convention, 1964, and the Employment Policy Recommendation, 1964,

Conscious of the fact that action in the field of employment policy needs to be accompanied by international action in related fields of economic policy;

1. Urges that those responsible for the work of the new international machinery to be set up to deal with questions of foreign trade in accordance with the conclusions of the United Nations Conference on Trade and Development should take full account of and seek to attain the employment objectives defined in the Employment Policy Convention, 1964, and other instruments of the International Labour Organisation dealing with employment policy, and

2. Decides to bring the following suggestions to the notice of governments and of the international bodies having primary responsibility for certain matters dealt with therein:

(a) vigorous and determined efforts should be made to conclude agreements, to be reviewed periodically, ensuring greater stability at equitable and remunerative prices in the markets for primary commodities, with a view to avoiding disruption of the development plans and employment policies of developing countries;

(b) all efforts should be made to discontinue discriminatory restrictions on foreign trade, with a view to furthering the achievement of the objectives of a full employment policy;

(c) loans and grants, public and private, from industrialised countries to developing countries, on a multilateral or bilateral basis, should be encouraged with a view to increasing production and employment. Loans should be of a long-term nature and at reasonably low rates of interest. Both loans and grants should be provided under conditions and a code of practice which protect the interests of all concerned, without infringing the sovereignty of recipient nations.

(d) members should explore all possibilities of utilising food aid to promote employment;

(e) the possibility should be explored of utilising, for the production of equipment needed in developing countries, capacity that would otherwise be unused in industrialised countries, so as to achieve simultaneously economic growth and employment in developing countries and the maintenance of employment in industrialised countries.

1 Adopted on 7 July 1964.
XII

Resolution concerning Women Workers in a Changing World

The General Conference of the International Labour Organisation,
Conscious of the increasingly important role played by women in modern society and of the fact that their work is necessary to the development of the productive forces of their countries,
Noting that the number of women who work outside their homes has increased considerably in numerous countries and that this tendency, although particularly marked in the industrial countries, is also noticeable in the economically developing countries,
Considering that in principle the problems of women workers should not be distinguished from those of men workers and that they should be solved within the same general framework of policy and action but that it is nevertheless certain that women have to face special problems deriving both from various discriminations and from their multiple responsibilities,
Noting that even in the countries which are economically and socially very advanced, despite the great progress which has been made, women workers still are often subject to discrimination,
Noting, furthermore, that in some developing countries the problems which women workers have to face are to a great extent the reflection of low levels of economic growth and are aggravated by illiteracy, which is more widespread amongst women than men, by lack of education, lack of vocational training and lack of employment,
Considering that it is necessary to adapt attitudes and social legislation relating to the employment of women to new tendencies and to recognise the right to work for women and the value of their contribution to economic activity by encouraging all action aimed at eliminating any discrimination against them,
Considering that the International Labour Organisation has established standards directed towards the attainment of these ends and that many member States have not yet formally accepted the instruments in question;
1. Urgently appeals to member States to take all possible steps—
   (a) to ratify and implement fully the Equal Remuneration Convention, 1951, and the Discrimination (Employment and Occupation) Convention, 1958; and
   (b) to implement in respect of girls and women the provisions of the Vocational Training Recommendation, 1962;
2. Requests all States Members of the International Labour Organisation to consider the desirability of taking appropriate steps—
   (a) to establish within the framework of national administration or any other appropriate organisation a central unit for co-ordinating research, planning, programming and action on women workers' opportunities, needs and problems;
   (b) to develop systematic arrangements for consulting employers' and workers' organisations and other organisations primarily concerned; and
   (c) to encourage the dissemination of information regarding all aspects of women's employment and conditions of work;

1 Adopted on 8 July 1964, by 265 votes to 23, with 2 abstentions.
3. Recognises the work already done by the International Labour Office on behalf of women workers and invites the Governing Body of the International Labour Office to request the Director-General to expand and strengthen the activities of the International Labour Office in the field of women's work, including the collection, analysis and publication of information concerning women's work and their participation in economic and social life, and in particular—

(a) to continue its studies and research on the vocational training of girls and women, having special regard to the conclusions of the 1959 Meeting of Consultants on the Problems of Women Workers;

(b) to study the repercussions of technological progress, especially mechanisation and automation, on the employment, skill and vocational training of women workers;

(c) to examine the conditions of work and social security of women workers, particularly in agriculture, including plantations; and

(d) to study the emergence of new occupational diseases and methods of protection against them in branches of activity in which large numbers of women are employed;

4. Invites the International Labour Office to seek the advice of the Panel of Consultants on the Problems of Women Workers with a view to giving satisfaction as rapidly as possible to the demands of special interest to women workers.

XIII

Resolution concerning the Economic and Social Advancement of Women in Developing Countries

The General Conference of the International Labour Organisation,

Recognising the urgency of taking all possible steps to raise the economic and social status of women and of integrating them more closely and effectively into the whole process of developing human resources which is characteristic of our era,

Recognising that the present status of women in developing countries and the problems of women workers in such countries are, to a great extent, the reflection of the very low levels of their economic growth,

Recognising that the needs and problems of women workers in the developing countries are particularly urgent,

Taking into account the fact that these problems, arising within a different context of political, economic, social and cultural development in each of the developing countries, will influence such measures as may be taken to advance the status of women;

1. Requests developing countries, which are member States of the International Labour Organisation, to give special priority in their national plans to assisting women to integrate themselves into the national economic life and improve their status with particular reference to the following problems:

(a) the need for providing increased and better educational facilities for girls and women, including facilities for vocational, technical and professional training at all levels;

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1 Adopted on 8 July 1964.
(b) the need to widen the framework of employment opportunities for girls and women, particularly in the non-agricultural sector of the economy;
(c) the need to develop suitable forms of vocational guidance and employment counselling and assistance;
(d) the need to formulate and implement non-discriminatory practices and policies in this field, and to mobilise public opinion to this end;
(e) the need to include women in all social security measures according to their real needs and without prejudice to their employment opportunities;
(f) the need to make efforts to raise the status of women, particularly in rural areas;
(g) the need to develop means to improve the conditions of women working in agriculture, cottage industries and marketing, and of supervising and improving conditions of work in these sectors; and
(h) the need for promotional efforts to change the economic and social climate within which women seek and find employment in order to enable them to respond to the changing needs of national development and to contribute as effectively as possible to the varying demands placed on them, taking into consideration that family responsibilities should not be a handicap for women to play their full part in economic and social life;

2. Calls upon the International Labour Organisation to expand and intensify its programme of activity directed expressly towards the economic and social advancement of women workers in developing countries;

3. Requests the International Labour Organisation to organise as soon as possible regional meetings on women workers in a changing world.

XIV

Resolution concerning Part-time Employment

The General Conference of the International Labour Organisation,

Recognising the fact that part-time work does occur, particularly in countries with full employment and that it can give a partial answer to individual social needs of men and women,

Considering that governments and employers’ and workers’ organisations should pay attention to it and should find all the necessary safeguards in the framework of social legislation and collective agreements,

Recognising that part-time work can be of particular interest for women with family responsibilities who wish to do so,

Noting that the nature of certain kinds of work can meet these requirements,

Noting that part-time work presents certain problems,

Noting that there is not sufficient information and knowledge in this field:

Invites the International Labour Office—

(1) to give a precise definition of what is meant by “part-time work”;

(2) to undertake, in co-operation with the competent authorities and the organisations of employers and workers, inquiries to determine—

(a) the number and nature of part-time employment opportunities; and

(b) the number and characteristics of persons who have or seek part-time employment.

1 Adopted on 8 July 1964.
XV

Resolution concerning Maternity Protection

The General Conference of the International Labour Organisation,
Considering that maternity protection is an obligation of society and cannot be a
ground of discrimination in other fields relating to the employment of women,
Noting that few countries have ratified the Maternity Protection Convention, 1919,
and that only eight have ratified the Maternity Protection Convention (Revised), 1952,
Noting in addition the studies and research undertaken by the International
Labour Office both in countries which have ratified the Conventions and on
those which have not ratified them;
1. Appeals to member States to take all possible measures to guarantee the
application of these provisions to all women workers;
2. Requests the International Labour Organisation to include the question in the
agenda of a forthcoming session of the International Labour Conference.

XVI

Resolution concerning the Placing on the Agenda of the Next Ordinary Session of
the Conference of the Question of the Employment of
Women with Family Responsibilities

The General Conference of the International Labour Organisation,
Having adopted the report of the Committee appointed to consider the sixth item
on the agenda, and
Having in particular approved as general conclusions, with a view to the consul-
tation of governments, proposals for a Recommendation relating to the employment
of women with family responsibilities;
Decides that an item entitled “The Employment of Women with Family Respon-
sibilities” shall be included in the agenda of its next Ordinary Session for second
discussion, with a view to the adoption of a Recommendation.

XVII

Resolution concerning the Adoption of the Budget for
the 47th Financial Period (1965) and for the Allocation of
Expenses among Member States for 1965

The General Conference of the International Labour Organisation—
In virtue of the Financial Regulations, passes for the 47th financial period,
ending 31 December 1965, the net budget of expenditure of the International Labour
Organisation amounting to $18,684,347 and the net budget of income amounting to
$18,684,347 and resolves that the budget of income from member States shall be
allocated among them in accordance with the scale of contributions recommended
by the Finance Committee of Government Representatives.

1 Adopted on 8 July 1964.
2 Adopted on 26 June 1964 by 278 votes to 1, with 33 abstentions.
XVIII

Resolution concerning the Contributions Payable to the I.L.O. Staff Pensions Fund in 1965

The General Conference of the International Labour Organisation—

Decides that the contribution of the International Labour Organisation to the Pensions Fund for 1965 under article 7, paragraph (a), of the Staff Pensions Regulations shall be 14 per cent. of the pensionable emoluments of the members of the Fund;

Decides that, for the year 1965, the officials mentioned in article 4, paragraph (a) (i), of the I.L.O. Staff Pensions Regulations shall continue to pay an additional 1 per cent. of their pensionable emoluments (making a total of 7½ per cent.), and those mentioned in article 4, paragraph (a) (ii), an additional ½ per cent. (making a total of 5½ per cent.) if their pensionable emoluments exceed the equivalent of Swiss francs 6,500 per annum, and an additional ¼ per cent. (making a total of 5¾ per cent.) if their emoluments are the equivalent of Swiss francs 6,500 or less;

Resolves that, in continuation of the arrangement approved in previous years, the whole budgetary vote for 1965 in respect of the contributions of the Organisation to the I.L.O. Staff Pensions Fund should be paid to the Fund.

XIX

Resolution concerning Appointments to the I.L.O. Administrative Tribunal

The General Conference of the International Labour Organisation,

In accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organisation,

Appoints the Rt. Hon. the Lord Devlin, P.C., Q.C. (United Kingdom), as judge of the Administrative Tribunal of the International Labour Organisation for a period of three years; and

Appoints Professor H. Armbrüster (Federal Republic of Germany) as deputy judge of the Administrative Tribunal for a period of three years.

This resolution shall take effect immediately.

1 Adopted on 26 June 1964.
Additional Texts Adopted by the International Labour Conference at Its 48th Session

(Geneva, 1964)

Amendments to Articles 48, 49, 50, 53 and 54 of the Standing Orders of the Conference

The Conference had before it the report of the Standing Orders Committee, the relevant passages of which are as follows:

3. The Committee had before it proposed amendments to articles 48, 49, 50, 53 and 54 of the Standing Orders of the Conference consequential upon the coming into force of the Constitution of the International Labour Organisation Instrument of Amendment, 1962. These proposals were set forth in the Note concerning Standing Orders Questions placed by the Governing Body of the International Labour Office before the Conference at its 48th Session.

4. The Committee was agreed that formal changes were required in Section G of the Standing Orders of the Conference, concerning Governing Body elections, as a result of the coming into force of the Constitution of the International Labour Organisation Instrument of Amendment, 1962, which altered the composition of the Governing Body.

5. The Committee accordingly unanimously recommends to the Conference that it make the following modifications in that Section:

(a) References in article 48, article 49, paragraph 3, and article 54, paragraphs 1 and 2, to ‘ten’ States selected by the Government electoral college should be altered to ‘fourteen’.

(b) Article 50, paragraph 2, should provide for the election, by the Employers’ and Workers’ electoral colleges, of ‘twelve’ persons as regular members of the Governing Body, instead of ‘ten’ as hitherto.

(c) Article 53, concerning reserved seats, should be deleted.”

Amendments to Articles 2, 12, 21 and 27 of the Financial Regulations

In accordance with three resolutions adopted by the Conference on 26 June 1964, articles 2, 12, 21 and 27 of the Financial Regulations were amended as shown below.

These amendments were necessary to bring into effect a series of interrelated measures proposed by the Governing Body in order to safeguard the cash position

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The Conference adopted on 19 June 1964 the report of the Standing Orders Committee without discussion.
of the Organisation, while at the same time reducing the financial burden on member States through the 1965 budget caused by the substantial withdrawals that had had to be made from the Working Capital Fund at the close of the 1963 financial year.

**Article 2: Amended Text with Effect from 1 January 1965**

1. For every financial year, estimates shall be made of the expenditure to be incurred by the Organisation.

2. The estimates shall be divided into separate parts—
   (a) for the ordinary budget;
   (b) for unforeseen expenditure;
   (c) for the Working Capital Fund when it is necessary to ask for contributions, or to restore advances, to this Fund; and
   (d) for such other expenditures as it may be decided to make provision for.

3. The parts referred to in paragraph 2 shall be divided into chapters and items corresponding to the various services or categories of expenditure.

**Article 12: Amended Text with Effect from 1 January 1965**

Receipts other than contributions payable by governments, such as receipts from the sale of publications and other miscellaneous sources and interest, shall be paid into the part of the Working Capital Fund which stands to the credit of the Organisation, except in so far as the Conference may decide otherwise. Receipts from the sale of publications shall be on a net basis, after offsetting the cost of reprints required for sales purposes.

**Article 21, Paragraph 2: Amended Text**

2. If in any financial year any sum withdrawn from the Working Capital Fund to finance budgetary expenditure pending receipt of contributions or other income cannot be reimbursed in the course of the financial year owing to the fact that total budgetary income for the year falls short of total budgetary expenditure, the reimbursement of such sum shall be a first charge against arrears of contributions received by the Organisation up to 31 December of the succeeding year; if the arrears so received are insufficient to cover the full reimbursement of such sum the balance shall be reimbursed to the Fund by including an appropriate credit in the budget for the third year succeeding the year in which the said withdrawal occurred.

**Article 27, Paragraph 1: Amended Text**

1. If the difference between budgetary receipts and expenditure in any complete financial year constitutes a credit balance, this credit balance shall be used to reduce the contributions of Members in the following way: Members which paid their ordinary contributions in the year in which the credit balance accrued shall be credited with their share of the credit balance in the income budget of the second year following; other Members shall not be credited with their share until they have paid the contributions due from them for the year in which the credit balance accrued. When they have done so they shall be credited with their share in the next budget adopted after such payment.

**Paragraph 2**

(This paragraph is deleted.)
Recommendations contained in the Programme of the International Labour Organisation for the Elimination of "Apartheid" in Labour Matters in the Republic of South Africa

D. Recapitulation

144. It remains to recapitulate the I.L.O. programme for the elimination of apartheid in labour matters in the Republic of South Africa outlined in this document.

145. The programme concentrates in the first instance on three broad areas, namely—
equality of opportunity in respect of admission to employment and training;
freedom from forced labour (including practices which involve or may involve an element of coercion to labour);
freedom of association and the right to organise.

146. The programme concentrates on these matters in the first instance for four reasons:
they are the fundamentals of freedom and dignity;
well-established standards approved by the International Labour Conference with near unanimity exist in respect of all of them; these standards give expression to principles proclaimed in the Declaration of Philadelphia as being among the aims and purposes of the International Labour Organisation;
the widespread acceptance of these standards in Africa generally, and in substantial measure by South Africa's immediate neighbours in southern Africa, refutes the suggestion that the "present stage of social and economic development" of South Africa, which is generally conceded to be technically the most advanced of all African countries, precludes their immediate application there;
they have all been the subject of an exhaustive inquiry by authoritative I.L.O. bodies which affords an objective basis for the formulation of recommendations relating to them.

147. The programme is concerned at this stage with the elimination of apartheid; it cannot encompass the whole future of social policy in South Africa which is essentially the responsibility of all the people of South Africa. It is therefore essentially a statement of the changes in the law of South Africa required to eliminate the practices which the Security Council of the United Nations has unanimously found to be "abhorrent to the conscience of mankind". As the Security Council has also unanimously recognised the objective of such changes should be "full peaceful and orderly application of human rights and fundamental freedom to all inhabitants of the territory as a whole, regardless of race, colour or creed", this will require new policies for the future to replace the policies and legislation which it is proposed to eliminate; the detailed formulation of such policies would represent an essential further stage in the programme. This second stage should be undertaken in the closest co-operation with the United Nations.

148. The principles on which the first stage of such a programme should be based may be summarised as follows:

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1 See footnote 1, p. 1.
South Africa should recognise and fulfil its undertaking to respect the freedom and dignity of all human beings, irrespective of race, and as a first step in this direction should—

promote equality of opportunity and treatment in employment and occupation irrespective of race;

repeal the statutory provisions which provide for compulsory job reservation or institute discrimination on the basis of race as regards access to vocational training and employment;

repeal all legislation providing for penal sanctions for contacts of employment, for the hiring of prison labour for work in agriculture or industry, and for any other form of direct or indirect compulsion to labour, including discrimination on grounds of race in respect of travel and residence, which involves racial discrimination or operates in practice as the basis for such discrimination;

repeal the statutory discrimination on grounds of race in respect of the right to organise and to bargain collectively, and the statutory prohibition and restrictions upon mixed trade unions including persons of more than one race, and so to amend the Industrial Conciliation Acts that all workers, without discrimination of race, enjoy the right to organise and may participate in collective bargaining.

149. If these principles were to be accepted as the basis of a programme for the elimination of apartheid, the Government of the Republic of South Africa should take the following action to make them effective:

As Regards Admission to Employment and Access to Vocational Training:

The Government of the Republic of South Africa should—

repeal or amend all legislative provisions whose effect is to create inequality of opportunity and treatment between persons of different races as regards access to vocational training, particularly the Bantu Education Act, 1953, the Coloured Persons Education Act, 1963, and the Extension of University Education Act, 1959, and reorganise the educational system so as to ensure to persons of all races equality of access to vocational training at all levels;

repeal all provisions establishing discrimination between persons of different races as regards choice of employment and access to particular employments, particularly section 77 of the Industrial Conciliation Act, 1956, and the determinations made thereunder, section 12 (2) of the Mines and Works Act, 1956, the regulations made thereunder, sections 14, 15 and 16 of the Native Building Workers Act, 1951, section 4 (1) (a) of the Motor Carrier Transportation Amendment Act, 1959, the proviso to section 11 (1) (e) and section 49 of the Nursing Act, 1957, and all other provisions of this Act which establish discrimination on the basis of race in the organisation of the nursing profession;

take all possible positive measures to promote equality of access of members of all races to all forms of employment in practice;

amend all provisions which establish discrimination in the determination of wages and other conditions of employment as between persons of different races, and particularly amend sections 1 (1) (xii), 48 (3), 49 (12) and 51 (12) of the Industrial Conciliation Act, 1956, so as to permit all workers, without any distinction based on race, to enjoy the protection of collective agreements and awards, and section 5 (b) of the Wage Act, 1957, so as to ensure the application of the same criteria in fixing the remuneration of workers of all races.
As Regards Measures Having the Effect of Compulsion to Labour:

The Government of the Republic of South Africa should—

*repeal* the provisions relating to labour bureaux contained in the Native Labour Regulation Act, 1911, and the regulations issued thereunder on 6 January 1959, which grant the authorities extensive powers for the direction of "native" labour, and bring persons of African race within the scope of the employment service established under the Registration for Employment Act, 1945, on a footing of equality with workers of other races;

*repeal* the provisions regulating the entry of "natives" into urban areas and "proclaimed" areas and their stay in such areas contained in the Natives (Urban Areas) Consolidation Act, 1945, and the regulations issued under that Act;


*repeal* the vagrancy provisions contained in the Natives (Urban Areas) Consolidation Act, 1945, and *amend* the vagrancy provisions of general application contained in the Work Colonies Act, 1949, so as to bring the definition of the offences created by these provisions into conformity with the generally accepted meaning of vagrancy;

*repeal* the provisions for penal sanctions for breaches of contracts of employment contained in the Native Labour Regulation Act, 1911, the regulations issued under the Natives (Urban Areas) Consolidation Act, 1945, the provincial Masters and Servants Acts; and section 10 (7) of the Native Building Workers Act, 1951

*amend* section 75 of the Prisons Act, 1959, so as to prohibit the hiring of prisoners to or their placing at the disposal of private individuals, companies or associations, and to discontinue all existing arrangements and practices for such hiring out of prisoners;

*grant* persons of African race the same protection and guarantees as are accorded to persons of other races under general criminal law, and to this end in particular *repeal* section 9 of the Native Administration Act, 1927, under which native commissioners are granted criminal jurisdiction over "natives", and the Natives (Prohibition of Interdicts) Act, 1956.

As Regards Freedom of Association and the Right to Organise:

The Government of the Republic of South Africa should—

*repeal* the statutory provisions which exclude workers of African race and their trade unions from the operation of the Industrial Conciliation Act and involve discrimination against such workers which is inconsistent with the principles that workers without distinction whatsoever should have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation and that all workers' organisations should enjoy the right of collective bargaining;

*remove* the discrimination at present made against workers of African race, by section 18 of the Native Labour (Settlement of Disputes) Act, 1953, in respect of the exercise of the right to strike;

*repeal* the provisions of sections 8 (6) (e), 21 (5) and 37 (4) (c) of the Industrial Conciliation Act, which prohibit registered trade unions from appointing or electing persons of African race as officials, office-bearers or representatives and which are incompatible with the principle that workers' organisations should have the right to elect their representatives in full freedom;
repeal section (4) (6) of the Industrial Conciliation Act, which prohibits the future registration of mixed unions, section 4 (3) (c) and (d), which discriminates against mixed unions in respect of the lodging of objections against the registration of a rival union, section 7 (2) and (6), which discriminate against mixed unions in respect of variations of the scope of a union's registration, and that part of section 14 (1) which, as a consequence, provides for the de-registration of mixed unions, and section 6, which provides for the splitting up and division of the assets of mixed unions, all of which provisions are not compatible with the generally accepted principle that workers, without distinction whatsoever, should have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation, with the principle that all workers' organisations should enjoy the right of collective bargaining, or with the principle that workers' organisations should have the right to organise their administration and activities and that the law of the land should not be such as to impair, nor should it be so applied as to impair, the exercise of this right;

repeal the provisions of section 8 (3) (a) (i) (aa) and (bb) and (ii) of the Industrial Conciliation Act, with respect to the organisation, in registered trade unions, of separate branches for "white persons" and "coloured persons" respectively and the holding of separate meetings by the separate branches, which are not compatible with the generally accepted principle that workers' organisations should have the right to draw up their constitutions and rules and to organise their administration and activities, and the provisions of section 8 (3) (a) (i) (cc) and (iii) reserving to "white persons" the right to be members of the executive committees of such trade unions, which are not compatible with the principle stated above or with the principle that workers' organisations should have the right to elect their representatives in full freedom;

enact legislative measures to extend to workers of African race and to other workers who, by virtue of other provisions of the Act, cannot become members of or may cease to be entitled to be members of trade unions registered or registrable under the Act, the application of the provisions of sections 66 and 78 (1) of the Industrial Conciliation Act concerning the protection of the right to organise which at present safeguard only the members of organisations registered under the Act:

repeal the provisions of section 77 of the Industrial Conciliation Act respecting the reservation of particular employments to members of particular races, which, so far as African and other workers who, by virtue of other provisions of the Act, cannot become members of or may cease to be entitled to be members of trade unions registered or registrable under the Act are concerned, tend to prevent the negotiation by collective agreement of better terms and conditions, including terms and conditions governing access to particular employments, and thereby to infringe the rights of the workers concerned to bargain collectively and to promote and improve their living and working conditions, which are generally regarded essential elements of freedom of association;

extend the application of the provisions of section 2 (3) of the Suppression of Communism Act, 1950, which exclude from the liability to be declared an "unlawful organisation" under section 2 (2) of the Act trade unions which are registered under the Industrial Conciliation Act, to trade unions of workers of African race and to other trade unions which are not registered or registrable under the Industrial Conciliation Act;

enact measures, having regard to the assurance given by the Government of South Africa to the Governing Body Committee on Freedom of Association that "the activities of bona fide trade unions are not affected by section 21" of the
General Law (Amendment) Act, 1962, relating to the offence of sabotage, to make it clear that the expression "bona fide trade unions" in this connection includes trade unions of workers of African race and other trade unions which are not at present registered or registrable under the Industrial Conciliation Act.

* * *

150. Changes so far-reaching would inevitably involve a complete recasting of labour legislation, social services and industrial relations in the Republic of South Africa. In the formulation of further plans for this purpose, designed to achieve the objective indicated by the resolution unanimously adopted by the Security Council of resolving the present situation in South Africa, with the co-operation of the Government of South Africa, "through full, peaceful and orderly application of human rights and fundamental freedom to all inhabitants of the territory as a whole, regardless of race, colour or creed", the International Labour Organisation should be prepared to play an appropriate part, in co-operation with the United Nations.
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INTRODUCTION

1. The Committee on Freedom of Association set up by the Governing Body at its 117th Session (November 1951) met at the International Labour Office, Geneva, on 4 and 5 November 1963. In the absence of its Chairman, Mr. Roberto Ago, former Chairman of the Governing Body, the Committee met under the chairmanship of Mr. Henry Hauck.

2. In accordance with the procedure laid down in paragraph 12 of its 29th Report, as amended by paragraph 5 of its 43rd Report, the Committee recommends the Governing Body to examine the present report at its 158th Session.

3. The Committee considered (a) 22 cases in which the complaints had been communicated to the governments concerned for their observations, namely the cases...

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2 The 73rd, 74th and 76th Reports of the Committee on Freedom of Association were considered and approved by the Governing Body at the beginning of its 159th Session (June-July 1964); the Government representative of Poland stated that he was unable to endorse the Committee's conclusions on the basis of the papers before the Governing Body; this attitude was shared by the Government representative of the Ukraine; the Government representative of the U.S.S.R. indicated that for reasons repeatedly given in the past he would not take part in the decisions on the Committee’s recommendations.
Reports of the Committee on Freedom of Association

relating to Uruguay (Case No. 264), Argentina (Case No. 308), Ecuador (Case No. 316), Finland (Case No. 328), Greece (Case No. 333), Argentina (Case No. 334), Peru (Case No. 335), Cameroon (Case No. 338), Greece (Case No. 341), Ceylon (Case No. 343), Argentina (Case No. 346), Venezuela (Case No. 347), Honduras (Case No. 348), Panama (Case No. 349), Dominican Republic (Case No. 350), Greece (Case No. 353), Chile (Case No. 354), Spain (Case No. 356), Congo (Leopoldville) (Case No. 357), Morocco (Cases Nos. 361 and 362) and United Kingdom (British Guiana) (Case No. 366), and (b) a complaint relating to Sierra Leone (Case No. 322), which was submitted to the Committee for an opinion prior to being communicated to the government concerned.

4. The Committee adjourned until its next session its examination of the cases relating to Argentina (Case No. 334), Peru (Case No. 335), Ceylon (Case No. 343), Argentina (Case No. 346), Panama (Case No. 349), Chile (Case No. 354), Spain (Case No. 356), Congo (Leopoldville) (Case No. 357), Morocco (Cases Nos. 361 and 362) and United Kingdom (British Guiana) (Case No. 366), with respect to which it had not yet received the observations of the governments concerned, and the cases relating to Greece (Cases Nos. 341 and 353) and Venezuela (Case No. 347), with respect to which the observations of the governments concerned were received too late to permit of their being examined at the present session. With regard to the cases relating to Argentina (Case No. 346), Panama (Case No. 349) and Congo (Leopoldville) (Case No. 357), the Committee took note of communications from the governments concerned indicating that observations will be furnished.

5. The Committee adjourned until its next session its examination of the case relating to the Dominican Republic (Case No. 350), with regard to which the Committee had before it certain general comments addressed by the Government to the United Nations and transmitted by the latter to the I.L.O. The Committee requests the government concerned to be good enough to address its detailed observations on the specific allegations directly to the I.L.O.

6. In the present report the Committee submits for the approval of the Governing Body the conclusions which it has now reached concerning the remaining cases before it, namely the cases relating to Uruguay (Case No. 264), Argentina (Case No. 308), Ecuador (Case No. 316), Finland (Case No. 328), Greece (Case No. 333), Cameroon (Case No. 338) and Honduras (Case No. 348), and the complaint relating to Sierra Leone (Case No. 322). These conclusions may be briefly summarised as follows:

(a) the Committee recommends that the complaint relating to Sierra Leone (Case No. 322) should, for the reasons indicated in paragraphs 7 to 12 of this report, be dismissed without being communicated to the government concerned;

(b) the Committee recommends that, for the reasons indicated in paragraphs 13 to 42 of this report, the cases relating to Finland (Case No. 328) and Cameroon (Case No. 338) should be dismissed as not calling for further examination;

(c) with regard to the cases relating to Uruguay (Case No. 264), Ecuador (Case No. 316) and Honduras (Case No. 348), the Committee, for the reasons indicated in paragraphs 43 to 115 of this report, has reached certain conclusions to which it wishes to draw the attention of the Governing Body;

(d) with regard to the cases relating to Argentina (Case No. 308) and Greece (Case No. 333), the Committee, for the reasons indicated in paragraphs 116 to 134 of this report, has presented an interim report stating certain conclusions to which it wishes to draw the attention of the Governing Body.
**Case No. 322:**

**Complaint Presented by the Sierra Leone Trades Union Congress against the International Confederation of Free Trade Unions**

7. The complaint of the Sierra Leone Trades Union Congress is contained in a telegram addressed to the I.L.O. on 25 January 1963 and indicating that its signatories were Mr. George Thomas, M.B.E., and Mr. Marcus C. Grant, M.P., respectively President and General Secretary of the Congress.

8. On 8 February 1963 the Director-General wrote to Mr. Grant, in his capacity as General Secretary of the Sierra Leone Trades Union Congress, informing him, in accordance with the procedure for the examination of allegations of infringements of trade union rights, of the right of his organisation to furnish further information in substantiation of the complaint within a period of one month. No reply to that letter has been received.

9. The Director-General decided to submit the complaint in question to the Committee, for its opinion, pursuant to the provision in the procedure according to which, if he should have any difficulty in deciding whether a particular complaint can be regarded as sufficiently substantiated to justify his communicating it to the government for observations, it is open to him to consult the Committee before taking such action.¹

10. The complaint consists of a protest, in vague and general terms, against the International Confederation of Free Trade Unions for allegedly aiding and abetting the Sierra Leone Council of Labour in splitting “certain unions” in abuse of legislation to make effective the “I.L.O. Freedom of Association Convention”, thus destroying the trade union structure and provoking trade union warfare and consequent industrial unrest.

11. This is a complaint submitted by a national trade union organisation against an international organisation of workers. While the Committee has had no previous case in which one workers' organisation has complained against another one without also bringing in the government concerned expressly or impliedly as a party alleged to be answerable at least by default, there appears to be nothing in the mandate of the Committee or in the procedure for the examination of allegations relating to freedom of association, as outlined in the First Report of the Committee, which specifically requires a complaint of alleged infringements of trade union rights to be made against a government in such terms as to render the complaint irreceivable because it complains expressly of acts committed by another trade union. Such a complaint against another organisation, if couched in sufficiently precise terms to be capable of examination on its merits, may nevertheless bring the government of the country concerned into question—for example, if the acts of the organisation complained against are wrongfully supported by the government or are of a nature which the government is under a duty to prevent, by virtue of its having ratified an international labour Convention. This the Committee can only ascertain after examining the substance of the complaint. Thus, the Committee has never regarded as irreceivable complaints concerning union security arrangements which have been in essence complaints by one organisation against another, even though it has subsequently rejected such complaints when the evidence has shown that a government has not imposed union security by law but has permitted union security to be effected in practice, an attitude which, as the Committee has pointed out, does not

¹ See Ninth Report, para. 23 (d).
involve a breach of one of the I.L.O. Conventions relating to freedom of association. In the present case, however, the complaint presented, even if not technically irreceivable, would not appear to call for further consideration by the Committee because, in addition to the fact that it does not make any specific allegation as to acts by the Government or employers of Sierra Leone, it contains no substantiated evidence of any precise cases of interference by the other trade union organisation concerned.

12. In these circumstances, and having regard to the fact that the complainants have not availed themselves of the opportunity offered to them to furnish further information in substantiation of their complaint, the Committee recommends the Governing Body to decide that it should be dismissed without being communicated to the government concerned.

CASES WHICH THE COMMITTEE CONSIDERS DO NOT CALL FOR FURTHER EXAMINATION

Case No. 328:

Complaint Presented by the Finnish Trade Union Federation (Suomen Ammattijärjestö) against the Government of Finland

13. The complaint of the Finnish Trade Union Federation (Suomen Ammattijärjestö) (S.A.J.) is contained in a communication addressed directly to the I.L.O. on 18 February 1963. This complaint was supported on 28 February 1963 by the International Confederation of Free Trade Unions (I.C.F.T.U.), to which the S.A.J. is affiliated.

14. The complaint of the Finnish Trade Union Federation accompanied by the supporting communication from the I.C.F.T.U. was transmitted to the Government of Finland by a letter from the Director-General dated 1 April 1963.

15. In the absence of the observations expected from the Government, the Committee decided at its 34th Session, held at Geneva on 27 May 1963, to adjourn its examination of the case to its next session.

16. This decision by the Committee, together with the text of a further communication dated 29 May 1963 from the complainants, was brought to the attention of the Government by a letter dated 12 June 1963. The Government replied by a communication dated 18 June 1963.

17. Finland has ratified both the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

18. The complainants allege that on 14 December 1962 the Ministry of Finance, which is in charge of governmental industrial relations, issued directives to all government departments to start negotiations with the workers’ organisations most representative of employees in the service of the State, for the purpose of renewing the collective agreement, notice of whose termination had been given by the trade unions.

19. In the implementation of these directives, the Deputy Minister of Finance, Mr. Onni Koski, who is also a member of the Executive Committee of the Confederation of Finnish Trade Unions (S.A.K.), is said to have invited the representatives of trade unions affiliated to the S.A.K. who are state employees to take part in the negotiations. This invitation is said to have been extended to the Seamen's Union, which is an affiliate of the Finnish Trade Union Federation (S.A.J.) and which covers workers on the ferry boats and dredgers owned by the State.

20. When negotiations began, the President of the Seamen's Union is said to have requested that representatives of the Federation of Railwaymen's Unions and of the Steel and Machine Shop Workers' Union, both of which are affiliated to the S.A.J., should be invited to take part, as having members working in state-owned undertakings. It is stated that the representatives of these unions were refused permission to take part in the
negotiations and were asked to leave the meeting. As a consequence, and in protest against this discriminatory attitude, the Seamen’s Union is said also to have withdrawn.

21. When it was confirmed that the Government had definitely decided not to negotiate with unions unaffiliated with the S.A.K., except for the Seamen’s Union, the latter warned the authorities on 4 January 1963 that unless negotiations were started before 18 January with all unions having members employed by the State, the operations of the ice-breakers belonging to the State would be suspended in waters north of the port of Mäntyluoto.

22. On 7 January 1963 the Seamen’s Union was informed that authorisation had been obtained for negotiations on the conditions it had demanded. When the negotiations were about to resume, it was found that three national unions, all belonging to the S.A.J., were still being subjected to discrimination by not being authorised to take part.

23. In these circumstances the Seamen’s Union extended the blockade of the ice-breakers to all Finnish ports and to all boats owned by the State as well as to municipal harbour ice-breakers.

24. Such was the position when the complaint was filed. The complainants, in conclusion, declare that they consider that the attitude of the Government was in violation of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and in particular of Article 4. The complaint states: “While stopping of the infringement of right to organise and collective bargaining is most important for the trade union freedom, we kindly ask the International Labour Office to deal with this case as soon as possible.”

25. On 29 May 1963 the complaining organisation sent a letter to the Director-General informing him that it intended to withdraw its complaint. The reason given for this action was that the Government of Finland had nominated a representative of the S.A.J. as adviser to the Finnish Workers’ Delegation to the 47th Session of the International Labour Conference, an action that marked a departure from a policy of discrimination against the S.A.J.; the latter wished to withdraw its complaint so as to contribute on its side to the détente that seemed to be setting in on both sides.

26. The Government for its part, recalling in a communication dated 18 June 1963 that the S.A.J. had withdrawn its complaint, said that it considered that there was no need to make any observations in these circumstances.

27. On previous occasions when the Committee has been placed in a similar position it has expressed the view that the desire shown by a complaining organisation to withdraw its complaint, while constituting a factor to which the greatest attention must be paid, is not, however, in itself sufficient reason for the Committee to cease automatically to proceed with the examination of the complaint. The Committee has considered that it should be guided in this respect by the conclusions approved by the Governing Body in 1937 and 1938 with regard to two representations submitted by the Madras Labour Union for Textile Workers and by the Société de bienfaisance des

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1 See 12th Report of the Committee, Case No. 66 (Greece), para. 157, and 34th Report, Case No. 130 (Switzerland), para. 24.
2 In this case concerning the representation submitted by the Madras Labour Union for Textile Workers and the later request by the union for the Governing Body to defer further action, the Governing Body adopted a report by a committee it had set up which contained the following passages:

3. . . . The Committee noted that in the case before it there is no question of the representation being withdrawn. In such a case it might be necessary for the Committee to enquire fully into all the circumstances in order to satisfy itself that no improper pressure had been applied in order to secure the withdrawal of the representation. No question of that kind arises in the present case in which the organisation responsible for the representation merely requests the suspension of the proceedings.

4. Since the proceedings upon a representation are at all times under the control of the Governing Body, it is for the Governing Body to decide whether they shall be suspended. This is indeed recognised in the communication from the Madras Labour Union of Textile Workers which confines itself to “suggesting” that further action in this matter be “deferred”. It will however be natural for the Governing Body, even though it must take its decision upon its own responsibility, to attach very great weight to the fact that the association which made the representation no longer wishes to press it. (Official Bulletin, Vol. XXII, No. 2, 15 July 1937, p. 65.)
travailleurs de l'île Maurice in accordance with article 23 (now article 24) of the Constitution of the I.L.O. The Governing Body at that time established the principle that, from the moment a representation was submitted to it, it alone was competent to decide what effect should be given to it and that "the withdrawal by the organisation making the representation is not always proof that the representation is not receivable or is not well-founded". The Committee considers that, in implementing this principle, it is free to evaluate the reasons given to explain the withdrawal of a complaint and to investigate whether these appear sufficiently plausible to lead one to believe that the withdrawal is made in complete independence.

28. The Committee has observed that cases might exist in which the withdrawal of a complaint by the organisation presenting it would be a result not of the fact that the complaint had become without purpose, but of pressure exercised by the government against the complainants, the latter being threatened with an aggravation of the situation if they did not consent to this withdrawal.2

29. In this particular case, however, the Committee is of the opinion that the reasons given by the complaining organisation for withdrawing its complaint contain nothing to lead to the supposition that the organisation did so otherwise than voluntarily, and the Committee recommends the Governing Body to decide that there is no ground for it to pursue further its examination of the case.

Case No. 338:

Complaint Presented by the Cameroon Confederation of Unions of Believers against the Government of Cameroon

30. By a communication dated 20 May 1963 addressed directly to the I.L.O., the Cameroon Confederation of Unions of Believers (C.C.T.C.) alleged violation of freedom of association in Cameroon. After being informed of its right to submit further information in support of its complaint, the complainant supplied such information in several communications dated respectively 12, 17, 18 and 26 July 1963.

31. The original complaint and the further information submitted in support were transmitted to the Government for its observations as each item was received, and the Government replied by a communication dated 31 August 1963.

32. Cameroon has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

33. The complaint by the General Secretary of the Cameroon Confederation of Unions of Believers, to which a considerable volume of documentation was appended, contains allegations stating essentially that, in the view of the author of the complaint, the C.C.T.C. was dissolved in irregular circumstances. This is why the complainant refuses to admit that any such dissolution has really taken place, and protests against the measures resulting, namely eviction of the C.C.T.C. from the premises it occupied

1 In this case, which concerned the representation submitted by the Société de bienfaisance des travailleurs de l'île Maurice and the later request by that organisation asking the Governing Body to suspend the examination of the representation because the "British Government had appointed a Committee of Enquiry in Mauritius in order to establish other conditions of work in that country", the Governing Body adopted a report by a committee it had set up which contained the following passage:

3. Mr. Curé's communication does not entail the automatic withdrawal of the representation from the agenda of the Governing Body. Indeed, when a representation is made to it, the Governing Body alone is competent to decide what effect shall be given to it. The withdrawal by the organisation making the representation is not always proof that the representation is not receivable or is not well founded. (Official Bulletin, Vol. XXIII, No. 2, 30 June 1938, pp. 60-61.)

2 See 12th Report of the Committee on Freedom of Association, Case No. 66 (Greece), para.158; 34th Report, Case No. 130 (Switzerland), para. 24.
and occupation of those premises by another organisation, and refusal of representation for the C.C.T.C. on the various advisory bodies provided for in the Labour Code and the regulations adopted for the application of that Code. The complainant supplied numerous documents in support of its assertions with regard to the above-mentioned measures.

34. According to the complainant, the meeting which resulted in the dissolution of the two existing Christian organisations—the C.C.T.C. and the U.C.T.C. (Cameroon Union of Believing Workers)—and in the establishment of a single central body known as the Cameroon Union of Believers’ Trade Unions (U.S.C.C.), took place in irregular circumstances. It is alleged that the above-mentioned dissolution and the establishment of a single central body are a mere manoeuvre intended to conceal the true situation. The complainant gives a somewhat confused description of the events in question and states that the true facts are that the C.C.T.C. and the U.C.T.C. decided to merge in order to come under the sole leadership of the C.C.T.C., which is the complainant.

35. The Government’s reply gives a very different version of the situation. It states first of all that early in 1962, following several meetings and on the initiative of the trade union leaders at the national level, at the regional level (leaders of the Pan-African Union of Believing Workers) and at the international level (leaders of the I.F.C.T.U.), a trend had emerged in favour of regrouping the two trade unions of believing workers then existing in Cameroon in a single organisation.

36. For this purpose an extraordinary congress of believing workers was organised at Yaoundé on 9 September 1962 under the joint auspices of the C.C.T.C. and the U.C.T.C. —the complaining organisation. The Government states that during this congress, which was marked by numerous incidents, it soon became clear that Mr. Enama (the signatory of the complaint) was in favour of unity, but for his own exclusive benefit. It was then, according to the Government’s statement, that a proposal was made, not for union of the two organisations under section 24 of the Labour Code, for which unanimous agreement had at one time been hoped, but for legal dissolution of the two organisations by their general meeting and the subsequent creation of a new unified central organisation of believing workers. It was this double procedure, which Mr. Enama was unable to prevent, that the extraordinary congress decided to follow. The congress, constituting itself as a general meeting, dissolved the two existing organisations and thereupon drew up the rules and regulations of the new central body, which was given the name of Cameroon Union of Believers’ Trade Unions (U.S.C.C.). These rules and regulations, which were officially deposited a few days later, were recognised by the Administration as satisfying the legal requirements, and a receipt was issued to the leaders concerned. The new central organisation then became a legal entity, and the property originally held by the two former organisations, the C.C.T.C. and the U.C.T.C., automatically reverted to the new union, the U.S.C.C., in accordance with their own rules and regulations.

37. The Government goes on to state the following: “Only Mr. Enama, whose petty self-sufficiency had caused him to refuse a leading position in the new organisation, disagreed...and he then devised every form of obstacle against the operation of the new central body.” It is stated that his attitude was to make protests and to attempt to retain the premises hitherto occupied by the organisation of which he had been General Secretary and the seats that body had in the various advisory organs. His action was unsuccessful since, according to the Government’s statement, Mr. Enama no longer represented any organisation and the legal dissolution of the central body which he had previously directed meant that he could no longer lay any claim to use of the trade union premises formerly assigned to the C.C.T.C.; that he could no longer lay any claim to the seats formerly allotted to the C.C.T.C. on various advisory bodies on the grounds of its representative character; that he no longer had any right to submit candidatures under the C.C.T.C. label in the first round of elections of employees’ delegates since that body no longer existed and local regulations
state that the first round of elections is restricted exclusively “to the most representative occupational groups, if any”.

38. The Government states finally—and this statement is confirmed by documents appended to its reply—that the International Federation of Christian Trade Unions, by a decision adopted by its World Council, meeting at Berlin from 16 to 18 January 1963, recognises as the only organisation in Cameroon affiliated to the I.F.C.T.U. the Cameroon Union of Believers’ Trade Unions (U.S.C.C.), created by the voluntary merger of the two organisations that formerly existed. The Pan-African Union of Believing Workers has adopted the same attitude.

39. It would appear, first of all from the explanations supplied by the Government, as well as from the documents submitted by it in support of its statement, that the congress to bring about a regrouping of the two organisations of believing trade unions in Cameroon was organised not only with the agreement of both organisations, but under their actual auspices. It also seems that, since no unanimous agreement could be reached for actual union of these two organisations, the majority of participants then decided to constitute the congress as a general meeting and then to bring about the legal dissolution of the existing organisations and the establishment of a new and sole organisation. The evidence before the Committee gives no grounds to believe that the choice or manner of procedure in any way violated democratic rules.

40. It further seems clear from the Government’s observations—and this is in no way refuted by the terms of the complaint, quite the contrary—that the public authorities played no part in the decisions reached, which seem to have been made exclusively by the workers concerned, who met of their own free will in order to endeavour to find a solution to the problem facing them. The Government acted merely in order to legalise the decisions freely adopted by the workers when it received the rules and regulations of the new organisation.

41. With regard to the subsidiary aspects of the complaint (expulsion from trade union premises, and refusal of representation on advisory bodies), since the complainant had ceased to exist by the desire of the workers themselves, it is clear that that organisation (or its leader) could no longer lay any claim to advantages which could not, by definition, be granted to a non-existent body if they were granted to an organisation actually in existence.

42. In these circumstances, considering that the dissolution of the complaining organisation was decided by the free will of a congress convened in a regular manner by all the workers concerned, the Committee is of the opinion that this dissolution or any consequence resulting from it cannot be regarded as having constituted an infringement of trade union rights, and therefore recommends the Governing Body to decide that the case does not call for further examination.

**Definitive Conclusions in the Cases Relating to Uruguay (Case No. 264), Ecuador (Case No. 316) and Honduras (Case No. 348)**

**Case No. 264:**

**Complaint Presented by the Uruguayan Federation of Salaried Employees in Commerce and Industry against the Government of Uruguay**

43. The present case has already been examined by the Committee at its 32nd Session (October 1962), when it was decided to ask the Government for additional information on several aspects of the complaint. This was presented by the Uruguayan Federation of Salaried Employees in Commerce and Industry and set forth in a communication from that organisation dated 14 April 1961, supplemented by another of 26 May 1961. The Government of Uruguay sent its observations by letter dated 21 May 1962 and gave the requested additional information in a letter of 7 May 1963.
44. At its 34th Session (May 1963) the Committee decided to defer consideration of the case until the autumn session because the additional information sent by the Government had arrived too late to be able to be examined in May.

45. Uruguay has ratified both the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

46. The complaint presented by the Uruguayan Federation of Salaried Employees in Commerce and Industry comprises five sets of allegations: the first concerns government interference in the appointment of members of wages councils; the second refers to government interference in the holding of a ballot to determine whether a strike should be continued or called off; the third to collective bargaining without consultation of the most representative trade unions and in spite of their categorical opposition; the fourth to the absence of measures to protect the workers against dismissal for anti-union reasons; and the fifth to a Bill to introduce regulations governing trade unions. Each set of allegations is discussed separately below.

Allegations relating to Government Interference in the Appointment of Workers’ Representatives on Wages Councils

47. The complainants alleged that under the Decision of 10 September 1960 the representatives of the textile workers on the Wages Council for that industry, who had been appointed in accordance with the relevant national legislation and enjoyed the support of the organisation representing the workers concerned, were replaced by persons who enjoyed the trust of the public authorities but were not members of the industry in question and were consequently repudiated by the union directly concerned and all the other workers’ organisations.

48. In its reply dated 21 May 1962 the Government stated that the workers’ representatives were replaced because the situation had arisen for which provision is made in section 14 of the Act of 12 November 1943, namely—

The decisions of the wages councils shall be adopted by a simple majority, but no vote in respect of wages may be taken without such vote being placed on the agenda and without notice thereof being given at least 48 hours beforehand: Provided that a vote may be taken without the foregoing conditions being complied with if it is unanimously so decided. For a vote to be valid all three sectors must be represented by delegates.

In cases where the absence from three sittings of one or more delegates renders it impossible for valid decisions to be taken, any member shall be empowered to request the Ministry of Industries and Labour that substitutes be co-opted to the Council, in accordance with the established procedure.

The Government added that the replacement was consequently effected in accordance with the procedure laid down by law, and that though there exists a right to appeal against administrative decisions (article 309 of the Constitution) to a body completely independent from the political authorities (the Administrative Disputes Tribunal), which has jurisdictional powers and enjoys the utmost confidence of all sectors of public opinion, no appeal had been made to the aforementioned body against the administrative act in question. The Government further stated that national practice had always held that in cases where delegates had to be appointed by the authorities the persons chosen should not be members of the industry involved; that this was how the Executive Power had always understood it; and that the signatory to the complaint himself, Mr. José d’Elía, had also shared this view, even though he now took the opposite stand. As proof it attached a copy of the Official Gazette dated 20 February 1954, in which it is stated that Mr. José d’Elía was appointed by the authorities to be workers’ representative in the plastics industry, in which he had never worked.
49. The Committee observed that, while the complainants contended that the person appointed as workers' representative on the Wages Council came from outside the industry in question—the textile industry in this instance—the Government declared that it had followed the procedure laid down by law for cases of repeated absence of titular members, and that according to national practice representatives appointed by the authorities should not be members of the industry involved, this view having been shared by the signatory to the complaint himself when he agreed on an earlier occasion to his appointment by the authorities as workers' representative on the wages council of an industry in which he had never worked.

50. The Committee observed that section 6 of Act No. 10449 of 12 November 1943 establishing the wages councils stipulates that candidates for election as representatives must be drawn from a list of "salaried and wage-earning employees in the industry or trade or belonging to trade union bodies...".

51. The Committee considered, moreover, that the fact that one of the complainants had at one time shared the Government's viewpoint and accepted appointment as workers' representative on a wages council for an industry in which he had never worked, did not preclude him from adopting a condemnatory attitude now, in a similar case.

52. The Committee felt that the appointment by the authorities, to replace the workers' delegate, of a person from outside the industry concerned appeared to run counter to section 6, quoted above, in which it is stated that the representation of the workers in a given industry on the wages council for that industry should be entrusted to workers in that industry and no other.

53. Before going further into this aspect of the case the Committee decided to ask the Government to give the reasons why members of wages councils appointed by the authorities should be persons from outside the industry concerned and not members of it as stipulated by section 6 of the above-mentioned Act when referring to the election of workers' representatives on wages councils.

54. In its reply of 7 May 1963 the Government states that opinions are divided as regards the conditions which members of wages councils appointed by the authorities are required to fulfil; whereas the chair of labour law in the Faculty of Law, the Executive Power and trade union leaders consider that such members do not have to fulfill the conditions required by law in respect of members nominated by the occupational associations (inter alia, the requirement of belonging to the industry or occupation concerned), a second school of thought—including the Office of the Legal Adviser to the Ministry of Industries and Labour—considers that members appointed by the authorities should fulfill all the said conditions; but neither statute nor doctrine justifies the statement that persons outside the industry or occupation necessarily must be appointed.

55. The Committee observes that there does not appear to be a clear doctrine as to the conditions which members of wages councils appointed by the authorities to complete the membership of the wages councils and notes the Government's view that neither statute nor doctrine justifies the statement that persons outside the industry or occupation must be appointed. The Committee observes that in Uruguay wages are determined in general by a network of wages councils, the function of which is to fix minimum wages.

56. Uruguay has ratified the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26). Under Article 3, paragraph 2, of that Convention "the employers and workers concerned shall 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 national laws or regulations". The principle that it should be "the employers and workers concerned" who should take part in the deliberations and decisions of the wage-fixing body is also set forth in the Minimum Wage-Fixing Machinery Recommendation, 1928 (No. 30).
57. The above principle is embodied in Uruguayan legislation by Act No. 10449 of 1943. However, as regards the appointment of members of wages councils by the authorities, the legal position seems to be doubtful. In these circumstances and having regard to the fact that Convention No. 26 provides for the association of employers and workers "in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by national laws and regulations", the Committee recommends the Governing Body to suggest to the Government that it might care to consider providing that, in the exceptional event of neither the titular nor the deputy workers’ or employers’ representative on a wages council discharging his functions, the member appointed by the authorities shall normally be a person belonging to the industry or occupation concerned.

Allegations relating to Government Interference in the Holding of a Ballot to Determine whether a Strike Should Be Continued or Called Off

58. The complainants alleged that a Decision of 2 March 1961 gave effect to a proposal, originating with an unidentified group of workers in the undertaking concerned and supported by the management, that a ballot be held to determine the desires of the workers with regard to the continuance or calling off of a strike. They added that steps of this kind had been taken without consultation of the most representative organisation and notwithstanding its clear opposition.

59. The Government stated in its first reply that there is no statutory provision forbidding the holding of a ballot—at the request of the workers concerned—to decide whether to end or continue a strike, subject to the guarantees that the ballot be secret and that only workers take part to the exclusion of all outside parties whose interest in the continuance or ending of the strike might be motivated by other than plainly occupational reasons. The Government found it remarkable that an organisation of workers should consider it an act of interference "for the Executive Power to collaborate with a view to the settlement of occupational problems free from coercion" through the guarantee of a secret ballot among those concerned alone with no interference from outside parties who might have ulterior motives. The Government added in conclusion that in this case also no appeal had been made to the Administrative Disputes Tribunal.

60. The Committee observed that, while the complainants alleged interference by the Government in the holding of a ballot to determine whether a strike should be continued or called off, the Government, on its side, found it remarkable than an organisation of workers should consider it an act of interference for the Executive Power to collaborate with a view to the settlement of occupational problems, and felt that before proceeding further with its examination of this aspect of the case it would wish the Government to specify the circumstances which led to the collaboration of the Executive Power and the exact form which this collaboration took.

61. In its letter of 7 May 1963 the Government transmits the text of the decision ordering a ballot to be held among the personnel of the undertaking affected by the strike. This states that the ballot was requested by a group of employees of the company concerned and that, provided exercise of the constitutional right to strike is not thereby restricted, there is no reason why the Government should not accede to their request. Accordingly the Wages Councils Elections Tribunal was entrusted with organisation of the ballot.

62. The Committee has dealt on many occasions with cases in which denial of the right to strike was alleged, and has followed the principle that it is competent in such matters in so far, but only in so far, as the prohibition affects the exercise
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of trade union rights. The Committee observes that in the present case there has been no prohibition of a strike. The Government expressly states that, in consequence of the constitutional provisions which are in force, it is itself unable to adopt measures which would restrict the right to strike, from which it would seem to appear also that the exercise of this right cannot be prohibited by the Government when the results of the ballot are known. The Committee also observed that the organisation of the ballot was entrusted to a permanent, independent body and that the workers enjoyed the safeguard of a secret ballot.

63. The Committee recommends the Governing Body to note the Government's statement that the Constitution does not empower it to restrict the exercise of the right to strike, but to emphasise the desirability, in situations such as that which arose in the present case, of consulting representative organisations with a view to ensuring freedom from any influence or pressure by the authorities which might affect the exercise of this right in practice.

64. The complainants alleged that under a Decree dated 24 January 1961 it is permitted to register multilateral agreements between undertakings and sections of their employees without consultation of the most representative trade unions and in spite of their categorical opposition.

65. The Government first replied that in Uruguay it has always been understood that collective agreements may be concluded not only between members of organisations but also between undertakings and their employees, and that this is the understanding in national legislation, in Bills now under discussion and in the draft Labour Code, which has been signed without dissent by the legal adviser to the Uruguayan Federation of Salaried Employees in Commerce and Industry.

66. The Committee observed that section 1 of the Decree of 24 January 1961 stipulates that "where no collective agreement has been registered by the most representative trade unions, the National Labour Institute is empowered to register agreements between undertakings and their personnel provided they are concluded by the management of the undertaking concerned and at least 70 per cent. of its employees...". The Committee decided to ask the Government for additional information on this aspect of the case.

67. In its reply of 7 May 1963 the Government states that a collective agreement may be concluded between an undertaking and 70 per cent. of its personnel even though an agreement between organisations is being negotiated at the time or it is intended to negotiate one; the personnel of an undertaking cannot be expected, the Government argues, to abstain from reaching an agreement on the leave system which suits it best merely because of a negotiation or intention which is by no means certain to bear fruit.

68. The Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which Uruguay has ratified, calls (in Article 4) for measures "to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment ...". The Collective Agree-

See for instance 28th Report, Case No. 143 (Spain), para. 109, Cases Nos. 141, 153 and 154 (Chile), para. 202, and Case No. 169 (Turkey), para. 297; 47th Report, Case No. 143 (Spain), para. 66; 58th Report, Case No. 221 (United Kingdom (Aden)), para. 109; 65th Report, Case No. 266 (Portugal), para. 77; 71st Report, Case No. 273 (Argentina), para. 62.
73rd Report

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ments Recommendation, 1951 (No. 91), Paragraph 2 (1), defines a collective agreement as an agreement concluded between "an employer, a group of employers or one or more employers' organisations" and "one or more representative workers' organisations or, in the absence of such organisations, the representatives of the workers ...".

69. The Committee observes that the above-mentioned international instruments stress the role of workers' organisations as one of the parties in collective bargaining; they refer to representatives of unorganised workers only when there is no organisation. In these circumstances the Committee considers that direct negotiation between the undertaking and its employees, by-passing representative organisations where these exist, may be detrimental to the principle that negotiation between employers and organisations of workers should be encouraged and promoted.

70. The Committee therefore recommends the Governing Body to draw the attention of the Government to the desirability of considering the possibility of taking steps to give full effect in the legislation to the aforesaid principle of collective bargaining with workers' representative organisations which is enunciated in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Collective Agreements Recommendation, 1951 (No. 91).

Allegations relating to the Absence of Measures to Protect the Workers against Dismissal for Anti-Union Reasons

71. The complainants alleged that the Government had consistently failed to take adequate steps to protect the workers against dismissal from undertakings in an obviously discriminatory manner intended to encroach on freedom of association. They added that the victims of such measures had included officials of the complaining organisation, and that each such matter was brought to the notice of the authorities in due time.

72. The Government stated in its first reply that obviously the Executive Power should confine its activities to ensuring compliance with the law, that any disputes which occur should be settled in accordance with legal procedure, and that only a person unacquainted with the principles governing a law-abiding State could claim that the Executive Power is invading the field of competence of the Judicial Power.

73. The Committee recalled that under Article 1 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which has been ratified by Uruguay, workers must enjoy adequate protection against acts of anti-union discrimination in respect of their employment. The same Article further specifies that such protection shall apply more particularly in respect of acts calculated to cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities. The Committee noted that some of the alleged acts are of the very type that Convention No. 98 seeks to prevent. In view of the importance which the Committee has always attached to faithful observance of the principles embodied in this Convention1, and bearing in mind that Article 3 of the Convention provides that machinery appropriate to national conditions shall be established where necessary for the purpose of ensuring respect for the right to organise, the Committee felt that in order to be able to reach a final decision on this particular allegation in full awareness of the facts it should be informed as to what statutory or other provisions exist for the protection of the workers of Uruguay against any act calculated to cause their dismissal or otherwise prejudice them by reason of union membership, and also as to whether there is machinery to ensure respect for the right to organise.

74. In its reply of 7 May 1963 the Government states that as regards the protection of trade union officers against dismissal, although there is no statute ensuring

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1 See, for example, 14th Report, Case No. 105 (Greece), para. 134; 19th Report, Case No. 92 (Peru), para. 48; 53rd Report, Case No. 232 (Morocco), para. 64.
the employment security of such persons, the rules laid down in Convention No. 98 are applied and Act No. 12030 provides for sanctions in case of infringement.

75. Article 1 of Convention No. 98 provides that "workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment". In this connection the Government points out that any infringement of the provisions of the Convention is punishable under domestic law and that any disputes which occur should be handled in accordance with legal procedure. But Article 3 of the Convention provides further that "machinery appropriate to national conditions shall be established, where necessary" to ensure respect for the right to organise. As the Committee of Experts on the Application of Conventions and Recommendations pointed out in its conclusions in 1959, it may be difficult, if not impossible, for a worker to furnish proof regarding an act of anti-union discrimination against himself, for which reason, the experts stated, in certain countries, "legislation affords special and more extensive protection to leaders of trade unions". It is in such a contingency that the implementation of Article 3 of the Convention is of special importance.

76. In these circumstances, since acts of discrimination against workers, including trade union officers, appear to have been committed—a fact which the Government does not deny—and having regard to the consideration set forth in the preceding paragraph, the Committee recommends the Governing Body to suggest to the Government that it may care to examine the problem of anti-union discrimination in Uruguay and to take special concrete action which will afford adequate protection to workers, as appropriate to national conditions, in accordance with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Allegations relating to a Bill to Introduce Regulations Governing Trade Unions

77. The complainants alleged that the Government intends to approve a Bill dated 15 February 1960 under which—(a) trade unions would be required to obtain previous authorisation to carry on activity; (b) restrictions would be imposed on trade unions with regard to the right to draw up their statutes; (c) the public authorities would be empowered to make the granting of legal personality to occupational organisations subject to certain conditions; and (d) restrictions would be placed on the right to form federations and confederations. In addition, the complainants argued that the Bill fails to give the workers and their organisations any safeguard against what are described in Convention No. 98 as "acts of interference"; that it allows—and even authorises—organisations under the domination of employers to enter into collective agreements; and that it makes the exercise of fundamental trade union rights, such as the right to strike, subject to the completion of formalities in which the representative trade union organisations have no part and over which they have no control. By their communication of 26 May 1961 the complainants sent a copy of the Bill and additional information concerning it.

78. In its first reply the Government said it was remarkable that the complaining organisation should raise this question when it was common knowledge that the Bill had not yet come before Parliament; notwithstanding this, the Ministry of Industries and Labour held the view that the framing of regulations governing trade union activities is a task which irrevocably falls upon the government in a law-abiding State.

79. In a number of cases the Committee has had to decide how far it should go in expressing an opinion on proposed legislation. While in some cases the Committee has recommended the dismissal of allegations in this regard on the grounds either

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that the allegations were too vague\(^1\) or that the Bill in question had not been sponsored by the government\(^2\), it has nevertheless remarked that in the face of precise and detailed allegations concerning a proposed enactment the fact that the allegations relate to a text which does not have the force of law should not of itself prevent the Committee from expressing its opinion on the merits of the allegations made. It has expressed the opinion that in such circumstances it is desirable that the government and the complainants should be made aware of the Committee's point of view with regard to a proposed Bill before this is enacted, in view of the fact that it is open to the government, on whose initiative such a matter depends, to make any amendments which may seem desirable.\(^3\)

80. Although in the present case the Government stated that the Bill has not yet come before Parliament, the Committee was not absolutely clear as to whether it had been completely dropped. In these circumstances the Committee felt that before going further into this aspect of the case it should ask the Government whether there is any likelihood that the Bill in question will come before Parliament at a later stage.

81. In its reply of 7 May 1963 the Government states that the draft trade union regulations of 15 February 1960 were removed from the Bill in which they had been included and that, owing to its defects, the Bill was never considered by Parliament. The Government also states that removal of the draft from the Bill makes it impossible for Parliament to give it formal consideration.

82. In these circumstances the Committee recommends the Governing Body to take note of the above statement by the Government, but expresses the hope that, if any Bill to regulate trade unions should be contemplated in the future, full regard will be had to the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by Uruguay.

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83. In all the circumstances the Committee recommends the Governing Body—

\(a\) to suggest to the Government that it might care to consider providing that, in the exceptional event of neither the titular nor the deputy workers' (or employers') representative on a wages council discharging his functions, the member appointed by the authorities shall normally be a person belonging to the industry or occupation concerned;

\(b\) to take note, as regards the allegation relating to governmental interference in a strike, of the Government's statement that the Constitution does not empower it to restrict the exercise of the right to strike, but to emphasise the desirability, in situations such as that which arose in the present case, of consulting representative organisations with a view to ensuring freedom from any influence or pressure by the authorities which might affect the exercise of this right in practice;

\(c\) to draw the attention of the Government to the desirability of considering the possibility of taking steps to give full effect in the legislation of the principle of collective bargaining with workers' representative organisations, which is enunciated in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Collective Agreements Recommendation, 1951 (No. 91);

\(d\) to suggest to the Government that it may care to examine the problem of anti-union discrimination in Uruguay, having regard to the considerations set forth in

\(^1\) See 11th Report, Case No. 79 (Belgium), paras. 9-10, and Case No. 80 (Federal Republic of Germany), paras. 11-14.

\(^2\) See 14th Report, Case No. 108 (Costa Rica), paras. 81-85.

\(^3\) Ibid., Case No. 105 (Greece), para. 136. See also 15th Report, Case No. 102 (Union of South Africa), paras. 160-165; Case No. 103 (United Kingdom (Southern Rhodesia)), paras. 210-212; 49th Report, Case No. 239 (Costa Rica), para. 329.
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paragraph 75 above, and to take special concrete action which will afford adequate protection to workers as appropriate to national conditions, in accordance with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

(e) to take note, as regards the allegations relating to a Bill to introduce regulations governing trade unions, of the Government's statement that consideration of the draft by Parliament has become impossible, but to express the hope that, if any Bill to regulate trade unions should be contemplated in the future, full regard will be had to the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by Uruguay.

Case No. 316:

Complaint Presented by the Ecuadorian Confederation of Catholic Workers, Employees and Craftsmen against the Government of Ecuador

84. The original complaint submitted on 19 November 1962 by the Ecuadorian Confederation of Catholic Workers, Employees and Craftsmen (C.E.D.O.C.) was forwarded to the Government for its observations by a letter of the Director-General dated 7 December 1962. On 14 January 1963 the complainants submitted a series of additional particulars, of which the Government was notified by a letter of 29 January 1963. Further information was submitted by the complainants in two communications dated 3 and 14 October 1963, which the Committee has regarded as non-receivable under the procedure, because, apart from the lateness of their submission, the communications did not add any important new elements of substance to those contained in the original complaint.

85. The Committee considered the case at its 33rd Session (February 1963) and at its 34th Session (May 1963). In the absence of the information requested from the Government the Committee decided to postpone consideration of the case until its next session. The Government sent its comments by a letter of 1 July 1963.

86. Ecuador has ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

87. In their communication of 19 November 1962 the complainants state that the by-laws of the Works Council set up by workers belonging to C.E.D.O.C. in the State Railways were submitted for approval to the Ministry of Social Welfare and Labour on 13 August 1962. For this purpose 1,587 signatures had been collected from workers in the undertaking, which has a total labour force of 3,030 workers. The requirements of section 423 of the Labour Code had therefore been complied with. The Ministry refused to give its approval to the by-laws in accordance with section 410 of the Labour Code. This resistance on the part of the Ministry continues in spite of the fact that the Chamber of Deputies sent out a committee of inquiry to check on the authenticity of the signatures in question. It is stated that the committee reached the conclusion that there was no reason to refuse to approve the by-laws of the Works Council.

88. In a note dated 14 January 1963 the complainants sent in certain documents to supplement their original complaint. The documents sent in included a list of the workers on the State Railways, which was supplied by the book-keeping department of the undertaking and shows the number of wage earners and salaried employees as being 3,161 (the complainants maintain that the real figure, as shown in the budget estimates, is only 3,030); a copy of an affidavit by the Inspector of Labour from which it seems that 1,587 signatures of workers in the undertaking were lodged in support of the Works Council; original receipts for 164 additional signatures; a copy of the report of the committee of the Chamber of Deputies, stating that not a single forged signature had been discovered and giving figures concerning the railway personnel questions; affidavits
by two leaders of unions affiliated to C.E.D.O.C. who were members of a committee set up by the Ministry of Social Welfare and Labour to check the signatures of the workers supporting the Works Council (affidavits to the effect that the officials of the Ministry and representatives of the management had acted improperly and had engaged in discrimination); a memorandum from the leaders of the Works Council reporting what occurred during this inquiry and alleging that the inquiry served no useful purpose whatsoever; a copy of the by-laws of the Works Council; a copy of the constitution of the Works Council signed by the delegates of local committees; and a copy of the decision of the President of the Republic refusing approval of the by-laws on the grounds that the Works Council does not have the support of a majority of the workers in the undertaking.

89. In its reply dated 1 July 1963 the Government states that it has not been possible to approve the by-laws of the Works Council because the records submitted by the petitioners do not all have the same date, and because they have been tampered with and do not form a single whole. According to the Government this proves that "there was never a genuine constituent assembly, reflecting the unity of action which is an essential feature of a founders' meeting in the proper sense, from which a works council mainly springs". The Government also furnishes a report prepared by the Office of the Legal Adviser of the Ministry of Social Welfare and Labour. This report states that after an application had been made for approval of the by-laws so that the Works Council might acquire legal personality, the existing Ecuadorian Railwaymen's Union opposed approval of the by-laws and requested that a check be made to ascertain whether the Works Council had the support of a majority of the railway workers; that an inquiry be made to discover what local committees were represented by the persons who had notified the authorities of the holding of a national meeting to set up the Works Council; and that it should be ascertained whether local meetings had been held to appoint delegates to the national meeting and whether these persons had the appropriate credentials.

90. It is stated in the report of the Office of the Legal Adviser that in view of this opposition a committee was formed consisting of officials of the Ministry, of the Works Council, of C.E.D.O.C. and of the Railwaymen's Union. The committee travelled along the railway line, asking the workers to what trade union organisation (the Works Council or the Railwaymen's Union) they belonged. This committee ascertained that on a certain part of the line a majority of the workers claimed to belong to the Works Council; that another sector of the labour force was ignorant of the existence of the two trade union organisations, and that in a third sector where the main railway centres are located the great majority (95 per cent.) of the workers said they supported the Railwaymen's Union. The report also states that local meetings were not held to appoint the delegates who took part in the setting up of the Works Council. In any case 95 per cent. of the railway workers had indicated that they were opposed to approval of the by-laws of the Works Council.

91. With regard to the legal aspect of the question the report of the Office of the Legal Adviser states that under section 423 of the Labour Code a works council shall not be deemed to be duly constituted unless over 50 per cent. of the workers in the undertaking attend the founders' meeting. In the present case the meeting was not attended by such a percentage of the workers, and those who attended as delegates were not appointed by local meetings; instead, the signatures submitted to show that more than half of the workers in the undertaking supported the Works Council had been collected over a space of two years. Consequently the statutory prerequisite had not been complied with.

92. In short, the Committee notes from the information submitted to it that, in view of the opposition of the Railwaymen's Union to the approval of the by-laws of the Works Council, the Ministry of Social Welfare and Labour appointed a committee to check whether the Works Council enjoyed the support of a majority of the workers.
The complainants contend that this is an illegal procedure and that in any case the
government representatives and members of the management acted improperly by
giving preference to the Railwaymen's Union and bringing pressure to bear on the
workers in order to prevent its being proved that the Works Council had majority
support. The outcome of the inquiry was that the President of the Republic refused
to approve the by-laws on the grounds that the Works Council did not have the
statutory majority. Referring to the reasons for refusing approval, the Government also
states in its reply that the prerequisites laid down in the Code with regard to the
meeting held to constitute the Works Council were not complied with.

93. Section 423 of the Labour Code of Ecuador provides that a works council may
be set up in every undertaking where 15 or more persons are employed. A works
council shall not be deemed to be duly constituted unless over 50 per cent. of the
workers in the undertaking attend the founders' meeting. By virtue of the functions
assigned to it by section 425 (conclusion of collective agreements, intervention in labour
disputes, economic and social betterment of its members, etc.), a works council is a
union at the level of the undertaking. When it is formed it must have the support of a
majority of the workers in the undertaking and it is granted two special prerogatives:
section 182 provides that where there is a works council it shall be responsible for
negotiating the collective agreement on behalf of all the workers in the undertaking,
and section 448 provides that a strike may be called only by the works council, where
such exists, or failing that by a majority of the workers in the undertaking or factory.

94. The Committee noted in a previous case¹ that, while there is no necessary
incompatibility with Article 3 of the Freedom of Association and Protection of the
Right to Organise Convention, 1948 (No. 87), in a provision for the certification of the
most representative union in a given unit as the exclusive bargaining agent for that
unit, this is the case only if a number of safeguards are provided. The Committee listed
a number of safeguards which corresponded to the practice followed in other countries
that had adopted such a system. These safeguards included provision to the effect that
certification should be by an independent body and that the representative organisation
should be chosen by a majority vote of the employees in the unit concerned.

95. In the case of Ecuador it is laid down by law that for a works council to be
formed the founders' meeting must be attended by over 50 per cent. of the workers
in the undertaking. It emerges from the Government's reply that it considers that there
should be only one meeting. The Committee observes that this requirement may turn out
to be impracticable in the case of a railway undertaking if the line covers an extensive
part of the national territory. The Committee also observes that there appears to be no
definite rule with regard to the procedure to be followed in order to determine whether
a works council has majority support when the undertaking is of the type involved in
this case, and when such majority support is questioned. On the one hand the presiden-
tial decision refusing to approve the by-laws seems to accept the system of signatures
adopted by the Works Council, and bases the refusal on the report of the committee
of inquiry, according to which only a minority of the workers stated they were in
favour of the Works Council; and on the other hand the Government in its reply gives
as a ground for refusing approval that "there was never a genuine constituent assembly
reflecting the unity of action which is an essential feature of a founders' meeting in the
proper sense". Similarly, the report from the Office of the Legal Adviser of the Ministry
of Social Welfare and Labour does not recognise the system of signatures, and empha-
sises that the founders' meeting must be attended by over 50 per cent. of the workers
or that the delegates who attend such a meeting must have been elected at local meetings.

96. Moreover, it emerges from the documents examined by the Committee that there
is no concordance with regard to the facts either. The complainants allege that 1,587
signatures were collected, plus 164 at a later date, making a total of 1,751. This figure

¹ See 67th Report, Case No. 303 (Ghana), para. 292.
would exceed 50 per cent. of the workers in the undertaking, who are said to total 3,030 according to figures supplied by the book-keeping department of the undertaking. The labour inspector involved in this case certifies that he received 1,587 signatures and that this figure "corresponds to over 50 per cent. of the workers on the State Railways". The Government in its reply transmits the report from the Office of the Legal Adviser of the Ministry, which states that it emerges from the investigation that some 95 per cent. of railway workers said they were opposed to the Works Council. On the other hand the presidential decision refusing approval of the by-laws states that the application was accompanied by 1,538 signatures, that the workers of the undertaking total 3,330 and that the committee appointed by the Chamber of Deputies to go into the workers' wishes reported that 1,075 said they were in favour of the Railwaymen's Union, 375 in favour of the Works Council and 133 in favour of both, while 60 resigned from the Works Council and 70 expressed a wish to belong to neither organisation. Subsequently the Chamber of Deputies sent in documents reporting the resignation of 141 workers from the Works Council. A copy of the report of the special committee of the Chamber of Deputies which was sent in by complainants states that not a single forged signature was discovered and that 1,182 workers were questioned, of whom 821 said they were in favour of the Railwaymen's Union and 467 in favour of the Works Council, while 39 did not belong to any organisation. In a few cases the workers were members of both organisations. The report also refers to a total of 3,030 workers in the undertaking.

97. The Committee observes that both the Office of the Legal Adviser and the report of the committee appointed by the Chamber of Deputies agree that on a certain part of the railway line most of the workers stated that they were in favour of the Works Council whereas on another sector a majority were on the side of the Railwaymen's Union. The committee of inquiry explained that it recorded a smaller number of statements of allegiance to the Works Council because it was easier to make the count in the latter sector, where the Railwaymen's Union had a larger number of supporters, and that "it had been very difficult to question permanent way and travelling personnel, among whom there seemed to be large numbers who were members of the Works Council, because it was impossible to find the workers at their place of work".

98. In their allegations the complainants submit particulars of the inquiry carried out by the committee appointed by the Ministry of Social Welfare and Labour. The Government has made no comments on this. According to the complainants, who have forwarded affidavits from two officials of trade unions affiliated to C.E.D.O.C. who accompanied the committee, the officials of the Ministry refused to accept new members of the Works Council, whereas they accepted resignations from it and new members of the Railwaymen's Union. Similarly, preference was given to the meetings organised by the Union and by the State Railways; a number of workers reported that they were coerced into signing for membership of the Union and into resigning from the Works Council. The witnesses also noted that members of the management (one of them a brother of the General Secretary of the Union) organised meetings hostile to the Works Council to give support to the Union.

99. The Committee has always recognised the major importance of the principles embodied in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), that workers should enjoy adequate protection against all acts of anti-union discrimination in respect of their employment and that their organisations should enjoy independence from all interference by employers.

100. On the basis of all the foregoing information the Committee observes that there is a series of discrepancies with regard to the legal interpretation of the procedure applicable to the formation of a works council and with regard to the facts themselves;
with regard to the latter the discrepancies relate to the number of workers in the undertaking and the number of members or supporters of the two trade union organisations, as well as to the appointment of the delegates who attended the meeting held to set up the Works Council. The Committee also notes that in no case do all the workers of the undertaking seem to have been questioned and that in no case have figures been collected that would allow a final judgment to be reached on the number of members of either trade union organisation. On the contrary, the procedure used to check whether the Works Council did or did not have majority support seems to have given rise to acts of discrimination and interference by employers and at any rate to have made it difficult for the workers to express their views freely.

101. In the circumstances the Committee recommends the Governing Body—

(a) to draw the Government's attention to the desirability of introducing, for cases in which there is controversy as to whether a representative trade union organisation enjoys majority support, a system embodying the necessary safeguards to ensure that all the workers concerned will be able to express their views freely and giving effect to the principle that the certification of the representative organisation should be by an independent body and that the organisation should be chosen by a majority vote of the employees in the unit concerned;

(b) to suggest to the Government that it might care to reconsider the position of the Works Council for the State Railways in the light of the foregoing recommendation; and

(c) to draw the attention of the Government to the importance which the Governing Body has always attached to the principles embodied in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), that workers should enjoy adequate protection against all acts of anti-union discrimination in respect of their employment by reason of union membership or because of participation in union activities, and that their organisations should enjoy adequate protection against acts of interference by employers.

Case No. 348:

Complaint Presented by the Standard Fruit Company Workers' Union against the Government of Honduras

102. The original complaint was submitted on 8 July 1963 by the Standard Fruit Company Workers' Union (SITRASFRUCO). A copy of the complaint was forwarded to the Government of Honduras, by letter dated 25 July 1963, for its observations. These were forwarded on 18 September 1963.

103. Honduras has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

104. In the complaint the interference of the public authorities in the internal affairs of the Union is denounced. It is stated in this connection that during the Eighth Congress of SITRASFRUCO on 31 May 1963 the President of the Honduran Republic sent a telegram to the Department Political Governor which read as follows:

I have been informed that in the Eighth Ordinary Congress of the Workers of the Standard Fruit Company there are marked anti-democratic tendencies to obtain the inclusion in the Executive of the Union of elements of noted Marxist affiliation, some of whom have recently travelled in communist Cuba. Since the Constitution of the Republic prohibits all activity contrary to the democratic spirit of the Honduran Republic, please inform the most responsible leaders of the labour movement in this sector of employment that any infiltration of Marxist elements in the ranks of the Executive members will be considered as a practice harmful to
the trade union movement, to worker/employer relations and to relationships between the Government and the workers' trade union organisations. Please get in touch with the trade union leaders of democratic views and inform me concerning the success of these steps designed to reinforce the democratic conquests achieved during the era of the Second Republic.

Affectionately yours,

(Signed) Ramón Villeda Morales,
President of the Republic.

105. The complainants consider that this is a case of interference in trade union activities in contravention of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

106. The complainants also state that, ever since the change in the Executive Committee of the Union was registered with the Directorate-General of Labour, the authorities have declared that registration to be suspended without allowing the right to uphold legally the effects of the registration.

107. In its reply the Government states that the presidential message does not imply any violation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In fact under the National Constitution workers and employers may associate freely for the exclusive purposes of their economic and social activity. It appears that certain leaders of SITRASFRUCO engage in Marxist activities, which are prohibited by the National Constitution. Also under the Labour Code trade unions are not permitted to engage in party activities. In the above-mentioned message the workers were merely reminded that the trade union organisations guaranteed by Honduran legislation are inimical to communist trade union associations. In no case was there any question of limiting the right of election of trade union representatives.

108. The Government also contests the allegation that in suspending the effect of the registration of the new Executive Committee Convention No. 87 was violated. The Government transmits in this connection the documents drawn up by the administrative authorities with regard to the facts related, as well as a copy of the award made on this matter by the Supreme Court of Justice. According to these documents, on 7 June 1963, Mr. Héctor Costa Romero informed the Directorate-General of Labour of the change in the Executive Committee of which he was President. The Directorate-General confirmed that from the formal point of view the change in the Executive Committee had been accomplished legally. A few days later it was reported by the Directorate-General that irregularities had taken place in the election of that committee and the registration of another Executive Committee elected by dissident members of the Congress was requested. What happened was that, when the time came for the election of the new Executive Committee during the Eighth Congress of SITRASFRUCO, some dissident delegates abandoned the meeting and decided to elect their own Executive Committee. This occurred in the night of 31 May-1 June 1963. In view of these facts and faced with the existence of two Executive Committees, the Directorate-General of Labour decided that the election of the trade union representatives would be temporarily without effect until the appropriate investigation had been made and until the defects of the action taken during the Congress had been rectified. The present complainants did not make an appeal against this decision of the Directorate-General.

109. Subsequently another impeachment of the legality of the election of the Executive Committee with Mr. Costa Romero as President was made. According to this a series of irregularities went on during the Congress until finally a group of from 30 to 63 delegates to the Congress withdrew and those who remained decided to give a vote of confidence to the present Executive Committee of the union. In accordance with the position thus described, Mr. Costa Romero informed the Directorate-General of Labour of the appointment of a new Executive Committee. In reality, according to the
rules, the election should proceed by secret ballot, nominal or otherwise, and be carried out by the Council of Delegates. For his part, Mr. Costa Romero contested the terms of the impeachment, rejecting them and explaining that in all cases the provisions of the rules had been complied with.

110. The Ministry of Labour, acting through the Labour Inspectorate in La Ceiba town, carried out an investigation with a view to ascertaining whether the Congress proceeded in conformity with the legal provisions and the rules in force. According to the results of the investigation a series of acts took place which were in contravention of the provisions of the Labour Code and of the rules of the union. Consequently, the Directorate-General of Labour determined that the acts which occurred in the Congress were tainted with nullity and that neither of the two executive committees were valid. Mr. Costa Romero filed an appeal against this determination with the Supreme Court of Justice, which in its decision rejected that appeal on the grounds that no constitutional guarantee had been violated. A few days before this decision a new Executive Committee had already been elected by the delegates duly accredited to the Thirteenth Extraordinary Congress of the Union.

111. Article 3 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), provides that “workers’ and employers’ organisations shall have the right . . . to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes” and that the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof. On a number of occasions the Committee has emphasised the importance it attaches to the generally accepted principle that the public authorities should refrain from any interference which would restrict the right of workers’ organisations to elect their representatives in freedom and organise their administration and activities.¹

112. The Committee notes that in the present case, at the time when the new Executive Committee was to be elected during the Congress held by SITRASFRUCO, a group of dissident delegates abandoned the meeting. This occurred immediately after the President of the Republic had sent the telegram mentioned in that complaint. In these circumstances the intervention of the President may have influenced the mood and the purpose of the delegates as well as influencing the attitude adopted in regard to the election of the new representatives of the organisation. The Committee considers that the fact that the authorities should intervene during the election proceedings of a union, expressing their opinion of the candidates and the consequences of the election, seriously challenges the principle whereby the trade union organisations are entitled to elect their representatives in full freedom.

113. In regard to the allegations referring to the suspension of the effect of the registration of the new Executive Committee, the Committee observes that by reason of the measures of an administrative nature adopted by the Directorate-General of Labour the union was for some time deprived of ruling bodies and of representatives of the organisation. Already on other occasions the Committee has expressed the opinion that the removal by an administrative authority of a person from his office in a trade union is a procedure that might lead to abuses or to the violation of the generally recognised right which organisations possess of electing their representatives in full freedom and organising their own administration and activities.²

114. Since the suspension of the results of an election procedure may have similar effects to the suspension of the organisation itself, the Committee wishes to refer to what it has already pointed out on another occasion, namely that when the measures of suspension are adopted by the administrative authority there is a risk that they may appear arbitrary also when they are provisional and temporary and even when they are

¹ See 30th Report, Case No. 72 (Argentina), para. 204.
² See 58th Report, Case No. 234 (Greece), para. 570; 65th Report, Case No. 266 (Portugal), para. 49.
The Committee considers that the principles established in Article 3 of Convention No. 87 do not prevent supervision of control of the internal acts of a trade union if those internal acts do not violate legal provisions or rules. Nevertheless, the Committee considers that it is of maximum importance that, in order to guarantee an impartial and objective procedure, control should be exercised by the relevant judicial authority.

115. In these circumstances the Committee recommends the Governing Body—
(a) to draw the attention of the Government to the importance which it has always attached to the principle that the public authorities should refrain from any intervention that might restrict the freedom of the workers' organisations to elect their representatives in full freedom;
(b) to draw the attention of the Government to the fact that if the authorities intervene during the election proceedings of a union, expressing their opinion on the candidates and on the possible consequences of the elections, this constitutes a serious infringement of the principle that trade union organisations have the right to elect their representatives in full freedom;
(c) to decide, with regard to the alleged administrative intervention arising out of the election of trade union representatives, to draw the attention of the Government to the fact that, in the event of it proving necessary to exercise any control over the internal acts of a trade union, it is of paramount importance, in order to guarantee an impartial and objective procedure, that such control should be exercised by the competent judicial authority.

INTERIM CONCLUSIONS IN THE CASES RELATING TO ARGENTINA (CASE No. 308) AND GREECE (CASE No. 333)

Case No. 308:

Complaint Presented by the International Federation of Christian Trade Unions against the Government of Argentina

116. The complaint lodged by the International Federation of Christian Trade Unions was contained in a communication sent directly to the International Labour Office on 14 September 1962. The Argentine Government sent its observations in a note dated 22 January 1963. The Committee examined the complaint at its February 1963 meeting and decided to ask the Government for further information. The Government sent new information in notes dated 5 April and 21 May 1963.

117. Argentina has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

118. The International Federation of Christian Trade Unions alleges that the Argentine Government has withdrawn legal personality and trade union status from three federations, namely the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees, the Argentine Printing and Allied Trades Federation, and the Argentine Textile Workers' Association. The complainant adds that this decision is in flagrant contradiction with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

119. In its reply dated 22 January 1963 the Government states that the complaint concerns the withdrawal of legal personality and trade union status from the following occupational associations: the Federation of Salaried and Wage-Earning Postal and

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1 See Sixth Report, Case No. 11 (Brazil), para. 64.
Telecommunications Employees, the Argentine Printing and Allied Trades Federation, the Buenos Aires Printing and Allied Trades Federation and the Argentine Textile Workers' Association. The Government adds that legal personality and trade union status were withdrawn in resolutions issued by the Ministry of Labour and Social Security (Nos. 535/62, 530/62 and 531/62, copies of which were attached to the reply), the preambles to which duly gave the reasons of the competent authority for adopting the measures concerned.

120. The Committee pointed out that the Government referred to four organisations, namely the three mentioned by the complainant and the Buenos Aires Printing and Allied Trades Federation, although in its reply no further reference was made to the Argentine Printing and Allied Trades Federation. The Committee therefore requested the Government to state whether at any time it withdrew legal personality and trade union status from the Argentine Printing and Allied Trades Federation. In its reply dated 21 May 1963 the Government states that legal personality and trade union status were withdrawn from the Argentine Printing and Allied Trades Federation by resolution No. 704 of 22 December 1959, since legal personality and trade union status had been granted to the Buenos Aires Printing and Allied Trades Federation as a first-grade body. Thus, the Government adds, the Argentine Printing and Allied Trades Federation became a second-grade body known as the Argentine Federation of Printing Workers, which was recognised under resolution No. 323 of 9 June 1960. The Committee notes the presence of a mistake in the original complaint in which the Argentine Printing and Allied Trades Federation was mistaken for the Buenos Aires Printing and Allied Trades Federation. Since there no longer seems to be any problem regarding the Argentine Printing and Allied Trades Federation, which has become the Argentine Federation of Printing Workers, the Committee recommends the Governing Body to decide that this aspect of the case does not call for further examination.

121. With regard to withdrawal of legal personality and trade union status from the Buenos Aires Printing and Allied Trades Federation, the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees, and the Argentine Textile Workers' Association, the grounds stated in the respective resolutions are as follows: in the case of the Buenos Aires Printing and Allied Trades Federation, non-compliance with a resolution of the Director-General of Labour Relations dated 20 August 1962 which called on strikers to resume work which had been arbitrarily suspended in an effort to obtain wage increases; in the case of the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees, failure to observe a resolution of the Director-General of Labour Relations dated 24 August 1962 calling for an end to a strike whose only justification was "delay in the payment of wages and salaries for the month of July 1962, whereas by 22 August 1962 outstanding wages had already been paid to postmen and messengers and similar employees and steps had been taken to settle obligations to other employees, available funds permitting"; and in the case of the Argentine Textile Workers' Association, denial of the competence of the Ministry of Labour to examine its books, thus violating section 17 of Act No. 14455 concerning workers' occupational associations. The three resolutions concerned concluded that, as "the provisions issued by the competent authority in the exercise of its legal powers" had not been observed, these organisations were subject to prosecution under section 34, paragraph 2, of Act No. 14455, reading as follows:

34. The Ministry of Labour and Social Security shall enforce the provisions of this Act and have authority to—

1. ........................................................................................................

2. withdraw or suspend the legal personality or trade union status of occupational associations for—

(a) ............................................................................................... 

(b) failure to comply with the regulations issued by the competent authority in the exercise of its legal powers;
The three above-mentioned resolutions suspended the legal personality and trade union status which had been previously granted to the organisation in question.

122. The Government also states in its reply that the facts on which the complaint was based did not in any way entail violation of the principles laid down in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), since, as pointed out previously, the withdrawal of legal personality and trade union status merely involved the suspension of a specific right, whereas the association as such continued to enjoy all its normal rights. The Government adds that section 37 of Act No. 14455 grants the organisations concerned the right to appeal to the National Chamber of Appeals in Labour Matters and that all three of these organisations exercised that right. Finally, the Government declares that the National Chamber of Appeals in Labour Matters handed down a decision (copy of which was forwarded) reversing the resolution affecting the Buenos Aires Printing and Allied Trades Federation; that a similar decision was handed down in the case of the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees; and that, in the case of the Argentine Textile Workers' Association, the appeal is still pending judgment and that the verdict will be communicated to the Committee as soon as it is handed down.

123. The Committee, although it recognises that under Argentine labour laws—as stated by the Government—the withdrawal of legal personality and trade union status from an organisation does not entail its dissolution, recalls that in previous cases concerning Argentina it stated that "from the strictly trade union point of view . . . the role assigned to these organisations (without legal status) is extremely limited" and that, "in view of the statutory distinction between organisations having trade union status and ordinary trade unions, it would seem that organisations which do not have trade union status do not have the right to organise in freedom their administration and activities and to formulate their programmes".

124. The Committee observed that in the present case the allegations submitted by the complainants as well as the Government's reply and the text of Act No. 14455 concerning workers' occupational associations fail to show clearly whether the withdrawal of legal personality and trade union status became effective as soon as resolutions Nos. 535/62, 530/62 and 531/62 were issued, and these rights were not restored, in the case of the Buenos Aires Printing and Allied Trades Federation and the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees, until the National Chamber of Appeals in Labour Matters had reversed these resolutions, or whether the legal personality and trade union status of these organisations were maintained during the period between the date on which the administrative resolutions withdrawing legal personality and trade union status were issued and the date on which the court decision reversing these resolutions was handed down, or whether they were restored only after the date on which these organisations lodged their appeal. In these circumstances the Committee decided to request the Argentine Government for additional information regarding this aspect of the case and the situation respecting the appeal lodged by the Argentine Textile Workers' Association.

125. By its note of 5 April 1963 the Government sent a copy of resolution No. 106 of 5 March 1963 in which it decided to restore the legal personality and trade union status of the Argentine Textile Workers' Association. In its communication of 21 May 1963 the Government sent copies of resolutions Nos. 530 and 535 withdrawing the legal personality and trade union status of the Buenos Aires Printing and Allied Trades Federation and the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees. The Committee observed that the Government has failed to reply to the question regarding the immediate practical effects of the resolutions withdrawing legal personality and trade union status from those unions.

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1 See 36th Report, Case No. 190 (Argentina), para. 200; 58th Report, Case No. 231 (Argentina), para. 550; 59th Report, Case No. 258 (Argentina), para. 52.
126. In view of the fact that Article 4 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), provides that "workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority", the Committee again requests the Government to state whether withdrawal of legal personality and trade union status from the Buenos Aires Printing and Allied Trades Federation, the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees and the Argentine Textile Workers' Association became effective as soon as the respective resolutions were issued and whether such personality and status were restored to these organisations only when the National Chamber of Appeals in Labour Matters gave its decision, or when subsequent resolutions were issued restoring such personality and status, or whether these organisations retained their legal personality and trade union status at all times.

127. In these circumstances the Committee recommends the Governing Body—

(a) to decide, for the reasons stated in paragraph 120 above, that the allegation relating to the withdrawal of legal personality and trade union status from the Argentine Printing and Allied Trades Federation does not call for further examination;

(b) to take note of the present interim report concerning the allegations relating to withdrawal of legal personality and trade union status from the Buenos Aires Printing and Allied Trades Federation, the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees, and the Argentine Textile Workers' Association, it being understood that the Committee will report further thereon when it has received the information again requested from the Argentine Government.

Case No. 333:

Complaint Presented by the Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings against the Government of Greece

128. By a communication dated 11 March 1963 addressed directly to the I.L.O., the Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings alleged violation of freedom of association in Greece. This complaint was transmitted to the Government for its observations by a letter dated 29 March 1963, and the Government sent its reply in a communication dated 18 May 1963. At its 34th Session (May 1963) the Committee found that the Government's observations has been received too late to permit of their being examined in substance and decided to adjourn examination of the case until the present session.

129. Greece has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

130. The complainants' essential allegation is that a Bill, of which they supplied the text, was tabled in Parliament in September 1962 with a view to amending and supplementing the provisions of Act No. 3239 of 1955 concerning the manner of settling collective disputes. According to the complainants, the provisions of this Bill are in many respects contrary to the requirements of Conventions Nos. 87 and 98, which Greece has ratified. In particular, it is alleged that compulsory contributions to a specific organisation would infringe the right of workers to belong to the organisations of their choice. The Bill is also criticised for failing to provide for repeal of existing anti-democratic and anti-labour legislation.

131. The Government, in the observations which it furnished on 18 May 1963, endeavours to show that if this Bill were adopted it would considerably liberalise the existing arrangements with regard to trade union matters, and the Government argues that the Bill is in no respect contrary to the provisions of Conventions Nos. 87 and 98.
132. In a number of cases the Committee has considered how far it should comment on pending legislation. While the Committee has in certain cases dismissed allegations relating to the proposed legislation, either because of the vagueness of the allegations or because the proposed enactment was not government-sponsored, it has declared, on the other hand, that, where it has before it precise and detailed allegations concerning a proposed enactment submitted to the legislature by the government, the fact that the allegations relate to a text which does not have the force of law should not of itself prevent the Committee from expressing its opinion on the merits of the allegations made. The Committee has expressed the view that in such circumstances it is desirable that the government and the complainant should be made aware of its point of view with regard to a proposed Bill before it is enacted, in view of the fact that it is open to the government, on whose initiative such a matter depends, to make any amendments which may seem desirable.

133. Although these principles remain fully valid they do not appear appropriate for application in this case. The Government which introduced the Bill in question, and which presented its observations regarding the complaint, has resigned and has been replaced by another Government, whose intentions and attitude concerning the general subject raised by the complainants are not known. Press reports indicate that the Greek Council of State has adopted a decision condemning the contribution system which was one of the points attacked by the complainants.

134. In these circumstances the Committee considers that, before examining the proposed legislation in substance it should obtain fuller information as to the present situation with regard to the matter. It therefore recommends the Governing Body to request the Greek Government to be good enough to state whether the Bill in question is still before Parliament and what is the probable future course with regard to discussion of that Bill.


(Signed) Henry Hauck,
Chairman.

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1 See 11th Report, Case No. 79 (Belgium), paras. 9 and 10, and Case No. 80 (Federal Republic of Germany), paras. 11-14.
2 See 14th Report, Case No. 105 (Greece), para. 136; 15th Report, Case No. 102 (Union of South Africa), paras. 160-165, and Case No. 103 (United Kingdom (Southern Rhodesia)), paras. 210-212; 49th Report, Case No. 239 (Costa Rica), para. 329; 58th Report, Case No. 179 (Japan), para. 292.
Seventy-fourth Report

INTRODUCTION

1. The Committee on Freedom of Association set up by the Governing Body at its 117th Session (November 1951) met at the International Labour Office, Geneva, on 20 and 21 February 1964, under the chairmanship of Mr. Roberto Ago, former Chairman of the Governing Body. The members of the Committee of Belgian, Brazilian and French nationality were not present during the consideration of the cases relating to Belgium (Case No. 281), Brazil (Case No. 332) and France (French Somaliland) (Case No. 337) respectively.

2. In accordance with the procedure laid down in paragraph 12 of its 29th Report, as amended by paragraph 5 of its 43rd Report, the Committee recommends the Governing Body to examine the present report at its 159th Session.2

3. The Committee considered 39 cases in which the complaints had been communicated to the governments concerned for their observations, namely the cases relating to Sudan (Case No. 191), Malaysia (Singapore) (Case No. 194), Thailand (Case No. 202), United Kingdom (Southern Rhodesia) (Case No. 251), Iraq (Case No. 260), Portugal (Case No. 266), Chile (Case No. 271), Libya (Case No. 274), Belgium (Case No. 281), Burundi (Case No. 282), Cuba (Case No. 283), United Kingdom (Aden) (Case No. 291), United Kingdom (Case No. 292), Spain (Case No. 294), United Kingdom (Southern Rhodesia) (Case No. 298), Republic of South Africa (Case No. 300), Ghana (Case No. 303), Somali Republic (Case No. 307), Argentina (Case No. 308), Greece (Case No. 309), Republic of South Africa (Cases Nos. 311 and 321), Peru (Case No. 323), Congo (Leopoldville) (Case No. 327), Cuba (Case No. 329), Brazil (Case No. 332), Dahomey (Case No. 336), France (French Somaliland) (Case No. 337), Morocco (Case No. 339), Mali (Case No. 344), Guatemala (Case No. 352), Mexico (Case No. 358), Morocco (Case No. 359), Colombia (Case No. 363), Ecuador (Case No. 364), Congo (Leopoldville) (Cases Nos. 365 and 367), Portugal (Case No. 370) and Federal Republic of Germany (Case No. 371).

Cases in Which the Committee Is Awaiting Observations or Information from the Governments Concerned

(a) Cases Which the Committee Had Already Considered to Be Urgent.

4. The Committee adjourned until its next session the cases relating to Thailand (Case No. 202), Iraq (Case No. 260), Libya (Case No. 274) and Republic of South Africa (Case No. 300), with respect to which it is still awaiting information previously requested from the governments concerned, and the cases relating to Burundi (Case No. 282), Cuba (Case No. 283) and Dahomey (Case No. 336), with respect to which it is still awaiting the observations of the governments concerned. With regard to the case relating to Cuba (Case No. 283), the Committee has taken note of a communication from the government concerned stating that its observations will be forwarded. All the governments concerned in these cases were requested on the occasion of the last session of the Committee to furnish the information or observations in question as a matter of urgency. The Committee now requests the governments concerned to furnish

See above, footnote 1, p. 1.
See above, footnote 2, p. 1.
the said information or observations, as a matter of special urgency, prior to the Committee's June 1964 session.

5. The Committee also adjourned until its next session its examination of Case No. 365 relating to Congo (Leopoldville), with respect to which the government concerned, after having furnished certain observations, furnished additional observations which were received too late to be considered by the Committee at its present session.

(b) Cases Which the Committee Considers to Be Urgent.

6. The Committee also adjourned until its next session its examination of the cases relating to the Republic of South Africa (Cases Nos. 311 and 321) and Cuba (Case No. 329), with respect to which the Committee noted at its last session that, although the complaints had been communicated to the governments concerned for their observations more than six months prior to that time, such observations had not been received, despite repeated requests made to those governments to furnish them. As the observations in question still have not been received, the Committee requests the governments concerned to furnish them as a matter of urgency.

(c) Other Cases.

7. The Committee adjourned until its next session its examination of the cases relating to Morocco (Case No. 339), Mexico (Case No. 358), Ecuador (Case No. 364) and Portugal (Case No. 370), with respect to which it has not yet received the observations of the governments concerned.

8. The Committee also adjourned until its next session its examination of the cases relating to Malaysia (Singapore) (Case No. 194), Chile (Case No. 271), Belgium (Case No. 281), Ghana (Case No. 303), Greece (Case No. 309), Peru (Case No. 323) and Guatemala (Case No. 352), with respect to which it is still awaiting information previously requested from the governments concerned, the case relating to Congo (Leopoldville) (Case No. 327), with respect to which the government concerned, having furnished certain of the information previously requested of it, furnished additional information which was received too late to permit of its being examined by the Committee at its present session, the case relating to the United Kingdom (Aden) (Case No. 291), with respect to which the government concerned has furnished some of the further information previously requested by it and stated that further information will be forwarded, while its observations are awaited with regard to further complaints which have been transmitted to it, and the case relating to Mali (Case No. 344), with respect to which further information submitted by the complainants was received too late to permit of its being examined at the present session. With regard to the case relating to Chile (Case No. 271), the Committee has taken note of a communication from the Government of the Federation that it has transmitted the Committee's previous request for further information to the Government of Singapore. With regard to the case relating to Guatemala (Case No. 352), it has been informed by the government concerned that its previous request for information has been passed to the competent authority.

9. The Committee adjourned until its next session its examination of the case relating to the United Kingdom (Case No. 292), with respect to which it has now received the report of the inquiry into the matters alleged in this case which was arranged by the government concerned, following the recommendation made by the Governing Body at its 154th Session (March 1963).

Cases in Which the Committee Submits Its Conclusions to the Governing Body

10. In the present report the Committee submits for the approval of the Governing Body the conclusions which it has now reached concerning the remaining cases before
Reports of the Committee on Freedom of Association

it, namely the cases relating to Sudan (Case No. 191), United Kingdom (Southern Rhodesia) (Case No. 251), Portugal (Case No. 266), Spain (Case No. 294), United Kingdom (Southern Rhodesia) (Case No. 298), Somali Republic (Case No. 307), Argentina (Case No. 308), Brazil (Case No. 332), France (French Somaliland) (Case No. 337), Morocco (Case No. 359), Colombia (Case No. 363), Congo (Leopoldville) (Case No. 367), and Federal Republic of Germany (Case No. 371). These conclusions may be briefly summarised as follows:

(a) the Committee recommends that, for the reasons indicated in paragraphs 11 to 24 of this report, the case relating to Morocco (Case No. 359) should be dismissed as not calling for further examination;

(b) with regard to the cases relating to the United Kingdom (Southern Rhodesia) (Case No. 298), Somali Republic (Case No. 307), Argentina (Case No. 308), Brazil (Case No. 332), France (French Somaliland) (Case No. 337) and Congo (Leopoldville) (Case No. 367), the Committee, for the reasons indicated in paragraphs 25 to 148 of this report, has reached certain conclusions to which it wishes to draw the attention of the Governing Body;

(c) with regard to the cases relating to Sudan (Case No. 191), United Kingdom (Southern Rhodesia) (Case No. 251), Portugal (Case No. 266), Spain (Case No. 294), Colombia (Case No. 363) and Federal Republic of Germany (Case No. 371), the Committee, for the reasons indicated in paragraphs 149 to 252 of this report, has presented an interim report stating certain conclusions to which it wishes to draw the attention of the Governing Body.

COMPLAINT WHICH THE COMMITTEE CONSIDERS Does NOT CALL FOR FURTHER EXAMINATION

Case No. 359:

Complaint Presented by the International Metalworkers' Federation against the Government of Morocco

11. The complaint of the International Metalworkers' Federation is contained in a communication dated 1 October 1963 addressed directly to the I.L.O. and supplemented by a further communication dated 8 November 1963. The original complaint and the further information supplied in substantiation thereof were communicated to the Government, which forwarded its observations thereon by a communication dated 2 December 1963.

12. Morocco has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), but has ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

13. The substance of the complainants' allegations is that on the occasion of a strike by workers of the Moroccan Automobile Manufacturing Company (Société marocaine de construction automobile, generally known as SOMACA), the police took repressive action by arresting some 70 workers among whom were a number of trade union leaders. The complainants give the following details with respect to these events.

14. At a general meeting on 18 September 1963 the SOMACA employees voted unanimously to go on strike in support of their claims, which had been met with a systematic refusal by the employers since the previous February. According to the complainants these claims were the following: (a) a general wage increase of 30 per cent.; (b) the grant of a housing allowance of 50 dirhams a month; (c) the grant of a packed lunch allowance of 4 dirhams a day; (d) the readjustment of the watchmen's wages; (e) the payment of a thirteenth month's wages as an end-of-year bonus;
(f) the inclusion of the special bonus for adjusters in the basic wage rates; and (g) the grant of a travelling allowance.

15. The strike, in which more than 70 per cent. of the 600 employees of SOMACA took part, led to the taking of repressive action by the police in the form of the arrest of 70 workers. Of these 70 workers, 50 are said to have been released without delay, while the remaining 20, whose names are furnished by the complainants, were kept in custody. In the opinion of the complainants the action taken constitutes a breach of freedom of association.

16. The complainants conclude by stating that the strike came to a satisfactory conclusion with the signing of an agreement between the workers and the management of the company.

17. The Government's reply consists of a report drawn up at the request of the Minister of the Interior by the Governor of the Prefecture of Casablanca.

18. The report confirms first of all that the reasons behind the strike were indeed those advanced by the complainants. As to the manner in which the events took place, the description given by the Government is as follows.

19. The strike, which was observed by only a proportion of the SOMACA employees, was marked by a number of incidents. On 18 September 1963, at the end of the working day, the buses taking home the workers who had not participated in the strike were attacked by strikers just under a mile from the factory. The attackers smashed the windows of the buses with stones and coshes, injuring eight of their workmates, two seriously. The drivers halted their vehicles, and a fight broke out among the workers. It was this fight which led the police to intervene. Twenty-eight of the protagonists were arrested, three of whom were found to be carrying side-arms. All these persons were brought before the courts, and the Regional Court of Casablanca sentenced two of them to six months' and another to three months' imprisonment for armed assault, battery and wounding. All the others were released. Two days later, on 20 September 1963, three more persons were arrested on being caught in the act of interfering with freedom to work by attempting by the use of threats to prevent workers from entering their factory. These three persons were likewise released without delay.

20. The Government therefore affirms that, contrary to the complainants' allegation, which mentions a figure of 70 persons, the number arrested was, in the first place, 28 for armed assault, battery and wounding, and subsequently three others for interference with freedom to work. The Government adds that all these persons were promptly set at liberty with the exception of the three who had been convicted in accordance with the regular procedure.

21. The Government concluded by confirming that on 27 September 1963 an agreement was signed between the parties "without recourse to arbitration by the governmental authorities who are always anxious to ensure respect for freedom of association".

22. Recalling that it has always applied the principle that allegations relating to the exercise of the right to strike are not outside its competence in so far, but only in so far, as they affect the exercise of trade union rights, the Committee notes first of all that both the complainants and the Government are in agreement that the dispute was unquestionably concerned with labour matters and that it was finally settled by means of an agreement between the two parties.

1 See 28th Report, Case No. 143 (Spain), para. 109, Cases Nos. 141, 153 and 154 (Chile), para. 202, and Case No. 169 (Turkey), para. 297; 47th Report, Case No. 143 (Spain), para. 66; 58th Report, Case No. 221 (United Kingdom (Aden)), para. 109; 70th Report, Case No. 266 (Portugal), para. 159.
23. As regards the events which marked the strike, it seems clear from the detailed and precise reply furnished by the Government that the intervention of the police was for the purpose of restoring order. The arrests which took place resulted from the use of violence; the persons apprehended were brought before the courts, which convicted three of them according to a procedure which there is no reason to believe was not regular and based on specific charges; finally, all the persons arrested by the police but not convicted were released.

24. In these circumstances, considering that the complainants have failed to prove that the measures taken by the authorities constituted interference with the free exercise of trade union rights, the Committee recommends the Governing Body to decide that the case does not call for further examination.

DEFINITIVE CONCLUSIONS IN THE CASES RELATING TO UNITED KINGDOM (SOUTHERN RHODESIA) (CASE NO. 298), SOMALI REPUBLIC (CASE NO. 307), ARGENTINA (CASE NO. 308), BRAZIL (CASE NO. 332), FRANCE (FRENCH SOMALILAND) (CASE NO. 337) AND CONGO (LEOPOLDVILLE) (CASE NO. 367)

Case No. 298:

Complaints Presented by the African Trades Union Congress of Southern Rhodesia and the International Confederation of Free Trade Unions against the Government of the United Kingdom in respect of Southern Rhodesia


26. These documents were before the Committee when it examined the case at its meeting in October 1962 and submitted to the Governing Body the conclusions contained in paragraphs 510 to 550 of its 66th Report, which was approved by the Governing Body on 8 November 1962, in the course of its 153rd Session.

27. In that report the Committee submitted its definitive report to the Governing Body with regard to certain allegations relating to restrictions imposed by the Industrial Conciliation Act, 1959, on the right of trade unions freely to draw up their own constitutions and rules, to the denial of the right of association to certain classes of workers, to restrictions imposed on the right to hold trade union meetings and to industrial inspectors. It submitted an interim report with regard to other allegations relating to the utilisation of the Law and Order (Maintenance) Act to restrict trade union activities and to the suppression of a strike called on 14 May 1962, concerning which it requested the Government to furnish further information.

28. Since that time two further communications have been addressed to the I.L.O. by the African Trades Union Congress of Southern Rhodesia—the first consisting of a copy of a letter which it addressed to the Industrial Registrar on 30 November 1962, the second being a letter addressed to the I.L.O. on 13 February 1963. The International Confederation of Free Trade Unions submitted a complaint to the I.L.O. on 7 December 1962.

29. By a communication dated 10 May 1963, the Government of the United Kingdom furnished further information, as requested by the Committee, on the outstanding allegations referred to in paragraph 27 above, together with its observations on the later communications mentioned in paragraph 28 above.

30. The case came before the Committee again at its May 1963 session, and the Committee then submitted to the Governing Body the conclusions to be found in
paragraphs 327 to 376 of its 70th Report, which was adopted by the Governing Body on 1 June 1963, in the course of its 155th Session.

31. In that report, the Committee submitted to the Governing Body its final conclusions concerning the allegations relating to the utilisation of the Law and Order (Maintenance) Act and of the Unlawful Organisations Act to restrict trade union activities. It submitted an interim report on the allegations relating to restrictions imposed on the right to hold trade union meetings, suppression of the strike called on 14 May 1962 and preventive detention, in relation to all of which it asked the Government to supply additional information. This the Government did in a communication dated 22 January 1964. The following paragraphs relate solely to the allegations still pending.

32. The United Kingdom has ratified the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), and has accepted the provisions of that Convention for Southern Rhodesia without modification, on behalf and with the consent of the Government of Southern Rhodesia. The Government of the United Kingdom has also ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), but has reserved its decision concerning the application of these Conventions in Southern Rhodesia.

Allegations relating to Restrictions Imposed on the Right to Hold Trade Union Meetings

33. In paragraphs 529 to 537 of its 66th Report the Committee examined allegations to the effect that under the Law and Order (Maintenance) Act prior permission is necessary to hold a meeting, that police officers attend and interfere with meetings and that local authorities demand excessive deposits as security when meetings are held. The Committee recommended the Governing Body to decide that such part of the allegations as related to renting conditions imposed by local authorities did not call for further examination, but, with respect to the other aspects of the allegations, to draw the attention of the Government to the fact that the presence of police officers at trade union meetings may be considered as an interference, from which the public authorities should refrain, with the right of trade unions to hold meetings in freedom.

34. Subsequently, as noted by the Committee in its 70th Report 1, the African Trades Union Congress of Southern Rhodesia furnished further information on these matters, and the Committee therefore had to consider whether any new elements were adduced therein of a nature to cause the Committee to reopen or examine further an aspect of the case which otherwise would have been regarded as closed. The Committee considered that the additional evidence adduced with regard to the conditions governing the leasing of premises for union meetings did not add any really new elements to those mentioned in paragraph 532 of its 66th Report, on the basis of which the Committee had concluded that this aspect of the matter did not call for further examination. The Committee, therefore, considered it unnecessary to reopen this question.

35. The Committee considered, on the other hand, that the position with regard to the extent to which private meetings of trade unions might be subject to restriction was not clear. The A.T.U.C.S.R. maintained that in 1962 its conferences and even its general council meetings, which it described as private members' meetings, had been subject to the requirement of permission by the authorities, to furnishing the names of the speakers and the agenda, and to allowing tape recorders to be placed where they were held. Even the Government, in its own communication, referred without further comment to a statement by a union organising secretary that permission for a union meeting had been withheld because the agenda and nominated speakers were likely to be changed. The Committee found that these restrictions, if indeed they were applied to

1 See paras. 347-355.
private trade union meetings, would seem to be incompatible with the generally recognised right of trade unions to hold meetings in freedom. The fact that the presence of police officers at trade union meetings might also be an interference with this right had been drawn to the Government's attention by the Governing Body when it adopted the 66th Report of the Committee. The Committee noted, however, that the Government now referred to a new law—the Law and Order (Maintenance) Amendment Act, 1963—and stated that the limited control which had applied for a relatively short period had now been abolished, but did not specify just to what control reference was made.

36. In these circumstances, having regard to the new legislation mentioned by the Government, the Committee requested the Government to state whether private trade union meetings, conferences, council and committee meetings were subject to permission by the police or other authorities and liable to be attended by police, whether their agendas and speakers had to be announced in advance so that other items of union interest could not be added to the agenda and other persons allowed to speak, subject to union rules, and whether the proceedings had to be recorded by tape recorders. In view also of the Government's reference to the fact that control did not apply to meetings of unregistered trade unions attended by 200 persons or less, the Committee, having regard to the fact that registration, though attended by advantages, was not compulsory, so that bona fide organisations might choose not to register, asked the Government to explain why a distinction was apparently made with regard to the freedom of meeting of such organisations.¹

37. In the observations it made in its communication dated 22 January 1964, the Government states that the authorities (in this case the senior police officer or the district commissioner) are not empowered to require an application for prior authorisation to hold a meeting; they only have the power to issue directions for the control of meetings. Any directions issued are in no sense a permit; hence the authorities have no power to prohibit a meeting from being held. When directions are issued requiring advance notification of the agenda of a proposed meeting and of the names of the intended speakers, such directions do not state or imply that no other items may be added to the agenda or that no other persons may be allowed to speak.

38. From the Government's explanation it would seem, first, that to hold a meeting the unions are not required to obtain prior authorisation from the authorities and, secondly, that directions issued by the authorities with regard to a meeting are tantamount to a mere formality, since the notification of the agenda and the list of speakers does not imply that items not on the agenda may not be discussed or that speakers not on the list will not be allowed to speak.

39. The situation with regard to meetings attended by over 200 persons is more debatable. In this connection the Government states that private trade union meetings (whether the union is registered or not) are, if attended by over 200 persons, automatically classified as public meetings, whether held in a public or private place and whether confined to members or not. In that event, the Government continues, directions may be issued not only requiring advance notification of the agenda and the names of the intended speakers but also to permit the police to be present and to record the proceedings.

40. As the Committee had pointed out in its 66th Report, the right of trade unions to hold meetings freely on their own premises, without the need for previous authorisation and without control by the public authorities, constitutes a fundamental element in freedom of association.³

¹ See 70th Report, para. 355.
² Jbid., para. 536.
³ See Inter alia, First Report, Case No. 8 (Israel), paras. 63-69; Second Report, Case No. 21 (New Zealand), paras. 11-31, and Case No. 28 (United Kingdom (Jamaica)), paras. 65-70; Sixth Report, Case No. 40 (France (Tunisia)), paras. 374-374; Seventh Report, Case No. 56 (Uruguay), paras. 32-70; 12th Report,
41. In the existing situation in Southern Rhodesia, as described by the Government, which recognises that not only do members of the police attend trade union meetings but that they record all that is said at such meetings by means of tape recorders, the Committee affirms once more, as it had already done on other occasions and as had also been done by the Committee of Experts on the Application of Conventions and Recommendations, that the presence of members of the police at trade union meetings may constitute an "interference" from which, under the provisions of Article 3, paragraph 2, of Convention No. 87, "the public authorities shall refrain".

42. Consequently the Committee recommends the Governing Body to draw the Government's attention once more to the fact that the presence of police officers at trade union meetings may be considered as an interference, from which the public authorities should refrain, with the right of trade unions to hold meetings in freedom.

43. In reply to the Committee's request for explanations with regard to the distinction made, as regards meetings held on Sundays and holidays, between meetings of registered organisations and meetings of organisations that are not registered (see paragraph 36 above), the Government states that the object is "to encourage unregistered trade unions to apply for registration".

44. It would seem that when a trade union meeting is held on a Sunday or holiday, only meetings held by unregistered organisations are subject to supervision when the number of those attending exceeds 200.

45. As the registration of trade unions is not compulsory in Southern Rhodesia, this situation would seem to call for certain observations on the part of the Committee. While recognising that it may be legitimate for registration, in certain circumstances, to confer advantages on a trade union organisation in respect of such matters as representation for the purposes of collective bargaining, consultation by governments, or the nomination of delegates to international bodies, it should not, in normal circumstances, involve discrimination of such a character as to render non-registered organisations subject to special measures of police supervision of a nature which may restrict the exercise of freedom of association. At the same time, the Committee appreciates that the measures of police supervision in question are applied in Southern Rhodesia, pursuant to special legislation designed to preserve public order in a situation of political unrest, and that certain of the restrictions originally imposed by the Law and Order (Maintenance) Act have been eased.

46. In these circumstances the Committee recommends the Governing Body to draw the attention of the Government to the importance which it attaches to the principles enunciated above and to express the hope that the Government will soon find it possible to remove the remaining restrictions imposed with respect to the holding of trade union meetings and the distinction made between meetings of registered trade unions and meetings of non-registered trade unions.

Allegations relating to the Suppression of the Strike Called on 14 May 1962

47. After noting that two persons involved in the strike of 14 May 1962 lost their lives as a result of shots fired by the police, the Committee, when it considered this aspect of the case at its October 1962 session, emphasised the importance of holding a
special inquiry to determine the justification and responsibility for the action taken by the police, and it requested the Government to communicate the results of such inquiry.¹

48. When the matter was submitted to it again at its May 1963 session, the Committee noted that in its communication of 10 May 1963 the Government stated that the two persons concerned had lost their lives on 14 May 1962 when police were suppressing public violence during the strike in Salisbury. The Government stated that on 6 and 27 August 1962 magistrates in Salisbury had conducted inquests, and that verdicts of death due to gunshot wounds had been brought in. Under the Inquests Act, 1951, as amended, it was the duty of a magistrate to transmit to the Attorney-General the record of every inquest, and this had been done. The Attorney-General had decided that no criminal proceedings could ensue.

49. In its 70th Report² the Committee observed that the only new information before it, in response to its request, was the fact that the inquests had confirmed that the two persons concerned had actually been shot. No special inquiry appeared to have been held of the type referred to by the Committee in paragraph 544 of its 66th Report. However, in view of the fact that the records of the inquests referred to by the Government might be of assistance to the Committee not only in judging for itself the circumstances in which the two persons concerned had lost their lives but also in formulating its conclusions on the allegations relating to the strike itself, the Committee requested the Government to be good enough to furnish copies of such records.²

50. In its observations dated 22 January 1964 the Government, after repeating that the strike was not in furtherance of a trade dispute, states that in its view the Committee’s request to be furnished with copies of the records of the inquests is exorbitant in that it reflects on the integrity and independence of the judiciary in Southern Rhodesia. The Government accordingly refuses to comply with the request.

51. The Committee wishes to emphasise that, when it requests a government to furnish records of judicial proceedings, such a request does not reflect in any way whatsoever on the integrity or independence of the judiciary. The essence of judicial procedure is that its results are known, and confidence in its impartiality rests on their being known. Further, as the Committee pointed out in an earlier case ³, the fact of its requesting that the text of a judicial decision be communicated to it, far from being a singular proceeding, is a normal practice to which the Committee has recourse in order to assess fully the facts contested in a complaint. The Committee has repeatedly requested governments to furnish information as to judicial proceedings and the results of such proceedings ⁴, and must repeat that its sole purpose in doing so is to enable it to formulate its conclusions in full knowledge of all the circumstances, which it considers itself unable to do unless all the material elements of the case are before it.

52. In these circumstances, the Committee recommends the Governing Body to express its keen regret that the Government has not seen fit to furnish the records of inquest proceedings requested by the Committee.

Allegations relating to Preventive Detention

53. In connection with this case the Committee had considered allegations concerning the preventive detention of a number of officers of the African Trades Union Congress

¹ See 66th Report, paras. 538-545.
² Para. 365.
³ See 72nd Report, Case No. 294 (Spain), para. 112.
⁴ See, for example, Sixth Report, Case No. 22 (Philippines), paras. 352-383; 11th Report, Case No. 51 (Saar), paras. 27-56; 12th Report, Case No. 69 (France), para. 446, and Case No. 61 (France) (Tunisia), paras. 447-492; 17th Report, Case No. 97 (India), paras. 120-156; 19th Report, Case No. 92 (Peru), paras.
74th Report

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of Southern Rhodesia. The Committee has already submitted its final conclusions on most of the individual cases that were brought to its notice.1

54. However, two persons, Messrs. Mswaka and Mafuka, appealed against conviction of having incited workers to continue an unlawful strike, and the Committee had requested the Government to inform it in due course as to the outcome of the appeals which these persons had instituted.

55. In its communication dated 22 January 1964, the Government states that on 20 May 1963 the High Court set aside the conviction and sentence of the lower court. The persons concerned are therefore no longer under sentence.

56. In these circumstances the Committee recommends the Governing Body to note that Messrs. Mswaka and Mafuka have been liberated by the High Court.

* * *

57. With regard to the case as a whole, the Committee recommends the Governing Body—

(a) with regard to the allegations relating to restrictions imposed on the right to hold trade union meetings—

(i) to draw the Government's attention once again to the fact that the presence of police officers at trade union meetings may be considered as an interference, from which the public authorities should refrain, with the right of trade unions to hold meetings in freedom;

(ii) to draw the attention of the Government to the importance which it attaches to the principle that the holding of trade union meetings should not, in normal circumstances, be made subject to measures which involve discrimination as between registered and non-registered organisations;

(iii) to express the hope that the Government will soon find it possible to remove the remaining restrictions referred to in subparagraphs (i) and (ii) above;

(b) with regard to the allegations relating to the suppression of the strike called on 14 May 1962, to express its keen regret that the Government has not seen fit to furnish the records of inquest proceedings requested by the Committee;

(c) to note, with regard to the allegations relating to preventive detention, that Messrs. Mswaka and Mafuka have been liberated by the High Court.

Case No. 307:

Complaint Presented by the Somali General Confederation of Labour against the Government of the Somali Republic

58. This case has already come before the Committee at its 33rd Session in February 1963. The Committee then gave the Governing Body an interim report which was approved at the latter's 155th Session on 1 June 1963. In that report the Committee made definitive recommendations on two of the groups of allegations in this case, 16-38; 26th Report, Case No. 147 (Union of South Africa), paras. 107-111; 28th Report, Case No. 170 (France (Madagascar), para. 143; 34th Report, Case No. 130 (Switzerland), para. 6; 41st Report, Case No. 172 (Argentina)), para. 122; 49th Report, Case No. 213 (Federal Republic of Germany), para. 73; 53rd Report, Case No. 232 (Morocco), paras. 66-67; 58th Report, Case No. 234 (Greece), para. 588, and Case No. 262 (Cameroon), para. 657; 60th Report, Case No. 262 (Cameroon), para. 206.

1 See 70th Report, paras. 366-375.
namely those relating to a strike of postal, telegraph and telephone workers 1 and those relating to interference with the Somali General Confederation of Labour. 2 As regards the third series of allegations, relating to the transfer of officers of the Union of Somalian Teachers, the Governing Body, at the Committee’s recommendation, asked the Government for additional information on some points. 3 The following paragraphs deal only with this third series, which had remained pending.

59. The Somali Republic has ratified neither the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

60. The complainants allege that, on the occasion of the election on 29 June 1962 of the officers of one of its affiliates, the Union of Somalian Teachers, the Government arbitrarily interfered, contrary to section 9 of the Labour Code, in order to gain control of the governing body of the Union. They contend that the authorities transferred away from the capital “all the lawful legitimate trade union representatives of the teachers who had just been elected, and brought back to the city from the interior persons favourable to the Government who had not been elected, so as to recognise them as officers of the Union”. As the lawfully elected representatives refused this transfer, relying on the law, it is alleged, the Government intends to dismiss them. One of the persons transferred is alleged to be the General Secretary of the Somali General Confederation of Labour, who is also the President of the Union of Somalian Teachers.

61. In the observations which it presented on 29 December 1962, the Government declares that the statement that several teachers have been transferred to new posts because of their trade union activities is entirely unfounded. It points out that the Ministry of Public Education assigns teachers annually to posts according to service requirements and that, under the Civil Service Regulations, they may not refuse such assignments. According to the Government the transfer of the three teachers, including the General Secretary of the complaining organisation, is a part of the normal annual turnover determined solely by teaching requirements. The persons concerned, despite various warnings, refused to take up their new duties and, on 23 August 1962, the Ministry of Public Education referred their cases to the Disciplinary Board provided for in the Civil Service Regulations. The Board found against the teachers and held them to be subject to “dismissal from service”. On 16 October 1962 they were informed that the proposed disciplinary action had been taken. The teachers were entitled to appeal to the Supreme Court against this decision within 60 days.

62. Examining the case at its 33rd Session in February 1963, the Committee pointed out that two points seemed to call for further elucidation. The complainants alleged that all the elected officials, and not just three teachers, of the Teachers' Union had been transferred at the same time. They also alleged that the Government brought back from the interior persons who had not been elected, so as to recognise them as officers of the Union. The Committee then recalled that it had always attached the greatest importance 4 to the principle, embodied in Article 1 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), that workers should enjoy adequate protection against acts of anti-union discrimination in respect of their employment, including acts calculated to cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities. In these

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1 See 69th Report, paras. 87-101 and 109 (b).
2 Ibid., paras. 105-109 (a).
3 Ibid., paras. 102-104 and 109 (c).
4 See Fourth Report, Case No. 34 (Ceylon), para. 169; Sixth Report, Case No. 11 (Brazil), para. 131 (a); Seventh Report, Case No. 56 (Uruguay), para. 61; 11th Report, Case No. 59 (United Kingdom (Cyprus)), para. 63; 14th Report, Case No. 105 (Greece), para. 134; 19th Report, Case No. 97 (India), paras. 47-48; 49th Report, Case No. 213 (Federal Republic of Germany), paras. 77-78; 57th Report, Case No. 231 (Argentina), para. 120; 58th Report, Case No. 179 (Japan), para. 340, and Case No. 234 (Greece), para. 578; 61st Report, Case No. 256 (Greece), para. 40.
circumstances, before making its recommendations to the Governing Body on this aspect of the case, the Committee decided to request the Government to furnish more detailed observations on the two particular points mentioned above.

63. This decision of the Committee was communicated to the Government by letter of 12 June 1963. The Government replied by a communication dated 16 October 1963, which was made available to the Committee at its 35th Session in November 1963. However, the Committee felt that this reply had reached it too late for due examination to be possible immediately and decided to defer consideration of the matter until the present session.

64. In its reply, the Government confirms what was already stated in its communication of 29 December 1962. It stresses that assignments of posts to teachers are made every year, in accordance with the requirements of the service, the importance of the posts and the qualifications and efficiency of the teachers. Under such a system, the Government argues, no teacher can be guaranteed a particular post for more than a year; and therefore the word “transfer” used by the complainants cannot properly be applied to cases in which there has merely been a reassignment at the end of the school year.

65. The Government goes on to say that, despite the careful inquiries undertaken, it has been unable to ascertain that officials of the Union of Somalian Teachers, except the three teachers mentioned in its first series of observations, were assigned to different posts for the school year 1962-63; it points out that assignments for that year numbered about 1,400. The Government also states that, despite the complainants' assertions, no notification of the results of the elections, although required by law, was ever received.

66. The Government adds that in fact, at the time of the elections, the Union of Somalian Teachers was “in the throes of a serious crisis” revealing the existence of two rival factions; that the changes which occurred in the composition of its governing body were due to the success of one faction over the other and the consequent loss of office by those to whom the complainants allude; and that the Government took no part in the elections in question.

67. According to the complainants, all the elected officials of the Teachers’ Union were transferred, whereas the Government, in the two series of observations which it has presented on this point, declares that only three officials were reassigned. The Government's explanations also indicate that these moves were part of the normal system of assignments undertaken at the beginning of each school year; and if, as the Government states, 1,400 assignments are made on each occasion, it would indeed appear that no exceptional action was taken in this matter. It appears, further, that the three persons in question, who refused to take up their new duties, did not appeal against the disciplinary action consequently ordered against them, as they were entitled to do. Secondly, the complainants allege, without giving any details, that the Government arbitrarily interfered in the election of officers of the Union of Somalian Teachers, whereas the Government alleges that the said Union was suffering at that time from grave internal dissensions which led to a change in the composition of its governing body, but that the Government had no hand in these changes and was not even informed of them until a later stage.

68. In these circumstances, having regard to the vague character of the complainants' allegations and the further information given by the Government, the Committee considers that the complainants have not adduced proof of any actual infringement of trade union rights in this regard and recommends the Governing Body to decide that this aspect of the case does not call for further examination.

69. Further, the Committee notes that in the observations presented in its letter of 16 October 1963 the Government makes comments on the Committee's conclusions regarding the allegation that there had been an infringement of trade union rights in
connection with a strike of postal workers. These conclusions, which were contained in paragraph 109 of the 69th Report of the Committee, read as follows:

... the Committee... recommends the Governing Body—

(b) to decide, with regard to the allegations relating to a strike of postal, telegraph and telephone workers—

(i) to draw the attention of the Government to the importance which the Governing Body has always attached, where strikes are restricted or prohibited in essential services, to ensuring adequate guarantees to safeguard to the full the interests of the workers thus deprived of an essential means of defending occupational interests, and to the principle that such restriction or prohibition should be accompanied by the provision of adequate impartial and speedy conciliation procedures and of impartial arbitration machinery;

(ii) to suggest to the Government that, if it is intended to maintain the present limitation placed upon the exercise of the right to strike by section 139 (2) of the Labour Code, it may care to consider taking steps to ensure that the categories of workers to whom that section applies may in all cases have recourse to the arbitration machinery established by the Code irrespective of whether the other party to a dispute consents to its submission to arbitration or not;

(iii) to request the Government to be good enough to keep the Governing Body informed of further developments in this connection;

The Government replies to these conclusions as follows: "The recommendations and suggestions made in points (b) (i) and (b) (ii) [of paragraph 109] will be held in mind by the Government during the deliberations on the bringing up to date of the Labour Code which is expected to take place shortly. As regards point (iii), the Government undertakes to keep the Governing Body of the I.L.O. informed of every development that may take place in this connection."

70. The Committee recommends the Governing Body to take note with satisfaction of the above statement by the Government, and to express the hope that necessary measures will be taken at an early date.

71. With regard to the case as a whole, the Committee recommends the Governing Body—

(a) to decide that the allegations relating to transfer of officials of the Union of Somalian Teachers do not, for the reasons contained in paragraphs 60 to 68 above, call for further examination;

(b) to take note with satisfaction of the statement made by the Government regarding the effect which it intends to give to the recommendations contained in paragraph 109 (b) of the 69th Report of the Committee, and to express the hope that necessary measures to this end will be taken at an early date.

Case No. 308:

Complaint Presented by the International Federation of Christian Trade Unions against the Government of Argentina

72. The complaint lodged by the International Federation of Christian Trade Unions was contained in a communication sent directly to the International Labour Office on 14 September 1962. The Argentine Government sent its observations in a note dated
22 January 1963. The Committee examined the complaint at its February 1963 meeting and decided to ask the Government for further information. The Government sent new information in notes dated 5 April and 21 May 1963. At its November 1963 meeting the Committee examined the case afresh, arriving at certain conclusions, and again decided to request the Government for further information. The Government replied by a communication dated 20 January 1964.

73. Argentina has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

74. The International Federation of Christian Trade Unions alleges that the Argentine Government has withdrawn legal personality and trade union status from three federations, namely the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees, the Argentine Printing and Allied Trades Federation, and the Argentine Textile Workers' Association. The complainant adds that this decision is in flagrant contradiction with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

75. In its reply dated 22 January 1963 the Government states that the complaint concerns the withdrawal of legal personality and trade union status from the following occupational associations: the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees, the Argentine Printing and Allied Trades Federation, the Buenos Aires Printing and Allied Trades Federation and the Argentine Textile Workers' Association. The Government adds that legal personality and trade union status were withdrawn in resolutions issued by the Ministry of Labour and Social Security (Nos. 535/62, 530/62 and 531/62, copies of which were attached to the reply), the preamble of which duly gave the reasons of the competent authority for adopting the measures concerned.

76. The Committee pointed out that the Government referred to four organisations, namely the three mentioned by the complainant and the Buenos Aires Printing and Allied Trades Federation, although in its reply no further reference was made to the Argentine Printing and Allied Trades Federation. The Committee therefore requested the Government to state whether at any time it withdrew legal personality and trade union status from the Argentine Printing and Allied Trades Federation. In its reply dated 21 May 1963, the Government states that legal personality and trade union status were withdrawn from the Argentine Printing and Allied Trades Federation by resolution No. 704 of 22 December 1959, since legal personality and trade union status had been granted to the Buenos Aires Printing and Allied Trades Federation by a first-grade body. Thus, the Government adds, the Argentine Printing and Allied Trades Federation became a second-grade body known as the Argentine Federation of Printing Workers, which was recognised under resolution No. 323 of 9 June 1960. The Committee noted the presence of a mistake in the original complaint in which the Argentine Printing and Allied Trades Federation was mistaken for the Buenos Aires Printing and Allied Trades Federation. Since there no longer seemed to be any problem regarding the Argentine Printing and Allied Trades Federation, which had become the Argentine Federation of Printing Workers, the Committee recommended the Governing Body to decide that this aspect of the case does not call for further examination.

77. With regard to withdrawal of legal personality and trade union status from the Buenos Aires Printing and Allied Trades Federation, the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees, and the Argentine Textile Workers' Association, the grounds stated in the respective resolutions are as follows: in the case of the Buenos Aires Printing and Allied Trades Federation, non-compliance with a resolution of the Directorate-General of Labour Relations dated 20 August 1962 which called on strikers to resume work which had been arbitrarily suspended in an effort to obtain wage increases; in the case of the Federation of Salaried and Wage-
Earning Postal and Telecommunications Employees, failure to observe a resolution of the Directorate-General of Labour Relations dated 24 August 1962 calling for an end to a strike whose only justification was “delay in the payment of wages and salaries for the month of July 1962, whereas by 22 August 1962 outstanding wages had already been paid to postmen and messengers and similar employees and steps had been taken to settle obligations to other employees, available funds permitting”; and in the case of the Argentine Textile Workers’ Association, denial of the competence of the Ministry of Labour to examine its books, thus violating section 17 of Act No. 14455 concerning workers’ occupational associations. The three resolutions concerned concluded that, as “the provisions issued by the competent authority in the exercise of its legal powers” had not been observed, these organisations were subject to prosecution under section 34, paragraph 2, of Act No. 14455, reading as follows:

34. The Ministry of Labour and Social Security shall enforce the provisions of this Act and have authority to—

1. .................
2. withdraw or suspend the legal personality or trade union status of occupational associations for—

(a) .................
(b) failure to comply with the regulations issued by the competent authority in the exercise of its legal powers;

The three above-mentioned resolutions suspended the legal personality and trade union status which had been previously granted to the organisation in question.

78. The Government also states in its reply that the facts on which the complaint was based did not in any way entail violation of the principles laid down in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), since, as pointed out previously, the withdrawal of legal personality and trade union status merely involved the suspension of a specific right whereas the association as such continued to enjoy all its normal rights. The Government adds that section 37 of Act No. 14455 grants the organisations concerned the right to appeal to the National Chamber of Appeals in Labour Matters and that all three of these organisations exercised that right. Finally, the Government declares that the National Chamber of Appeals in Labour Matters handed down a decision (copy of which was forwarded) reversing the resolution affecting the Buenos Aires Printing and Allied Trades Federation; that a similar decision was handed down in the case of the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees, and that, in the case of the Argentine Textile Workers’ Association, the appeal is still pending judgment and that the verdict will be communicated to the Committee as soon as it is handed down.

79. The Committee, although it recognised that under Argentine labour laws—as stated by the Government—the withdrawal of legal personality and trade union status from an organisation does not entail its dissolution, recalled that in previous cases concerning Argentina it had stated that “from the strictly trade union point of view . . . the role assigned to these organisations (without legal status) is extremely limited” and that, “in view of the statutory distinction between organisations having trade union status and ordinary trade unions, it would seem that organisations which do not have trade union status do not have the right to organise in freedom their administration and activities and to formulate their programmes”.

80. The Committee observed that in the present case the allegations submitted by the complainants as well as the Government’s reply and the text of Act No. 14455

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1 See 36th Report, Case No. 190 (Argentina), para. 200; 58th Report, Case No. 231 (Argentina), para. 550; 59th Report, Case No. 258 (Argentina), para. 52.
concerning workers’ occupational associations fail to show clearly whether the withdrawal of legal personality and trade union status became effective as soon as resolutions Nos. 535/62, 530/62 and 531/62 were issued, and these rights were not restored, in the case of the Buenos Aires Printing and Allied Trades Federation and the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees, until the National Chamber of Appeals in Labour Matters had reversed these resolutions, or whether the legal personality and trade union status of these organisations were maintained during the period between the date on which the administrative resolutions withdrawing legal personality and trade union status were issued and the date on which the court decision reversing these resolutions was handed down, or whether they were restored only after the date on which these organisations lodged their appeal. In these circumstances the Committee decided to request the Argentine Government for additional information regarding this aspect of the case and the situation respecting the appeal lodged by the Argentine Textile Workers’ Association.

81. By its note of 5 April 1963 the Government sent a copy of resolution No. 106 of 5 March 1963 in which it decided to restore the legal personality and trade union status of the Argentine Textile Workers’ Association. In its communication of 21 May 1963 the Government sent copies of resolutions Nos. 530 and 535 withdrawing the legal personality and trade union status of the Buenos Aires Printing and Allied Trades Federation and the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees. The Committee observed that the Government had failed to reply to the question regarding the immediate practical effects of the resolutions withdrawing legal personality and trade union status from those unions.

82. In view of the fact that Article 4 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), provides that “workers’ and employers’ organisations shall not be liable to be dissolved or suspended by administrative authority”, the Committee again requested the Government to state whether withdrawal of legal personality and trade union status from the Buenos Aires Printing and Allied Trades Federation, the Federation of Salaried and Wage-Earning Postal and Telecommunications Employees and the Argentine Textile Workers’ Association became effective as soon as the respective resolutions were issued and whether such personality and status were restored to these organisations only when the National Chamber of Appeals in Labour Matters gave its decision, or when subsequent resolutions were issued restoring such personality and status, or whether these organisations retained their legal personality and trade union status at all times.

83. In its communication dated 20 January 1964 the Government refers to its earlier statements on this question, explaining in particular that since the administrative resolutions concerned are issued by the Ministry of Labour and Social Security in exercise of its legal powers—as the authority responsible for application of the provision contained in Act No. 14455 concerning suspension and withdrawal of legal personality and trade union status—this implies their practical application and consequently the impossibility on the part of the organisations concerned to exercise the rights conferred on occupational associations with legal personality and trade union status. The Government goes on to point out that, in accordance with section 37 of Act No. 14455, organisations with legal personality and trade union status have the right to appeal to the National Chamber of Appeals in Labour Matters against resolutions concerning the suspension or withdrawal of legal personality and trade union status issued by administrative authority. The said Chamber has the final say concerning the validity of any such decision, confirming it or reversing it, as in the case of the occupational associations which are the subject of the present complaint.

84. Although the Government did not reply fully to the request for information, the Committee gathers from its reply that as soon as the administrative resolutions withdrawing legal personality and trade union status from the organisations concerned were issued, the said measures and their consequences for trade union rights of
these organisations became immediately effective. In practice, the organisations in question only appear to have recovered the rights conferred by Act No. 14455 upon occupational associations with legal personality and trade union status after these resolutions had been reversed by a court decision or when the Ministry of Labour and Social Security had issued fresh resolutions restoring legal personality and trade union status to the union concerned.

85. In view of the foregoing, and bearing in mind the powers conferred by the above Act on occupational associations with legal personality and trade union status, the Committee considers that the possibility under Argentine legislation of the adoption with immediate effect of such measures as the suspension or dissolution of a workers' organisation by administrative authority constitutes a violation of the provisions of Article 4 of Convention No. 87. In matters of this kind the Committee must look beyond the form of the action taken to its substantial nature and effect. While the organisations in question may not have been formally suspended or dissolved, the action taken in respect of them is tantamount to suspension or dissolution in its practical effect. The Convention as a guarantee of a fundamental freedom is concerned not only with words but also with realities, and the Committee must therefore look beyond the form to the substance.

86. As the Committee has already had occasion to emphasise in the past, where suspension measures are issued by administrative authority, there may be a danger that they will appear to be arbitrary, even though they are issued only temporarily or for a limited time as a preliminary to subsequent court action.1 Accordingly, the Committee considers that for the satisfactory application of the principle contained in Article 4 of Convention No. 87, it is not sufficient for legislation to grant the right of appeal against suspension or dissolution decisions issued by administrative authority, but such decisions should not come into effect until the statutory period has expired, without an appeal being lodged, or until they have been confirmed by a court verdict.

87. As already pointed out in connection with the refusal to register a trade union 2, and in accordance with the observations made by the I.L.O. Committee of Experts on the Application of Conventions and Recommendations 3, the Committee would emphasise that if the administrative authority has a discretionary right to register or cancel the registration of a trade union, the existence of a procedure of appeal to the courts does not appear to be a sufficient guarantee; in effect this does not alter the nature of the powers conferred on the administrative authorities, and the judges hearing such an appeal would only be able to ensure that the legislation had been correctly applied. Accordingly, the Committee must emphasise the importance which it attaches to judges being able to obtain information concerning the background of a case, to enable them to decide whether or not the provisions on which the administrative measures appealed against are based constitute a violation of the rights accorded to occupational organisations by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

88. In these circumstances the Committee recommends the Governing Body—

(a) to draw the attention of the Argentine Government to the importance which it attaches to the principle contained in Article 4 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Argentina, which stipulates that workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority;

(b) to request the Argentine Government to examine the possibility of amending the provisions of its legislation in the light of the two preceding paragraphs;

1 See Sixth Report, Case No. 11 (Brazil), para. 64.
2 See 58th Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 612.
(c) to bring these conclusions to the notice of the Committee of Experts on the Application of Conventions and Recommendations.

Case No. 332:
Complaint Presented by the International Metalworkers' Federation against the Government of Brazil

89. The complaint by the International Metalworkers' Federation (I.M.F.) is contained in a communication addressed directly to the I.L.O. and dated 28 February 1963. Further information to substantiate it was sent on 2 May 1963.

90. The original complaint and the further information were transmitted to the Government, for its observations, in letters from the Director-General dated 14 March and 15 May 1963. As some of the allegations made by the plaintiffs related to the arrest of trade unionists, the Director-General also informed the Government that this case belonged to the category of cases which the Committee and the Governing Body are required to examine with priority.

91. The Government communicated its observations to the Office by two letters dated 25 and 29 October 1963.

92. The Committee was seized of the case at its 35th Session (Geneva, 4-5 November 1963), but, since the Government's observations had reached it too late to be examined as regards the substance of the case, decided to defer consideration until the present session.

93. Brazil has ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), but not the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

94. I.M.F. states that the events to which it intends to refer concern (a) members and leaders of the Jaü Metal Workers' Association, which—the complainant declares—is associated with the São Paulo State Federation of Metal Workers' Unions, and (b) members and leaders of this latter organisation, which is itself affiliated to the I.M.F. It alleges that the acts in question were infringements of Conventions Nos. 87 and 98.

95. The complainant organisation then gives a detailed description of the events said to have occurred. It states that since February 1962 the Masiero Industrial Company S.A., having a staff of 186 metalworkers, all members of the Jaü Metal Workers' Association, had been paying wages with 10, 12 and even 25 days' delay, although the Labour Law stipulates that wages are payable within the first ten working days of each month.

96. Having regard to the prejudice caused to the workers by this practice, the complaint goes on, Federation and local union representatives contacted company officials on several occasions, asking that the delayed payments be brought up to date; conciliatory conversations took place from March to October 1962 but yielded no results, while the employer continued to delay payment of wages, ignoring the union's and Federation's requests to regularise the payments.

97. The complaint continues to the following effect: by 14 November 1962 the wages for October were still unpaid; the union, with the Federation's approval, convened a general meeting and, after discussing the facts, decided that if the company again delayed payment of wages a strike should be declared; the employer was informed and took note of this decision; the December wages were paid with only two days' delay; the company was also required by law to pay on 31 December the bonus for the "thirteenth month"; but the company gave promissory notice instead, due in 30 or 60 days, which was against the law.
98. During the early days of January 1963, the complaint goes on, the union and the Federation jointly contacted the employer in an effort to fix a specific day for the payment of wages. Although the employer had promised that no delay should occur in that particular month, wages were received only after 11 days' delay. In view of this action, the union called a general meeting for 11 February, and this was attended by Argeu Egídio dos Santos, Vice-President of the Federation. The 128 members present (all employed by the company) decided that there should be another interview with the employer to ascertain when he intended to effect payment of wages and that the general meeting should convene again the following day, 12 February, to inform the workers of his reply.

99. Immediately after the meeting, Argeu dos Santos and Gavino Ferrari (president of the local branch of the union) contacted the employer, who told them that, if the banks discounted the company's drafts, wages would be paid before 16 February; if not, the workers "would have to be patient".

100. On 12 February, as arranged, the workers met again and the employer's answer was transmitted; the workers, angry at his conduct, resolved to strike, considering that this would be the only way of forcing the employer to arrange for wages to be paid in time. The strike was to start at zero hours on 13 February.

101. Shortly after the above meeting, the decision to strike was announced from the local radio station several times during a six-hour period.

102. The decision to strike having been taken, several groups of workers formed picket lines and moved towards the factory, where—the complainant states—they met a considerable force of police, civilian and military, under the orders of the São Paulo state government. There was no violence during the early hours of the strike, which was peaceful and complete. However, on 13 February about mid-day, while Messrs. Argeu dos Santos and Gavino Ferrari were talking with a group of workers in a street near the factory, they were arrested by the police without explanation and the other workers were ordered to disperse.

103. As soon as the state Federation knew of these events, three officials were sent to Jaú, accompanied by a lawyer, to take the appropriate steps. The workers, revolted at the police action, decided at a meeting not to reach any agreement with the employer as long as their union officials remained in gaol.

104. The workers and their leaders then decided to take legal action in order to free the arrested officials. Through its legal department the Federation introduced a plea of habeas corpus for Argeu dos Santos and Gavino Ferrari before the local court at Jaú. Twenty-four hours later the district judge studied this plea and rejected it. The complainants state that "this decision aggravated the situation even further, as the judge had no right, in the absence of a crime, to deny the request of habeas corpus".

105. Having regard to the foregoing, its officials having been in gaol for eight days, the state Federation introduced another plea of habeas corpus, before the state court at São Paulo. On 20 February a judicial panel composed of ten magistrates sat to review the case and unanimously decided to release Argeu dos Santos and Gavino Ferrari; it also ordered all criminal proceedings to be discontinued, arguing that the arrests were illegal as the trade union office officials had acted to secure payment of wages which were due, that it was the duty of labour leaders to inform and guide their members, and that such action was no crime whatsoever.

106. At the same time, administrative meetings (round table sessions with the São Paulo delegation of the Ministry of Labour) were held in an effort to settle the dispute itself. In one of these conversations Dr. Roberto Gusmão, the official representative of the Ministry of Labour, confirmed that the strike was lawful because the workers were fully entitled to claim their due wages. This statement by the Ministry's representative was published in the local São Paulo newspaper Ultima Hora and other newspapers.
107. After the release of the two imprisoned leaders, which occurred on 20 February at 11.30 p.m., the workers met and unanimously decided to continue the strike until the dispute had been finally settled. Subsequently it was decided to present the workers' case before the labour court in order to obtain a decision at that level.

108. On 22 February, the complainant states, the labour court decided that the delay in paying wages was a breach of contract and that the workers should submit individual claims to the local court at Jaú which would then determine their rights and any compensation due to them.

109. It was against this background, the complainant concludes, that the breach of contract was collectively attacked before the court at Jaú, and that the workers at a general meeting unanimously decided to terminate the strike.

110. The Government's reply, which is brief, is contained in two communications dated 25 and 29 October 1963. In the first of these the Government merely confirms that, having been arrested and kept in custody by the judge at Jaú despite the plea of habeas corpus, the two trade unionists mentioned by the complainant were released by order of the state court. In its second communication, referring to the complainant's allusion to a breach of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Government holds the view that, as Convention No. 87 has not been ratified by Brazil, any complaint thereon is non-receivable.

111. This last statement by the Government calls first of all for an observation on the part of the Committee. While recognising that Brazil has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Committee considers it appropriate to point out, nevertheless, as it has done in relation to Case No. 211 (Canada) 1, Case No. 191 (Sudan) 2, Case No. 266 (Portugal) 3, Case No. 303 (Ghana) 4 and other previous cases 5 that the Declaration of Philadelphia is now an integral part of the Constitution of the International Labour Organisation; that the objects set forth therein are included among those which the International Labour Organisation was established to promote, according to article 1 of the Constitution, as amended at Montreal in 1946; and that the Declaration—

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

In these circumstances the Committee considers, as it did previously when examining the cases mentioned above, that it should,

...in discharging the responsibility to promote these principles which has been entrusted to it, be guided in its task, among other things, by the provisions relating thereto approved by the Conference and embodied in the Freedom of Association and Protection of the Right to Organise Convention (No. 87), 1948..., which afford a standard of comparison when examining particular allegations, more particularly as Members of the Organisation have an obligation under article 19 (5) (e) of the Constitution to report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law

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1 See 45th Report, para. 101.
2 See 48th Report, para. 71.
3 See 65th Report, para. 10.
4 See 67th Report, para. 252.
5 See 15th Report, Case No. 102 (Union of South Africa), paras. 130-131; 28th Report, Case No. 169 (Turkey), para. 292.
and practice in regard to the matters dealt with in unratified Conventions, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Conventions.¹

Having regard to the above, and while noting that the Government of Brazil is one of those which have complied with the said obligation (at the request of the Governing Body) as regards the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and recognising that Brazil is not bound by the provisions of that Convention, the Committee considers that its non-ratification is not a sufficient reason to cause the Committee to refrain from examining the substance of allegations based wholly or partly on the provisions of that instrument or principles proceeding from it.

112. It appears both from the statements of the complaint and from the Government's observations that the two trade unionists mentioned by I.M.F. as having been arrested were subsequently released and that all legal proceedings against them were dropped. In these circumstances the Committee, considering that the complaint had become purposeless, might have recommended the Governing Body to decide not to examine it further.

113. Nevertheless, if it be assumed that the complainant's allegations are accurate—and, far from being denied, they are largely corroborated by the Government—the union officials Argeu dos Santos and Gavino Ferrari, while engaged on trade union work, were arrested by order of the Jaú police, placed in cells intended for criminals and considered as such, they were accused of infringement of the "right to work" under section 197 of the Penal Code ("coercion by violence or intimidation") and under section 200 ("action with intent to cause a stoppage of work or collective desertion and violence against persons or property"); and only after eight days' detention in the condition summarised above were all charges against them withdrawn and themselves released, the plea of habeas corpus entered in their favour having been granted on appeal.

114. In several previous cases ² the Committee has pointed out that the detention of trade unionists concerning whom no grounds for conviction are subsequently found is liable to involve restrictions of trade union rights. In these same cases the Committee has recommended the Governing Body to ask the government to consider whether the authorities concerned had instructions appropriate to eliminate the danger of detention for trade union activities.

115. In the present case the Committee recommends the Governing Body, while taking note of the release of the persons concerned, to draw the attention of the Government to the view expressed in the previous paragraph.

116. As regards the dispute itself, the Committee, noting that the labour court considered that there was breach of contract and that the case was brought before the ordinary courts to determine the workers' rights and any compensation due to them, considers that there is no ground for it to pursue further its examination of this aspect of the case.

117. With regard to the case as a whole, the Committee recommends the Governing Body, while taking note of the release of Messrs. Argeu Egydio dos Santos and Gavino Ferrari, to point out to the Government that the detention by the authorities of trade unionists concerning whom no grounds for conviction are subsequently found is liable to involve restrictions of trade union rights, and to ask the Government to ensure that the authorities concerned have instructions appropriate to eliminate the danger of such detention for trade union activities.

¹ See 15th Report, Case No. 102 (Union of South Africa), para. 131.
² See 27th Report, Case No. 104 (Iran), para. 45; 72nd Report, Case No. 352 (Guatemala), para. 192.
Case No. 337:

Complaint Presented by the Union of Independent Indigenous Trade Unions of Somaliland against the Government of France in respect of French Somaliland

118. The complaint of the Union of Independent Indigenous Trade Unions of Somaliland is contained in a brief communication, dated 5 May 1963, addressed directly to the I.L.O. The complainants were informed by a letter dated 22 May 1963 of their right to submit within one month additional information in support of their complaint, but have not availed themselves of that right. The complaint was communicated to the Government for its comments in a letter dated 22 May 1963.

119. At its 34th and 35th Sessions (May and November 1963) the Committee decided, in the absence of the Government’s comments, to adjourn the examination of the case.\(^1\) The Government was informed of these decisions of the Committee by two letters dated 6 June and 20 November 1963 respectively.

120. The Government furnished its observations in a communication dated 7 February 1964.

121. France has declared the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), applicable without modification to French Somaliland; on the other hand, it has made no declaration concerning the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

122. The complainants allege that on Labour Day, 1 May 1963, Messrs. Ahmed Cavalier, Ibrahim Taher and Ismail Gouled, leaders of the Union of Independent Indigenous Trade Unions of Somaliland, were arrested by the French authorities. The complaint is signed “Mohamed Dahan, Adviser to the Union of Independent Indigenous Trade Unions of Somaliland (Djibouti), Secretary for Political Affairs of the Democratic Somali Union Party”.

123. In its observations the Government indicates, firstly, that the signatory of the complaint, Mr. Mohamed Dahan, was never one of the leaders of the Union of Independent Indigenous Trade Unions of Somaliland and that the organisation in question disappeared after a brief existence. The Government further indicates that the Democratic Somali Union has never existed, even in only a formal manner, since it has not been the subject of any declaration.

124. The Government then states that the trade union situation in Djibouti is a very special one, characterised by “indifference of the mass of the workers to trade unionism, and appointment of trade union leaders at meetings called general assemblies which are attended not by trade unionists representing particular occupations but by the supporters of a particular candidate, who may or may not be trade unionists or wage earners”.

125. The Government states that trade union activities, including the general assemblies held in places open to the public, have always been permitted in the Territory. The last such assembly was held on 26 April 1963 under the auspices of the Territorial Union of Trade Unions of French Somaliland; in actual fact, states the Government, the assembly was organised by the People’s Movement Party, which advocates independence for French Somaliland and the incorporation of French Somaliland in the Somali Republic. At that assembly, states the Government, some trade union delegates who are influential members of the People’s Movement Party called on the population to hold a mass demonstration in the street on 1 May, with or without the agreement of the Administration.

126. “It must be emphasised”, says the Government, “that, since Labour Day is not associated in the Territory with the commemoration of great social conflicts

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\(^1\) See 70th Report, para. 6; 72nd Report, para. 7.
such as other countries have experienced, demonstrations held on that day could, in the absence of proper trade unions and taking into account the unlawful presence in Djibouti of many aliens from the Somali Republic, be used solely for political ends."

127. The Government then states that the political situation prevailing at that time indicated that there might be serious incidents and that the Governor, who is the head of the Territory and has responsibility for the maintenance of public order, therefore prohibited all demonstrations on the public highway on 1 May 1963. A minority of trade union representatives with political tendencies decided to disregard this prohibition, and this led to the arrests which have been mentioned in connection with the present case.

128. The Government states, in conclusion, that the persons concerned have been freed.

129. Having regard to the lack of specific evidence adduced in support of the complaint, it is difficult to determine whether the demonstrations which took place on 1 May 1963—and which had been prohibited for security reasons—were really held in order to celebrate Labour Day or whether they were of a political character. In any event, it is fairly clear that the arrests made during the demonstrations were designed, according to the statements made by the Government, to safeguard public order.

130. In these circumstances the Committee recommends the Governing Body to take note of the fact that the persons concerned have been released.

Case No. 367:

Complaints Presented by the International Confederation of Free Trade Unions, the International Federation of Christian Trade Unions, the Confederation of Free Trade Unions of the Congo, the Inter-Occupational Committee of Katanga and the African Trade Union Confederation against the Government of the Congo (Leopoldville)

131. A complaint dated 25 October 1963 was addressed directly to the I.L.O. jointly by the International Confederation of Free Trade Unions and the International Federation of Christian Trade Unions. The latter Organisation also lodged a separate complaint on the same date. In addition and also on 25 October 1963, the Confederation of Free Trade Unions of the Congo and the Inter-Occupational Committee of Katanga submitted complaints concerning the same subject. These complaints were communicated to the Government for its observations by letter dated 30 October 1963. By a communication of 30 October 1963 the African Trade Union Confederation made allegations concerning the same subjects; these allegations were transmitted to the Government for its observations by letter dated 20 November 1963.

132. At its 35th Session (November 1963) the Committee decided, in the absence of the observations requested from the Government, to adjourn examination of the case until its following session.¹ This decision of the Committee was communicated to the Government by letter dated 20 November 1963.

133. By a communication dated 14 November 1963, the International Federation of Christian Trade Unions submitted further information in support of its complaint, and this information was transmitted to the Government for its observations by letter dated 22 November 1963.

134. The Government submitted its observations concerning the whole question by a telegram dated 23 December 1963, which was supplemented by a communication dated 29 January 1964.

¹ See 72nd Report, para. 6.
135. The Congo (Leopoldville) has not ratified either the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

136. The original complaints, contained in a series of telegrams sent in October 1963 by the organisations listed in paragraph 131, refer to the arrest of the following trade union leaders of the major trade union federations of the country on the grounds of inciting to strike: Messrs. Bo-Boliko and Booka of the Union of Congolese Workers, Mr. Kithima of the Confederation of Free Trade Unions of the Congo, and Mr. Siwa of the General Federation of Workers of the Congo.

137. By a communication dated 14 November 1963, the International Federation of Christian Trade Unions provided information indicating that on 22 October 1963 the above-mentioned trade union leaders launched an order calling for a general strike of the employees of the administration, and that the dual aim of this strike was to support the movement already started by the teachers in order to obtain payment of wage arrears and to bring about "amendment of certain provisions of the new conditions of work of employees of the administration".

138. It is further stated that the strike was almost complete on 23 October, but that on the next day it collapsed as a result of pressure, threats and intimidation by the authorities, resulting in the arrest under emergency provisions of Mr. Kithima and then of Messrs. Bo-Boliko, Siwa and Booka.

139. The Government states in its observations that the four trade union leaders formed a coalition in order to persuade officials to stop work and ordered a general strike throughout the public services for 23 October 1963. The Government further states that this strike order was preceded by activities between 20 and 23 October during which numerous tracts were printed, documents drawn up and public speeches made calling on officials to strike and disobey the law. This coalition came about immediately after an order issued by the President of the Republic proclaiming a state of emergency.

140. According to the Government's statement, the printed matter circulated among officials is alleged by some to have borne the signatures of the four trade union leaders concerned and contained open incitement to disobey the laws and to commit other violations of the Penal Code. For instance, a document entitled "Attitude of the Congolese Trade Unions" contains such statements as "the alliance of trade unions states publicly that it is fighting and will continue to fight any régime that is against the people", or "nevertheless, we continue our struggle for the elimination of any régime". In another document entitled "Very Important Declaration by the Trade Union Alliance" it is stated: "The trade union alliance vehemently condemns the new anti-democratic régime which can in no way be justified in the present state of affairs" and: "The trade union alliance calls urgently on all the Congolese workers not to allow themselves to be intimidated by the supporters of a régime which will inevitably disappear, and to carry out our instructions."

141. The Government further states that, from the legal point of view, the movement thus launched was unlawful on two counts: firstly, under the emergency regulations, which suspend the right to strike, and secondly, and above all, because even in normal circumstances public officials do not enjoy the right to strike under existing legislation (decree of 25 January 1957 concerning exercise of the right of association of public servants).

142. The Government states that the four trade union leaders concerned in this matter were prosecuted both for violating the decree mentioned above and for breaking sections 186 and 188 of the Penal Code. It goes on to point out that the four persons have been released and that their case has been referred to a constitutionally independent power, namely the judiciary.
143. The Government's statement concludes by indicating that the teachers resumed work "after a binding promise—which was carried out today—that their wage arrears should be paid ".

144. It would seem from the information before the Committee that, although the strike movement resembled a labour dispute in certain respects, it was, to a large extent, political in nature. This impression is created, in the first place, by the Government's explanations and the documents it quotes. The same impression is created, perhaps even more strongly, by the documents submitted by the complainants, which are the same from which the Government quotes. Apart from the extracts supplied by the Government, these documents contain such statements as the following: “The present Government is nothing but a committee of colonialism forced to disguise its true nature, and it openly pursues the policies of the major powers... We cannot, in any circumstances, subscribe to a ridiculous and suicidal policy... What the workers want is new leaders.”

145. In so far as the strike was political—and the above indications show that this was to a large extent so—it does not come within the Committee's competence. The only aspect which seems to present affinities with a labour dispute is the teachers' demand for payment of wage arrears.

146. The Government has stated that the teachers' strike was concluded and that it has met the teachers' demands (see paragraph 143 above). This statement is confirmed by one of the complainants, the African Trade Union Confederation, whose communication of 30 October 1963 states that the Government has taken action to meet the workers' demands in their entirety.

147. With regard to the arrest of the four trade union leaders concerned, the Committee notes that these four persons have been released.

148. In these circumstances, the Committee recommends the Governing Body to note that the strike has ended in a settlement of the dispute and that the four trade union leaders who had been arrested have been released.

**INTERIM CONCLUSIONS IN THE CASES RELATING TO SUDAN (CASE No. 191), UNITED KINGDOM (SOUTHERN RHODESIA) (CASE No. 251), PORTUGAL (CASE No. 266), SPAIN (CASE No. 294), COLOMBIA (CASE No. 363) AND FEDERAL REPUBLIC OF GERMANY (CASE No. 371)**

**Case No. 191:**

**Complaint Presented by the International Confederation of Arab Trade Unions, the World Federation of Trade Unions and the Sudan Railway Workers' Union against the Government of Sudan**

149. The Committee has already examined this case at its 25th Session (May 1960) ¹, its 27th Session (February 1961) ² and its 30th Session (February 1962).³ On the last-mentioned occasion it submitted an interim report containing certain conclusions and a request to the Government for further information. The said conclusions and request, as approved by the Governing Body at its 151st Session (March 1962), were communicated to the Government by letter dated 16 March 1962. Since that time, not having received the information for which it had asked (but only an indication given

¹ See 48th Report, paras. 56-90.
² See 52nd Report, paras. 79-122.
³ See 60th Report, paras. 110-162.
by the Government on 3 April 1963 that the matter was being examined), the Committee has deferred consideration of the case at each of its sessions up to and including the 35th (November 1963).

150. The recommendations made by the Committee at its 30th Session and approved by the Governing Body were as follows:

...the Committee recommends the Governing Body—

(a) to decide, with respect to the allegations relating to the suspension of the trade unions of the Sudan—

(i) to take note of the Government's statement that 48 trade unions, representing 42,000 industrial workers, have now been registered under the Trade Unions (Amendment) Ordinance, 1960, and that ten further applications for registration are under consideration;

(ii) to request the Government to be good enough, bearing in mind the hope expressed by the Governing Body when it adopted paragraph 90 (a) (ii) of the Committee's 48th Report, cited in paragraph 117 above, to continue to keep the Governing Body informed of further developments with regard to the formation and functioning of trade unions in Sudan;

(b) to decide, with respect to the allegations relating to the trade union press—

(i) to take note of the Government's statement that it has no objection in principle to allowing trade unions to express their opinions by publishing their own newspapers;

(ii) to request the Government to inform the Governing Body whether this statement means that the freedom of the trade union press has now been re-established or will now be re-established in Sudan, in accordance with the hope expressed by the Governing Body when it approved paragraph 90 (b) (ii) of the Committee's 48th Report;

(iii) to request the Government to furnish its observations on the allegations made by the World Federation of Trade Unions in its communication dated 5 June 1961, to which reference is made in paragraph 123 above;

(c) to request the Government to furnish its observations on the allegations relating to arrests of trade unionists made by the World Federation of Trade Unions in its communication dated 5 June 1961 and which are referred to in paragraphs 129 and 130 above;

(d) to decide, with respect to certain matters arising out of the Trade Unions (Amendment) Ordinance, 1960—

(i) to draw the attention of the Government to the importance which the Governing Body attaches to the generally accepted principle that workers without distinction whatsoever should have the right to establish and join trade union organisations;

(ii) to express the hope that the Government will now consider amending section 2 of the Trade Unions Ordinance, as amended in 1960, so as to give full effect to the principle enumerated in subparagraph (i) above;

(iii) to request the Government to be good enough to keep the Governing Body informed as to further developments in this connection;

(iv) to draw the attention of the Government to the importance which the Governing Body attaches to the generally accepted principle that workers should have the right to establish and join organisations of their own choosing;

(v) to express the hope that the Government, having regard to the considerations set forth in paragraphs 134, 136 and 137 above, will now consider amending sections 9 (1) and 27 (3) of the Trade Unions Ordinance, as
amended in 1960, so as to give full effect to the principle enunciated in subparagraph (iv) above;

(vi) to request the Government to be good enough to keep the Governing Body informed as to further developments in this connection;

(vii) to draw the attention of the Government to the importance which it attaches to the generally recognised principles that workers' organisations should have the right to establish and join federations and confederations and that any such organisation, federation or confederation should have the right to affiliate with international organisations of workers;

(viii) to point out to the Government that the question as to whether a need to form federations and confederations is felt or not is a matter to be determined solely by the workers and workers' organisations themselves after their right to form them has been legally recognised;

(ix) to express the hope that the Government will now consider amending the provisions of the Trade Unions Ordinance, as amended in 1960, so as to give full effect to the principles enunciated in subparagraph (vii) above;

(x) to request the Government to be good enough to keep the Governing Body informed as to further developments in this connection;

(e) to decide, with respect to the allegations relating to the dissolution of the Sudan Railway Workers' Union—

(i) to draw the attention of the Government to its view that dissolution by the Executive in exercise of the legislative functions with which the Government is endowed, like dissolution by virtue of administrative powers, does not ensure the right of defence which normal judicial procedure alone can guarantee, and to the importance which it attaches to the principle that workers' and employers' organisations should not be liable to be dissolved or suspended by administrative authority;

(ii) to suggest to the Government that it may care to reconsider the provisions of sections 9 and 16 of the Trade Disputes Act, 1960, in the light of the considerations set forth in paragraph 160 above.¹

151. In a communication dated 2 December 1963 the Government gave some indications on certain of the allegations in this case.

152. With regard to the particular problems raised by the Trade Unions (Amendment) Ordinance, 1960, and more especially to the provisions concerning federations and confederations and affiliation to international organisations of workers, the Government states that at its sitting of 13 November 1963 the Supreme Council for the Armed Forces accepted the principle of the establishment of a trade union federation.

153. With regard to the allegations concerning the dissolution of the Sudan Railway Workers' Union, the Government states that the Supreme Council for the Armed Forces has decided to authorise establishment of a railway workers' union.

154. Thirdly, the Government indicates that the Supreme Council for the Armed Forces has accepted the amendment of the Trade Unions Ordinance so as to extend the right of organisation to all workers who are not yet organised.

155. The Government states in conclusion that it intends to provide the Committee with information in more detail at a later date.

156. Having regard to the foregoing, the Committee recommends the Governing Body—

(a) to thank the Government for the information which it has been good enough to communicate, and to take note of that information with interest;
(b) to request the Government to furnish to the Committee, as it has already declared its intention of doing, more detailed information on the matters mentioned in paragraphs 152, 153 and 154 above;

(c) to request the Government again to be good enough to furnish the further information requested in subparagraphs (a) (ii), (b) (ii) and (iii), (c), (d) (iii), (vi) and (x) of paragraph 162 of the 60th Report of the Committee;

(d) to express the hope that the Government will furnish the information referred to in subparagraphs (b) and (c) above at an early date;

(e) to take note of the present interim report, it being understood that the Committee will report further to the Governing Body when it has received the additional information in question.

Case No. 251:

Complaint Presented by the World Federation of Trade Unions against the Government of the United Kingdom in respect of Southern Rhodesia

157. The Committee has already examined this case at its meetings in November 1961 1, May 1962 2, October 1962 3 and May 1963.4 On this last occasion, the Committee submitted an interim report containing certain conclusions and a request to the Government for further information.5 The report of the Committee, which was approved by the Governing Body at its 155th Session on 1 June 1963, recommended the Governing Body, in particular—

(c) to note the Government of the United Kingdom's statement that the new Government elected in Southern Rhodesia in December 1962 is considering the matters referred to in paragraph 446 (b) and (c) of the 66th Report of the Committee... and to request the Government of the United Kingdom to be good enough to keep the Governing Body informed as to further developments in this connection.6

Paragraph 446 (b) and (c) of the 66th Report of the Committee reads as follows:

446. ... the Committee recommends the Governing Body—

(b) to decide, with regard to the allegations relating to registration of trade unions under the Industrial Conciliation Act, 1959—

(i) to take note of the statement of the Government of the United Kingdom to the effect that the Government of Southern Rhodesia has agreed that sections 37 and 48 of the Industrial Conciliation Act, 1959, be amended to make all appeals against the refusal or cancellation of registration of organisations by the Registrar, without exception, lie to the Industrial Court;

(ii) to draw the attention of the Government of the United Kingdom once again, having regard to the observations of the I.L.O. Committee of Experts on the Application of Conventions and Recommendations referred to in paragraph 428 above, to the desirability of defining clearly in the legislation

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1 See 58th Report, paras. 590-621.
2 See 62nd Report, paras. 144-177.
3 See 66th Report, paras. 400-446.
4 See 70th Report, paras. 43-54.
5 Ibid., para. 54.
6 Ibid., para. 54 (c).
the precise conditions which trade unions must fulfil in order to be entitled to registration and of prescribing specific statutory criteria for the purpose of deciding whether such conditions are fulfilled or not;

(iii) to express the hope that it will be found possible to effect the legislative amendments referred to in subparagraph (i) above at an early date, and that, when this is done, account will also be taken of the considerations set forth in subparagraph (ii) above;

(iv) to request the Government of the United Kingdom to be good enough to keep the Governing Body informed as to further developments in this connection;

(c) to decide, with regard to the allegations relating to the organising rights of agricultural workers and domestic servants—

(i) to draw the attention of the Government to the fact that in undertaking to apply the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), without modification to Southern Rhodesia, it has assumed the obligation under Article 2 of that Convention to guarantee the right of all employed persons “to associate for all lawful purposes”;

(ii) to request the Government—having regard to the observation made in 1961 by the I.L.O. Committee of Experts on the Application of Conventions and Recommendations, as indicated in paragraph 438 above, and to the statement of a Government representative to the Conference Committee on the Application of Conventions and Recommendations in 1961 that the question of the inclusion of agricultural workers and domestic servants within the Industrial Conciliation Act, 1959, would be further considered in the light of the observation of the Committee of Experts—to indicate what measures it is proposed to take to give full effect to Article 2 of the said Convention in respect to these categories of workers.

158. In a communication dated 22 January 1964, the Government of the United Kingdom gave the following information on these two points.

159. As regards the allegations relating to registration of trade unions under the Industrial Conciliation Act, 1959, the Government states that sections 37 and 48 of the said Act are now being amended to make all appeals against the refusal or cancellation of registration of organisations by the Registrar to lie to the Industrial Court.

160. As for the question concerning the precise definition of conditions which trade unions must fulfil in order to be entitled to registration, the Government states that this is still under consideration.

161. With regard to the allegations relating to the organising rights of agricultural workers and domestic servants, the Government indicates that the question of the organising rights of these categories of workers is still being examined.

162. In view of the foregoing, the Committee recommends the Governing Body—

(a) to take note with interest of the information furnished by the Government;

(b) to express the hope that the Government will find it possible to take measures at an early date, in respect of the matters referred to in subparagraphs (b) and (c) of paragraph 446 of the 66th Report of the Committee cited in paragraph 157 above, and to request the Government to be good enough to keep the Governing Body informed of further developments in this connection;

(c) to take note of the present interim report, it being understood that the Committee will report further to the Governing Body when it has received the additional information referred to in subparagraph (b) above.
74th Report
Case No. 266:
Complaint Presented by the International Confederation of Free Trade Unions against the Government of Portugal

163. This case was examined by the Committee at its 32nd Session (May 1962), when it submitted a report to the Governing Body setting forth its final recommendations with respect to most of the allegations which had been made, as well as certain conclusions and a request for additional information in regard to the remaining allegations. This report, the 65th, was approved by the Governing Body on 29 June 1962 at the close of its 152nd Session.

164. When the case was before it again at its 34th Session (May 1963), the Committee once more submitted an interim report to the Governing Body, which is contained in paragraphs 145 to 174 of the 70th Report of the Committee, adopted by the Governing Body on 1 June 1963 during its 155th Session.

165. Paragraph 174 of the 70th Report of the Committee, which contained the Committee’s recommendations to the Governing Body, was worded as follows:

174. In all the circumstances, the Committee recommends the Governing Body—

(a) with regard to the allegations relating to denial of the right of association to indigenous workers in Portuguese Overseas Provinces, to take note of the Government’s statement that, since the repeal in September 1961 of Legislative Decree No. 39666 of 20 May 1954 (the “Native Statute”), the basic provision concerning freedom of association contained in article 8, paragraph 14, of the Portuguese Constitution and the provisions of Legislative Decree No. 23050 of 23 September 1933 respecting national trade unions are now in force for all workers in Overseas Portugal, whatever their origin, race or social condition;

(b) with regard to the allegations relating to the prohibition of strikes which are not outside the competence of the Committee, in so far, but only in so far, as they affect the exercise of trade union rights—

(i) to take note, with respect to the machinery for the settlement of disputes provided for under Portuguese legislation, of the Government’s statement that the question of the issue of additional provisions to safeguard further the position of the workers was the subject of discussion at the Second National Labour Conference of the Corporative and Social Welfare Organisation in October 1962, which submitted certain conclusions to the Government concerning the establishment of conciliation and arbitration machinery, and that the best means of giving effect to those conclusions is now being considered;

(ii) to draw the attention of the Government once again to the fact that the right of workers and their organisations to strike as a legitimate means of defending their occupational interests is generally recognised, and to the importance which the Governing Body attaches to the principle that, where strikes by workers are restricted or prohibited, such restriction or prohibition should be accompanied by the provision of conciliation procedures and of independent and impartial arbitration machinery;

(iii) to express again the hope that the Government will have full regard to this principle in the course of the examination of the situation which it states is still being made with a view to the issue of additional provisions relating to the machinery for the settlement of disputes, and to request the Government to be good enough to keep the Governing Body informed of further developments in this connection;

(iv) to note that the Committee has deferred its further examination of the allegations relating to prosecutions for strike offences until the outcome of the examinations referred to above is known;

1 See 65th Report, paras. 6-88.

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(v) to draw the attention of the Government, however, to its view that the fact that a worker who has been convicted of an offence under the legislation relating to strikes loses his political rights, with the result that he may not be a member of a trade union or a member of its management committee, is incompatible with the generally accepted principles that workers without distinction whatsoever should have the right to join organisations of their own choosing, that workers' organisations should have the right to elect their representatives in full freedom and that the law of the land should not be such as to impair, nor should it be so applied as to impair, the enjoyment of these rights.

166. These conclusions were brought to the attention of the Government by a letter dated 7 June 1963, to which it replied by a communication dated 28 January 1964.

167. In its reply the Government states that it has duly noted the recommendations of the Committee, and will not fail to take them into account in the revision of the national labour legislation to which it has already begun to give its attention in collaboration with the employers' and workers' organisations of the country.

168. The Committee recommends the Governing Body to take note of the Government's statement and to request the Government to be good enough to keep it informed of any developments in the situation.

Case No. 294:
Complaints Presented by the International Confederation of Free Trade Unions, the International Federation of Christian Trade Unions and the World Federation of Trade Unions against the Government of Spain

169. The Committee has already reported on this case to the Governing Body in its 66th, 68th, 70th and 72nd Reports. The matters still outstanding, concerning which the Committee has not submitted definitive recommendations to the Governing Body, are the allegations relating to arrests and deportations as a result of the strikes of 1962, to measures of compulsory residence on account of trade union activities, to matters arising out of the strikes of 1963 and to the national legislation concerning strikes and the demand for the sending of a Commission of Inquiry to Spain. These outstanding matters are dealt with in the present report.

Allegations relating to Arrests and Deportations as a Result of the Strikes of 1962

170. These allegations and the previous examination thereof by the Committee were analysed in paragraphs 96 to 115 of the 72nd Report of the Committee. In particular, the Committee had before it at its meeting in November 1963 a communication from the Government, dated 3 May 1963, in which the Government gave its reasons for not furnishing, as requested by the Governing Body, the texts of the judgments handed down by the national courts in the cases of 47 persons charged with offences connected with the strikes of 1962 and stated by the Government, in its earlier communication dated 14 January 1963, still to have been in prison at that time. In the same communication dated 3 May 1963, the Government informed the Committee that it had recently submitted to Parliament a Bill which, first of all, made an exception to certain penal provisions and, secondly, transferred to the ordinary courts of law competence in respect of certain offences for which a special judicial authority had hitherto been competent. In a communication dated 29 July 1963, the Government reaffirmed the foregoing points and added that a Decree of 24 June and an Order of 19 July 1963 had amnestied a number of the 47 persons concerned and reduced the sentences passed on some of the others.
171. In these circumstances, the Committee recommended the Governing Body, in paragraph 138 of its 72nd Report—

(b) to ask the Government to give its full co-operation in the examination of this case, and to request the Government once again to furnish the texts of the judgments handed down in the proceedings instituted against the 47 persons referred to in the communication from the Spanish Government dated 14 January 1963;

(c) to take note of the fact that, as regards the Bill submitted to Parliament, in the first place there does not appear to be any possibility of review of the sentences in question, and that in the second place it is proposed to set up a special judicial authority, the Public Order Court and Tribunal, which instead of the ordinary courts of law, would be given exclusive jurisdiction to try a series of offences, and to request the Government to keep it informed as to the text as finally passed by the legislature;

(d) to take note of the measures of clemency decreed by the Government and affecting the 47 persons on whom the sentences in question were imposed, and to request the Government to be good enough to inform it as to the present position of the persons in question as a result of such measures.

172. These conclusions and requests for information, having been approved by the Governing Body at its 157th Session (November 1963), were brought to the notice of the Government by a letter dated 27 November 1963.

173. In a communication dated 10 February 1964, the Spanish Government has forwarded a number of comments or details in reply to the request made in paragraph 138 of the Committee's 72nd Report. The Government maintains its standpoint with regard to supplying copies of the judgments, and refers to its previous arguments on this point. It contends that this case involved a matter of principle because the said judgments did not concern workers or trade unionists as such, or because of their participation in industrial disputes. According to the Government, these judgments were not based on section 222 of the Penal Code, which deals with strikes called for the purpose of causing social subversion. Referring to the Committee's statement of its views, the Government asserts that the decisions of courts of law forming part of a completely independent branch of the State cannot be described as "measures of a political nature". Accordingly, the argument that "no one can be a judge in his own case" is hardly applicable, because the judicial function was discharged by a branch which was fully independent of the Executive.

174. However, the Government declares that 37 of the persons concerned have been released as a result of clemency measures. The remaining ten are still in prison, but their sentences have been reduced and it is anticipated that six of these may be released between March 1964 and the beginning of 1965. In the case of the said ten persons the Government furnishes information as to the nature of the offences in respect of which they were convicted. Ramón Ormazábal Tife was found to have entered Spain with false papers under an assumed name, and admitted being a member of the executive of the clandestine Spanish Communist Party and responsible for organising its activities in Spain for subversive purposes. Gregorio Rodríguez Gordon was found to be an agitator belonging to the Spanish Communist Party in exile who accompanied Ramón Ormazábal Tife and entered Spain in the same way and for similar purposes. Agustín Ibarrola Goicoechea was found to be local director of the Spanish Communist Party in close touch with the foregoing persons and carrying on similar activities. José Jiménez Pencás, Gonzalo José Villate Fernández, Vidal Nicolaś Moreno, Enrique Mugica Herzog, Andrés Pérez Salazar and José María Ibarrola Goicoechea were found to have engaged,
together with the persons referred to above, in the drafting and distribution of subversive propaganda for the forcible overthrow of the Government and for the interests of their party. Angel Abad Silvestre was found to be an organiser of the Catalan Workers' Front, a local subsidiary of the Communist Party, one of whose declared aims, according to the pamphlets he distributed, is "to take advantage of any demands by the workers to foment struggle, even by use of violence, for subversion aimed at the overthrow of the present Spanish régime".

175. The Committee, while regretting that the Government maintains its decision not to furnish the texts of the judgments rendered in the cases of the 47 persons referred to above and emphasising that the actual texts of judicial decisions afford much clearer evidence of the fact that the proceedings taken have no relation to trade union activities, recommends the Governing Body to note the Government's statement, in its communication dated 10 February 1964, that 37 of the said persons have now been liberated as the result of clemency measures, that the ten persons still in prison were sentenced for having committed acts designed to bring about the forcible overthrow of the Government and that six of these ten persons are likely to be released by the beginning of 1965.

176. The Government, with its letter dated 10 February 1964, forwards also a copy of Act No. 154/1963 dated 2 December 1963, establishing a court and tribunal of public order. The Committee notes that this Act establishes a tribunal and a court within the ordinary judicial system with sole power to deal with a series of offences, usually under the shortened emergency procedure, provided for by the Criminal Indictment Act (Book IV, Title III). The Act also provides for the possibility of review in cases instituted before the special judicial authority to which such cases were previously referred in which a final decision has not been given. The Committee understands that the decisions against the 47 persons in question were final and under the new Act cannot be referred to the new tribunal for review. It accordingly recommends the Governing Body to take note of the foregoing.

Allegations relating to Measures of Compulsory Residence on Account of Trade Union Activities

177. At its meeting in November 1963, the Committee, in paragraphs 116 to 120 of its 72nd Report, examined allegations submitted by the International Confederation of Free Trade Unions (I.C.F.T.U.), and the International Federation of Christian Trade Unions (I.F.C.T.U.) in their joint communication dated 21 August 1963, concerning the continued subjection of certain of the participants in the Asturian strikes of 1962 to compulsory residence orders and the dismissal of many other strikers, with loss of their acquired rights and benefits when they were re-engaged. The Committee had before it the observations furnished by the Government in its communication dated 16 October 1963.

178. In these circumstances, in paragraph 138 of its 72nd Report, the Committee recommended the Governing Body—

(f) to recommend the Government, with regard to the compulsory residence orders imposed on various workers mentioned by the complainants in connection with the 1962 strikes, to indicate the specific acts of which these persons were held to be guilty and what procedure was applied in issuing the compulsory residence orders;

179. This conclusion, having been approved by the Governing Body at its 157th Session (November 1963), was brought to the notice of the Government by a letter dated 27 November 1963. The Government replied by a communication dated 10 February 1964.
180. In its communication dated 10 February 1964, the Government states that all the compulsory residence orders referred to in previous communications were due to activities involving the organisation of, or incitement to, subversion in an attempt to seize control of a peaceful industrial dispute for political purposes of patently seditious intent. These measures were taken by the appropriate authorities by virtue of the powers vested in them by the Legislative Decree of 8 June 1962 which, as permitted by article 35 of the Spaniards' Charter, temporarily suspended some of the guarantees of the said fundamental law. The Government adds that such temporary suspensions had only taken place on three occasions since the Charter came into force. With the passing of the circumstances which made them necessary, the 48 compulsory residence orders were rescinded and, at the present time, no person is subject to them.

181. Legislative Decree No. 17/1962, dated 8 June 1962, suspended article 14 of the Spaniards' Charter throughout the whole country for a period of two years. The Minister of the Interior was instructed to take such measures as might be necessary in each case to implement the said provision. Article 14 of the Charter states that Spaniards are entitled to choose their own place of residence within the country. The Committee notes that the persons who until a short time ago were subject to compulsory residence orders were punished in connection with a strike and that the Government only refers in general terms to the subversive activities which lead to the measures taken against them. The Government does not give details of the procedure employed in issuing these compulsory residence orders.

182. In similar situations in which it has had to examine the problem of the deportation of persons who have committed acts contrary to law and order or the security of the State, the Committee had considered that it had no competence to pass judgment on the procedure followed in such cases, while emphasising, however, the importance of ensuring that such procedures should be accompanied by all necessary safeguards so that they could not be used as a means of impairing the free exercise of trade union rights.

183. Accordingly, the Committee recommends the Governing Body to take note of the fact that, at the present time, none of the persons in question is subject to a compulsory residence order, but that the Government refers only in general terms to the activities of a subversive character, which are stated to have been the reason for the measures taken against them, and that it supplies no details concerning the procedure employed in taking such measures; to draw the Government's attention to the importance it has always attached to ensuring due process of law whenever trade unionists are charged with offences of a political character or ordinary crimes; and to express the hope, as it did in a previous case concerning Spain, that governments, desiring to see labour relations develop in an atmosphere of mutual confidence, will have recourse, when dealing with situations resulting from strikes and lockouts, to measures provided for under common law rather than to emergency measures, which involve a danger, by reason of their very nature, of certain restrictions being placed on fundamental rights.

Allegations relating to the National Legislation concerning Strikes

184. In their aforesaid complaints relating to the strikes of 1963, the complainants also requested that the Government should be asked to restore freedom of association and to ensure the free exercise of the right to strike.

185. Examining this aspect of the matter at its meeting in November 1963, the Committee, in paragraph 138 of its 72nd Report, recommended the Governing Body—

1 See 16th Report, Case No. 112 (Greece), paras. 85-86; 19th Report, Case No. 121 (Greece), paras. 168-169; 49th Report, Case No. 224 (Greece), para. 279.
2 See 27th Report, Case No. 143 (Spain), para. 186.
(e) to point out once again to the Government, as it has already done on previous occasions, that in its present form the Spanish legislation on strikes can be interpreted as providing for their absolute prohibition, which would not be in harmony with generally accepted principles concerning freedom of association; and to suggest that in these circumstances the Government may wish to consider the desirability of submitting to the competent national authorities proposals for appropriate amendment to this legislation;

186. This recommendation, having been approved by the Governing Body at its 157th Session (November 1963), was brought to the notice of the Government by a letter dated 27 November 1963.

187. As regards the right to strike, the Government in its letter dated 10 February 1964 repeats its former contention that current Spanish legislation is in accordance with the recommendations of the Committee on Freedom of Association. The Government states that collective stoppages have occurred on several occasions without being considered to be illegal because they were voluntary stoppages of a wholly or predominantly industrial character. There is no ground in the Government's view for any interpretation of existing Spanish legislation as meaning that there is an absolute ban on strike action. The possibility of disputes of an industrial character is specifically recognised in Decree No. 2354/62, dated 20 September 1962, laying down rules for procedure, conciliation and arbitration in collective labour disputes. The Government adds that section 222 of the Penal Code had constantly been interpreted as meaning that only strikes which were intended to cause subversion or sedition could be considered to be illegal. Furthermore, Decree No. 2354/62 recognises that collective disputes of an industrial character are lawful and not punishable.

188. In these circumstances, the Committee recommends the Governing Body to take due note of the Government's statement, in its communication dated 10 February 1964, that there is no ground for any interpretation of existing Spanish legislation as meaning that there is an absolute ban on strike action, that Decree No. 2354/62 recognises that collective disputes of an industrial character are lawful and not punishable and that section 222 of the Penal Code has constantly been interpreted as meaning that only strikes which were intended to cause subversion or sedition could be considered to be illegal; to reaffirm the views expressed in paragraphs 137 and 138 of the 68th Report of the Committee that the right of workers and their organisations to strike as a legitimate means of defending their occupational interests is generally recognised and that restrictions imposed on strikes should be accompanied by adequate, impartial and speedy conciliation and arbitration procedure.

Allegations relating to the Strikes of 1963

189. These allegations, made by the I.C.F.T.U. and I.F.C.T.U. in their communications dated 16 August, 21 August and 24 September 1963, concerning which the Government furnished observations in two communications dated 16 and 19 October 1963, were examined by the Committee at its meeting in November 1963, and were dealt with in paragraphs 121 to 130 of its 72nd Report. The Committee also noted that the Government had not furnished its observations on a further communication from these complainants, dated 8 October 1963, containing additional and specific information on the allegations made in their earlier communications, and decided to request the Government to furnish its observations thereon.

1 See 68th Report, Case No. 294 (Spain), para. 135.
190. *Inter alia*, the complainants gave the names and places of residence of eight persons—Messrs. Pedro León Alvarez, Leonardo Velasco García, Gerardo Álvarez García, José Cuesta García, Antonio Paredes Fernández, Francisco Rubio Casa, César Fernández Fernández and Faustino Rodríguez García—alleged to have been accused of being ringleaders in the Asturian strikes of 1963 and of engaging in subversive propaganda activities (see paragraph 122 of the 72nd Report of the Committee).

191. The Committee, in dealing with the allegations relating to the strikes of 1962, had already recalled in paragraph 97 of its 72nd Report, that in the past, where allegations that trade union leaders or workers had been arrested or detained for trade union activities, or that their arrest or detention had restricted the exercise of trade union rights, had been met by governments with statements that arrests or detentions were made for subversive activities, for reasons of internal security or for common law crimes, it had followed the rule that the governments concerned should be requested to submit further and as precise information as possible concerning the arrests or detentions, and that if, in certain cases, the Committee had concluded that allegations relating to the arrests or detentions of trade union militants did not call for further examination, this had been after it had received information showing sufficiently precisely and with sufficient detail that the arrests or detentions were in no way occasioned by trade union activities but solely by activities outside the trade union sphere, which were either prejudicial to public order or of a political nature.2

192. In these circumstances the Committee, in paragraph 138 of its 72nd Report, recommended the Governing Body—

(g) to request the Government, in connection with the detention of the persons named by the complainants in connection with the 1963 strikes, having regard to the principles consistently applied by the Committee in similar cases which are set forth in paragraph 97 above, to furnish information as to the outcome of the proceedings instituted against the eight persons referred to in paragraph 122 above and, in particular, to forward the texts of the judgments that have been or may be handed down, and to postpone examination of this aspect of the case pending receipt of the said information;

193. This recommendation, having been approved by the Governing Body at its 157th Session (November 1963), was brought to the notice of the Government by a letter dated 27 November 1963.

194. In its communication dated 10 February 1964, the Government states that, of the eight persons arrested, Mr. Pedro León Alvarez has now been released. The remainder are still at the disposal of the appropriate judicial authorities and no decisions have been given in their case. The Government does not refer in its letter to the additional information supplied by the complainants on 8 October 1963.

1 See, for example, Sixth Report, Case No. 18 (Greece), paras. 323-326, Case No. 44 (Colombia), paras. 593-595, and Case No. 49 (Pakistan), paras. 807-811; 11th Report, Case No. 72 (Venezuela), para. 6 (c); 12th Report, Case No. 65 (Cuba), paras. 102-105; Case No. 66 (Greece), paras. 140-146, and Case No. 68 (Colombia), paras. 167-169; 15th Report, Case No. 110 (Pakistan), para. 241; 22nd Report, Case No. 58 (Poland), para. 106 (d); 25th Report, Case No. 136 (United Kingdom-Cyprus), paras. 93-178, and Case No. 158 (Hungary), para. 332; 27th Report, Case No. 156 (France-Algeria), para. 273, and Case No. 159 (Cuba), para. 370; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 152.

2 See, for example, Second Report, Case No. 31 (United Kingdom-Nigeria), para. 79; Third Report, Case No. 6 (Iran), para. 36; Sixth Report, Case No. 22 (Philippines), paras. 377-383; 12th Report, Case No. 16 (France-Morocco), paras. 386-398; 17th Report, Case No. 104 (Iran), para. 219; 19th Report, Case No. 110 (Pakistan), paras. 74-77; 24th Report, Case No. 142 (Honduras), paras 130-134; 25th Report, Case No. 140 (Argentina), para. 263; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 152.
195. In this communication the I.C.F.T.U. and the I.F.C.T.U. gave details of the ill-treatment and tortures alleged to have been inflicted on Rafael González, Silvino Zapico and his wife, Vicente Marañaga, Alfonso Braña and his wife, Antonio Zapico, Jerónimo Fernández Terente, Jesús Ramos Talavera, Everardo Castro, Tina Martínez, Juan Alberdi and others. The first of those named was stated to have died as a result of his tortures. It was also alleged that firms not affected by the strikes which took on workers who had taken part in them were made to pay a fine of 1,000 pesetas the first time and 6,000 pesetas the second time, while if they did so a third time, they were closed down. According to the complainants this information was obtained from a letter to the Minister of Information and Tourism signed by over 100 intellectuals; a copy of this letter was attached to the complainants' communication.

196. In these circumstances the Committee recommends the Governing Body to take note that Mr. Pedro León Álvarez has been released; that the seven other persons mentioned by the complainants are still at the disposal of the authorities without having been sentenced; and that the Government has not yet furnished observations on the detailed allegations made in the complainants' communication dated 8 October 1963.

Despatch of a Commission of Inquiry

197. At its meeting in November 1963 the Committee reviewed, in paragraphs 131 to 137 of its 72nd Report, the various requests put forward by the complainants for the sending of a commission of inquiry to Spain, the observations made by the Government on this aspect of the case in its communication dated 31 July 1962 and the references made to this matter at the 153rd Session of the Governing Body.

198. The Committee observes that the first of such requests were made in 1962, in connection with matters arising out of the strikes of 1962, when the immediate question before the Committee was to determine whether the persons arrested at that time had engaged in the lawful exercise of the right to strike—which the Government had said is not per se unlawful—or in subversive activity, a matter in the determination of which the Committee has pointed out that it cannot assess the relative weight of the assertions of the complainants and the denial by the Government in the absence of corroboration by satisfactory evidence. While certain information has since then been furnished by the Government with regard to cases of 47 persons arrested in connection with the strikes of 1962, the Committee notes that further requests for an inquiry have been related to the arrests and other matters arising out of the strikes of 1963, on which the Government has not furnished further information requested of it, and the matters raised in the complaint of the I.C.F.T.U. and I.F.C.T.U. dated 8 October 1963, on which the Government has furnished no observations. This question, therefore, is still pending before the Committee.

199. The Committee proposes to examine this question further at its next meeting (3-4 June 1964), prior to the 159th Session of the Governing Body with a view to deciding whether, in the light of whatever evidence may have been submitted to it by that time, it should recommend the Governing Body to request the Government to give its consent to a fuller investigation of such of the matters which have been in issue before the Committee as then remain pending.

* * *

200. With regard to the case as a whole, the Committee recommends the Governing Body—

(a) to note, with regard to the allegations relating to arrests and deportations as a result of the strikes of 1962, the Government's statement, in its communication dated 10 February 1964, that 37 of the 47 persons stated to be still in prison in
January 1963 have now been liberated as a result of clemency measures, that the ten persons still in prison were sentenced for having committed acts designed to bring about the forcible overthrow of the Government, and that six of these ten persons are likely to be released by the beginning of 1965;

(b) to note that Act No. 154/1963 establishing a court and tribunal of public order sets up a tribunal and a court within the ordinary judicial system with sole power to deal with a series of offences, usually under the shortened emergency procedure, provided for by the Criminal Indictment Act (Book IV, Title III), and that the Act also provides for the possibility of review in cases where a final decision has not been given;

(c) with respect to the allegations relating to measures of compulsory residence on account of trade union activities—

(i) to take note of the fact that, at the present time, none of the persons in question is subject to a compulsory residence order;

(ii) to take note of the fact that the Government refers only in general terms to the activities of a subversive character, which are stated to have been the reason for the measures taken against them, and that it supplies no details concerning the procedure employed in taking such measures;

(iii) to draw the Government's attention to the importance which the Governing Body has always attached to ensuring due process of law whenever trade unionists are charged with offences of a political character or ordinary crimes, expressing the hope, as it did in a previous case concerning Spain, that governments, desiring to see labour relations develop in an atmosphere of mutual confidence, will have recourse, when dealing with situations resulting from strikes and lockouts, to measures provided for under common law rather than to emergency measures, which involve a danger, by reason of their very nature, of certain restrictions being placed on fundamental rights;

(d) with respect to the allegations relating to the national legislation concerning strikes—

(i) to take due note of the Government's statement, in its communication dated 10 February 1964, that there is no ground for any interpretation of existing Spanish legislation as meaning that there is an absolute ban on strike action, that Decree No. 2354/62 recognises that collective disputes of an industrial character are lawful and that section 222 of the Penal Code has constantly been interpreted as meaning that only strikes which were intended to cause subversion or sedition could be considered to be illegal;

(ii) to reaffirm the views expressed in paragraphs 137 and 138 of the 68th Report of the Committee that the right of workers and their organisations to strike as a legitimate means of defending their occupational interests is generally recognised and that restrictions imposed on strikes should be accompanied by adequate, impartial and speedy conciliation and arbitration procedure;

(e) with respect to the allegations relating to the strikes of 1963, to take note that Mr. Pedro León Álvarez has been released; that the seven other persons mentioned by the complainants are still at the disposal of the authorities without having been sentenced; and that the Government has not yet furnished observations on the detailed allegations made in the complainants' communication dated 8 October 1963;

(f) to note that the Committee proposes to examine further at its next meeting (3-4 June 1964), prior to the 159th Session of the Governing Body, in the light of whatever evidence may have been submitted to it by that time, the question as to whether it should recommend the Governing Body to request the Government to give its consent to a fuller investigation of such of the matters which have been in issue before the Committee as then remain pending.
Case No. 363:

Complaint Presented by the World Federation of Trade Unions against the Government of Colombia

201. The complaint by the World Federation of Trade Unions was submitted in a letter sent direct to the I.L.O. on 11 October 1963. It was then forwarded to the Colombian Government, which sent in its comments in a letter dated 31 January 1964.

202. Colombia has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Allegations regarding Various Questions Arising out of the Strikes in the Petroleum Industry

203. According to the complainants, the trade union in the state-owned Colombian Petroleum Company (ECOPETROL) revealed a series of thefts and embezzlements in the company, which it alleged had been committed by some of its senior executives. As a result of these disclosures, some of the union leaders were victimised and in protest the workers came out on strike on 19 July 1963. This led to reprisals, and on 19 July the Minister of Labour issued an Order (No. 1412) declaring the strike to be illegal, depriving the trade union of its legal personality and giving authority for its leaders to be dismissed. The petroleum workers called their Fourth Extraordinary Congress from 22 to 27 July, at which it was decided that the workers in the industry should stop work for 48 hours in sympathy with the ECOPETROL strikers. This stoppage took place without incident on 6 and 7 August. In reprisal the Minister of Labour imposed a fine of 500 pesos on the Federation of Petroleum Workers (FEDEPETROL), withdrew the legal personality of the unions which had complied with the strike order and gave permission to the employers to dismiss any of their workers. As a result of this order, the unions in the Fertilizer Company, the Colombian Gas Company, the Texas Petroleum Company, Shell Condor and the International Petroleum Company were deprived of their legal personality. When union leaders in the Fertilizer Company and the Texas Petroleum Company were dismissed, the workers in those firms came out on strike.

204. The complainants also state that in addition to allowing dozens of workers to be dismissed, the authorities brought in police and army units. On 17 August the police occupied the ECOPETROL union offices in Barranca and El Centro, smashing a number of objects; they also searched and ransacked the Shell union offices at Casabe together with a number of workers' houses. On 24 August a meeting of strikers from Texas Petroleum at Puerto Boyacá was attacked by troops, one worker called Martiniano Romero being killed and Ciervo Galeano, Carlos Trejos and Adonai Avila, among others, being injured. A number of lawyers acting on behalf of the unions (Diego Montañan, Nelson Robles and Pedro Ardila Beltrán) were arrested, as were many union leaders, among them Ezequiel Romero, Luis Ibáñez, Ramón Monsalve, Higinio Camacho and Rafael Barrio. On arrest, they were taken to various prisons and kept there arbitrarily for a number of weeks.

205. The Government, for its part, states that following the receipt of information from ECOPETROL, an investigation was made by the Auditor General's Office which brought to light a number of irregularities committed by certain employees, whose arrest was thereupon ordered. These employees were members of the trade union, which called a protest strike on 8 July 1963, occupying a number of buildings on the firm's premises and locking in a senior executive. This strike was called off on 11 July and the firm took disciplinary action against the union leaders. As a result, the union threatened to call another stoppage unless this disciplinary action was cancelled and the union officials reinstated. The strike began on 19 July, whereupon the Ministry
of Labour issued an Order on the same date (No. 1412) under sections 450 (a), 450 (2) and 451 of the Labour Code. By virtue of these provisions the strike was declared to be illegal in that it affected a public service, and the legal personality of the trade union was suspended for two months; the Order also stated that the workers involved, including those who had hitherto been covered by trade union privilege, could now be dismissed (subject to certain conditions). The Government added that ECOPETROL had specifically been classified as a public service by decrees issued in 1952. Under the Colombian judicial system, appeals against Order No. 1412 could be lodged with the Council of State, which is the supreme court in administrative cases.

206. In its communication the Government also stated that, after an interview with a union delegate, the President of Colombia undertook to order the necessary inquiries into the management of the firm and instructed the Auditor General and the Public Prosecutor to take appropriate measures. Despite this, four days after the interview, FEDEPETROL, which only comprises seven of the 17 petroleum workers' unions in the country, issued a call on 27 July for a general strike in sympathy with the ECOPETROL union. At the end of that month a number of acts of sabotage were carried out against ECOPETROL installations, wells and pipelines. This showed, the Government stated, that the illegal Communist-led strike by the ECOPETROL workers had developed into a subversive movement with obvious political aims. Five of the seven unions affiliated to the Federation responded with a 48-hour strike in sympathy with the ECOPETROL union. Using its statutory powers, the Ministry of Labour imposed a 500-peso fine on FEDEPETROL. The Government added that appeals against such measures could be lodged through administrative channels and taken ultimately to the Council of State itself. The strikes by the five unions were declared to be illegal, and their legal personality was suspended for two months.

207. The acts of sabotage continued, and the Government, acting by virtue of article 28 of the Colombian Constitution, ordered the "detention" of two lawyers, Diego Montańa Cúellar and Nelson Robles, trade union leader Pedro Ardila Beltrán, and others. At the same time, the police searched the offices of the ECOPETROL union and found various explosives and materials for sabotage, as a result of which a number of other union leaders were arrested, among them the President of FEDEPETROL, Ezequiel Romero. The Government explained that the judicial procedure was followed in the case of the "detained" individuals, and the criminal investigating magistrate ordered Diego Montańa Cúellar, Luis Ibáñez, Higinio Camacho, Rafael Vargas and Ezequiel Romero to be taken into protective custody for breach of section 7 (14) of Decree No. 0014 of 1955, which takes a particularly serious view of "individuals who, for the purpose of disturbing the working of an industrial establishment, cause defects in its machinery and equipment". The same order declared that Nelson Robles, Pedro Ardila Beltrán and others were not guilty of this offence.

208. Lastly, on 24 August, despite the ban on public demonstrations, one was held in a square at Puerto Boyacá. When troops attempted to break up the demonstration peacefully, officers and soldiers were attacked by a number of the demonstrators. In the ensuing struggle, one worker called Martiniano Romero was killed by a pistol shot and two others were injured. The Government stated that the Colombian army is not equipped with pistols. In order to ascertain responsibility for the death an inquiry was carried out by a criminal investigating magistrate and the Military Judge Advocate's Office. On 30 August a meeting of the ECOPETROL union called off the strike. By the end of the same month all the detained persons were set free. As regards those in protective custody, the judge dealing with the case ordered their release in September.

209. The Committee considers that the information supplied by the complainants and the Government involves a series of major allegations connected with the strikes in the petroleum industry, which call for its special attention; these are, in brief, the allegations regarding a demonstration by the strikers in which one worker lost his life and others were injured, the arrest of union leaders and lawyers, the occupation,
searching and ransacking of trade union premises and workers' homes, the illegality of the strike and the suspension of the unions.

(a) Allegations regarding a Demonstration by Strikers in Which One Worker Lost His Life and Others Were Injured.

210. The complainants maintain that the demonstrators in the square at Puerto Boyacá were attacked by troops who killed one worker and injured others. The Government, on the other hand, asserts that the officers and troops who intervened to break up the demonstration peacefully were themselves attacked and that a worker was killed and others injured by pistol fire; it adds that pistols are not used by the Colombian army.

211. In similar cases in which it has been alleged that people have been killed when the police opened fire on strikers, the Committee has recalled that in cases in which the dispersal of public assemblies, etc., by the police on grounds of public order or similar grounds involved loss of life, it attached special importance to the circumstances being fully investigated by an immediate and independent special inquiry and to the regular legal procedure being followed to determine the justification and responsibility for the action taken by the police. In the present case, the Government denies that the forces of law and order were responsible for this occurrence. In view of the fact that the Government states that the necessary judicial inquiries have been started, the Committee recommends the Governing Body to ask the Government to be good enough to inform it of the result of these inquiries.

(b) Allegations regarding the Arrest of Union Lawyers and Leaders.

212. The complaint refers to the arrest of a number of union lawyers and leaders who are stated to have been kept arbitrarily imprisoned for a number of weeks. The Government in its reply makes a distinction between the "detention" of certain lawyers and union leaders under article 28 of the Constitution and their subsequent trial. Some of them were taken into protective custody, while others were released. Article 28 (2) of the Constitution, under which these individuals were detained, states: "This provision shall not, even in time of peace if there are good reasons for apprehending a disturbance of law and order, prevent the arrest and detention by decision of the Government and order of the Ministers of persons who are reliably believed to be committing a breach of the peace."

213. The Committee has taken the view in many cases in which it has been alleged that union leaders or members have been taken into protective custody that such measures might constitute serious interference with the exercise of trade union rights and that such measures could only be justified in a serious emergency; that, unless accompanied by due judicial safeguards applied within a reasonable time, they would be open to criticism and that the policy of any government should be to ensure that human rights are properly guaranteed and, above all, the right of any person under arrest to receive a prompt and fair trial.2

214. The Committee observes that after a few days in the present case the persons "under detention" appear to have been placed at the disposal of the judicial authority, which issued an order for the protective arrest of Diego Montaña Cuéllar, Luis Ibáñez, Higinio Camacho, Rafael Vargas and Ezequiel Romero. Other individuals, including

1 See First Report, Case No. 7 (Italy), paras. 55 (e), 57 (e) and 60; Second Report, Case No. 31 (United Kingdom-Nigeria), paras. 71 (b), 73 and 78; Fourth Report, Case No. 26 (United Kingdom-Grenada), paras. 114, 117, 121, 122 and 124; 15th Report, Case No. 110 (Pakistan), para. 236; 70th Report, Case No. 298 (United Kingdom-Southern Rhodesia), para. 362.

2 See Fourth Report, Case No. 5 (India), paras. 18-51, Case No. 10 (Chile), paras. 52-88, and Case No. 30 (United Kingdom-Federation of Malaya), paras. 140-161; Sixth Report, Case No. 47 (India), paras. 704-736, and Case No. 49 (Pakistan), paras. 770-813; 12th Report, Case No. 87 (India), paras. 233-240, Case No. 63 (Union of South Africa), paras. 257-276, and Case No. 16 (France-Morocco), paras.
Nelson Robles and Pedro Ardila Beltrán, were released. The detained individuals taken into protective custody were set free somewhat later when the order against them was cancelled. The Committee also observes that in fact none of the individuals involved was found guilty and that at the present time none of the participants in the strikes is under arrest.

215. Accordingly, the Committee recommends the Governing Body to take note of the fact that all the persons involved in strikes have been set free, but that since none of the persons arrested was found guilty, to call the Government's attention to the danger that may be entailed for the exercise of trade union rights by the preventive arrest of workers and union leaders against whom no charges can subsequently be proved.

(c) Allegations regarding the Occupation, Searching and Ransacking of Union Premises and Workers' Homes.

216. The complainants state that union premises and workers' homes were occupied, searched and ransacked and added that the police destroyed furniture and equipment in the union offices. The Government merely states that the headquarters of the Barranca joint union offices were searched and that bombs and sabotage equipment were found there.

217. The Committee, while recognising on a number of occasions that trade unions, like other associations or persons, cannot claim immunity from search of their premises, has pointed out the importance it attaches to the principle that any such search should only be made following the issue of a warrant by the ordinary judicial authority, after that authority has been satisfied that reasonable grounds exist for believing that evidence exists in the said premises material to a prosecution for an offence under the ordinary law and provided that such search is restricted to the purposes in respect of which the warrant was issued.\(^1\)

218. The Committee notes that, on the one hand, the complainants give no further details regarding the facts in question and that, on the other hand, the Government gives only a partial account of what happened without referring to the other allegations in the complaint. In these circumstances, the Committee cannot reach a firm conclusion on the facts, but recommends the Governing Body to call the Government's attention to the principle set forth in the previous paragraph.

(d) Illegality of the Strikes.

219. According to the complainants and the Government's own reply, the Minister of Labour on several occasions declared the strikes called by a number of unions in the petroleum industry to be illegal. This led to the suspension of the legal personality of the unions in question, the authorisation of dismissals of workers (including those hitherto covered by trade union privilege) and the imposition of a fine. Strikes can be declared illegal under section 450 (a) of the Labour Code, under which a collective stoppage of work becomes illegal if it occurs in a public service. Section 451 gives the Ministry of Labour authority to declare such a strike illegal. An order to this effect must be obeyed immediately, although an appeal against it can be lodged through administrative channels and ultimately with the Council of State. It should be added that section 430, which forbids strikes in public services, includes under this heading "activities connected with the production, refining, transport and distribution of..."
petroleum and petroleum products where these are intended, in the opinion of the Government, to satisfy the country's normal fuel requirements”.

220. The Committee has always maintained the principle that allegations relating to the right to strike are within its competence in so far, but only in so far, as they affect the exercise of trade union rights, and has pointed out on a number of occasions that normally workers and their organisations are accorded the right to strike as a legitimate means of defending their occupational interests. In this connection, the Committee has emphasised the importance which it attaches, where strikes are prohibited or subject to restriction, to ensuring adequate guarantees to safeguard to the full the interests of the workers thus deprived of an essential means of defending their occupational interests, and has pointed out that the restriction should be accompanied by adequate, impartial and speedy conciliation and arbitration proceedings in which the parties concerned can take part at every stage and that the resulting awards should, in all cases, be binding on both parties.

221. Under the Colombian Labour Code, collective disputes in public services which cannot be settled either by direct negotiation or by conciliation must be submitted to compulsory arbitration, the conciliator or conciliators being appointed by the parties. The latter also appoint two members of the arbitration tribunal, the third being selected by the Ministry of Labour.

222. The Committee notes, therefore, that while strikes are forbidden in petroleum companies if they “satisfy the country's normal fuel requirements”, in which case they are considered to constitute a public service, workers have other means of solving disputes in accordance with the principles listed above. Nevertheless, the Committee also observes that under section 430 quoted earlier, all branches of the petroleum industry are not classified as a public service but only if they are needed “in the opinion of the Government, to satisfy the country's normal fuel requirements”. This clause leaves it to the Government to decide when a branch of the petroleum industry can be considered to be a public service and a strike prohibited in accordance with the foregoing condition. An appeal against such a decision can be taken to the Council of State, which is the
supreme court for administration disputes. This aspect of the case links up with the more general problem of the prohibition of strikes in public services, which is discussed below in paragraphs 229 and 230, to which reference should be made.

(e) Suspension of Trade Unions.

223. By declaring the strike by the petroleum workers' unions to be illegal, the Minister of Labour withdrew their legal personality for a period of two months. This action was based on section 450 (2) of the Labour Code, and an appeal against it could be lodged with the Council of State. Section 372 of the Labour Code states: "No industrial association may act as such or carry out the functions conferred on it by law and its own rules, or exercise its own rights without having been granted legal personality; and it shall carry out such functions and exercise such rights only for as long as such legal personality lasts."

224. The Committee notes that under these provisions a union can, in fact, be suspended by administrative order, which is contrary to generally accepted principles. The Committee has stated earlier that where suspension is ordered by an administrative authority, there is a danger that it may seem arbitrary, even if it is only temporary and is followed by judicial action. The Committee considers, furthermore, that if the principle that an occupational association may not be subject to suspension or dissolution by administrative decision is to be properly applied, it is not sufficient for the law to grant the right of appeal against such administrative decisions, but that the latter should not take effect until the expiry of the statutory period for lodging an appeal or until the confirmation of such decisions by a judicial authority. The Committee also wishes to point out, as it has on another occasion in dealing with refusal to register a trade union (and as also emphasised by the Committee of Experts on the Application of Conventions and Recommendations) that if the administrative authority has discretion to decide whether a union has or has not complied with the requirements on which the decision to grant or cancel registration is based, the existence of a procedure of appeal to the courts does not appear to be a sufficient guarantee; in effect, this does not alter the nature of the powers conferred on the authorities responsible for effecting registration, and judges hearing such an appeal—except in certain cases—would only be able to ensure that the legislation had been correctly applied. Accordingly, the Committee must emphasise once more the importance it attaches to allowing judges to deal with the substance of such cases in order to decide whether the provisions on which the administrative measures being appealed against themselves infringe the rights of occupational associations as regards freedom of association and protection of the right to organise.

225. Accordingly, the Committee recommends the Governing Body to call the Government's attention to the importance it attaches to the principle that a workers' or employers' organisation should not be liable to suspension or dissolution by administrative decision and to suggest to the Government the possibility of reviewing its national legislation in order to bring it into harmony with this principle in the light of the foregoing paragraph.

Allegations regarding Measures Taken as a Result of the Strike Called by the C.T.C.

226. The complainants allege that on 9 August 1963, following the strike called by the C.T.C., the Minister of Labour imposed a fine of 500 pesos on the Confederation...
and deprived the unions of the following undertakings of their legal personality: Empresa de Distrito de los Transportes Urbanos, Instituto de los Trabajos Públicos Municipales, Términus de los Marinos y Navegantes de Barranquilla, Términus Marítimo y Fluvial de Cartagena, Términus Marítimo de Fumaco, Términus Marítimo de Santa Marta, Empresa de los Puertos de Colombia, Términus Marítimo de Buenaventura, Trabajadores Marítimos y Fluviales de Barranquilla, Industria Colombiana de las Máquinas Icassa, Laboratorio Frost de Colombia.

227. The Government states that the C.T.C., which comprises 430 unions, called a 24-hour protest strike against the "failure of some officials to deal with the growth in monopolies and speculation, the rise in unemployment, the closing down of a number of firms and the terrorist outbreaks, and because of the widespread panic among the people due to the threat of a coup d'etat against the constitutional Government", etc. The Government added that only 33 of the 430 member unions in fact obeyed the strike call. The strike itself was declared illegal by the Government on the ground that it conflicted with subsections (b) and (c) and (in most cases) also with subsection (a) of section 450 of the Labour Code. Under paragraph (2) of this same section, the legal personality of the participating unions was suspended for two months and the C.T.C. was required to pay a fine of 500 pesos by virtue of sections 379, 380 and 417 of the Labour Code. An appeal against any of these measures could be lodged with the Council of State. On 16 September the Minister of Labour cancelled this suspension and, at the present time, the unions once more possess their normal legal personality.

228. The Committee notes that, according to the Government, one of the provisions by virtue of which the strike was declared illegal is section 450 (a), which forbids collective stoppages of work in public services. This clause, which is referred to above in connection with strikes in petroleum companies, was analysed in detail in Case No. 146 involving Colombia.1 On that occasion the Committee had noted that under Decree No. 0753, dated 5 April 1956, section 430 of the Labour Code was amended to read as follows:

Under the National Constitution, strikes are forbidden in the public services. For this purpose a "public service" means any activity organised to satisfy the requirements of the general public regularly and continuously under special regulations and carried on either by the State directly or indirectly or by private individuals.

Public services shall therefore include the following activities:

(a) activities in any branch of public authority;
(b) activities in transport undertakings on land, sea, inland waterways or in the air or in undertakings for the supply of water, the production of electrical energy and telecommunications;
(c) activities in health establishments of every kind, such as hospitals and nursing homes;
(d) activities in social assistance, charitable and welfare establishments;
(e) activities in creameries, markets, abattoirs and in the distribution services of such establishments, whether of a public or private nature;
(f) activities in all services for the hygiene and cleansing of towns;
(g) activities connected with the production, processing and distribution of salt;
(h) activities connected with the production, refining, transport and distribution of petroleum and petroleum products where these are intended, in the opinion of the Government, to satisfy the country's normal fuel requirements;
(i) any other activities which, in the opinion of the Government, concern the safety, health, education and economic or social life of the people. The Govern-

1 See 24th Report, Case No. 146 (Colombia), paras. 259-284.
ment shall consult the Council of State before making a decision on whether any activities falling under this article are to be deemed public services.

229. After analysing this legislation, the Committee considered, on that occasion, that although there existed a procedure for the settlement of disputes by means of arbitration, the restrictions on the right to strike in public services were far-reaching and that the Government had the right to include in the definition of those public services in which strikes were forbidden, any others that in the opinion of the Government affected the safety, health, education and economic or social life of the population and the power to decide, in consultation with the Council of State, which forms of employment fell within the categories defined. In these circumstances the Committee recommended the Governing Body to draw the attention of the Government to the possibility of abuse present in such a situation.

230. In this connection the Committee wishes to add that, according to the principles laid down in many cases (referred to above in paragraph 220), the restriction or prohibition of strikes in essential services can be accepted, subject to certain conditions. However, the scope of section 430 is such that it cannot be regarded as applying only to the services which are generally recognised to be essential. The law leaves the Government a good deal of latitude in deciding which activities are considered to be public services—which, in certain cases, might not coincide with those that come under the heading of an “essential service”. This might occur, for example, in the case of a strike by bank employees, since under Decree No. 1593 of 1959 the whole banking industry is declared to be a public service; the same applies to a petroleum firm under the formula employed by the law to define the circumstances in which a branch of the petroleum industry can be classified as a public service. In such a case, the Committee’s principle regarding the prohibition of strikes in “public services” might be set aside if a strike were declared illegal in one or more firms which were not performing an “essential service” in the strict sense of the term.

231. In these circumstances the Committee recommends the Governing Body to reiterate to the Government the views it expressed in connection with Case No. 146 and to call its attention to the abuses that might arise out of the application of section 430 of the Labour Code owing to its wide scope and having regard to the effects which the prohibition of strikes may have on the exercise of trade union rights, to suggest the possibility of considering an amendment to this section so that if it should be decided to prohibit strikes in certain cases the latter should be confined to services which are essential in the strict sense of the term.

232. Subsections (b) and (c) of section 450 deal with the prohibition of strikes if they are called for purposes other than occupational or economic, or if the strike settlement and conciliation procedure laid down by law has not been complied with.

233. On other occasions the Committee has rejected allegations relating to strikes by reason of their non-occupational character or where they have been designed to coerce a government with respect to a political matter or have been directed against the Government’s policy and not in furtherance of a trade dispute. The Committee has also pointed out that compliance with a prescribed procedure, including conciliation and arbitration before calling a strike, is common under the laws and regulations of a large number of countries and, if reasonable, does not constitute a breach of freedom of association.

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1 See Sixth Report, Case No. 40 (France-Tunisia), para. 541; 49th Report, Case No. 229 (Union of South Africa), para. 92.
2 See Second Report, Case No. 25 (United Kingdom-Gold Coast), para. 57.
3 See 36th Report, Case No. 178 (United Kingdom-Aden), para. 56; 49th Report, Case No. 192 (Argentina), para. 168.
4 See, inter alia, Sixth Report, Case No. 47 (India), paras. 704-736, and Case No. 50 (Turkey), paras. 814-867; 25th Report, Case No. 151 (Dominican Republic), paras. 275-319.
234. In the present case the strike appears to have been directed against the Government's policy and in protest against certain developments and was not the outcome of a labour dispute in the strict sense of the term. As regards the statutory procedures that must be complied with in order to call a strike in accordance with the law, the Labour Code, as explained above, requires that attempts at direct settlement and conciliation should first be made, which does not appear to have been done in the present case.

235. In these circumstances the Committee recommends the Governing Body to note that the strike was prohibited on the ground that its purposes were not occupational or economic in character, and because the statutory procedure for direct settlement and conciliation had not been complied with.

236. Lastly, as regards the suspension of the legal personality of the unions which took part in the strike, reference should be made to the Committee's comments in paragraph 225.

Allegations regarding the Medellin Trade Union

237. The complainants state that, according to the Medellin Trade Union, the local employers, following a ruling by the Ministry of Labour, have refused to allow the workers to form trade unions, to submit claims or conclude collective agreements.

238. The Government in its reply states that it does not know of the ruling referred to in the complaint. The union in question submitted a series of claims and negotiated with the employers. The parties failed to come to an agreement and a compulsory arbitration tribunal was appointed by the Ministry in accordance with section 452 of the Labour Code because the firms in question constituted a public service, the parties appointed their arbitrators and the Ministry of Labour selected its own nominee; a unanimous award was made granting better wages and conditions of work, and not a single day's work was lost as a result of any strike.

239. The Committee, while observing that this case would appear to concern establishments constituting a public service and therefore subject to the relevant regulations about the submission of claims, notes that the complainants have worded their complaint very vaguely and do not make sufficiently clear the nature of the actions alleged to constitute a breach of trade union rights.

240. Accordingly, the Committee recommends the Governing Body to decide that this aspect of the case does not call for further examination.

* * *

241. As regards the case as a whole, the Committee recommends the Governing Body—

(a) with respect to the allegations concerning the Medellin Trade Union, since the complainants have worded their complaint in such vague terms, which do not make sufficiently clear the nature of the actions alleged to constitute a violation of trade union rights, to decide that this aspect of the case does not call for further examination;

(b) to take note that the strike was prohibited on the ground that its purposes were not occupational or economic in character and because the statutory procedures for direct settlement and conciliation had not been complied with;

(c) to call the Government's attention, as regards the allegation relating to the occupation, search and ransacking of trade union premises and workers' homes, to the importance it attaches to the principle that trade union premises should only be searched if the judicial authority has issued an appropriate warrant on the ground that evidence is likely to be found on those premises which is needed in preparing
(d) to take note of the fact that all the individuals involved in the strikes have now been released, but, in view of the fact that none of the persons detained was found guilty, to call the Government's attention to the danger that may be entailed for the exercise of trade union rights by the preventive arrest of workers and their leaders against whom no charge can later be proved;

(e) to call the Government's attention to the importance it attaches to the principle that a workers' or employers' organisation should not be liable to suspension or dissolution by administrative authority and to suggest to the Government the possibility of reviewing national legislation with a view to bringing it into harmony with this principle, as stated in paragraph 224;

(f) to reiterate the views it expressed in Case No. 146 and to call the Government's attention to the abuses that may be caused by the application of section 430 of the Labour Code owing to its wide scope, and having regard to the effects which the prohibition of strikes may have on the exercise of trade union rights, to suggest the possibility of considering an amendment to this section, so that if it should be decided to prohibit strikes in certain cases, the latter should be restricted to services which are absolutely essential;

(g) to ask the Government to be good enough to inform it as to the results of the judicial inquiries that have been made into the events which occurred during the strikers' demonstration in the square at Puerto Boyacá;

(h) to take note of the Committee's present interim report, it being understood that the Committee will submit a further report to the Governing Body as soon as it receives the information it has requested from the Government.

Case No. 371:

Complaint Presented by the World Federation of Trade Unions against the Government of the Federal Republic of Germany

242. The original complaint of the World Federation of Trade Unions is contained in a communication dated 5 December 1963 addressed directly to the I.L.O. Supplementary information was sent in a note dated 11 January 1964. Both communications were transmitted to the Government of the Federal Republic of Germany, which presented its observations in a note of 3 February 1964.

243. The Federal Republic of Germany has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

244. In their first communication, the complainants allege that Messrs. Franz Moritz and Horst Benz, delegates of the Sixth Congress of the Confederation of Free German Trade Unions, had been entrusted with transmitting a fraternal message to the Extraordinary Congress of the Confederation of Trade Unions of the Federal Republic of Germany, held in Dusseldorf. These persons were arrested by the police on 21 November. In their supplementary note, the complainants allege that the two delegates in question were charged by the Public Prosecutor of the District Court of Dusseldorf with having violated the national legislation outlawing the Communist party in the Federal Republic of Germany, and with having introduced and distributed documents endangering the security of the State. The complainants contend that these persons were both trade unionists of the German Democratic Republic covered by the legislation of their country, and are therefore not subject to prosecution under legislation which makes illegal a party whose right to exist solely relates to the Federal Republic of Germany. As regards the distribution of documents, the latter contained a public
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message adopted in full view of all the representatives of the press by the Sixth Congress of the Confederation of Free German Trade Unions and transmitted to the Congress of Trade Unions of the Federal Republic of Germany. It is difficult to consider such a case as an attempt against the security of the State. The trial took place on 17 December 1963, Mr. Horst Benz being sentenced to eight months in prison, where he is at present, and Mr. Franz Moritz being given a suspended sentence of six months in prison. The latter has left the Federal Republic of Germany and is now in the German Democratic Republic.

245. In its communication of 3 February 1964 the Government states that the two persons involved are officials of the Confederation of Free German Trade Unions, which is dedicated to the task of agitating against the Federal Republic of Germany. The said persons received instructions to deliver a message to the Sixth Congress of the Confederation of Trade Unions of the Federal Republic of Germany, held in Düsseldorf; this message, however, consisted of a lengthy document attacking the democratic constitutional structure of the Federal Republic and endeavouring to undermine this structure. The Officers of the Congress rejected this document. Upon termination of the Congress, both persons were detained. A charge was made against them by the Public Prosecutor, and they were placed on trial before the Criminal Court of Düsseldorf. On 17 December a verdict was handed down, finding them guilty of having violated the legislation prohibiting the continued activity of the Communist party of the Federal Republic of Germany and of having introduced and attempted to distribute documents endangering the security of the State. The sentences given were those previously described by the complainants. An appeal lodged by Mr. Moritz against his sentence is now before the Federal Court. Mr. Benz has not appealed and his sentence has become final.

246. The Government points out that, by a judgment of the Federal Constitutional Court of 17 August 1956, the Communist party of the Federal Republic of Germany has been declared unconstitutional and ordered to dissolve. In addition, this judgment prohibited the creation of organisations to replace the Communist party or the continued activity of existing organisations which might serve as a replacement. Moreover, the Penal Code prohibits the production, reproduction, distribution or storage for these two purposes of documents, recordings, reproductions, etc., the contents of which may provoke or encourage tendencies endangering the existence of the Federal Republic of Germany or directed toward destroying the democratic freedom guaranteed by the constitution. Moreover, the Government attaches to its communication a decision of the European Commission of Human Rights, dated 20 July 1957, dismissing the complaint made by the members of the Communist party of Germany against its dissolution, on the grounds that the said party tends toward the destruction of the rights and freedoms established by the European Convention for the Protection of Human Rights and Fundamental Freedoms, which entered into force in the Federal Republic of Germany on 3 September 1953.

247. It is unnecessary in the present case for the Committee to consider what weight it should attach to a decision of the European Commission of Human Rights. The weight which it should give to such a decision may vary; in matters relating to the interpretation of the European Convention on Human Rights it may well be that the Governing Body should accept as final any decision of the Commission which has not been appealed against to the European Court of Human Rights; if the interpretation or application of an international labour Convention is involved, the International Labour Organisation is clearly not bound in any way by a decision of the European Commission; if the decision of the Commission relates to a question of general principle, the weight which should be attached to it in proceedings before the Freedom of Association Committee would appear to depend on the nature of the questions at issue and the attendant circumstances, including the extent to which the jurisdiction of the European Commission extends to all of the parties concerned. In the present case, it is unnecessary to consider these matters.
The unconstitutionality of the Communist party in the Federal Republic of Germany, which is an admitted fact, is not in issue. It cannot be open to question that the legislation concerning the matter of the Federal Republic of Germany does not apply to persons who are not citizens of the Federal Republic by reason of their citizenship, but it is equally unquestionable that such legislation is applicable to the conduct within the Federal Republic of Germany of all persons, irrespective of their citizenship. Nor is it either possible or proper for the Committee to examine the nature and consequences for the case of the present division of Germany. The question can and must be narrowed to that of whether, when a fraternal delegate at a trade union meeting commits an offence such as that charged, it is consistent with accepted principles of freedom of association not merely to expel but to imprison him.

248. The Committee recalls that, in the past, where allegations that trade union leaders or workers had been arrested or detained for trade union activities had been met by governments with statements that the arrests or detentions were made for subversive activities, for reasons of internal security of for common law crimes, it had followed the rule that the governments concerned should be requested to submit further and as precise information as possible concerning the arrests or detentions. If, in certain cases, the Committee had concluded that allegations relating to the arrests or detentions of trade union militants did not call for further examination, this had been after it had received information showing sufficiently precisely and with sufficient detail that the arrests or detentions were in no way occasioned by trade union activities but solely by activities outside the trade union sphere, which were either prejudicial to public order or of a political nature.

249. In the present case the two persons were arrested and charged with offences based on the contents of a document which they were accused of having attempted to distribute. The Government has indicated the general nature of this document, but the Committee considers that it would be of assistance to it in its examination of this case to have the actual text of the document before it.

250. Moreover, in the past the Committee has followed the practice of not proceeding to examine matters which were the subject of pending national judicial proceedings, where such proceedings might make available information of assistance to the Committee in appreciating whether or not allegations were well founded. The Committee points out that it has repeatedly asked governments to send information on judicial proceedings and their results.

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1 See, for example, Sixth Report, Case No. 18 (Greece), paras. 323-326, Case No. 44 (Colombia), paras. 593-595, and Case No. 49 (Pakistan), paras. 807-811; 11th Report, Case No. 72 (Venezuela), para. 6 (c); 12th Report, Case No. 65 (Cuba), paras. 102-105, Case No. 66 (Greece), paras. 140-146, and Case No. 68 (Colombia), paras. 167-169; 15th Report, Case No. 110 (Pakistan), para. 241; 22nd Report, Case No. 58 (Poland), para. 106 (d); 25th Report, Case No. 136 (United Kingdom-Cyprus), paras. 93-178, and Case No. 158 (Hungary), para. 332; 27th Report, Case No. 156 (France-Algeria), para. 273, and Case No. 159 (Cuba), para. 370; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 152; 72nd Report, Case No. 294 (Spain), para. 97.

2 See, for example, Second Report, Case No. 31 (United Kingdom-Nigeria), para. 79; Third Report, Case No. 6 (Iran), para. 36; Sixth Report, Case No. 22 (Philippines), paras. 377-383; 12th Report, Case No. 16 (France-Morocco), paras. 383-398; 17th Report, Case No. 104 (Iran), para. 219; 19th Report, Case No. 110 (Pakistan), paras. 74-77; 24th Report, Case No. 142 (Honduras), paras. 130-134; 25th Report, Case No. 140 (Argentina), para. 263; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 152; 72nd Report, Case No. 294 (Spain), para. 97.

3 See Sixth Report, Case No. 22 (Philippines), paras. 352-383; 11th Report, Case No. 51 (Saar), paras. 27-56; 12th Report, Case No. 69 (France), para. 446, and Case No. 61 (France-Tunisia), paras. 447-492; 17th Report, Case No. 97 (India), paras. 120-156; 19th Report, Case No. 92 (Peru), paras. 16-38; 26th Report, Case No. 147 (Union of South Africa), paras. 107-111; 28th Report, Case No. 170 (France-Madagascar), para. 143; 34th Report, Case No. 130 (Switzerland), para. 6; 41st Report, Case No. 172 (Argentina), para. 122; 49th Report, Case No. 213 (Federal Republic of Germany), para. 73; 53rd Report, Case No. 232 (Morocco), paras. 66-67; 58th Report, Case No. 234 (Greece), para. 588, and Case No. 262 (Cameroon), para. 657; 60th Report, Case No. 262 (Cameroon), para. 206; 72nd Report, Case No. 294 (Spain), para. 101.

4 See 17th Report, Case No. 97 (India), para. 137; 24th Report, Case No. 142 (Honduras), para. 134; 26th Report, Case No. 147 (Union of South Africa), para. 111; 31st Report, Case No. 170 (France-Mada-
251. In the present case the two detained persons have been submitted to a judicial process in which a decision has been given which in the case of one is final and in the case of the other is being reviewed. The latter has left the Federal Republic of Germany.

252. In these circumstances the Committee requests the Government to be good enough to furnish a copy of the document which the two persons in question were charged with attempting to distribute and copies of the judgments handed down and to keep it informed as to the outcome of the appeal which has been lodged, and decides to wait, before formulating its conclusions, until it has before it fuller information with regard to the circumstances which led to the detention of the persons concerned.


(Signed) Roberto Ago,
Chairman.
Seventy-fifth Report

INTRODUCTION

1. The Committee on Freedom of Association set up by the Governing Body at its 117th Session (November 1951) met at the International Labour Office, Geneva, on 20 and 21 February 1964, under the chairmanship of Mr. Roberto Ago, former Chairman of the Governing Body.

2. In accordance with the procedure laid down in paragraph 12 of its 29th Report, as amended by paragraph 5 of its 43rd Report, the Committee recommends the Governing Body to examine the present report at its session immediately following the close of the 48th (1964) Session of the International Labour Conference.

3. The Committee considered 19 cases in which the complaints had been communicated to the governments concerned for their observations, namely the cases relating to Argentina (Case No. 334), Peru (Case No. 335), Greece (Case No. 341), Ceylon (Case No. 343), Argentina (Case No. 346), Venezuela (Case No. 347), Panama (Case No. 349), Dominican Republic (Case No. 350), Greece (Case No. 352), Chile (Case No. 354), Spain (Case No. 356), Congo (Leopoldville) (Case No. 357), Morocco (Cases Nos. 361 and 362), United Kingdom (British Guiana) (Case No. 366), Austria (Case No. 368), Argentina (Case No. 369), Congo (Leopoldville) (Case No. 372) and Costa Rica (Case No. 374).

4. The Committee adjourned until its next session its examination of the cases relating to Peru (Case No. 335), Ceylon (Case No. 343), Panama (Case No. 349), Chile (Case No. 354), Morocco (Cases Nos. 361 and 362) and Costa Rica (Case No. 374), with respect to which it has not yet received the observations of the governments concerned, and the cases relating to Spain (Case No. 356), United Kingdom (British Guiana) (Case No. 366), Austria (Case No. 368) and Congo (Leopoldville) (Case No. 372), with respect to which the observations of the governments concerned were received too late to permit of their being examined at the present session.

5. The Committee also adjourned until its next session its examination of the cases relating to Argentina (Case No. 346), Dominican Republic (Case No. 350) and Congo (Leopoldville) (Case No. 357), with regard to which the Committee has requested the Director-General to obtain more information from the governments concerned before it formulates its recommendations to the Governing Body.

6. In the present report the Committee submits for the approval of the Governing Body the conclusions which it has now reached concerning the remaining cases before it, namely the cases relating to Argentina (Case No. 334), Greece (Case No. 341), Venezuela (Case No. 347), Greece (Case No. 353) and Argentina (Case No. 369). These conclusions may be briefly summarised as follows:

(a) the Committee recommends that, for the reasons indicated in paragraphs 7 to 31 of this report, the cases relating to Argentina (Case No. 334) and Venezuela (Case No. 347) should be dismissed as not calling for further examination;

1 See above, footnote 1, p. 1.
2 The 75th Report of the Committee on Freedom of Association was approved by the Governing Body at its 159th Session on 10 July 1964.
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(b) with regard to the case relating to Argentina (Case No. 369) the Committee, for the reasons indicated in paragraphs 32 to 41 of this report, has reached certain conclusions to which it wishes to draw the attention of the Governing Body;

(c) with regard to the cases relating to Greece (Cases Nos. 341 and 353) the Committee, for the reasons indicated in paragraphs 42 to 122 of this report, has presented an interim report stating certain conclusions to which it wishes to draw the attention of the Governing Body.

Complaints Which the Committee Considers Do Not Call for Further Examination

Case No. 334:

Complaint Presented by the International Federation of Christian Trade Unions against the Government of Argentina

7. The complaint by the International Federation of Christian Trade Unions is contained in a communication dated 7 May 1963 addressed directly to the I.L.O. This communication was accompanied by a memorandum from the Federation of Telephone Workers and Employees of the Argentine Republic (F.O.E.T.R.A.) and by a number of documents in support of the complaint. The complaint was transmitted to the Government, which submitted its comments in a note dated 22 January 1964.

8. Argentina has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

9. The memorandum submitted by F.O.E.T.R.A. specifies the manner in which the National Telecommunications Company (ENTEL) is said to have violated trade union rights, in particular by failing to comply with the provisions of the collective agreement in force between the parties. According to the complainants, the following infringements have been committed: (a) the provisions of the paragraph of the agreement under which the new collective agreement was to take effect from 1 July 1962 have not been complied with because the company has obstructed the negotiations, thus making the renewal of the agreement impossible; (b) the company has refused to receive, and to acknowledge receipt of, notes submitted by the staff, in contravention of the provisions of the agreement; (c) the company has inserted advertisements in newspapers offering employment to new staff under conditions different from those laid down by the agreement and in contravention of the provisions of the agreement under which 50 per cent. of the posts which become vacant must be filled by the Trade Union Labour Exchange, preference being given to the children of employees who have died or retired and/or to the surviving spouse; (d) the provisions of the agreement which relate to hours of work have been violated, and F.O.E.T.R.A. therefore reported the company to the Ministry of Labour for having resorted to unfair practices punishable under national legislation; (e) the Company has not fulfilled its obligation to make contributions to F.O.E.T.R.A. for social work.

10. In support of their complaint, the complainants have submitted many documents, including the following: a petition presented to the National Labour-Management Relations Board which alleges unfair practices on the part of the Company in violation of subsections (b), (d) and (f) of section 42 of Act No. 14455; copies of documents signed in the presence of officials of the Ministry of Labour by the representatives of F.O.E.T.R.A. and of the company; communications from the company to its staff; a resolution authorising the company to modify the conditions of work of any members of its staff who may so request; and the text of the collective agreement in force.
11. In its reply the Government points out that it is not true that the company has obstructed the renewal of the agreement in force. In view of the financial position of the company, a proposal was made to the workers' representatives that there should be an increase in hours of work and a proportionate increase in wages. This proposal was not accepted by F.O.E.T.R.A. As regards the notes submitted by the workers, no reply was sent because the company addressed itself directly to the staff as a whole and offered them new conditions of work. Advertisements were inserted in newspapers because it was not possible to fill the vacancies in the manner prescribed by the agreement; nevertheless, none of the applicants for these vacancies was engaged. The Company did not resort to unfair practices: the offer of higher wages in return for an increase in hours of work was rejected by F.O.E.T.R.A., which withdrew from the joint committee that was negotiating renewal of the agreement and adopted coercive measures, such as withdrawal of co-operation and unwillingness to work. In these circumstances the company addressed itself directly to the staff and repeated its offer so that the staff might be able to opt freely for the conditions proposed. Finally, the Government points out that there has been no violation of the other provisions of the agreement, including that which relates to contributions for social work, and indicates the amounts contributed for that purpose. The debt outstanding when the complaint was made was due solely to the difficult financial position of the company.

12. The Committee notes that, as shown by the statements of the complainants and the information provided by the Government, this case relates to the renewal of a collective agreement which was to have come into force on 1 July 1962. Since the parties had been unable to reach agreement in the joint committee established for that purpose, the Company, after several months, addressed itself directly to the staff and repeated the offer of new conditions of work previously made to, and rejected by, F.O.E.T.R.A. The documents submitted by the complainants show that the Company subsequently addressed itself to the staff again in order to inform them of its latest proposal to the trade union because it considered that the latter was keeping its members in ignorance of the facts. It also inserted advertisements in newspapers offering employment on conditions different from those laid down in the agreement. The last meeting, held on 1 March 1963, ended in deadlock. The complainants accused the Company of not having complied with the agreement and of having resorted to unfair practices by its unwillingness to negotiate with F.O.E.T.R.A. and its direct approach to the staff.

13. There are thus two basic problems before the Committee: the contention that the collective agreement was violated, and the charge of unfair practices on the part of the Company.

14. The Committee notes that Act No. 14250 concerning collective labour agreements contains, inter alia, the following provisions:

5. On the expiry of a collective agreement the conditions of employment established in virtue thereof shall continue until a new agreement is concluded.

7. The provisions of an approved collective agreement shall be binding and cannot be modified by individual contracts of employment in any way unfavourable to the employees. The operation of a collective agreement shall in no case affect any conditions more favourable to the employees under their individual contracts of employment.

8. An approved collective agreement shall be binding for all employees (regardless of membership) engaged in the activities covered by it in the area to which it applies.

13. The Ministry of Labour and Welfare shall be the authority charged with the administration of this Act and shall supervise performance of the collective
agreements. Any breach of the terms of collective agreements for which protection is provided by the laws governing labour and where violation is considered in the said laws as a punishable offence shall involve the penalties mentioned in Decree No. 21877/44 (Act No. 12921). This shall not be deemed to debar persons concerned from prosecuting actions for performance.

15. These provisions are, in principle, in conformity with the terms of the Collective Agreements Recommendation, 1951 (No. 91), which lays down, inter alia, that collective agreements should bind the signatories thereto and those on whose behalf the agreement is concluded; that stipulations contrary to those contained in the collective agreement should not be included in contracts of employment; that stipulations in contracts of employment which are more favourable to the workers than those prescribed by a collective agreement should not be regarded as contrary to the collective agreement; and that the stipulations of a collective agreement should apply to all workers of the classes concerned employed in the undertakings covered by the agreement unless the agreement specifically provides to the contrary.

16. The Committee notes that, under the provisions in force in Argentina, since the parties have been unable to reach agreement on the conclusion of a new agreement the provisions of the previous agreement remain in force. The Committee further notes, with respect to the complainants' accusation that the company has violated the provisions of the agreement, that section 13 of Act No. 14250 provides for penalties and for appropriate action to secure compliance with an agreement. In this case it does not appear that the workers have taken advantage of the relevant provisions in order to defend their rights.

17. In similar cases in the past the Committee has taken the view that, where there has been failure to have recourse to appropriate national remedies with respect to matters raised in a complaint, the complainants have not offered sufficient evidence to show that an infringement of trade union rights has occurred. In the light of the facts referred to in the preceding paragraph, the Committee must reach the same conclusion in the present case.

18. The complainants base their accusation of unfair practices by the company on subsections (b), (d) and (f) of section 42 of Act No. 14455 concerning industrial associations of employees. The subsections in question relate to intervention by employers in the constitution, operation or administration of an industrial association of employees, encouraging staff to join particular associations and refusal to bargain collectively with employees in accordance with the legal procedure.

19. With respect to the last point, the Committee notes that in the present case the parties were unable to reach agreement in spite of the fact that a number of meetings were held. According to the complainants, the last meeting took place on 1 March 1963 and ended with the refusal of the workers' representatives to accept a proposal made by the employers. The Committee recalls that in a previous case it pointed out that no provision of Article 3 of Convention No. 98 obliges the government concerned to give effect to the principle of collective bargaining by coercive measures which would change the nature of such bargaining. The Committee further pointed out that whether one of the parties adopts a conciliatory attitude or an intransigent attitude with respect to the demands of the other party is a matter for negotiation between the parties in accordance with the law of the country concerned.

20. The complainants further accuse the employers of resorting to unfair practices as defined by national legislation because they negotiated directly with the workers.

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1 See, for example, 27th Report, Case No. 63 (Burma), para. 53.
2 See Sixth Report, Case No. 57 (United Kingdom-British Guiana), para. 936.
3 See 16th Report, Case No. 107 (Burma), para. 54.
This allegation is made in the general petition submitted by F.O.E.T.R.A. to the National Labour-Management Relations Board on the grounds of unfair practices on the part of the Company. No information concerning the result of that petition has been submitted to the Committee. The Committee has previously considered a case in which it was alleged that the legislation permitted the conclusion of collective agreements between the undertaking and 70 per cent. of its workers outside the framework of a trade union organisation. In respect of that case, the Committee took the view that direct bargaining between an undertaking and its workers outside the framework of existing representative organisations may in certain cases be detrimental to the principle laid down in Article 4 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), that governments shall encourage and promote collective bargaining between employers' and workers' organisations. According to the Government, in the present case the direct offer made by the Company to its workers was merely a repetition of the proposals previously made to the trade union, which had rejected them. In other words, it was not an attempt to engage directly in collective bargaining with the workers outside the framework of their organisation. Moreover, the Committee notes that negotiations between the Company and the trade union were subsequently resumed. This allegation on the part of the complainants therefore relates to their earlier contention that the Company refused to negotiate with F.O.E.T.R.A. In the light of the facts set out in the previous paragraphs, the Committee considers that the complainants have not demonstrated that there has been a violation of trade union rights.

21. Finally, with respect to the allegation that the Company has interfered with the workers' organisation and encouraged its staff to join another organisation, the Committee points out that this allegation is couched in extremely vague terms and that the complainants have submitted no evidence in support of their complaint.

22. In the light of all these circumstances, the Committee has reached the conclusion, as regards both the allegations of non-compliance with the collective agreement and the other allegations of unfair practices by the Company, that the complainants have not furnished sufficient proof in support of their complaint to the I.L.O.

23. The Committee therefore recommends the Governing Body to decide that the case does not call for further examination.

Case No. 347:

Complaint Presented by the Printing Workers' Union of Zulia against the Government of Venezuela

24. By a communication dated 13 June 1963, addressed directly to the I.L.O., the Printing Workers' Union of Zulia presented a complaint of alleged infringement of freedom of association against the Government of Venezuela. The complainants were informed, by a letter dated 10 July 1963, of their right to furnish further information in substantiation of their complaint within a period of one month; but they did not avail themselves of this right. The complaint was transmitted to the Government, for its observations, by a letter also dated 10 July 1963; the Government forwarded its observations on 29 October 1963.

25. At its 35th Session (Geneva, 4 and 5 November 1963) the Committee decided to defer examination of the case until the present session because the Government's observations had been received too late to be examined in November.

27. In its communication, the complaining organisation states that officials in the service of the government political party promote fragmentation by threatening to dismiss employees of the Government Printing Office unless they renounce their membership of the Union. It alleges that an attempt is being made to found a parallel organisation and that the acts denounced amount to introducing party politics into the trade union movement.

28. In its reply the Government rejects the complaint, stating that Venezuela has a democratic régime and that the conditions attached to establishing a trade union are defined in statutory provisions. It adds that the complainant union is dominated by extremist elements, that despite this there has been no political interference with it, and that no parallel trade union organisation has been established nor is any such action intended.

29. The Committee observes that the complainants have made allegations in very general terms and that no particular person is mentioned, no date is given to the alleged events and all significant details such as might give the accusations point are omitted, so that no sufficient evidence has been adduced to support the complaint.

30. Accordingly, the Committee, while it has always attached \(^1\) the greatest importance to the principle enunciated in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), that "workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment", considers that in the present case the complainants have not produced sufficient evidence to permit of an examination of the case on its merits.

31. The Committee therefore recommends the Governing Body to decide that the case does not call for further examination.

**Definitive Conclusions in the Case relating to Argentina (Case No. 369)**

**Case No. 369:**

Complaint Presented by the Argentine Textile Workers’ Association against the Government of Argentina

32. The complaint by the Textile Workers’ Association was submitted in a letter dated 26 November 1963 sent direct to the I.L.O. It was then forwarded to the Argentine Government with a covering letter dated 29 November 1963 for its observations, which were forwarded on 24 January 1964.

33. Argentina has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

34. In its complaint the Textile Workers’ Association, an Argentine trade union organisation, claims that the Government has violated Article 3 of Convention No. 87 and section 38 of the Trade Union Act (No. 14455) by deliberately ending the term of office of the Association’s senior officials and appointing Government administrators under Order No. 944/63 issued by the Ministry of Labour and Social Security.

35. In its reply the Government stated that section 3 of the ministerial order referred to was rescinded by Order No. 979/63, a copy of which was attached. The preamble to Order No. 979/63 stated that the Ministry had power to take over control

\(^1\) See, for example, 14th Report, Case No. 105 (Greece), paras. 117-145; 19th Report, Case No. 97 (India), paras. 39-45; 58th Report, Case No. 243 (Greece), para. 578; 61st Report, Case No. 256 (Greece), para. 40; 73rd Report, Case No. 316 (Ecuador), para. 99.
of the assets of trade unions with incorporated status in special circumstances (usually where the term of office of the executive committee was extended in violation of the relevant legislation and the union's own rules). The Government explained that such emergency measures did not involve interference in the work of the unions, but merely constituted a safeguard to protect the members' interests. The preamble of the order stated that a co-administrator would only be appointed for the remaining term of office of the present officials of the Textile Workers' Association, who were responsible for the management of the union's assets. The Government explained in its letter that when the Association made an application for the withdrawal of Ministerial Order No. 944/63, section 3 of that order was rescinded under a later Order No. 979/63.

36. The Committee notes, in short, that according to the complainants, the Ministry issued an order appointing an official administrator for the Textile Workers' Association in violation of section 38 of Act No. 14455 as well as of Article 3 of Convention No. 87, under which workers' organisations are entitled to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes, while the public authorities are required to refrain from any interference which would restrict this right or impede the lawful exercise thereof.

37. The Government for its part states that Order No. 944/63 was only issued in order to safeguard the union's assets and that it was for this purpose that a co-administrator was appointed. Furthermore, when an appeal was made section 3 of the order was rescinded.

38. It would appear from the information supplied that the Ministry appointed a co-administrator in the special situation created when the term of office of the executive committee of the Textile Workers' Association was extended in violation of the law and the union's own rules. It would also appear that the co-administrator was appointed by virtue of section 3 of Order No. 944/63, which was later rescinded. The complainants allege that this measure involves a breach, not only of Article 3 of the Convention, but also of section 38 of Act No. 14455, which is worded as follows:

In no circumstances shall the enforcing authority have the power to intervene in the management or the administration of the occupational associations covered by this Act.

39. The Committee recalls that in a number of other cases dealing with Argentina, it has had to examine the problem of government intervention in the affairs of a trade union. In these cases, the Governing Body decided to call the Government's attention to the importance it attaches to the principle explicitly set forth in Article 3 of Convention No. 87 (ratified by Argentina) that the public authorities should refrain from any interference which would restrict the right of workers' organisations to elect their representatives in full freedom and to organise their administration and activities.

40. In the present case, it would appear that the Ministry of Labour appointed a co-administrator in special circumstances for a short period and in order to safeguard the union's own assets. When the complainants appealed against this order it was rescinded.

41. In these circumstances the Committee recommends the Governing Body, while calling the Government's attention once more to the principle embodied in Article 3 of Convention No. 87, to note that the measure which led to the complaint being submitted has been revoked.

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1 See 30th Report, Case No. 172 (Argentina), paras. 203-204; 41st Report, Case No. 172 (Argentina), paras. 127-129 and 159-161; 47th Report, Case No. 172 (Argentina), paras. 53 and 60.
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INTERIM CONCLUSIONS IN THE CASES RELATING TO GREECE
(CASES NO. 341 AND 353)

Case No. 341:
Complaint Presented by the Pan-Hellenic Federation of Textile Workers against the Government of Greece

42. The original complaint of the Pan-Hellenic Federation of Textile Workers is contained in a communication dated 3 June 1963 addressed directly to the I.L.O.; it was supplemented by a communication dated 29 July 1963.

43. The complaint and the additional information in support of it were communicated to the Government by two letters dated respectively 19 June and 13 August 1963. The Government sent its reply in a communication dated 2 November 1963.

44. When the case was brought before it at its 35th Session, held at Geneva on 4 and 5 November 1963, the Committee, considering that the Government's reply had reached it too late to enable it to examine it in substance, decided to postpone consideration of the matter until its present session.

45. Greece has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and also the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

46. The allegations made by the complainants may be divided into two main groups: allegations concerning violations of the principles of Convention No. 98, and allegations concerning violations of the principles of Convention No. 87. These two main groups of allegations subdivide into several individual allegations. They will be considered separately below.

Allegations relating to Infringements of the Right of Collective Bargaining

47. The Pan-Hellenic Federation of Textile Workers first states that it was founded in 1955 in conformity with the requirements of the relevant national legislation. According to the complainant, the Federation is a group of 12 unions spread over the whole country and has over 12,000 members in all; it was recognised in 1961 by the employers and the Minister of Labour as an authorised representative of the textile workers, and so acquired the right to negotiate and sign collective agreements on behalf of its members. The complainant further points out that on 10 March 1961 the Federation signed a collective agreement that was published in the government gazette and, since it has not been denounced in the manner provided by law, is still in force.

48. After making these few preliminary remarks the complainant describes the course of events as follows. On 17 March 1962 the Federation, duly authorised for the purpose by the 12 unions that it represents, submitted to the employers' organisations concerned a request for the revision of the collective agreement in force. This request was based on the fact that many fundamental changes due to technological progress and rationalisation had occurred since the signing of the agreement, and that these changes had entailed an increase in production and the volume of work, and so modified conditions of employment. The Federation further considered that the application of the agreement was not in keeping with the new conditions in so far as concerned the classification of the various specialised jobs and rates of pay for work done; it thus felt that a revision of the job classification was necessary in order to permit precise definition of the nature of the work to be done and the evaluation of each job.

49. Confronted with these claims and the reasons for them, the employers are said to have offered a 10 per cent. increase in wages, but to have refused to consider the proposal for a revision of the classification of the various specialised jobs.
50. The Federation, considering that it could not accept the employers' position, made its own position public. Having made matters clear in this way, the Federation, in conformity with the law, submitted a request to the Minister of Labour on 23 May 1962 that in the event of a breakdown of the negotiations he would submit the case to an arbitration tribunal, the Minister being empowered to facilitate the conclusion of collective agreements.

51. Following upon this step taken by the Federation, the competent conciliator is said to have summoned the three parties involved, namely the employers' associations concerned, the complainant Federation and the Federation of Greek Textile Workers. According to the complainant this last organisation has only about 1,000 members; unlike the complainant it is affiliated to the General Confederation of Greek Workers and the Textile and Garment Workers' Federation (International).

52. The complainant states that the negotiations that took place broke down, and alleges that notwithstanding the rule that in such circumstances the case should be brought before the arbitration tribunal within a week, it had not been settled by the Minister by July 1962.

53. "Knowing", says the complainant, "that the employers meant to take advantage of the situation, as is shown by the fact that they tried to make us sign a collective agreement, and that the other federation of workers was willing to accept their conditions (since for their members they only asked for a certain percentage increase), rather than accept this, we preferred to submit the case to the competent arbitration tribunal (8 August 1962) so as to have the right of our Federation to represent its members established. The Ministry transmitted our petition to the competent judge on 23 August 1962, and by Decision No. 2 of 6 November 1962 he admitted that we were qualified to sign collective agreements on behalf of our members. This means that three months had to elapse before the question of our right of legal representation could be settled, although this right had been recognised in practice since 10 March 1961.” (See paragraph 47 above.)

54. Meanwhile, on 24 August 1962, the employers signed a collective agreement with the other federation, adds the complainant, and this agreement was deposited with the tribunal and has been in force since 18 September 1962. The employers repeatedly endeavoured to induce the complainant to sign a similar collective agreement, but, maintaining its original position, it persistently refused, and on the publication on 6 November 1962 of the decision recognising its quality of representative organisation demanded that the matter should again be referred to the competent conciliator. This new attempt at conciliation also failed, for the employers were obdurate.

55. After this fresh setback, states the Federation, the Minister of Labour should have referred the case to the arbitration tribunal within a week. But the Minister refused to do this, and justified his refusal by the argument that having approved one collective agreement he could not approve another. In the complainant's view, this position is indefensible since, by law, agreements and arbitral decisions only apply to members of the signatory trade union organisations if they have been declared binding on all workers, which the agreement in question was not. Moreover, adds the complainant, the Minister is not empowered to extend the agreement signed by the other federation because this federation does not comprise three-fifths of the workers concerned, as the law requires if an agreement is to be extended.

56. In these circumstances the Federation protested officially to the Minister on 8 May 1963, so as to be in a position, after the expiry of a three months' time limit, to lodge an appeal with the Council of State based on the fact that the Federation tried in vain for a year to have the dispute settled by arbitration, and that it was as a result of the refusal of the Minister to take the necessary steps that arbitration could not take place. "Now that the Council of State has the case before it", concludes the complainant, "it will probably declare in the spring of 1964 whether or not the Minister is bound to transmit the case."
57. In its observations the Government confirms the course of events as described by the complainant, but does not draw the same conclusions from them. According to the Government, by asking for the case to be referred to an arbitration tribunal, the complainant's intention was that the result of the arbitration should benefit only its own members. If the arbitration had gone in favour of the complainant—increase in wages and reclassification of specialised jobs—since, on the one hand an arbitration award declared binding by the Minister of Labour takes the place of a collective agreement, and on the other, there was already a collective agreement signed by the other federation, which agreement provided for no more than an increase in wages, there would have been two sets of conditions simultaneously applicable to the same categories of workers. But, states the Government, the agreement already in force was satisfied by the definition in section 7 (1) (b) of Act No. 3239 of 18 May 1955, which reads: "national single-trade agreements relating to employees in a given trade and/or branches related to that trade throughout the country", a type of agreement of which there can obviously be only one version in any one domain.

58. The Government also states that since the complainant Federation, like the other federation, had been recognised as a representative organisation it could have asked the Council of State to declare null and void the agreement concluded by the Federation of Greek Textile Workers alone, basing itself on section 7 (3) of the Act referred to, which provides that "national single-trade agreements are negotiated and signed by the most representative organisations of the employers and employees". However, the complainant refrained from appealing on this point, and the Government considers that it cannot have an agreement signed by one organisation declared null and void merely because another organisation holds views different from those of the signatory organisation.

59. Lastly, the Government states that the reason for which the arbitration requested by the complainant Federation could not take place resides in the application of section 19 (1) of the Act of 1955, which lays down that "compulsory arbitration proceedings shall cease if a collective agreement is reached in the course thereof".

60. In view of the allegations of the Federation and the observations of the Government, it is difficult to form a clear idea of the situation at the outset; it will therefore be necessary to consider carefully the various pieces of evidence before the Committee.

61. The Government first of all asserts that under section 7 (1) (b) of Act No. 3239 of 1955 it is impossible to conclude a national collective agreement in a given domain if one exists already. Reference to the text of the Act will show that there is nothing in the provision in question—which is quoted in extenso in paragraph 57 above—that warrants the conclusion that such a restriction exists. It must, however, be admitted that, if it is accepted that a “national” agreement should apply generally, a restriction of this kind would be in no wise abnormal.

62. This being so, it seems that there is a difference of opinion between the complainant and the Government concerning the “national” or other character of the agreement in question. For its part, the complaining organisation states that, by the law itself, agreements bind only those who are parties to them, unless they have been declared generally binding, and it asserts that this has not been done in the case of the agreement in question in the present complaint.

63. Once again, it is necessary to refer to the text of the Act. Section 5 (1) reads as follows:

Where the territorial scope of a collective agreement is not explicitly stated in the document itself, the agreement shall be deemed to be binding on the parties only within the area of the court of the justice of the peace in which it was signed.

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1 See Act No. 3239 of 18 May 1955 (I.L.O.: Legislative Series, 1955—Gr. 2), section 19 (2).
It would seem that it is on the basis of this section that the complainant intends to define the agreement under consideration. Section 5 continues as follows in subsection (2):

Where a collective agreement binds the employers of three-fifths of all the employees in the occupation within the area in which the agreement operates, and the provisions of subsection (3) of this section are not applicable, the Minister of Labour may, after consulting the Board mentioned in section 28, publish an order in the government gazette declaring the agreement to be binding on all employers and employees in the occupation or occupations to which it relates within the area for which it is operative.

On this point the complainant points out that since the federation that concluded the agreement has only 1,000 members whereas it has 12,000 itself (figures that have not been contested by the Government), the proportion of three-fifths is far from having been reached, and consequently section 5 (2) cannot be relied on for the purpose of extending the agreement.

In its observations the Government does not offer any comments on this point. Lastly, section 5 (3) reads as follows:

Such collective agreements as are made and signed in the presence of the Minister of Labour, or the agents specially authorised by him for the purpose, shall be binding on all employers and employees in the occupation or occupations within the area to which the agreement extends.

The complainant asserts that the agreement has not been extended under this provision. For its part, the Government states that it had nothing to do with the negotiation and conclusion of the agreement between the Federation of Greek Textile Workers and the employers' organisations concerned; it even adds that, in view of the critical state of the relations between the two federations in question, it deliberately abstained from endorsing the agreement by publishing it in the government gazette, and points out that it is only in virtue of section 20 (3) of the Act that this agreement has become applicable. This section, in fact, lays down that in default of publication by the Ministry of Labour of an agreement in the government gazette within the prescribed time limits, whereby it would acquire force of law, “any of the parties shall be entitled to file the agreement . . . at the justice of the peace court in Athens within ten days of the end of the time allowed”; further, the section specifies that “the party so doing shall give notice thereof by bailiff to those affected and to the Ministry of Labour, and the agreement . . . shall take effect from the day following notification of the last recipient”.

64. If the agreement in question has not been given general application either under section 5 (2) of the Act or under section 5 (3), as seems indeed to be the case, it is not clear in virtue of what provisions it could be looked upon as a “national” agreement. Further, as seen above (paragraph 58), section 7 (3) of the Act expressly states that national agreements must be negotiated and signed by the most representative organisations of employers and workers. Since only one of the workers' organisations concerned, and, moreover, the less representative of the two, has concluded the agreement, the condition imposed by this section does not appear to have been satisfied.

65. It is true that at the time when the agreement was signed the complainant Federation had not yet been recognised as a representative organisation, and accordingly only the Federation of Greek Textile Workers was in the field. Nevertheless, on this point it should be noticed that the complainant Federation had been recognised as a representative organisation by 1961, and that the sole purpose of the procedure followed, incidentally on its own initiative, was essentially to have this representative character confirmed. However this may be, it would certainly seem that, in the circumstances of the present case, the action taken by the complainant Federation should at least have had the effect of suspending the negotiations in progress.
66. There are only two alternatives: either the agreement only binds those who are actually parties to it; or, if it is intended to make it an agreement of general application, all the parties concerned, or at least the most representative of them, must necessarily have participated in its preparation and conclusion.

67. It appears from the evidence available to the Committee that, profiting by a temporary incapacity of the complainant organisation due to action for the purpose of having its representative character confirmed, another organisation numerically much less important concluded with the employers a collective agreement that came into force; that the Government intends that the agreement thus concluded shall bind all the members of the occupation although it is aware that this agreement runs counter to the publicly proclaimed desiderata of the organisation temporarily incapacitated, that is to say, the desiderata of the great majority of the workers concerned; that the Government's taking its stand on the fact that the agreement in question is applicable generally deprives the complainant organisation of the right of negotiating and concluding another; and, lastly, that the Government—and this is the point that will now be considered—refuses to bring the dispute before an arbitration tribunal.

68. As has been seen above, since it could not obtain satisfaction in other ways, the complainant Federation had asked for application of the procedure of compulsory arbitration. In its reply the Government states that the arbitration requested could not take place because of section 19 (1) of the Act, which lays down that compulsory arbitration procedure shall be suspended if a collective agreement is concluded before it is completed. At first sight, it seems that in the circumstances the section in question cannot be invoked. In fact it is difficult to believe that the intention of the legislature was that this section should mean anything but this: the arbitration procedure shall be suspended when the parties to this procedure have reached direct agreement. Actually, however, it is not the organisation that asked for arbitration which reached an agreement with the employers, but another organisation whose views were opposed to its own views; moreover, the agreement in question embodied exactly what the complainant aimed at avoiding by asking for arbitration.

69. Here there is certainly food for thought, and it is not impossible that at a later stage of its procedure the Committee will be called upon to offer observations and comments on such a situation. However, since it appears from the statements of the complainant Federation that it has lodged an appeal with the Council of State against the refusal of the Government to apply the arbitration procedure, the Committee considers it preferable not to go further into this aspect of the matter before learning the outcome of the procedure followed.

70. In fact, in previous cases the Committee has followed the practice of not proceeding to examine matters which were the subject of pending judicial proceedings, provided that these proceedings were attended by proper guarantees of due process of law, where the pending judicial proceedings might make available information of assistance to the Committee in appreciating whether or not allegations were well founded.

71. In the present case the Committee considers it advisable to follow the same practice by recommending the Governing Body to request the Government to be good enough to inform it whether an appeal has actually been lodged with the Council of

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1 See Sixth Report, Case No. 22 (Philippines), paras. 352-383; 11th Report, Case No. 51 (Saar), paras. 27-56; 12th Report, Case No. 69 (France), para. 446, and Case No. 61 (France-Tunisia), paras. 447-492; 17th Report, Case No. 97 (India), paras. 120-156; 19th Report, Case No. 92 (Peru), paras. 16-38; 26th Report, Case No. 147 (Union of South Africa), paras. 107-111; 28th Report, Case No. 170 (France-Madagascar), para. 143; 34th Report, Case No. 130 (Switzerland), para. 6; 41st Report, Case No. 172 (Argentina), para. 122; 49th Report, Case No. 213 (Federal Republic of Germany), para. 73; 53rd Report, Case No. 232 (Morocco), paras. 66-67; 58th Report, Case No. 234 (Greece), para. 538, and Case No. 262 (Cameroon), para. 657; 60th Report, Case No. 262 (Cameroon), para. 206; 70th Report, Case No. 294 (Spain), para. 305; 72nd Report, Case No. 352 (Guatemala), para. 188.
State, and if so to acquaint it with the result of the procedure before the Council, and in particular, to supply the text of the decision and of its preamble and, further, if appropriate, to inform it of any other developments that may have occurred in the meantime; and to adjourn further examination of this aspect of the case for the time being.

Allegations relating to Interference by the Employers

72. The complainant Federation alleges that, in violation of Article 2 of Convention No. 98, the Federation of Greek Textile Workers is controlled by the employers. In support of this assertion the complainant points out that this organisation, which during the conciliation procedure showed itself to be opposed to the signing of an agreement conforming to the employers' proposals, nevertheless subscribed to such an agreement after a certain time, in spite of the fact that it offered no advantages in default of a reclassification of jobs. In its reply the Government refrains from commenting on this aspect of the complaint.

73. The Committee realises that a change of attitude on the part of a trade union organisation during negotiations may in certain circumstances be the result of abusive pressure by the employers, but is nevertheless of opinion that by itself such a change of attitude does not automatically justify the conclusion that there has been interference on the part of the employers.

74. In the case in point, the complainant does not furnish any evidence that might lead the Committee to think that the change of attitude of the Federation of Greek Textile Workers was not the result of a decision freely made by it. This being so, the Committee, considering that the complainant has not proved that there has actually been interference by the employers, recommends the Governing Body to decide that this aspect of the case does not call for further examination.

Allegations relating to Governmental Interference in connection with Collective Agreements

75. The complainant alleges that the validity of collective agreements is decided at the discretion of the Ministries of Labour and Co-ordination, which are empowered to modify their terms.

76. Under section 20 (2) of Act No. 3239, in fact, “in the event of any collective agreement ... being contrary to the general economic or social policy of the Government, or to any such policy in particular matters, the Ministers of Co-ordination and of Labour may ... amend or withhold approval of all part of such agreement ... by means of a joint order (with reasons) ...”.

77. In its reply, the Government points out that this provision of the law, dating from 1955, was introduced to meet the urgent need that existed at the time to ensure the economic and financial stability of the country. As the situation has greatly changed meanwhile, it was decided to amend the law in this respect, and a Bill for this purpose was laid before Parliament but, continues the Government's reply, the Bill was not passed owing to a change of government.

78. When, in the past, the Committee has had to consider allegations concerning restriction on the right of collective bargaining, it has had occasion to point out that the need for prior approval of a collective agreement by official authorities was contrary to the whole system of voluntary negotiation envisaged in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and to emphasise the importance that it attaches to the principle that public authorities should refrain from all interference.

1 See 25th Report, Case No. 151 (Dominican Republic), para. 312.
which would restrict the right of trade unions to seek, through collective bargaining or other lawful means, to improve the living and working conditions of those whom they represent, or impede the lawful exercise of this right. Moreover, in one case, the Committee, observing that by law collective agreements had to be submitted for approval to the competent authorities on their conclusion and did not come into force if they were not approved, recommended the Governing Body to draw attention to the incompatibility of such a requirement with the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements, envisaged in the said Convention No. 98.

79. The legal provisions cited in paragraph 76 above certainly appear to be at variance with a number of the principles referred to in the preceding paragraph. Before examining further this aspect of the case, the Committee considers that it would be advisable to ascertain the Government's intentions concerning the amendments to the legislation that had been contemplated by its predecessor. For this reason it recommends the Governing Body to request the Government to be good enough to inform it whether it intends to alter the section of Act No. 3239 referred to above, and if so, to specify the nature of the alterations contemplated or made, and meanwhile to postpone consideration of this aspect of the case.

Allegations relating to Restrictions on Freedom to Conclude Collective Agreements

80. The complainant alleges that restrictions have been imposed as regards the form of collective agreements; according to it, it is practically impossible to conclude company agreements (works agreements). In its observations the Government declares that this is a purely gratuitous assertion, and that in point of fact a large number of such agreements are in force.

81. In fact, if one consults the text of the Act, it will be seen that section 7 provides for, among other categories of agreements, “special agreements, relating to employees in one or more businesses or undertakings in a town or an area or the whole country, in so far as they are not covered by a national single-trade agreement” (section 7(1)(d)); and section 7(5) lays down that “special agreements are negotiated and signed by one or more employers' occupational associations and the occupational organisation of the employees of one or more undertakings”.

82. In these circumstances, the complaining organisation not having adduced any information of a kind to support its contention, the Committee, considering that it has not furnished proof of the actual existence of restrictions on the freedom to conclude collective agreements, recommends the Governing Body to decide that this aspect of the case does not call for further examination.

Allegations relating to the Composition of Arbitration Tribunals

83. The complainant alleges that Act No. 3239 provides for compulsory arbitration by tribunals without allowing the organisations concerned to appoint their representatives to them, since the workers' representative is chosen by the Minister of Labour from among representatives nominated exclusively by the General Confederation of Greek Workers.

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1 See Third Report, Case No. 1 (Peru), para. 20; Sixth Report, Case No. 12 (Argentina), paras. 237-240, and Case No. 55 (Greece), para. 923; 11th Report, Case No. 51 (Saar), para. 55; 13th Report, Case No. 62 (Cuba), para. 83; 15th Report, Case No. 102 (Union of South Africa), para. 164; 27th Report, Case No. 143 (Spain), para. 169; 52nd Report, Case No. 202 (Thailand), para. 158; 65th Report, Case No. 266 (Portugal), para. 65.

2 See 30th Report, Case No. 143 (Spain), para. 124.
84. In its reply the Government states that workers' representatives on arbitration tribunals are not chosen by the authorities from a list of persons nominated by the General Confederation of Greek Workers, but are appointed directly by this organisation as the most representative organisation of the workers.

85. Section 10 (1) of Act No. 3239 fixes the composition of arbitration tribunals of first instance as follows: "(a) the president of the first-instance judges or another first-instance judge designated by him (as chairman); (b) one official of the Ministry of Labour designated by the Minister of Labour or, in his absence, another civil servant designated by the Minister concerned; (c) one representative of the employees, designated by the General Confederation of Labour or by such occupational organisation as is designated by the said Confederation; (d) one representative of the employers' organisation concerned . . ." appointed in the manner prescribed in subsections (2) to (4) of section 10.

86. While the workers' representatives on arbitration tribunals are not appointed by the Government on the proposal of the General Confederation of Greek Workers, but directly by this organisation, it is none the less true that, by the law itself, it is for this organisation alone to decide who shall be the workers' representatives on arbitration tribunals. But it is common knowledge that, side by side with the Confederation in question, there are other workers' federations in Greece. Without wishing to cast any doubt on the representative character of the General Confederation, the Committee considers that it would be better able to form an informed opinion if it possessed precise information on the numerical strength and the representative character of the various main trade union organisations in Greece.

87. Accordingly, before formulating its final conclusions on this aspect of the case, the Committee recommends the Governing Body to request the Government to be good enough to furnish information on the matters indicated in the preceding paragraph.

Allegations relating to a Bill to Alter the System of Collective Agreements

88. The complainant alleges that the Government has drafted a new Bill that would give binding effect to all collective agreements concluded by the General Confederation of Greek Workers, and abolish the six arbitration tribunals existing in the different provincial towns, to replace them by a single tribunal.

89. In its reply the Government states that the Bill in question has not been passed.

90. This being so, the Committee recommends the Governing Body to decide that it would be purposeless for it to pursue further its examination of this aspect of the case.

Allegations relating to the Financing of Trade Union Organisations

91. The complainant alleges that under Greek legislation employers have been authorised to deduct from workers' wages at the end of each year the equivalent to the minimum daily wage of an unskilled worker as a contribution to the public institution called "Workers' Club", which, according to the complainant, is under government control. The deduction, it is said, was prescribed for the purpose of financing trade union organisations. Under the system in force, all the organisations should receive every month a certain sum fixed by the administration of the Workers' Club with the approval of the Minister of Labour.

92. However, the workers' organisations considered that this method of financing enabled the Government to interfere permanently in their economic affairs, and for this reason they unanimously demanded the abolition of the system.

93. Thereupon, states the complainant, the Government applied Act No. 3239 of 1955 (section 22) to impose two national collective agreements, which were signed in the presence of the head of the Government and the Minister of Labour on 1 June 1962.
by the General Confederation of Greek Workers and the employers' associations. These agreements authorise the employers to deduct annually from the wages of all workers a sum equivalent to half-a-day's pay, whether the workers concerned are members of the General Confederation or not.

94. The complainant alleges that since 1 January 1963 neither it nor other organisations not affiliated to the General Confederation have received any subsidies, the only organisations continuing to receive them being those belonging to the Confederation. In the complainant's view, this discrimination is contrary to the provisions of the Act itself, which states that the Confederation is empowered to sign collective agreements providing for the levying of contributions "the yield of which shall be shared among all the organisations whether they are affiliated to the said Confederation or not".

95. The complainant is of the opinion that the system in force is a breach of the provisions of Convention No. 87, because by making the collective agreements in question binding on all the workers the Government obliges some of them to pay contributions to organisations to which they do not belong. "It is true", says the complainant, "that the agreements referred to allow the workers to make a declaration stating that they refuse to pay contributions by means of deductions, but this provision is practically a dead letter because of the formalities and time limits involved."

96. In its reply the Government confirms the version of the facts given by the complainant, but insists that the sole object of the various systems employed was to encourage the development of the trade union movement and, contrary to what has often been alleged, there was no intention at all of putting this movement under government control.

97. The Government then states that the reason for the signature of the collective agreements attacked by the complainant was that the previous system was not approved by the workers. It appears, continues the Government, that the new system too has not found favour with the working class, and the dissatisfied workers' organisations have objected to it before the Council of State.

98. The Government next states that the Council of State has given a decision from which it appears that the manner in which section 22 of Act No. 3239 has been applied is anti-constitutional. According to the summary of the decision furnished by the complainant, the Council of State held that the compulsory payment of contributions by workers belonging to trade unions not affiliated to the General Confederation (which signed the agreements in question and collects part of the contributions) was not compatible with the freedom that every worker has of personally choosing the union that he wishes to join. This freedom, says the Council of State, is protected by the Greek Constitution (article 11), and hence neither the law nor trade union statutes can compel a worker to pay contributions to any but the union to which he belongs; any contribution required of workers for the benefit of another union cannot be deemed a trade union contribution. Lastly, the Council of State declares that workers who are not members of any trade union organisation cannot be made to pay a contribution without restricting their personal freedom, which would be contrary to the Greek Constitution (article 4).

99. The Government concludes its observations on this point by stating that following upon the decision of the Council of State the parties reverted to the earlier system, which is governed by the provisions of Act No. 3467 of 1955.

100. Under this system, it is for the Workers' Club, whose administration apparently includes trade union representatives but which is nevertheless a public institution, to participate in the financing of trade union organisations, whose members pay the Club a regular contribution automatically deducted from their wages.
101. The Committee has on several occasions been called upon to consider the questions raised by this state of affairs.\(^1\) In this connection it has pointed out that systems of subsidies to workers' organisations have very different consequences according to the form that they assume, the spirit in which they are conceived and applied, and the extent to which they constitute a statutory right or depend solely on the discretion of the public authorities.\(^2\) The Committee has also maintained that, depending on the circumstances, financial assistance may have serious effects on the independence of trade union organisations.

102. In 1956, in the light of statements made at that time by the Government, the Committee felt justified in saying:

...Far from having taken final shape, the mechanism of trade union financing is at present still undergoing development. The Government is progressively liberalising the system and gradually mitigating its severity. ... There seems to be no question, however, that considerable progress has been made and that recent developments have shown an undeniable tendency to modify the system in such a way as steadily to bring it into closer conformity with the standards generally recognised in respect of freedom of association and the independence of occupational association.\(^3\)

103. After thus expressing its views, the Committee recommended the Governing Body to express the hope that the Government, when working out the definitive system for financing workers' organisations, would give consideration to the principle that workers should be entitled to establish the organisations of their own choice, and that these organisations should be entitled to draw up their own statutes and internal regulations and to organise their own management and activities, rights that presuppose financial independence.\(^4\)

104. However, today, over seven years after expressing the opinions set out in the preceding paragraphs, the Committee is compelled to observe that the situation has not changed in the way that it was thought could be hoped for, but has remained as it was. The system, against which a large part of the workers has not ceased to protest, and which was provisionally abandoned in favour of another system, which itself, as has been seen, has been deemed incompatible with freedom of association by the Greek Council of State, has been restored in its original form.

105. The Committee must also observe that this state of affairs has persisted in spite of assurances given as long ago as 1956 by the Government that the system objected to was only a provisional one designed to form a link between the old system and the future system, which, the Government affirmed, would conform to the rules of free trade unionism.\(^5\)

106. In these circumstances the Committee recommends the Governing Body—

(a) to draw the Government's attention to the fact that a system whereby workers are bound to pay contributions to a public organisation that finances trade union organisations constitutes a serious threat to the independence of these organisations;

(b) to draw the Government's attention again to the importance which it attaches to the right, embodied in Article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Greece, of workers to establish organisations of their own choosing, and to the right of such organisations, embodied in Article 3 of the said Convention, to draw up their constitutions

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\(^3\) See 19th Report, para. 73.

\(^4\) Ibid., paras. 74-75.

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and rules, and to organise their administration and activities, rights which presuppose financial independence, and to the fact that financial independence implies that the workers' organisations shall not be financed in a manner that makes them subject to the discretion of the public authorities;

(c) to express the hope that the Government will take the necessary steps to modify the existing system in such a way as to give full effect to the principles referred to above;

(d) to bring these conclusions to the notice of the Committee of Experts on the Application of Conventions and Recommendations.

* * *

107. With regard to the case as a whole, the Committee recommends the Governing Body—

(a) to decide that, for the reasons indicated in paragraphs 72 to 74, 80 to 82 and 88 to 90 above, the allegations relating to interference by the employers, restrictions on freedom to conclude collective agreements, and a Bill to alter the system of collective agreements do not call for further examination;

(b) to decide, with regard to the allegations relating to infringements of the right of collective bargaining, for the reasons indicated in paragraphs 47 to 71 above, to request the Government to be good enough to inform it whether an appeal has actually been lodged with the Council of State against the refusal of the authorities to apply the arbitration procedure, and if so, to furnish it with the text of the decision of the Council together with the explanatory introduction to it, and if appropriate, to inform it of any other developments that may have occurred in the meantime in the matter;

(c) to decide, with regard to the allegations relating to governmental interference in connection with collective agreements, for the reasons indicated in paragraphs 75 to 79 above, to request the Government to be good enough to inform it whether, like the preceding Government, it intends to alter section 20 (2) of Act No. 3239 of 1955, and, if so, to specify the nature of the alterations contemplated or made;

(d) to decide, with regard to the allegations relating to the composition of arbitration tribunals, for the reasons indicated in paragraphs 83 to 87 above, to request the Government to be good enough to furnish precise information on the numerical strength and representative character of the various main trade union organisations in the country;

(e) to decide, with regard to allegations relating to the financing of trade union organisations, for the reasons indicated in paragraphs 91 to 105 above—

(i) to draw the Government's attention to the fact that a system whereby workers are bound to pay contributions to a public organisation that finances trade union organisations constitutes a serious threat to the independence of these organisations;

(ii) to draw the Government's attention to the importance which it attaches to the right, embodied in Article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), ratified by Greece, of workers to establish organisations of their own choosing, and to the right of such organisations, embodied in Article 3 of the said Convention, to draw up their constitutions and rules, and to organise their administration and activities, rights which presuppose financial independence, and to the fact that financial independence implies that the workers' organisations shall not be financed in a manner that makes them subject to the discretion of the public authorities;

(iii) to express the hope that the Government will take the necessary steps to modify the existing system in such a way as also to give full effect to the principles referred to in subparagraph (ii) above;
(iv) to bring these conclusions to the notice of the Committee of Experts on the Application of Conventions and Recommendations;

(f) to take note of the present interim report, it being understood that the Committee will report further to the Governing Body when the additional information requested in subparagraphs (b), (c) and (d) above has been received.

Case No. 353:

Complaints Presented by the Staff Association of the Electric Transport Company and the Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings against the Government of Greece

108. Two complaints on the same subject were lodged directly with the I.L.O. by the Staff Association of the Electric Transport Company and the Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings, respectively. The allegations made by the former organisation are to be found in three communications dated 1 August, 14 September and 22 October 1963. The allegations made by the latter organisation, which bear on the same facts, are set forth in two communications dated 26 August and 17 October 1963.

109. All these communications were forwarded to the Government for its observations as they were received; the Government sent a reply in a letter dated 21 October 1963.

110. The Committee, when it had the case before it at its 35th Session, held in Geneva on 4 and 5 November 1963, considered that the observations of the Government had reached it too late for the Committee to be able to consider its merits, and decided to defer consideration of the matter until its present session.

111. Both the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), have been ratified by Greece.

112. The Staff Association of the Electric Transport Company alleges that during a strike started in order to obtain restoration of the termination indemnity rights which had been abolished by agreement between State and employer, although they had been granted to the workers some 40 years previously, the Government on 29 July 1963 took measures of requisition in regard to the company's staff by virtue of Emergency Law No. 1984 of 1939 concerning the organisation of the country's civilian and economic mobilisation, Emergency Law No. 1986 of 1939 concerning the regulation of questions arising from the civilian and economic mobilisation of the country, and Emergency Law No. 450 of 1945.

113. The Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings, after confirming the allegations made by the Staff Association of the Electric Transport Company, stated that in view of the number of occasions on which similar requisition measures had been adopted by the Government, there appeared to exist on the part of the Government a systematic policy designed to protect the interests of the employers.

114. To elucidate its statement, the Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings cites the following examples: in November 1962 the Government requisitioned the services of the staff of the Athens Gas Company, which had carried out two stoppages of work, each lasting two hours, demanding a readjustment of salaries and wages; in June 1963 the Government requisitioned the staff of the Telecommunications Authority, which had carried out successive stoppages for the same reason; in July 1963 the Government requisitioned
the Athens tram drivers in order to prevent them from campaigning through the medium of strikes for the enforcement of Law No. 2112 respecting the payment of indemnity in case of dismissal; in August 1963 the Government requisitioned all the tram drivers in the country who were planning a 48-hour strike to demand an increase in salaries and wages.

115. The Staff Association of the Electric Transport Company, after stating that the requisition measure applied to the staff of the company had been annulled, then stated that the transitional Government which had taken the place of the former Government had carried out a further requisition on 16 October 1963. The Pan-Hellenic Federation of Workers in Electricity and Public Utility Undertakings makes the same allegation in its communication of 17 October 1963.

116. The complainants consider that this requisition measure is arbitrary in character and that it can be classed as a violation of the internal legislation of the company. They recall that the exercise of the right to strike is guaranteed by article 11 of the National Constitution. They also point out that the exceptional laws under which the government measures were taken provide for recourse to civilian requisition only "in the case of military mobilisation or serious tension in international relations".

117. The complainants, considering that the situation does not answer to the description of the conditions mentioned above and considering further that the requisition measures adopted cannot properly invoke the emergency legislation referred to above, state that they have lodged an appeal with the Council of State to the effect that the decisions of requisition mentioned in this letter should be rescinded.

118. In its reply, the Government confirms the requisition measures against which the complainants protest. It also confirms that these measures were taken under the legislative texts mentioned by the complainants. It declares, however, that the said measures were not of a disciplinary or punitive nature but were solely designed to forestall the paralysis in the economic and social life of the country which would have been the consequence should the Electric Transport Company have ceased to operate.

119. On a number of occasions in the past, the Committee has had occasion to examine cases having similar or comparable features. In those cases the Committee noted that the requisition of workers was of an exceptional nature in a labour dispute in view of the gravity of its consequences with regard to personal freedoms and trade union rights. It also considered that measures such as the requisition of workers on the occasion of a labour dispute could be justified only by the need to ensure the working of essential services or industries whose suspension would lead to an acute crisis.

120. In the case under consideration it would be reasonable to question whether the stoppage of urban electric transport services—which are normally operated by the Electric Transport Company—would be likely to lead to an acute crisis which, as the Government asserts, would jeopardise the social and economic life of the country. However, since the complainants have lodged an appeal with the Council of State regarding the measure taken by the Government, the Committee considers it preferable not to proceed further with its examination of this aspect of the question before knowing the result of the proceedings so instituted.

121. Indeed, the Committee has followed the practice in earlier cases of not proceeding to examine matters which were the subject of pending judicial proceedings, provided that these proceedings were attended by proper guarantees of due process of law, where the pending judicial proceedings might make available information of

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1 See 36th Report, Case No. 192 (Argentina), paras. 77-105; 71st Report, Case No. 273 (Argentina), paras. 54-76.
2 See 71st Report, para. 68.
assistance to the Committee in appreciating whether or not allegations were well founded.¹

122. In these circumstances the Committee considers it appropriate to follow the same practice and to recommend the Governing Body to request the Government to be good enough to inform it as to the outcome of the proceedings instituted before the Council of State and, in particular, to furnish the text of the decision when it has been made, together with the reasons adduced therein, and, in the meantime, to adjourn the examination of the case.


(Signed) Roberto Ago,
Chairman.

¹ See Sixth Report, Case No. 22 (Philippines), paras. 352-383; 11th Report, Case No. 51 (Saar), paras. 27-56; 12th Report, Case No. 69 (France), para. 446, and Case No. 61 (France-Tunisia), paras. 447-492; 17th Report, Case No. 97 (India), paras. 120-156; 19th Report, Case No. 92 (Peru), paras. 16-38; 26th Report, Case No. 147 (Union of South Africa), paras. 107-111; 28th Report, Case No. 170 (France-Madagascar), para. 143; 34th Report, Case No. 130 (Switzerland), para. 6; 41st Report, Case No. 172 (Argentina), para. 122; 49th Report, Case No. 213 (Federal Republic of Germany), para. 73; 53rd Report, Case No. 232 (Morocco), para. 66-67; 58th Report, Case No. 234 (Greece), para. 558, and Case No. 262 (Cameroon), para. 657; 60th Report, Case No. 262 (Cameroon), para. 206; 70th Report, Case No. 294 (Spain), para. 305; 72nd Report, Case No. 352 (Guatemala), para. 188.
Seventy-sixth Report

INTRODUCTION

1. The Committee on Freedom of Association set up by the Governing Body at its 117th Session (November 1951) met at the International Labour Office, Geneva, on 3 June 1964, under the chairmanship of Mr. Roberto Ago, former Chairman of the Governing Body. The members of the Committee of Belgian and Brazilian nationality were not present during its examination of the cases relating to Belgium (Case No. 281) and Brazil (Case No. 385) respectively.

2. In accordance with the procedure laid down in paragraph 12 of its 29th Report, as amended by paragraph 5 of its 43rd Report, the Committee recommends the Governing Body to examine the present report at its 159th Session.2

3. The Committee considered (a) 44 cases in which the complaints had been communicated to the governments concerned for their observations, namely the cases relating to Malaysia (Singapore) (Case No. 194), Thailand (Case No. 202), Iraq (Case No. 260), Chile (Case No. 271), Libya (Case No. 274), Belgium (Case No. 281), Burundi (Case No. 282), Cuba (Case No. 283), United Kingdom (Aden) (Case No. 291), United Kingdom (Case No. 292), Spain (Case No. 294), Republic of South Africa (Case No. 300), Ghana (Case No. 303), Greece (Case No. 309), Republic of South Africa (Cases Nos. 311 and 321), Peru (Case No. 323), Congo (Leopoldville) (Case No. 327), Cuba (Case No. 329), Dahomey (Case No. 336), Morocco (Case No. 339), Mali (Case No. 344), Guatemala (Case No. 352), Spain (Case No. 356), Mexico (Case No. 358), Dominican Republic (Case No. 360), Ecuador (Case No. 364), Congo (Leopoldville) (Case No. 365), Portugal (Case No. 370), Federal Republic of Germany (Case No. 371), Haiti (Case No. 373), Costa Rica (Case No. 374), Cyprus (Case No. 375), Congo (Leopoldville) (Case No. 377), Honduras (Case No. 378), Costa Rica (Case No. 379), Spain (Case No. 383), Brazil (Case No. 385), Costa Rica (Case No. 388), Congo (Leopoldville) (Case No. 392), Spain (Cases Nos. 397 and 400), Burundi (Case No. 401), and Congo (Leopoldville) (Case No. 402), and (b) 11 further complaints relating to the United Kingdom (Aden) (Case No. 291), 23 relating to Spain (Case No. 294), one relating to the Republic of South Africa (Case No. 300), three relating to the Dominican Republic (Case No. 360), four relating to the Congo (Leopoldville) (Case No. 367), three relating to Portugal (Case No. 370), one relating to the Federal Republic of Germany (Case No. 371), one relating to Haiti (Case No. 373), four relating to Costa Rica (Case No. 374), six relating to Brazil (Case No. 385), one relating to the Syrian Arab Republic (Case No. 393) and three relating to Mexico (Case No. 394), and also one complaint relating to Ecuador (Case No. 384), one relating to India (Case No. 386), two relating to Viet-Nam (Case No. 387), one relating to Venezuela (Case No. 390), one relating to Ecuador (Case No. 391), two relating to Colombia (Case No. 395) and one relating to Guatemala (Case No. 396), which were submitted to the Committee for opinion prior to being communicated to the governments concerned.

Case Referred to the Fact-Finding and Conciliation Commission on Freedom of Association

4. The Committee noted that Case No. 179 (Japan), having been referred by the Governing Body with the consent of the Government of Japan to the Fact-Finding and
Conciliation Commission on Freedom of Association, is no longer before the Committee. The case referred to the Fact-Finding and Conciliation Commission consists of the matters constituting Case No. 179 which remained pending before the Committee on 15 February 1964 and in respect of which the Government of Japan has accepted reference to the Fact-Finding and Conciliation Commission. The Committee will continue to deal with Case No. 398 (Japan), which consists of allegations relating to entirely separate matters which have been made since that date.

Cases in Which the Committee Is Awaiting Observations or Information from the Governments Concerned

(a) Cases Which the Committee Had Already Considered to Be Urgent.

5. The Committee adjourned until its next session the cases relating to Thailand (Case No. 202), Libya (Case No. 274) and Republic of South Africa (Case No. 300), with respect to which it is still awaiting information previously requested from the governments concerned, and the cases relating to Burundi (Case No. 282) and the Republic of South Africa (Cases Nos. 311 and 321), with respect to which it is still awaiting the observations of the governments concerned. All the governments concerned in these cases were requested on the occasion of the last session of the Committee to furnish the information or observations in question as a matter of urgency. The Committee now requests the governments concerned to furnish the said information or observations, as a matter of special urgency, prior to the Committee’s November 1964 session.

(b) Cases Which the Committee Considers to Be Urgent.

6. The Committee also adjourned until its next session its examination of the case relating to Morocco (Case No. 339) with respect to which it is still awaiting the observations of the government concerned, although the complaint was transmitted to it more than six months ago, and the cases relating to Malaysia (Singapore) (Case No. 194), Chile (Case No. 271), Ghana (Case No. 303) and Greece (Case No. 309), with respect to which it is still awaiting information previously requested, more than six months ago, from the governments concerned. The Committee requests the governments concerned to furnish the observations or information in question as a matter of urgency.

(c) Other Cases.

7. The Committee adjourned until its next session the cases relating to the Dominican Republic (Case No. 360), Portugal (Case No. 370), Haiti (Case No. 373), Brazil (Case No. 385), Costa Rica (Case No. 388), Spain (Cases Nos. 397 and 400), Burundi (Case No. 401) and Congo (Leopoldville) (Case No. 402), with respect to which it has not yet received the observations of the governments concerned, the case relating to Congo (Leopoldville) (Case No. 377), with respect to which the government concerned furnished its preliminary observations and stated that further observations would be forwarded, and the case relating to Spain (Case No. 383), with respect to which the government’s observations were received too late to permit of their being examined by the Committee at its present session.

8. The Committee also adjourned until its next session its examination of the case relating to the Federal Republic of Germany (Case No. 371), with respect to which it is still awaiting further information previously requested from the government concerned, and the cases relating to Dahomey (Case No. 336) and Mexico (Case No. 358), with respect to which it has requested the Director-General to obtain further information from the governments concerned before it formulates its conclusions to the Governing Body.

Cases in Which the Committee Submits Its Conclusions to the Governing Body

9. In the present report the Committee submits for the approval of the Governing Body the conclusions which it has now reached concerning the remaining cases before
it, namely the cases relating to Iraq (Case No. 260), Belgium (Case No. 281), Cuba (Case No. 283), United Kingdom (Aden) (Case No. 291), United Kingdom (Case No. 292), Spain (Case No. 294), Peru (Case No. 323), Congo (Leopoldville) (Case No. 327), Cuba (Case No. 329), Mali (Case No. 344), Guatemala (Case No. 352), Spain (Case No. 356), Ecuador (Case No. 364), Congo (Leopoldville) (Case No. 365), Costa Rica (Case No. 374), Cyprus (Case No. 375), Honduras (Case No. 378), Costa Rica (Case No. 379) and Congo (Leopoldville) (Case No. 392), and the further complaints relating to the United Kingdom (Aden) (Case No. 291), Spain (Case No. 294), Republic of South Africa (Case No. 300), Dominican Republic (Case No. 360), Congo (Leopoldville) (Case No. 367), Portugal (Case No. 370), Federal Republic of Germany (Case No. 371), Haiti (Case No. 373), Costa Rica (Case No. 374), Brazil (Case No. 385), Syrian Arab Republic (Case No. 393) and Mexico (Case No. 394), and the complaints relating to Ecuador (Case No. 384), India (Case No. 386), Viet-Nam (Case No. 387), Venezuela (Case No. 390), Ecuador (Case No. 391), Colombia (Case No. 395) and Guatemala (Case No. 396), which were submitted to the Committee for opinion. These conclusions may be briefly summarised as follows:

(a) the Committee recommends that the further complaints relating to the United Kingdom (Aden) (Case No. 291), Spain (Case No. 294), Republic of South Africa (Case No. 300), Dominican Republic (Case No. 360), Congo (Leopoldville) (Case No. 367), Portugal (Case No. 370), Federal Republic of Germany (Case No. 371), Haiti (Case No. 373), Costa Rica (Case No. 374), Brazil (Case No. 385), Syrian Arab Republic (Case No. 393) and Mexico (Case No. 394), and the complaints relating to Ecuador (Case No. 384), India (Case No. 386), Viet-Nam (Case No. 387), Venezuela (Case No. 390), Ecuador (Case No. 391), Colombia (Case No. 395) and Guatemala (Case No. 396), which were submitted to it for opinion, should, for the reasons indicated in paragraphs 10 to 16 of this report, be dismissed as irreceivable under the procedure in force, without being communicated to the governments concerned;

(b) the Committee recommends that, for the reasons indicated in paragraphs 17 to 94 of this report, the cases relating to Belgium (Case No. 281), Peru (Case No. 323), Mali (Case No. 344), Spain (Case No. 356), Costa Rica (Case No. 374), Cyprus (Case No. 375), Honduras (Case No. 378) and Congo (Leopoldville) (Case No. 392) should be dismissed as not calling for further examination;

(c) with regard to the cases relating to Iraq (Case No. 260), Cuba (Case No. 283), United Kingdom (Aden) (Case No. 291), United Kingdom (Case No. 292), Spain (Case No. 294), Congo (Leopoldville) (Case No. 327), Cuba (Case No. 329), Guatemala (Case No. 352), Ecuador (Case No. 364), Congo (Leopoldville) (Case No. 365) and Costa Rica (Case No. 379), the Committee, for the reasons indicated in paragraphs 95 to 380 of this report, has presented an interim report stating certain conclusions to which it wishes to draw the attention of the Governing Body.

**COMPLAINTS WHICH THE COMMITTEE RECOMMENDS SHOULD BE DISMISSED AS IRRECEIVABLE UNDER THE PROCEDURE IN FORCE**

10. The Director-General has received, either directly or through the United Nations, a number of complaints which are not receivable by virtue of various provisions in the existing procedure.

11. The complaints in question are irreceivable for one or other of four reasons: (a) seven because they emanate from international organisations of workers not having consultative status with the I.L.O. and not having affiliates in the country concerned; (b) 60 because they emanate from national workers' organisations, in countries other than those to which the complaints relate, having no direct interest in the matter.
raised in the allegations\(^1\); (c) two because they emanate not from organisations of workers or employers\(^2\) but from groups of persons (students, humanitarian associations) who are, moreover, in a country other than that complained against; (d) one because it emanates from an international worker-sponsored body which, nevertheless, is not an "international organisation of workers" within the meaning of the procedure.\(^1\)

12. So far as the first of these four categories is concerned, the Director-General has received a communication dated 6 May 1964 from the Trade Unions International of Public and Allied Employees (W.F.T.U.) containing allegations of infringements of trade union rights in Spain (Case No. 294); he has also received five communications from the Committee for Trade Union Co-ordination of Workers of Latin America dated respectively 2 January 1964 (Case No. 373 (Haiti)), 3 March 1964 (Case No. 384 (Ecuador)), 7 April 1964 (Case No. 385 (Brazil)), 7 April 1964 (Case No. 390 (Venezuela)) and 7 April 1964 (Case No. 391 (Ecuador)), and a communication from the Trade Unions International of Metal Trades and Engineering Workers (W.F.T.U.) dated 4 April 1964 relating to Brazil (Case No. 385).

13. With regard to complaints falling within the second category, the Director-General has received—

(a) nine communications containing allegations of infringements of trade union rights in Aden (Case No. 291) forwarded by the following organisations on the dates indicated: Federation of Libyan Trade Unions (9 December 1963), Moroccan Union of Labour, General Union of Algerian Workers, General Tunisian Union of Labour, National Congress of Libyan Trade Unions and General Union of Workers of the United Arab Republic (joint communication dated 16 December 1963), Tripoli Refinery Workers' Union (25 December 1963), Central Council of Czechoslovak Trade Unions (27 December 1963), Confederation of Free German Trade Unions (East Berlin) (18 January 1964), United Workers of the Petroleum Industry (Singapore) (21 January 1964), Pan-Cyprian Federation of Labour (27 January 1964), Pakistan National Federation of Trade Unions (30 January 1964), Central Council of Czechoslovak Trade Unions (6 February 1964);


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\(^1\) See 29th Report, para. 9.
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(c) a communication dated 15 April 1964, from the Pan-Cyprian Federation of Labour, relating to the Republic of South Africa (Case No. 300);

(d) three communications, from the Christian Confederation of Workers (Santiago, Chile), the Nigerian Workers' Council and the Union of Congolese Workers, dated respectively 19 and 20 November and 5 December 1963, relating to the Dominican Republic (Case No. 360);

(e) four communications relating to the Congo (Leopoldville) (Case No. 367) from the German Confederation of Trade Unions, Dusseldorf (29 October 1963), Christian Trade Union Movement of Peru (5 November 1963), Authentic Labour Front, Mexico (6 November 1963), Autonomous Confederation of Christian Trade Unions, Dominican Republic (6 November 1963);

(f) three communications relating to Portugal (Case No. 370) from the Central Council of Trade Unions of Bulgaria (26 November 1963 and 5 March 1964) and Central Council of Trade Unions of Rumania (5 March 1964);

(g) a communication dated 20 December 1963, from the Engine Drivers' Union of New South Wales, relating to the Federal Republic of Germany (Case No. 371);

(h) four communications relating to Costa Rica (Case No. 374) from the Pan-American Federation of Christian Workers (8 January 1964), Christian Workers' Confederation of Paraguay (13 January 1964), Christian Trade Union Movement of Peru (13 January 1964) and Confederation of Guianese Trade Unionists (5 February 1964);

(i) four communications relating to Brazil (Case No. 385) from the Central Council of Trade Unions of Bulgaria (10 April 1964), the Pan-Cyprian Federation of Labour (13 April 1964), the General Workers' and Peasants' Union of Mexico (16 April 1964) and the Confederation of Workers of Ecuador (18 April 1964);

(j) a communication dated 25 March 1964, from Luagatabad Trade Union Committee, Karachi, relating to India (Case No. 386);

(k) two communications relating to Viet-Nam (Case No. 387) from the Building Workers' Industrial Union of Australia (12 February 1964) and the Central Council of Trade Unions of Bulgaria (5 March 1964);

(l) a communication dated 5 May 1964, from the Libyan Labourers' Federation, relating to the Syrian Arab Republic (Case No. 393);

(m) three communications relating to Mexico (Case No. 394) from the Autonomous Confederation of Christian Trade Unions, Dominican Republic (23 April 1964), the Christian Association of Italian Workers (28 April 1964) and the Belgian Confederation of Christian Trade Unions (11 May 1964);

(n) two communications relating to Colombia (Case No. 395) from the Autonomous Confederation of Christian Trade Unions, Dominican Republic (23 April 1964) and the Authentic Trade Union Federation of Honduras (25 April 1964);

(o) a communication dated 23 April 1964, from the Autonomous Confederation of Christian Trade Unions, Dominican Republic, relating to Guatemala (Case No. 396).

14. There are two complaints which fall in the third category. One, dated 1 February 1964, relates to Aden (Case No. 291) and emanates from the African and Arab students studying at the F.D.G.B. College at Bernau (German Democratic Republic). The other, dated 20 March 1964, relates to Spain (Case No. 294) and emanates from the Committee of Solidarity with the Spanish People in East Berlin.

15. The complaint in the fourth category relates to Aden (Case No. 291). It consists of a communication addressed to the Secretary-General of the United Nations, on 27 December 1963, by the International Trade Union and Juridical Commission for the Defence and Extension of Trade Union Rights and the Safeguarding of Victims of Anti-Union Repression, Prague. This body was established by the World Federation of Trade Unions in 1960; it consists of representatives of affiliated and non-affiliated
trade union centres and also of jurists and functions in collaboration with W.F.T.U. While it functions under the auspices of W.F.T.U. it cannot, in fact, be regarded as having the form of an international organisation of workers.

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16. The Committee recommends the Governing Body to decide that, for the reasons indicated in paragraph 11 above, the complaints referred to in paragraphs 12 to 15 above are not receivable under the procedure in force.

**CASES WHICH THE COMMITTEE CONSIDERS DO NOT CALL FOR FURTHER EXAMINATION**

**Case No. 281:**

Complaints Presented by the European Confederation of Autonomous Unions of Railwaymen, the Cartel of Public Servants' Independent Unions (Brussels) and the Independent Trade Union of Administrative Traffic Control, Porterage and Train Staff of the Belgian National Railway Company against the Government of Belgium

17. This case has already been examined by the Committee at its 33rd Session, held in Geneva in February 1963. At that time the Committee submitted to the Governing Body an interim report which may be found in paragraphs 66 to 84 of the 69th Report of the Committee, adopted by the Governing Body on 1 June 1963, during its 155th Session.

18. It may be desirable to review briefly the features of the case. The essence of the complainants' allegations is that the Independent Union of Belgian Railwaymen (U.I.C.B.) has been subjected to discriminatory treatment in that, having failed to obtain recognition, it has no seat on the National Joint Committee and that, having no seat on this Committee, it is not in a position to further and defend the interests of its members as it should. The complainants further allege that new provisions added to the Trade Union Agreement which alter the conditions of eligibility for the Joint Committee are designed to exclude the U.I.C.B. once and for all from representation on the Committee.

19. At its February 1963 session, having noted that an appeal had been lodged with the Council of State against the amendment to the Trade Union Agreement of the Belgian National Railway Company, the Committee, in accordance with its usual practice, decided to request the Government to furnish the text of the decision of the Council of State as soon as it was announced, and in the meantime to adjourn examination of the case.

20. The Committee's decision, after ratification by the Governing Body, was made known to the Government, which replied by a communication dated 13 April 1964.

21. The main part of the Government's reply consisted of the text of the decision of the Council of State, together with the reasons therefor—a copy of which was also furnished by the complainants—in the matter of the appeal lodged against the decision taken by the Executive Council of the Belgian National Railway Company to amend section 7 of Chapter XIII of the Staff Regulations, the effect of which was to debar the Independent Union of Belgian Railwaymen from participating in the allocation of seats on the National Joint Committee. The complainants, for their part, also forwarded with their communication of 26 January 1964 the text of the opinion on the matter given at the hearing by the substitute for the Central Claims Officer.

22. In his review of the case the substitute for the Central Claims Officer made, *inter alia*, the following comments: "The existence of a joint committee is a safeguard
afforded to the employees by the law, and it is in the employees' interest that the said committee should be composed in the manner prescribed by the law.... A substantial number of employees belong to the Independent Union, and before the disputed amendment to the regulations was made it had chances of success in obtaining seats on the National Joint Committee."

23. The substitute for the Central Claims Officer went on to state that "section 13 of the Act of 23 July 1926 establishing the Belgian National Railway Company laid down that provision should be made in the Staff Regulations for a joint committee of 20 members appointed by the Governing Body and 'by the organisations of members of the staff'.... To comply with this provision, the authorities framing the Staff Regulations must issue rules for the determination of which organisations fall into this category.... These rules should enable it to be determined which organisations are representative of the members of the staff of the company.... The question to be answered is whether the criterion evoked is an adequate one, and whether it is thereby possible to determine which organisations are representative of railway employees."

24. On this point the substitute for the Central Claims Officer expressed himself in these terms: "The condition impugned consists, first of all, in the requirement that organisations be affiliated to a national interoccupational organisation with 50,000 members. One cannot see what relevance this requirement has to the stated objective, which is to determine which organisations represent the employees of the Belgian National Railway Company. The fact of the matter is that an 'organisation of members of the staff' within the meaning of the Act of 23 July 1926 must have as members employees of the Belgian National Railway Company. The act does not require nor imply that the said organisation must be interoccupational.... Hence the criterion evoked represents a deviation from the objective which should be pursued, and adds to the law a rule which is not in conformity with the law."

25. The substitute for the Central Claims Officer went on to state that "the second requirement laid down by the decision impugned is that an organisation representing employees of the Company must be recognised by the National Labour Council and the Central Economic Council and represented on these bodies. According to the Acts whereby the National Labour Council and the Central Economic Council were set up, seats on the National Labour Council, whose competence covers general problems of a social nature, and the Central Economic Council, which is competent to deal with problems relating to the economy of the country, should be given to the organisations most representative of all Belgian workers in the various branches of industry and commerce. Here again the criterion evoked in the measure impugned would appear to deviate from the purpose prescribed by the law. Whereas the intention of the legislators was that matters of concern to the company's staff should be dealt with by a body composed of equal numbers of representatives of the company and representatives of staff organisations, the decision impugned has introduced a measure which allows seats on the Joint Committee to be given only to organisations which, in addition to being organisations of railway employees, also have another qualification, that of being representative of Belgian workers as a whole. This measure for the implementation of the law thus departs from the law in that it places the affairs of the company's staff in the hands, not of a committee composed of representatives of the management and representatives of the railway employees' trade unions, but of a committee composed of representatives of the management and representatives of all Belgian workers belonging to associations to which some railway employees also belong. It might be possible to defend this conception if the law were changed. It is not, however, consistent with the law as it now stands, which lays down that seats on the Joint Committee shall be given to organisations of members of the company's staff, without stipulating that these organisations must be affiliated to the organisations most representative of all Belgian workers in all occupations. By virtue of freedom of association and the right to organise, it is permissible to form associations consisting entirely of railway em-
ployees, and such associations, if formed in conformity with Belgian law, are not debarred from the Joint Committee by the Act establishing the Belgian National Railway Company."

26. The Council of State itself fully concurred with the views expressed by the substitute for the Central Claims Officer, declaring that, while it was the responsibility of the authority vested with the power of framing the Company's regulations to issue rules to ensure observance of the law, the said authority could not add to the law a condition which was not necessarily derived from the law, was not an essential prerequisite for its enforcement and had the effect of substantially altering a rule laid down by the legislators. It considered that a provision which added to the requirement laid down by law that only organisations of members of the staff of the Belgian National Railway Company might have seats on the National Joint Committee the requirement that such organisations must be affiliated to a national interoccupational organisation, recognised by the National Labour Council and the Central Economic Council and represented on these bodies, fell under this heading. In the view of the Council of State, no justification for such a condition could be found either in the Act of 23 July 1926 establishing the Belgian National Railway Company, in the Act of 29 May 1952 setting up the National Labour Council or the Act of 20 September 1948 making provision for the organisation of the economic life of the country.

27. For these reasons the Council of State, "considering that section 13 of the Act of 23 July 1926 does no more than provide for the existence of a national joint committee half of whose members must be appointed by the organisations of members of the staff"; that, according to the rule laid down by the legislators, seats on the Joint Committee should be allocated to persons nominated by the organisations of members of the staff, irrespective of whether the said organisations are affiliated to the interoccupational organisations considered to be the most representative of Belgian workers as a whole; "that in consequence the decision impugned has misinterpreted the provisions of the Act of 23 July 1926"; and that the authorities had overstepped their powers, decided to declare null and void "the decision taken on 29 June 1962 by the Executive Council of the Belgian National Railway Company to amend section 7 of Chapter XIII of the Staff Regulations, and the consent given to this decision on the same date by the National Joint Committee, brought to the knowledge of the staff by Notice No. 49 P of 30 June 1962".

28. The result of the order of nullification issued by the Council of State is that the situation as regards candidature for seats on the National Joint Committee has reverted back to the original status quo, and that it is therefore permissible to assume that, provided that the Independent Union of Belgian Railwaymen still fulfils the necessary qualification—i.e. that its membership amounts to at least 10 per cent. of the staff in active employment—that is no longer any obstacle in the way of its being given, in proportion to its size, the representation it desires and seeks on the Joint Committee.

29. In these circumstances the Committee recommends the Governing Body to decide that the case does not call for further examination.

Case No. 323:
Complaint Presented by the World Federation of Trade Unions against the Government of Peru

30. This case was examined by the Committee at its 34th Session (May 1963) when it submitted an interim report which is to be found in paragraphs 377 to 387 of its 70th Report, which was approved by the Governing Body at its 155th Session (June 1963).

31. In paragraph 387 of its report the Committee, after examining the allegations and the Government's reply, made a number of recommendations and a request for information in the following terms:
In all the circumstances the Committee recommends the Governing Body—
(a) to decide that the allegations referred to in paragraph 382 above do not, for
the reasons indicated in that paragraph, call for further examination;
(b) to request the Government of Peru to supply more precise information on the
reasons for the detention of Messrs. José Luis Alvarado, Emiliano Huamatica
and Guillermo Sheen, relating in particular to the acts or precise activities for
which these persons are held responsible and to ask it whether there have been
or still are trade unionists detained in the prison of El Sepa, and to decide,
meanwhile, to defer the examination of this case.

32. At its 35th Session (November 1963) the Committee decided to postpone its
examination of the complaint because it had not yet received the information requested
from the Peruvian Government.

33. The Government supplied certain additional information in a letter dated 13
April 1964.

34. Peru has ratified the Freedom of Association and Protection of the Right to
Organise Convention, 1948 (No. 87), but not the Right to Organise and Collective
Bargaining Convention, 1949 (No. 98).

35. With regard to the outstanding allegations referred to in paragraph 387 (b)
quoted above, the Committee recalls that the complainants had alleged that the
Peruvian Military Government, under the pretext of having discovered a subversive
plot, issued a decree in January 1963 suspending constitutional safeguards and launched
a campaign of repression against the working-class movement. The police are alleged
to have occupied the offices of a number of unions and to have arrested more than
1,000 people arbitrarily, including large numbers of union leaders and officials. The
arrested persons included José Luis Alvarado, General Secretary of the Federation
of Bank Employees, Emiliano Huamatica, President of the Cuzco Department Workers'
Union, Guillermo Sheen, an official of the Salaried Employees' Union, and all the
officials of the Lima Building Workers' Union. Still according to the complainants,
many persons were sent to El Sepa Prison in the heart of the Amazonian forest.
In its reply to the complaint by the World Federation of Trade Unions, the Govern-
ment makes no reference to the foregoing allegations.

36. The Committee recalled, when examining this aspect of the complaint and the
Government's reply, that when, in previous cases 1, allegations that trade union leaders
or workers have been arrested or detained for trade union activities have been met by
governments with statements that the arrests or detentions were made for subversive
activities, for reasons of internal security or for common law crimes, the Committee
has always followed the rule that the governments concerned should be requested to
submit further and as precise information as possible concerning the
arrests or
detentions and the reasons for them. If, in certain cases, the Committee has concluded
that allegations relating to the arrests or detentions of trade union militants did not
call for further examination, this has been after it has received information from the
government showing sufficiently precisely and with sufficient detail that the arrests or
detentions were in no way occasioned by trade union activities but solely by activities
outside the trade union sphere, which were either prejudicial to public order or of a
political nature. 2

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1 See Sixth Report, Case No. 18 (Greece), paras. 323-326, Case No. 44 (Colombia), paras. 593-595,
and Case No. 49 (Pakistan), paras. 807-811; 11th Report, Case No. 72 (Venezuela), para. 6 (c); 12th
Report, Case No. 65 (Cuba), paras. 102-105, Case No. 66 (Greece), paras. 140-146, and Case No. 68
(Colombia), paras. 167-169; 15th Report, Case No. 110 (Pakistan), para. 241; 22nd Report, Case No. 58
(Poland), para. 106 (d); 25th Report, Case No. 136 (United Kingdom-Cyprus), paras. 93-178, and Case
No. 158 (Hungary), para. 332; 27th Report, Case No. 156 (France-Algeria), para. 273, and Case No. 159
(Cuba), para. 370; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United
Kingdom-Southern Rhodesia), para. 152.

2 See Second Report, Case No. 31 (United Kingdom-Nigeria), para. 79; Third Report, Case No. 6
(Iran), para. 36; Sixth Report, Case No. 22 (Philippines), paras. 377-383; 12th Report, Case No. 104
37. In a further letter dated 13 April 1964 the Government states that the events giving rise to the complaint occurred before the present Government came to power and that they are now a thing of the past.

38. As regards this statement by the Government to the effect that the complaint refers to events which took place under the previous authorities, the Committee must point out that in other cases it has taken the view that there is a degree of continuity between successive governments of the same State and that, while the government in power cannot be held responsible for events which took place under its predecessor, it clearly is responsible for any continuing consequences which they may have had since its accession to power.

39. The Committee notes that the Government also states that the events which gave rise to the complaint are now a thing of the past, i.e. the trade unionists referred to by the complainants in their allegations have now been set free.

40. Accordingly, the Committee recommends the Governing Body to decide that no useful purpose would be served by continuing its examination of this case.

Case No. 344:

Complaint Presented by the International Federation of Christian Trade Unions against the Government of Mali

41. By a communication dated 26 June 1963 addressed directly to the I.L.O. and later supplemented by a communication dated 15 July 1963, the International Federation of Christian Trade Unions (I.F.C.T.U.) made allegations that trade union rights had been infringed in Mali.

42. The complaint, and additional information, were transmitted to the Government for its observations by two letters dated 3 and 19 July 1963 respectively.

43. By a communication dated 3 October 1963 the National Union of Believing Workers of Mali—the body implicated in the complaints of the I.F.C.T.U.—furnished additional information concerning the facts alluded to in the affair.

44. By a communication dated 1 November 1963 the Government submitted certain preliminary observations on the matter.

45. At its 35th Session (November 1963) the Committee decided to postpone the examination of the cases pending the receipt of full information from the Government. This decision of the Committee was communicated to the Government by a letter dated 20 November 1963.

46. The Government forwarded its observations on the case by communication dated 6 February 1964.

47. The complainants alleged that Mr. Martin Diarra, Secretary-General of the National Union of Believing Workers of Mali, was arrested on 11 May 1963 at
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Bamako. He is said to have been charged, judged by the Court of Appeal and sentenced to one month's imprisonment with no suspension.

48. In the additional information that the complainants communicated on 15 July 1963 they stated that Mr. Martin Diarra had appealed to the High Court of Justice.

49. By a communication dated 3 October 1963 emanating from the National Union of Believing Workers of Mali and signed by Mr. Martin Diarra himself, the Committee was informed of his release on 23 June 1963. This release was confirmed by the Government in its communication dated 1 November. The communication also stated that the High Court of Justice, with which the appeal had been lodged, had given judgment in favour of Mr. Diarra in a public session of 26 August 1963, finding him not guilty and quashing Order No. 141 of the Court of Appeal of 31 May which had sentenced him at the request of the Public Prosecutor. The text of the decision of the High Court of Justice has been supplied by the National Union of Believing Workers.

50. The International Federation of Christian Trade Unions, which is the original complainant, in its communication dated 20 May 1964 confirmed the news of the release of Mr. Diarra and the fact that no charges had been held against him by the Mali courts. In view of this the I.F.C.T.U., while expressing its apprehension as to the scrupulous application of freedom of association by the Government of Mali, states that it wishes to withdraw its complaint.

51. The withdrawal of the complaint by the I.F.C.T.U. raises a point of procedure which the Committee has already been called upon to consider in the past. In Case No. 66, relating to Greece, the Committee expressed the opinion that the desire shown by a complaining organisation to withdraw its complaint, while constituting a factor to which the greatest attention must be paid, is not however, in itself, sufficient reason for the Committee to cease automatically to proceed with the examination of the complaint. In this respect it was guided by the conclusions approved by the Governing Body in 1937 and 1938 with regard to two representations submitted by the Madras Labour Union for Textile Workers and by the Société de Bienfaisance des Travailleurs de l'Ile Maurice, in accordance with article 23 of the Constitution of the Organisation (now article 24). The Governing Body at that time established the principle that, from the moment that a representation was submitted to it, it alone was competent to decide what effect should be given to it, and that "the withdrawal by the organisation making the representation is not always proof that the representation is not receivable or is not well founded."

52. As in the case mentioned above, the Committee considers that, in implementing this principle, it is free to evaluate the reasons given to explain the withdrawal of a complaint and to investigate whether these appear sufficiently plausible to lead one to believe that the withdrawal was made in complete independence.

53. In the present case the complainants justify their withdrawal by the fact that, on the one hand, the person in question has been released, and that, on the other hand, he has been cleared of all charges by the highest national judiciary instance. Moreover, since the organisation from which both the withdrawal and the complaint itself emanated is an international occupational organisation, there is every reason to presume that it acted in complete independence.

54. In these circumstances the Committee recommends the Governing Body to decide that the case be dismissed.

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1 See 12th Report, para. 157; see also 17th Report, Case No. 97 (India), para. 144; 30th Report, Case No. 171 (Canada), para. 43; 34th Report, Case No. 130 (Switzerland), para. 24; 72nd Report, Case No. 260 (Iraq), para. 69.
3 Ibid., Vol. XXIII, No. 2, 30 June 1938, pp. 60-61.
Case No. 356:

Complaint Presented by the International Confederation of Free Trade Unions against the Government of Spain

55. The complaint of the International Confederation of Free Trade Unions is contained in a telegram, dated 15 August 1963, addressed to the Secretary-General of the United Nations and forwarded by him to the I.L.O. This telegram was communicated to the Government, which submitted its reply in a note dated 6 February 1964.

56. Spain has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

57. The complainants allege that a military court sentenced to death two trade unionists, Messrs. Delgado and Granados, for the sole offence of attempting to act in defence of the rights and interests of the Spanish workers, in accordance with the Universal Declaration of Human Rights.

58. The Government for its part states that the above-mentioned persons, that is Messrs. Joaquin Delgado Martinez and Francisco Granados Gata, were convicted of very serious acts of terrorism which caused casualties among the civilian population. The said persons were tried by the competent courts and found guilty of causing explosions in a public place which resulted in nine persons being seriously injured and 22 less seriously injured. It was also proved that they had been in possession of weapons and munitions of destruction, including 21 kilograms of explosives, a sub-machine gun, a hand-grenade and other weapons and munitions.

59. The Committee notes that the complainants set forth their complaint in a very brief communication and in extremely vague terms, stating that the sole offence of the condemned men had been that they had acted "in defence of the rights and interests of the Spanish workers". On the other hand, the Government supplies a more specific statement, mentioning the acts of which both the accused were convicted, namely having caused explosions in a public place which resulted in a number of casualties and being in possession of weapons and munitions of destruction.

60. The Committee considers that the complainants have submitted their complaint in vague terms and that they have not, at the present stage, furnished sufficient proof to show that there has been, in this instance, an infringement of trade union rights. The Committee therefore recommends the Governing Body to decide that this case does not call for further examination.

Case No. 374:

Complaints Presented by the Latin American Federation of Christian Trade Unionists against the Government of Costa Rica

61. The complaints of the Latin American Federation of Christian Trade Unionists are contained in a communication dated 30 December 1963 and enlarged upon in a further communication dated 6 February 1964. The Government has forwarded its observations in two letters dated 15 February and 7 May 1964.

62. Costa Rica has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

63. In their first communication the complainants announced that the headquarters of the Christian Farm Workers' Front in the city of San José had been broken into by the police. In their second communication the complainants confirmed this statement,
adding that the public authorities had subsequently given the necessary assurances and guarantees that freedom of association would be respected, following the protests received from other trade union organisations abroad. In the same letter the complainants stated that on 22 January 1964 Mr. Claudio Gamboa, a senior official of the Christian Farm Workers' Front of Costa Rica, had been arrested while on a visit to the Puntarenas district. He was released after being interrogated several times, and later the Minister of Labour and Social Welfare explained to him how it had happened.

64. The Federation stated categorically in the final paragraph of its second communication that it wished its complaint to be held in suspense until the situation in Costa Rica became clearer.

65. In its communication of 15 February 1964 the Government announced that, in view of the various protests that had been received, an investigation had been made into the alleged forcible entry by the police into the union premises. During the investigation contact was made with Mr. Claudio Gamboa, who stated that while a Christmas party was in progress at the headquarters of the Christian Farm Workers' Front in San José two members of the armed police came in and after staying a short time left without any further developments. Mr. Gamboa spoke to them, but did not ask them why they were there. At a later meeting at which the Minister of Public Security, the Minister of Labour and Social Welfare, Mr. Gamboa and the two policemen concerned were present, the latter declared that while on their beat during the Christmas festivities they passed in front of the union offices in question and were invited by a man who came out to join the party. They stayed for a few minutes and had a short conversation with Mr. Gamboa, and then left without in any way disturbing the guests at the party. According to the Government Mr. Gamboa did not deny this account, but argued that he had lodged his complaint with a number of international trade union organisations because of the potential threat to trade union freedoms involved in actions such as these, which might create a precedent.

66. The Government added that it was made quite clear at the meeting that the two policemen were acting on their own account and at no time had any intention of breaking in. The Minister of Labour fully explained the position to Mr. Gamboa on behalf of the Government. Mr. Gamboa later told the Minister that he was getting in touch with the trade union organisations to which he had sent his complaint to tell them of the satisfactory explanation given by the Government and ask them for permission to withdraw his complaint. The Government enclosed copies of the cables sent by Mr. Gamboa to the organisations in question.

67. In its communication of 7 May 1964 the Government referred to the complaint concerning the arrest of Mr. Claudio Gamboa on 22 January 1964 in the Puntarenas district. According to the Government, Mr. Gamboa had gone to Puntarenas to deal with a social problem involving itinerant salesmen. The meeting he attended was alleged to be communist-inspired, and the commandant requested Mr. Gamboa to accompany him to his office. There his identity was established and he was asked a number of questions, after which he was allowed to leave. The Government made inquires and gave Mr. Gamboa a full explanation of what had happened. Furthermore, the Government gave specific instructions to the competent authorities to take steps to ensure that the constitutional principle of freedom of association continued to be respected.

68. Without going into the substance of the allegations made, the Committee notes that Mr. Gamboa, a Christian trade union official in Costa Rica, has asked a number of trade union organisations, including the Latin American Federation of Christian Trade Unionists, for permission to withdraw the complaint he made of forcible entry into the premises of the Christian Farm Workers' Front, and that the Federation itself, in its communication of 6 February 1964, requests that its complaint be left in suspense until the position of that organisation in Costa Rica becomes clearer.
69. A question of procedure arises here of a kind which the Committee has already had to consider in similar cases in the past. In Case No. 66, concerning Greece, the Committee expressed the view that the desire shown by a complaining organisation to withdraw its complaint, while constituting a factor to which the greatest attention must be paid, is not in itself sufficient reason for the Committee to cease automatically to proceed with the examination of the complaint. On that occasion the Committee considered that in this respect it should be guided by the conclusions approved by the Governing Body in 1937 and 1938 with regard to two representations submitted by the Madras Labour Union for Textile Workers and by the Société de Bienfaisance des Travailleurs de l'Île Maurice, in accordance with article 23 of the Constitution of the Organisation (now article 24). The Governing Body at that time established the principle that, from the moment that a representation was submitted to it, it alone was competent to decide what effect should be given to it, and that "the withdrawal by the organisation making the representation is not always proof that the representation is not receivable or is not well founded". The Committee considers that, in implementing this principle, it is free to evaluate the reasons given to explain the withdrawal of a complaint and to investigate whether these appear sufficiently plausible to lead one to believe that the withdrawal was made in complete independence. It has been pointed out by the Committee that cases might exist in which the withdrawal of a complaint by the organisation presenting it would be a result not of the fact that the complaint had become without purpose but of pressure exercised by the government against the complainants, the latter being threatened with an aggravation of the situation if they did not consent to this withdrawal.

70. In the present case it would appear from the information supplied by the Government, taken in conjunction with that contained in the complainants' communication of 6 February 1964, that the problems raised have been adequately taken care of, the Minister of Labour and Social Welfare having given an explanation of what had occurred and issued instructions to local authorities to ensure respect for the principle of freedom of association.

71. Consequently the Committee considers that, in the light of the above and of the fact that the complainants themselves have asked that their complaint should be merely adjourned, and not withdrawn completely, there appears no room for doubt that they have acted freely and of their own volition without being subjected to pressure of any kind. The Committee therefore recommends the Governing Body to decide that no useful purpose will be served by its proceeding further with the examination of the case.

Case No. 375:

Complaint Presented by the Cyprus Turkish Trade Union Federation against the Government of Cyprus

72. The complaint of the Cyprus Turkish Trade Union Federation is contained in a communication dated 13 January 1964.

73. As this communication consists of only one allegation relating to the exercise of trade union rights accompanied by a number of allegations relating to political matters, the Director-General, as authorised by a decision taken by the Governing Body

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1 See 12th Report, para. 157; see also 17th Report, Case No. 97 (India), para. 144; 30th Report, Case No. 171 (Canada), para. 43; 34th Report, Case No. 130 (Switzerland), para. 24.
3 Ibid., Vol. XXIII, No. 2, 30 June 1938, pp. 60-61.
4 See 12th Report, para. 158.
5 See also 72nd Report, Case No. 260 (Iraq), para. 69.
at its 117th Session (November 1951), submitted the complaint to the Committee for an opinion, prior to communicating it to the government concerned for its observations.

74. At its meeting in February 1964 the Committee decided that only that part of the complaint which relates to a specific alleged infringement of trade union rights should be communicated to the Government for its observations. The part of the complaint in question was transmitted to the Government by a letter dated 4 March 1964. The Government forwarded its observations by a communication dated 15 April 1964. Further information in support of the complaint was furnished by the complainant in a letter dated 30 March 1964, a copy of which was transmitted to the Government on 28 April 1964.

75. In its communication dated 13 January 1964 the complaining organisation alleges that Mr. Osman Arif, Famagusta representative of the Cyprus Turkish Trade Union Federation, was arrested at Nicosia Airport, on his return after having had medical treatment in Ankara, without a warrant for his arrest, and that he was subjected to torture during his detention.

76. In a later communication dated 30 March 1964 the complainant states that Mr. Arif was granted sick leave by his executive committee, after producing certificates from his doctor, and went to Turkey for treatment. He returned on 24 December 1963, and it is alleged, when he arrived at Nicosia Airport, that he was put in a cell from 4.30 p.m. until midnight and told by a senior Greek Cypriot police officer that he would be shot. He was then moved to the Central Prison and held there until 31 December. It is alleged that he was ill-treated and beaten up on several occasions.

77. The Government, in its communication dated 15 April 1964, begins by stating that the detention of Mr. Arif cannot be linked with his capacity as a trade unionist, and denies that he was ever tortured. According to the Government he arrived at Nicosia on 27 December. For some days heavy fighting had been taking place between Greek and Turkish Cypriot elements; Nicosia was sealed off and all roads cut, and it would have been too dangerous to allow any person to cross to the Turkish sector or travel outside Nicosia. Hence, all Cypriots arriving at Nicosia Airport were prevented from leaving the Greek quarter, in which the airport is situated. Mr. Arif, says the Government, did not reveal his identity as a trade unionist, but in any case that had nothing to do with the matter. All the passengers from Mr. Arif's aeroplane were given "protective accommodation" from 27 to 31 December. Seventy-eight persons, including Mr. Arif, were thus accommodated in a specially converted wing of the Central Prison and hundreds of others in schools, police stations, etc. The Government states that their names were listed for record purposes but that none of them was ever charged with any offence or questioned or treated as a detainees or prisoner. In support of its contention that neither Mr. Arif nor any other person was ever tortured the Government produces certificates denying ill-treatment and confirming that all those concerned were in good health and made no complaints, signed respectively by the Chief Inspector of Prisons, the British R.A.F. Group Captain to whom they were handed over, the Acting Principal Welfare Officer of Cyprus and the representative in Cyprus of the Order of St. John, who talked with all the persons concerned.

78. In reply to the complaint, which is in somewhat general terms and furnishes no real allegation linking the involuntary stay of Mr. Arif in Nicosia with any of his trade union activities beyond stating that he is in fact a trade union officer, the Government has given very full information to show that not only he but all the passengers on his aeroplane and hundreds of others were made to remain in Nicosia for their own safety during a period of heavy fighting and has produced corroboration from several sources of its claim that neither he nor any others among those concerned were ever tortured.

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1 See First Report, para. 24.
79. In these circumstances the Committee, considering that the complainants have not produced evidence to show that the fact that Mr. Arif was temporarily obliged to remain in Nicosia had any connection with his status as a trade union official or with his trade union activities, recommends the Governing Body to decide that the case does not call for further examination.

Case No. 378:

Complaint Presented by the Latin American Federation of Christian Trade Unionists against the Government of Honduras

80. The complaint is contained in a communication by the Latin American Federation of Christian Trade Unionists dated 20 February 1964. Following transmission of the complaint to the Government, a reply was received by communication dated 9 May 1964.

81. Honduras has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Allegations regarding the Arrest of a Trade Union Leader

82. The complainants allege in their communication that on 15 February 1964 the trade union leader Roberto Díaz Lechuga, a member of the Honduras Radio Union, which represents all the radio and television workers of Honduras, was arrested. This union is affiliated to the Honduras Authentic Trade Union Federation, a branch of the Latin American Federation of Christian Trade Unions. Mr. Díaz Lechuga is a journalist and commentator, and the complainants describe his arrest as a violation of freedom of expression, freedom of association and the most elementary human rights.

83. The Government's reply reproduces the text of a communication received from the General Directorate for Public Security, stating that, at a time when a state of emergency had been proclaimed throughout the country by the Government, Mr. Díaz Lechuga launched a radio programme with political aims which indulged in a campaign insulting the existing régime. It is further stated that this campaign degenerated into incitement to rebellion against the established authority and that, following Mr. Díaz Lechuga's failure to comply with the authorities' demand that he should observe legal requirements, his arrest was ordered. The Government claims that he was not arrested on account of his membership of the Honduras Radio Union or for his militant radio and journalistic activities but because of his acts of provocation and open incitement to sedition. The Government adds that Mr. Díaz Lechuga has decided of his own free will to return to the United States, where he is at present.

84. The Committee notes that the allegations made by the complainants contain no reference to the reasons for Mr. Díaz Lechuga's arrest. Nor have the complainants subsequently availed themselves of their right to submit additional information. The Government states in its reply that Mr. Díaz Lechuga's trade union activities had nothing to do with his arrest, which was ordered on account of the "seditious campaign" which he had begun as a radio commentator. In any case, as the Government points out, Mr. Díaz Lechuga has since decided of his own free will to return to the United States, where he is at present.

85. In these circumstances the Committee, noting also that Mr. Díaz Lechuga is not under any form of arrest, recommends the Governing Body to decide that no useful purpose would be served by continuing its examination of this aspect of the case.
Reports of the Committee on Freedom of Association

Allegations concerning the Situation with regard to Freedom of Association in Honduras

86. The complainants allege in their communication that since the military coup d'etat in Honduras the trade union leaders have been persecuted and that they are struggling to safeguard the independence of their organisations in the defence of the workers' interests. The complainants request intervention with a view to obtaining safeguards for freedom of association and immediate cessation of persecution of the workers' leaders.

87. Although the Government makes no reference to this aspect of the complaint, the Committee considers that the allegations regarding failure to respect freedom of association and trade union rights in Honduras are couched in such vague terms that no examination of the basic aspects of the question is possible. The Committee therefore recommends the Governing Body to decide that this aspect of the case does not call for further examination.

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88. In these circumstances the Committee recommends the Governing Body to decide that the case as a whole does not call for further examination.

Case No. 392:

Complaint Presented by the International Federation of Christian Trade Unions against the Government of the Congo (Leopoldville)

89. The complaint by the International Federation of Christian Trade Unions (I.F.C.T.U.) is contained in a communication dated 16 March 1964 addressed to the Secretariat of the United Nations. In accordance with the existing procedure the latter transmitted the complaint to the I.L.O. by a letter dated 2 April 1964. By a letter dated 27 April 1964 the Director-General informed the complainant organisation of its right to submit additional information in support of its complaint within one month. By a letter of the same date the Director-General transmitted the complaint to the Government for its observations concerning this matter. However, a communication dated 20 May 1964 from the I.F.C.T.U. informed the Director-General that it intended to withdraw its complaint.

90. Without giving further details the I.F.C.T.U. alleged that Mr. Ernest Zagba, one of the principal leaders of the believing trade unions in the Congo (Leopoldville), had been arrested at Paulis.

91. In its second communication the I.F.C.T.U. stated that, having learnt that Mr. Zagba had been released on 3 March 1964, it wished to withdraw its complaint, which no longer had any point.

92. The withdrawal of its complaint by the I.F.C.T.U. raises a point of procedure which the Committee has already dealt with in the past. In Case No. 66, concerning Greece, the Committee expressed the opinion that the desire expressed by a complainant organisation to withdraw its complaint, although representing a factor to which the greatest attention should be paid, was not in itself sufficient reason for the Committee automatically to cease examination of that complaint. The Committee considered on that occasion that it should follow the conclusions approved by the Governing Body in 1937 and 1938 with regard to claims submitted by the Madras Labour Union

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1 See 12th Report, para. 157; see also 17th Report, Case No. 97 (India), para. 144; 30th Report Case No. 171 (Canada), para. 43; 34th Report, Case No. 130 (Switzerland), para. 24; 72nd Report, Case No. 260 (Iraq), para. 69.
of Textile Workers\(^1\) and by the *Société de Bienfaisance des Travailleurs de l’Ile Maurice*\(^2\), under article 23 of the Constitution of the I.L.O. which has since become article 24. At that time the Governing Body stated the principle that, once a complaint had been submitted to it, it had sole competence to decide what action should be taken and that “the withdrawal by the organisation making the representation is not always proof that the representation is not receivable or is not well founded”. The Committee considers that, on the basis of this principle, it is free to assess the reasons given to account for the withdrawal of a complaint and to find out whether they are adequate to permit the conclusion that such withdrawal was completely spontaneous.

93. In the present instance the reasons given for withdrawal of the complaint, namely the almost immediate release of the person who had been arrested, seem satisfactory justification. Moreover, since the withdrawal, like the actual complaint, comes from an international occupational organisation, there is every reason to presume that its decision was completely spontaneous.

94. In these circumstances the Committee recommends the Governing Body to decide that the case does not call for further examination.

**INTERIM CONCLUSIONS IN THE CASES RELATING TO IRAQ (CASE No. 260), CUBA (CASE No. 283), UNITED KINGDOM (ADEN) (CASE No. 291), UNITED KINGDOM (CASE No. 292), SPAIN (CASE No. 294), CONGO (LEOPOLDVILLE) (CASE No. 327), CUBA (CASE No. 329), GUATEMALA (CASE No. 352), ECUADOR (CASE No. 364), CONGO (LEOPOLDVILLE) (CASE No. 365) AND COSTA RICA (CASE No. 379)**

**Case No. 260:**

Complaints Presented by the General Federation of Trade Unions of Iraq and the World Federation of Trade Unions against the Government of Iraq

95. The present case has already been examined at length by the Committee on a number of previous occasions. The conclusions reached by the Committee on the subject are contained in paragraphs 178 to 191 of its 62nd Report, 134 to 144 of its 70th Report and 55 to 92 of its 72nd Report. At the end of its most recent examination of the case the Committee made the Governing Body the following recommendation\(^3\), which was approved by the Governing Body at its 157th Session (November 1963):

92. ...the Committee recommends the Governing Body—

(a) to express its keen disappointment that the present Government, like the preceding Government of General Kassem, has limited its reply to generalities concerning the political implications of the situation in Iraq and has not seen fit to furnish observations dealing with the specific allegations raised in the complaints;

(b) to note that, in these circumstances, the Committee has rejected the request of the executive committee of the General Federation of Trade Unions of Iraq to withdraw the complaint submitted, in due and proper form, according to the procedure for the examination of alleged infringements of trade union rights, on behalf of the executive committee previously in office, and has, therefore, examined that complaint and the complaint of the World Federation of Trade Unions on their merits;

(c) to draw attention to the importance which the Governing Body has always attached to the principle that workers’ organisations should have the right to elect their representatives in full freedom, to organise their administration and

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\(^2\) Ibid., Vol. XXIII, No. 2, 30 June 1938, pp. 60-61.

\(^3\) See 72nd Report, para. 92.
activities and to formulate their programmes and that the public authorities should refrain from any interference which would restrict this right or impede the lawful exercise thereof, and to the principle that workers' organisations should not be liable to be dissolved or suspended by administrative authority;

(d) to express the view, on the basis of the detailed evidence submitted by the complainants and in the absence of any specific observations in refutation of those allegations on the part of either the Kassem Government or the present Government, that serious violations of the principles enunciated above appear to have taken place when the Kassem Government was in power;

(e) to request the present Government, which cannot be held responsible for events which took place under its predecessor but is responsible for any continuing consequences which such events may have had since its accession to power, to inform the Governing Body as to the measures which it has taken to ensure the restoration of full freedom of association in Iraq and, in particular, the right of workers' organisations to function in accordance with the principles enunciated in subparagraph (c) above;

(f) to draw the attention of the Government to the importance which the Governing Body has always attached to the right of all detained persons to receive a prompt and fair trial by an impartial and independent judicial authority, and to request the Government to be good enough to furnish as a matter of urgency, having regard to this principle, information as to the legal or judicial proceedings taken in the cases of Mr. Ali Shukur, former President of the General Federation of Trade Unions of Iraq, Mr. Ara Khachadoor, its former General Secretary, Messrs. Sadik El Falahi and Kuleban Salih, former members of its executive committee, stated to have been arrested on 1 May 1961, and Mr. Issataha, stated to have been arrested when he was the Chief Editor of the press organ of the Federation, or, if proceedings have not been taken, information as to the present situation of those persons.

96. These recommendations by the Committee, as approved by the Governing Body, were brought to the knowledge of the Government by a letter from the Director-General dated 21 November 1963. In addition, on 3 March 1964, the Director-General communicated to the Government the text of a letter dated 11 February 1964 from the General Federation of Trade Unions of Iraq which alleged that Mr. Issa Khidir Taha, Vice-President of the complaining organisation, had been arrested and exiled, the purpose being to influence the outcome of the Federation's elections. The Government replied to both these communications by a letter dated 29 March 1964.

97. In its reply the Government states that Mr. Ali Shukur and his colleagues were placed in their positions in the union by the then ruling authority, and that their appointment to posts of union leadership was far from reflecting the will of the workers. The Government adds that, having been defeated in the annual union elections, the persons concerned no longer held office at the time when they were summoned to answer the accusations levelled against them. They were arrested, goes on the Government, on account not of activities relating to trade unions or to labour but of acts calculated to cause a breach of the peace, which they committed not as labour leaders but as members of an unlicensed party.

98. As for the present situation of the persons mentioned in subparagraph (f) quoted in paragraph 95 above, the Government gives the following information in its reply. Firstly, the Government states that Mr. Issataha and Mr. Ara Khachadoor have been released after being questioned by the judicial authority, and that both of them have now gone into voluntary exile. In these circumstances, taking the view that there is no longer any object in proceeding with the examination of this aspect of the case, the Committee recommends the Governing Body to take note of the release of the two persons in question.
99. As concerns the other persons about whom the Governing Body requested information, the Government declares that, being accused of acts against the national interest, they have been summoned by the judicial authority to appear before the competent courts for trial in accordance with the prevailing laws of the country. The court has fixed the date of their trial as 12 May 1964.

100. In past cases the Committee has followed the practice of postponing the examination of matters which were the subject of pending national judicial proceedings, where such proceedings might make available information of assistance to the Committee in appreciating whether or not allegations were well founded.1

101. In the present instance the Committee considers it advisable to follow the same practice by recommending the Governing Body to request the Government to be good enough to inform it of the outcome of the proceedings before the national courts against Messrs. Ali Shukur, Sadik El Falahi and Kuleban Salih, and, in particular, to supply the text of the judgment pronounced together with the reasons therefor; and to adjourn further examination of this aspect of the case for the time being.

102. In its communication of 29 March 1964 the Government declares that it has "enacted laws for the protection of workers against anti-union and arbitrary dismissal ", and " taken other measures that reflect the extent of the attention the Government pays to matters relating to labour and workers ".

103. While taking note of this declaration, the Committee feels that it constitutes only a partial answer to the question put by the Governing Body in subparagraph (e) of paragraph 92 of the 72nd Report of the Committee, as quoted in paragraph 95 above.

104. The Committee therefore recommends the Governing Body to request the Iraqi Government to be good enough to specify more precisely what steps it has taken to ensure the restoration of full freedom of association in Iraq and, in particular, the right of workers’ organisations to function in accordance with the principles enunciated in subparagraph (c) of paragraph 92 of the 72nd Report of the Committee.

105. Finally, as regards the allegation contained in the communication from the General Federation of Trade Unions of Iraq dated 11 February 1964, to the effect that Mr. Issa Khidir Taha, Vice-President of the complaining organisation, had been arrested and then exiled, the Government states first of all that the person concerned, not being a citizen of Iraq, is not legally entitled to membership of the General Federation of Trade Unions of Iraq, and has therefore come by his position in the union illegally. The Government goes on to declare that “as a member of the dissolved National Guard, he has undertaken acts causing a breach of the peace of the State”, and that “for these acts he has been deported, and not because of an anti-union measure taken against him”.

106. In these circumstances the Committee recommends the Governing Body to note the Government’s statement that the basis for a deportation order being made against Mr. Issa Khidir Taha was the fact that he was an alien who committed unlawful acts, but to draw attention to the principle that all persons lawfully resident within a country should have the right to join trade unions without discrimination.

1 See Sixth Report, Case No. 22 (Philippines), paras. 352-383; 11th Report, Case No. 51 (Saar), paras. 27-56; 12th Report, Case No. 69 (France), para. 446, and Case No. 61 (France-Tunisia), paras. 447-492; 17th Report, Case No. 97 (India), paras. 120-156; 19th Report, Case No. 92 (Peru), paras. 16-38; 26th Report, Case No. 147 (Union of South Africa), paras. 107-111; 28th Report, Case No. 170 (France-Madagascar), para. 143; 34th Report, Case No. 130 (Switzerland), para. 6; 41st Report, Case No. 172 (Argentina), para. 122; 49th Report, Case No. 213 (Federal Republic of Germany), para. 73; 53rd Report, Case No. 232 (Morocco), paras. 66-67; 58th Report, Case No. 234 (Greece), para. 598, and Case No. 262 (Cameroon), para. 657; 60th Report, Case No. 262 (Cameroon), para. 205; 70th Report, Case No. 294 (Spain), para. 510; 72nd Report, Case No. 352 (Guatemala), para. 188; 75th Report, Case No. 341 (Greece), paras. 70-71.
107. As regards the case as a whole the Committee recommends the Governing Body—

(a) to take note of the release of Messrs. Issataha and Ara Khachadoor;

(b) to request the Government to be good enough to inform it of the outcome of the proceedings before the national courts against Messrs. Ali Shukur, Sadik El Falahi and Kuleban Salih, and, in particular, to supply the text of the judgment pronounced, together with the reasons therefor;

(c) to request the Government to be good enough to specify more precisely what steps it has taken to ensure the restoration of full freedom of association in Iraq and, in particular, the right of workers' organisations to function in accordance with the principles enunciated in subparagraph (c) of paragraph 92 of the 72nd Report of the Committee;

(d) to note the Government's statement that the basis for a deportation order being made against Mr. Issa Khidir Taha was the fact that he was an alien who committed unlawful acts, but to draw attention to the principle that all persons lawfully resident within a country should have the right to join trade unions without discrimination;

(e) to take note of the present interim report of the Committee, it being understood that the Committee will report further to the Governing Body as soon as it is in possession of the information requested under subparagraphs (b), (c) and (d) above.

Case No. 283:

Complaint Presented by the International Federation of Christian Trade Unions against the Government of Cuba

108. The International Federation of Christian Trade Unions (I.F.C.T.U.) addressed to the Director-General on 9 February 1962 a telegram containing a request for urgent intervention by the I.L.O. on the ground that the Cuban trade union leader Mr. Reinaldo González was in imminent danger of execution. The Director-General brought the contents of this telegram to the notice of the Prime Minister and the Minister for Foreign Affairs of Cuba by two telegrams dated 9 February 1962.

109. By a letter of 22 February 1962 the Director-General transmitted the complaint to the Government of Cuba in accordance with the normal procedure for the examination of complaints of alleged infringements of trade union rights. In his letter he explained to the Government that, as matters involving human life were raised in the complaint, the case fell within the category of cases regarded by the Governing Body as urgent, in accordance with the decision taken by the Governing Body at its 140th Session (November 1958), and, for this reason, requested the Government to furnish as speedy a reply as possible.

110. The Government replied on 7 April 1964.

111. Cuba has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

112. Reference has been made to this case by the Committee in its 60th, 64th, 66th, 68th, 70th, 72nd and 74th Reports. The Government has on a number of occasions sent a reply to the effect that the complaint, together with the repeated requests that it furnish its observations as a matter of urgency, had been referred to the competent organ of the Revolutionary Government for comment. Not having received the Government's observations, the Committee has repeatedly been obliged to adjourn its examination of the complaint. In paragraph 218 of its 70th Report the Committee.

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1 Approved by the Governing Body at its 155th Session (June 1963).
having regard to the fact that a question of life or death was at stake in this case, recommended the Governing Body—

(a) to deplore the fact that the Government of Cuba, despite the promise contained in its communication dated 4 April 1962 and the requests addressed to it on eight occasions, has not furnished the reply necessary to permit of the examination of this case in full knowledge of the facts;
(b) to express to the Government its earnest hope that it will not fail to fulfil, as a matter of urgency, the promise to furnish a reply made in its communication dated 4 April 1962.

113. At its 36th Session (February 1964) the Committee took note of a communication from the Government stating that its observations would be forwarded, and requested it to furnish the said observations, as a matter of special urgency, prior to the Committee's June 1964 session.

114. The complainants declared in their communication of 9 February 1962 that a trade union leader, Reinaldo González, was in imminent danger of execution, and begged the I.L.O. to intervene to prevent the execution.

115. In its reply of 7 April 1964 the Government states that Mr. González was tried and convicted by the competent courts in conformity with laws which were already in force prior to the commission of the offences of which he was accused. Mr. González had engaged in subversive activities, accompanied by acts of arson and other forms of havoc, and had confessed to having committed these acts and given his reasons for doing so. He is at present serving a term of imprisonment of a length appropriate to the magnitude and harmfulness to the community of his criminal conduct in defiance of law and order.

116. Repeatedly in the past, where allegations that trade union leaders or workers had been arrested or detained for trade union activities had been met by governments with statements that the arrests or detentions were made for subversive activities, for reasons of internal security or for common law crimes, the Committee has followed the rule that the governments concerned should be requested to submit further and as precise information as possible concerning the arrests or detentions and the precise reasons which led to them. If, in certain cases, the Committee has concluded that allegations relating to the arrest or detention of trade union militants did not call for further examination, this has been after it has received information from the governments concerned showing sufficiently precisely and with sufficient detail that the arrests or detentions were in no way occasioned by trade union activities but solely by activities outside the trade union sphere, which were either prejudicial to public order or of a political nature. Moreover, the Committee has repeatedly asked governments to send information on judicial proceedings and their results, in view of the importance

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1 See, for example, Sixth Report, Case No. 18 (Greece), paras. 323-326, Case No. 44 (Colombia), paras. 593-595, and Case No. 49 (Pakistan), paras. 807-811; 11th Report, Case No. 72 (Venezuela), para. 6 (c); 12th Report, Case No. 65 (Cuba), paras. 102-105; Case No. 66 (Greece), paras. 140-146, and Case No. 68 (Colombia), paras. 167-169; 15th Report, Case No. 110 (Pakistan), para. 241; 22nd Report, Case No. 58 (Poland), para. 106 (d); 25th Report, Case No. 136 (United Kingdom-Cyprus), paras. 93-178, and Case No. 158 (Hungary), para. 332; 27th Report, Case No. 156 (France-Algeria), para. 273, and Case No. 159 (Cuba), para. 370; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 152; 72nd Report, Case No. 294 (Spain), para. 97; 74th Report, Case No. 371 (Federal Republic of Germany), para. 248.

2 See, for example, Second Report, Case No. 31 (United Kingdom-Nigeria), para. 79; Third Report, Case No. 6 (Iran), para. 36; Sixth Report, Case No. 22 (Philippines), paras. 377-383; 12th Report, Case No. 10 (France-Morocco), paras. 386-398; 17th Report, Case No. 104 (Iran), para. 219; 19th Report, Case No. 110 (Pakistan), paras. 74-77; 24th Report, Case No. 142 (Honduras), paras. 130-134; 25th Report, Case No. 140 (Argentina), para. 263; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 152; 72nd Report, Case No. 294 (Spain), para. 97; 74th Report, Case No. 371 (Federal Republic of Germany), para. 248.
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which such information might have in aiding the Committee to appreciate whether or not allegations were well founded. ¹

117. In the present case the Committee observes that Mr. Reinaldo González is now serving a prison sentence after trial by the courts of his country. In these circumstances the Committee recommends the Governing Body to request the Government to furnish detailed information as to the offences of which the person concerned was accused, together with information with respect to the judicial proceedings and the text of the judgment handed down, and decides to wait before formulating its conclusions, until it has fuller information with regard to the circumstances which led to the detention and conviction of Mr. Reinaldo González.

Case No. 291:

Complaints Presented by the Confederation of Arab Trade Unions, the International Confederation of Free Trade Unions, the World Federation of Trade Unions, the Aden Trades Union Congress, the Postal, Telegraph and Telephone International (Berne) and the Arab Federation of Petroleum Workers (Cairo) against the Government of the United Kingdom in respect of Aden

118. The Committee, after having considered this case at its meeting in February 1963 ², examined it further at its meeting in May 1963, when it submitted to the Governing Body the interim report contained in paragraphs 219 to 279 of the 70th Report, which was approved by the Governing Body on 1 June 1963 in the course of its 155th Session.

119. In that report the Committee recommended the Governing Body to dismiss certain allegations relating to the maltreatment of imprisoned trade unionists and to the sponsorship of a rival trade union organisation by the authorities in Aden. With regard to the remaining allegations, which are dealt with in the present report, the Committee requested the Government of the United Kingdom to furnish additional information or, in some cases, to forward its observations. Since that time, as will be seen below, a number of further documents of complaint have been received and the Government has furnished further information and observations.

120. The United Kingdom has ratified the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and has declared them to be applicable, without modification, to Aden.

Allegations relating to the Industrial Relations (Conciliation and Arbitration) Ordinance, 1960

121. At its meeting in February 1963 the Committee had before it a communication from the International Confederation of Free Trade Unions (I.C.F.T.U.), dated August 1962, in which various provisions of the Industrial Relations (Conciliation and Arbitration) Ordinance, 1960, were criticised. In particular, this complainant referred to the penalties prescribed by the ordinance in respect of strikes and acts in violation of awards or procedures of the Industrial Courts. More generally, the complainants

¹ See 17th Report, Case No. 97 (India), para. 137; 24th Report, Case No. 142 (Honduras), para. 134; 26th Report, Case No. 147 (Union of South Africa), para. 111; 31st Report, Case No. 170 (France-Madagascar), para. 52; 34th Report, Case No. 130 (Switzerland), para. 6; 45th Report, Case No. 213 (Federal Republic of Germany), para. 123; 58th Report, Case No. 156 (France-Algeria), para. 175; 67th Report, Case No. 241 (France), para. 22; 72nd Report, Case No. 294 (Spain), para. 112; 74th Report, Case No. 371 (Federal Republic of Germany), para. 252.

² See 68th Report, paras. 94-125.
contended that these penal provisions, together with the provisions establishing compulsory arbitration and prohibiting strikes, had replaced free collective bargaining by a system of coercion. These allegations were analysed more fully in paragraphs 101 to 103 and 108 to 110 of the 68th Report of the Committee.

122. The Committee also had before it a letter from the Government dated 29 October 1962 in which the Government, after recalling its earlier observations ¹ on the ordinance which the Committee had examined in Case No. 221 relating to Aden, reviewed recent industrial trends in Aden, giving statistics and facts relating to strikes and collective agreements concluded. In addition, the Government stated that the Minister of Labour of Aden had invited representatives of employers' and employees' organisations to sit on an Aden Joint Industrial Council, which would advise the Government of Aden on labour problems, labour legislation and methods of improving industrial relations, and whose first task would be to furnish the Minister with the advice necessary to enable the Government of Aden to carry out a review of the Industrial Relations Ordinance. These observations of the Government were analysed more fully in paragraphs 112 to 114 of the 68th Report of the Committee.

123. In paragraphs 116 to 118 of its 68th Report the Committee reviewed its earlier examination ², in Case No. 221 relating to Aden, of the provisions of the ordinance in question in the light of the provisions of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), declared by the Government of the United Kingdom applicable without modification in respect of Aden, and then considered the evidence before it, as indicated in the two preceding paragraphs, as to the operation of the ordinance in the two years following this enactment.

124. Finally, in paragraph 120 of its 68th Report, having noted the Government's proposals concerning an Aden Joint Industrial Council, the Committee decided to request the Government to be good enough to state, if possible, when it was anticipated that the Joint Industrial Council would embark upon its initial task of advising the Minister concerning a review of the Industrial Relations Ordinance.

125. This request for information was conveyed to the Government of the United Kingdom by a letter dated 14 March 1963.

126. At its meeting in May 1963 the Committee had not yet received the information in question, but it had before it a further communication from the Aden Trades Union Congress (Aden T.U.C.) dated 6 April 1963, in which, after criticising the effectiveness of the Aden Industrial Court because in two of the three or four cases in which its awards favoured the workers the Court of Appeal reversed the awards and imposed £2,000 legal costs on the workers, this complainant stated that it had informed the British Government that the Aden T.U.C. and Aden Employers' Federation had agreed to the establishment of a Joint Advisory Council under the chairmanship of the Labour Commissioner, but not of the Labour Minister, because they believed that industrial issues should be kept away from politicians.

127. Accordingly, as indicated in paragraph 237 of its 70th Report, the Committee decided to request the Government to be good enough to furnish the information previously requested and comment on the proposals referred to by the Aden T.U.C. in its communication dated 6 April 1963.

128. In a communication dated 11 November 1963 the Government of the United Kingdom stated that, following discussions in July 1963 between the Government of Aden and the employers and workers, it was agreed that the Joint Advisory Council should be established under the chairmanship of the Labour Commissioner. The inaugural meeting of the Council was held on 17 September and its first business session on 16 October. It was planned to hold meetings of the Council at least monthly.

¹ See 57th Report, paras. 74-76.
² Ibid., para. 82.
but it was too early to say what proposals might emerge for amendments to the Industrial Relations Ordinance.

129. No further communication has been received from the Government within the context of the present case before the Committee. However, in its report furnished for the period 1961-63, pursuant to article 35 of the Constitution of the I.L.O., with respect to the application in Aden of the Abolition of Forced Labour Convention, 1957 (No. 105), received on 20 November 1963, the Government of the United Kingdom stated that urgent consideration was being given to the repeal of the Industrial Relations (Conciliation and Arbitration) Ordinance and its replacement by a new ordinance concerning the conduct of industrial relations.\(^1\)

130. In these circumstances the Committee requests the Government to be good enough to inform it as to whether the discussions in the Joint Advisory Council in Aden are still continuing and the Aden T.U.C. is participating in the Council and as to what proposals have emerged from these discussions concerning the possible amendment of the Industrial Relations (Conciliation and Arbitration) Ordinance, 1960, having regard especially to its statement, as indicated in the preceding paragraph, that urgent consideration was being given to the repeal of the ordinance.

Allegations relating to the Application of the Penal Provisions of the Industrial Relations (Conciliation and Arbitration) Ordinance, 1960

131. Several of the complainants made allegations with respect to sentences of imprisonment passed on workers pursuant to the provisions of the ordinance and to dismissals and deportations of workers following a number of different strikes in 1961 and 1962. These allegations and the Government's observations thereon were examined by the Committee at its meeting in May 1963 and analysed in paragraphs 238 to 256 of its 70th Report.

132. In particular, the first group of allegations made related to the fining of strikers belonging to the General and Technical Workers' Union, following a strike in October 1961, and to the sentencing of Mr. A. Murshed, the General Secretary of the Union, to 27 months' rigorous imprisonment on charges of incitement to strike and sedition; to the sentencing of Mr. A. Obeid, President of the Refinery Workers' Union, to four months' imprisonment and ten members of the union executive to six weeks' imprisonment, in January 1962, on a charge of having called a trade union meeting during working hours; to members of a five-man emergency committee appointed by the Forces Local Workers' Union being brought before a court in January 1962, before a contemplated strike took place, and sentenced to detention for one year when they refused to enter into a bond to abide by the ordinance; to the sentencing of Mr. A. Aswadi, Assistant General Secretary of the Aden T.U.C., and Mr. A. Latif, President of the Forces Local Workers' Union, to three months' imprisonment, following a strike on 11 April 1962; and to the fining of 30 strikers following a strike on 9 and 10 May 1962 called by the same union.

133. The Committee had before it a letter dated 29 October 1962 from the Government stating that the prosecutions for strike offences were all instituted pursuant to section 24 of the ordinance, which prescribes penalties for taking part in or inciting a strike, and that the sanctions prescribed by the ordinance had been exercised with restraint.

134. In a communication dated 18 April 1963 the Government confirmed the sentencing of Mr. Aswadi and Mr. Latif, stating that the strike of 11 April 1962 was an illegal political strike called in Aden to coerce the Government at a time when

collective negotiations were in progress. Only 23 of the 30 strikers charged after the strike of 9 and 10 May 1962 were fined 50 shillings each for participating in an illegal strike.

135. The next group of allegations was made by the World Federation of Trade Unions (W.F.T.U.), the Aden T.U.C. and the I.C.F.T.U. with regard to a later period.

136. The W.F.T.U. alleged that a general strike on 19 November 1962, partly in support of economic demands and partly against the proposal to form a Federation of South Arabia, led to the arrest of over 100 trade unionists, including Mr. Abdulla Al Asnag, General Secretary of the Aden T.U.C., and his colleague, Mr. Idris Hambala, accused of seditious publication, and that a strike called on 22 October 1962 by the Forces Local Workers' Union against dismissals and two years' refusal to meet economic demands led to 165 strikers being arrested, 102 of these being deported. The Aden T.U.C. stated on 15 December 1962 that over 400 trade unionists, including union presidents, secretaries and shop stewards and persons who had worked in Aden over ten years, were taken from their workplaces and deported, without being brought before a court or even being allowed to see their families and collect their wages. The I.C.F.T.U., also referring to events following the strike of 19 November 1962, mentioned the prosecution of 23 industrial workers, 24 bank employees, the fining of 23 airline employees, the deportation of two dockworkers, the prosecution and imprisonment or fining of 12 port trust employees, the sentencing to two months' rigorous imprisonment of 11 British Forces employees and the fining of 93 others, and the prosecution of 27 government employees and the dismissal of 40 others.

137. The Government commented on this second group of allegations in a communication dated 18 April 1963, stating that the strike of 22 October 1962 was illegal and called when negotiations were in progress. The union's reason for the strike was the alleged refusal of the employer (H.M. Forces) to go to arbitration on two of six points in dispute and refusal to reinstate dismissed civilian employees. The Government said that arbitration had not been refused but that the conciliator considered it premature in view of the progress being made, while seven dismissal cases were being reviewed according to a procedure agreed with the union, 30 per cent. of those concerned having been offered re-employment. Ninety persons who had no legal right to reside in Aden were deported as undesirables.

138. The Government stated that the general strike of 19 November 1962 was called for political purposes and was not connected with any industrial dispute, and referred to the statement of the Aden T.U.C., in its communication dated 15 December 1962, that workers were being deported "because they demonstrate full solidarity during the Aden T.U.C. call for general strikes and public demonstration when need be to mark protest against the British new plan to merge Aden with backward feudal States ...".

139. At its meeting in May 1963 the Committee observed that the Government had furnished evidence on several of the cases of prosecutions of strikers referred to in the complaints. It had not, however, commented on the case of Mr. Obeid, President of the Refinery Workers' Union, and the ten members of the union executive alleged by the I.C.F.T.U., in its communication dated 1 August 1962, to have been sent to prison for having called a union meeting in working hours (see paragraph 132 above). It had also not made observations on the alleged detention of five representatives of the Forces Local Workers' Union who refused to enter into a bond to abide by the Industrial Relations (Conciliation and Arbitration) Ordinance, 1960 (see paragraph 132). Nor had it referred to the case of the alleged sentencing to 27 months' rigorous imprisonment of Mr. Murshed, General Secretary of the General and Technical Workers' Union (see paragraph 132). With regard to the alleged deportations of trade union officers and members referred to in paragraph 136 above, the Government had confined itself to a statement that 90 persons who had no right to reside in Aden were deported as undesirables. Finally, the Government had not yet furnished its observa-
tions on the complaint of the I.C.F.T.U. dated 26 March 1963, which referred to some 200 alleged prosecutions following the strike of 19 November 1962 (see paragraph 136 above), beyond stating that two of the persons named by the W.F.T.U. as having been among those arrested—Mr. Al Asnag, General Secretary of the Aden T.U.C., and his colleague, Mr. Idris Hambala—were serving a sentence of imprisonment for conspiring to publish a seditious booklet.

140. In these circumstances the Committee, as indicated in paragraph 258 of its 70th Report, decided to request the Government to be good enough to furnish fuller information with regard to the deportations which followed the strike of 22 October 1962, information concerning the cases of Mr. Obeid, Mr. Murshed, Mr. Al Asnag and Mr. Hambala and the five persons alleged to have been preventively detained for refusing to enter into a bond—including information as to the reasons on which the judgments of the courts were based—and its observations on the communication from the I.C.F.T.U. dated 26 March 1963.

141. In a communication dated 13 June 1963 the Aden T.U.C. declares that, by virtue of the application of the provision of section 24 (1) of the Industrial Relations (Conciliation and Arbitration) Ordinance, 1960, prohibiting strikes, hundreds of persons have been imprisoned, fined or deported “because they have participated in a general cessation of work by every person in the country whether he is a workman, labourer, trader, free lancer and whether or not there is a trade dispute”, and that “the ordinance was in fact used to suppress a general cessation of work in the whole country as a protest against government policies in merging Aden in a very much unwanted Federation”.

142. The Aden T.U.C. refers also to further cases of alleged mass deportations of persons because “they belong to the trade union movement and participate either directly or indirectly in its legitimate activities and aspirations”. The complainant states that “following a day’s token strike by the workers, thousands were deported”. No one, says the complainant, can challenge the Governor’s “arbitrary powers to deport any person who is not a British subject born in Aden”.

143. This complainant then goes on to criticise the provisions of the Aden Criminal Procedure Ordinance, which allows the courts to order a person to be remanded in custody, instead of granting bail, when he is charged with any of certain offences. The complainant states that it was pursuant to these provisions that bail was refused in the aforesaid cases of Messrs. Al Asnag, Hambala and Murshed and in the case of another person not previously mentioned, Mr. Abdulla Wahti.

144. The complainant gives further details of the case of Mr. Al Asnag, General Secretary of the Aden T.U.C., declaring that prosecution for sedition is being resorted to increasingly by the authorities as a means of gaoling anyone who opposes the plans. It is alleged that, after being remanded in custody for two-and-a-half months, his application for bail having been refused by the Supreme Court, he was held in prison for a further nine months during and after his bail, following which his conviction and sentence were quashed by the Nairobi Court of Appeal. By this time he had served his full sentence, but the laws of Aden do not enable him to claim compensation.

145. In a communication dated 11 November 1963 the Government begins by giving further information with regard to the alleged deportations following the strike of 22 October 1962: 54 persons were deported to Yemen, 26 to the Aden Protectorate, ten to Somalia. They were deported under orders made pursuant to section 4 (1) (c) of the Vagrants and Undesirables Ordinance.

146. The Government then comments on certain of the specific cases concerning which further information had been requested by the Committee.

147. Mr. Abdullah Ali Obeid, President of the B.P. Refinery Workers’ Union, was sentenced to four months’ imprisonment for having procured a strike, contrary to section 24 (3) of the Industrial Relations Ordinance. Further, he and ten members of
the union executive were charged under section 24 (1) of the ordinance with taking part in a strike and each sentenced to six weeks' imprisonment. On 2 December 1961 almost all the workers were called away from their work, without permission, to attend a Refinery Workers' Union general meeting. According to the Government, this left process and power station plant undermanned, with the gravest risk to life and property at a moment when the firemen also, without permission, had left their posts. The action taken was also in breach of the agreed disputes procedure, according to which no major demand shall become a point of issue unless it has been discussed at the normal fortnightly meeting of representatives and, if no agreement is reached, either party can demand a further meeting within seven days to discuss the matter. If there is still no agreement, the matter shall be referred, subject to the consent of both parties, to a bipartite Conciliation Commission under a neutral chairman. No strike action shall be taken until after the first two joint meetings have been held and the possibility of conciliation considered, after which seven days' notice of a strike must be given. After these incidents, on 20 April 1962, an agreement was concluded between the parties which embodied improvements in conditions of service.

148. Mr. Murshed, General Secretary of the General and Technical Workers' Union, was charged with sedition under section 124A of the Penal Code and on three counts under section 24 (3) of the Industrial Relations Ordinance. He was sentenced to 18 months' rigorous imprisonment on the first charge and to three months on each of the other three. As one of the latter terms was concurrent the total sentence was one of 24 months' rigorous imprisonment. The Nairobi Court of Appeal reduced the total sentence to one of 18 months (including 12 months on the sedition charge). In a telegram dated 16 October 1961 the General and Technical Workers' Union threatened a strike on 20 October. The Union resolved to call the strike at a meeting on 17 October. Half an hour after that meeting ended the Civil Contractors' Association informed the Union of its decision to increase the number of paid public holidays, to increase paid annual leave and wages and to reduce weekly hours of work. On 21 October this offer was submitted to the Union representatives in writing, but the latter, says the Government, failed to inform the members of the offer when it was decided, at a general meeting on 22 October, to extend the strike for a further 48 hours. On 24 October the employers notified the dispute under section 10 of the Industrial Relations Ordinance and informed the secretary of the union accordingly on the same day. But, declares the Government, on the same night the strike was extended for a further 48 hours and the Union representatives refused to attend any meeting pursuant to the ordinance. On 24 October Mr. Murshed made a speech at the Aden T.U.C. premises which led to his being charged with uttering seditious words and was found guilty under section 124A of the Penal Code. The workers resumed work on 28 October 1961, and a collective agreement was concluded in February 1962.

149. Mr. Al Asnag was arrested on 8 November 1962 and charged under section 124A of the Penal Code with conspiring to publish a seditious publication—a pamphlet entitled "24 September, the Immortal (Eternal) Day". In mid-December he was sentenced to 12 months' rigorous imprisonment. The Aden Court of Appeal reduced the sentence to one of eight months. On 3 June 1963 the conviction and sentence were quashed by the Nairobi Court of Appeal. Mr. Al Asnag had been released on 21 April 1963, after serving his sentence less earned remission. Mr. Hambala had been sentenced on the same charge to nine months' rigorous imprisonment, reduced to six months on local appeal. His conviction and sentence were also quashed by the Nairobi Court of Appeal after he had served his sentence and had been released on 11 March 1963.

150. On 28 February 1962 five members of the "emergency committee" of the Forces Local Employees' Union were summoned to appear before the Chief Magistrate to sign a bond to be of good behaviour and keep the peace for 12 months. They were summoned before the court under section 74 of the Criminal Procedure Ordinance for inciting and encouraging persons to go on strike in that they had issued leaflets to union members calling for strike action in contravention of the Industrial Relations
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Ordinance. On refusing to sign the bond, they were committed to prison under section 77 of the Criminal Procedure Ordinance. Their appeal was dismissed in April 1962. One of them then signed the bond and was released. The other four again appealed, and in August 1962 the Supreme Court allowed the appeal on the ground that the situation in Aden had changed and no longer required signatures of the bond. They were then released.

151. The third group of allegations relating to measures taken against strikes are contained in a communication from the Aden T.U.C. dated 27 November 1963, in which it is alleged that, in connection with a strike of civilian employees of the military forces, 50 workers were arrested and 40 of them deported.

152. The Government comments on these allegations in a communication dated 19 March 1964. The strike in question lasted from 21 November to 5 December 1963. The Union claimed that the Forces authorities had failed to negotiate on long-standing issues but, says the Government, those authorities had offered to negotiate if they called off the strike. The Government states that, as it developed, "the strike ceased to be a purely industrial matter" and received political encouragement from opponents of the Government, while there was offensive picketing and union officials exercised intimidation by acts such as the photographing of non-strikers. During the strike 34 Forces employees were deported under section 4 (1) (c) of the Vagrants and Undesirables Ordinance. Twenty-one further persons, not in Forces employment, were also deported. Those deported did not belong to Aden, and their deportation was considered necessary on security grounds in view of the tense situation then prevailing. Agreement has now been reached between the parties on several of the issues in dispute.

153. Finally, the Arab Federation of Petroleum Workers alleges, in a communication dated 12 December 1963, that the Aden Government, on 27 and 30 November 1963, respectively, arrested and deported without valid reason Mr. Ali Naser Obahi and Mr. Mohammed Ahmed Hammadi, executive members of the Aden Petroleum Workers' Union.

154. In a communication dated 13 May 1964 the Government states that the first of the two names given probably refers to Mr. Ali Naser Ubabi Radas, deported to Yemen under the Vagrants and Undesirables Ordinance. The case of Mr. Hammadi is being investigated, and details will be furnished.

155. The information now before the Committee with respect to the various cases alleged by the complainants is almost complete. They may be divided into two groups. Firstly, most of them are cases of strikes or instigation of strikes contrary to the provisions of the Industrial Relations (Conciliation and Arbitration) Ordinance, 1960, in respect of which terms of imprisonment or fines have been imposed or, as regards the persons concerned whom the Government states are aliens or persons not entitled legally to reside in Aden, deportation orders have been made. Secondly, there are the convictions of Mr. Al Asnag and Mr. Hambala pursuant to the laws relating to sedition. The case of Mr. Murshed belongs to both groups.

156. In so far as the first group of cases is concerned, the Committee has always been guided by the principle that allegations relating to the exercise of the right to strike are not outside its competence in so far, but only in so far, as they affect the exercise of trade union rights 1, and has recommended the Governing Body to affirm on numerous occasions 2 that the right to strike of workers and workers' organisations

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1 See 28th Report, Case No. 143 (Spain), para. 109, Cases Nos. 141, 153 and 154 (Chile), para. 202, and Case No. 169 (Turkey), para. 297; 47th Report, Case No. 143 (Spain), para. 66; 58th Report, Case No. 221 (United Kingdom-Aden), para. 109; 65th Report, Case No. 266 (Portugal), para. 77; 72nd Report, Case No. 327 (Congo-Leopoldville), para. 166.

2 See Second Report, Case No. 28 (United Kingdom-Jamaica), paras. 65-70, and Case No. 32 (United Kingdom-Uganda), paras. 87-92; Fourth Report, Case No. 5 (India), paras. 18-51; Sixth Report, Case No. 47 (India), paras. 725-726, and Case No. 50 (Turkey), paras. 852-855; 12th Report, Case No. 60 (Japan), paras. 10-83; 25th Report, Case No. 152 (United Kingdom-Northern Rhodesia), paras. 179-248;
constitutes an essential means of promoting and defending their occupational interests. The Committee, however, has rejected allegations relating to strikes by reason of their non-occupational character \(^1\), or where they have been designed to coerce a government with respect to a political matter \(^2\), or have been directed against the government’s policy and not “in furtherance of a trade dispute”.\(^3\)

157. In the present case, while it would seem clear from the evidence that the strikes of October 1961 and November 1962 were, at least to a considerable extent, of a political nature, the strikes of 22 October 1962, October 1963 and November-December 1963 were apparently in support of economic demands, although in contravention of the Industrial Relations Ordinance. In either event, the prosecutions of strikers which ensued were based on the penal provisions of the ordinance. In view of the two statements of the Government in different contexts (see paragraphs 122, 128 and 129 above), that the ordinance may be amended or repealed and of the fact that the Committee has decided to request the Government for further information as to developments in this connection, the Committee considers that it should await the further information requested in respect of the ordinance in general before submitting its final recommendations to the Governing Body concerning the application of particular provisions of that ordinance in specific cases.

158. The cases of prosecution for sedition are, however, not directly related to that ordinance at all.

159. The first relates to Mr. Murshed, General Secretary of the General and Technical Workers’ Union, sentenced, apart from charges of strike offences, to 18 months’ imprisonment (reduced on appeal to 12 months) on the sedition charge alone. The Government, in reply to the Committee’s request for further information, has furnished details with regard to Mr. Murshed’s strike offences but has added nothing to the fact previously known to the Committee that he was convicted of sedition pursuant to section 124A of the Penal Code.

160. In past cases \(^4\), where allegations that trade union leaders or workers had been arrested or detained for trade union activities have been met by governments with statements that the arrests or detentions were made for subversive activities, for reasons of internal security or for common law crimes, the Committee has followed the rule that the governments concerned should be requested to submit further and as precise information as possible concerning the arrests or detentions. If in certain cases the Committee has concluded that allegations relating to the arrests or detentions of trade union militants did not call for further examination, this has been after it had received information showing sufficiently, precisely and with sufficient detail that the arrests or detentions were in no way occasioned by trade union activities but solely by activities

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\(^{1}\) See Sixth Report, Case No. 40 (France-Tunisia), para. 541; 49th Report, Case No. 229 (Union of South Africa), para. 92.

\(^{2}\) See Second Report, Case No. 25 (United Kingdom-Gold Coast), para. 57.

\(^{3}\) See 36th Report, Case No. 178 (United Kingdom-Aden), para. 56; 49th Report, Case No. 192 (Argentina), para. 168.

\(^{4}\) See, for example, Sixth Report, Case No. 18 (Greece), paras. 323-326, Case No. 44 (Colombia), paras. 593-595, and Case No. 49 (Pakistan), paras. 807-811; 11th Report, Case No. 72 (Venezuela), para. 6 (c); 12th Report, Case No. 65 (Cuba), paras. 102-105, Case No. 66 (Greece), paras. 140-146, and Case No. 68 (Colombia), paras. 167-169; 15th Report, Case No. 110 (Pakistan), para. 241; 22nd Report, Case No. 38 (Poland), para. 106 (d); 25th Report, Case No. 136 (United Kingdom-Cyprus), paras. 93-178, and Case No. 158 (Hungary), para. 332; 27th Report, Case No. 156 (France-Algeria), para. 273, and Case No. 159 (Cuba), para. 370; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 152; 72nd Report, Case No. 294 (Spain), para. 97.
161. In the present case Mr. Murshed was convicted of sedition on the basis of a speech which he is said to have made on 24 October 1961 at the Aden T.U.C. premises. The Committee considers that it would be of assistance to it in its examination of this aspect of the case to have precise details of and contents of the speech in question before it and therefore requests the Government to be good enough to furnish such details.

162. The case of Messrs. Al Asnag and Hambala is different in that their conviction (for having conspired to issue a seditious publication) was subsequently quashed.

163. In certain cases 2 the Committee has pointed out that the arrest or detention of trade unionists concerning whom no grounds for conviction are subsequently found is liable to involve restrictions of trade union rights. In the present case, the two accused were actually convicted, but the Nairobi Court of Appeal quashed the conviction; whether it was on the merits of the case or on technical grounds is not known to the Committee.

164. Further, in the past the Committee has followed the practice of not proceeding to examine matters which were the subject of pending national judicial proceedings, where such proceedings might make available information of assistance to the Committee in appreciating whether or not allegations were well founded. 3 The Committee points out that it has repeatedly asked governments to furnish information on judicial proceedings and their results. 4

165. In the present case, therefore, the Committee requests the Government to be good enough to furnish a copy of the judgment of the Nairobi Court of Appeal quashing the conviction and sentence imposed on Messrs. Al Asnag and Hambala.

Allegations relating to the Political and Legislative System in Aden

166. In its communication dated 13 June 1963 the Aden T.U.C. criticises the power accorded to the Governor of Aden to disallow ordinances adopted by the Legislative Council and the sovereign powers reserved to the United Kingdom in respect of Aden, and complains that subsidiary legislation never comes before the Legislative Council. The complainant then makes allegations as to the voting rights of the public and as to the failure to hold Legislative Council elections at the due time, and goes on to make objections concerning the method of electing the Federal Council of the Federation of South Arabia.

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1 See, for example, Second Report, Case No. 31 (United Kingdom-Nigeria), para. 79; Third Report, Case No. 6 (Iran), para. 36; Sixth Report, Case No. 22 (Philippines), paras. 377-383; 12th Report, Case No. 16 (France-Morocco), paras. 383-398; 17th Report, Case No. 104 (Iran), para. 219; 19th Report, Case No. 110 (Pakistan), paras. 74-77; 24th Report, Case No. 142 (Honduras), paras. 130-134; 25th Report, Case No. 140 (Argentina), para. 263; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 152; 72nd Report, Case No. 294 (Spain), para. 97.

2 See 27th Report, Case No. 104 (Iran), para. 45; 72nd Report, Case No. 351 (Guatemala), para. 192; 74th Report, Case No. 332 (Brazil), para. 114.

3 See Sixth Report, Case No. 22 (Philippines), paras. 352-382; 11th Report, Case No. 51 (Saar), paras. 27-56; 12th Report, Case No. 69 (France), paras. 446, and Case No. 61 (France-Tunisia), paras 447-492; 17th Report, Case No. 97 (India), paras. 120-156; 19th Report, Case No. 92 (Peru), paras. 16-38; 26th Report, Case No. 147 (Union of South Africa), paras. 107-111; 28th Report, Case No. 170 (France-Madagascar), para. 143; 34th Report, Case No. 130 (Switzerland), para. 6; 41st Report, Case No. 172 (Argentina), para. 122; 49th Report, Case No. 213 (Federal Republic of Germany), para. 73; 53rd Report, Case No. 232 (Morocco), paras. 66-67; 58th Report, Case No. 234 (Greece), para. 588, and Case No. 262 (Cameroon), para. 657; 60th Report, Case No. 294 (Spain), para. 206; 72nd Report, Case No. 294 (Spain), para. 101.

4 See 17th Report, Case No. 97 (India), para. 137; 24th Report, Case No. 142 (Honduras), para. 134; 26th Report, Case No. 147 (Union of South Africa), para. 111; 31st Report, Case No. 170 (France-Madagascar), para. 52; 34th Report, Case No. 130 (Switzerland), para. 6; 45th Report, Case No. 213 (Federal Republic of Germany), para. 123; 58th Report, Case No. 156 (France-Algeria), para. 175; 67th Report, Case No. 241 (France), para. 22; 72nd Report, Case No. 294 (Spain), para. 112.
167. The Government, in its communication dated 16 March 1964, rejects this part of the complaint and states that it has no relation to the exercise of trade union rights.

168. These allegations relate purely to political and constitutional arrangements in Aden and are not accompanied by any reference to freedom of association or the exercise of trade union rights. The Committee considers this part of the complaint to be so purely political in character as to make it undesirable to pursue this aspect of the case further.

169. In these circumstances the Committee recommends the Governing Body to decide that these allegations do not call for further examination.

**Allegations relating to the Suppression of a Trade Union Newspaper**

170. In paragraphs 270 to 273 of its 70th Report the Committee considered allegations relating to the suppression in February 1962 of *Al Ommal*, the press organ of the Aden T.U.C., which the Government maintained had been due to its having published subversive or seditious material. The Aden T.U.C. contended that, while the authorities claimed that it published seditious material, they never prosecuted the editors on this ground. The Aden T.U.C. also claimed, in its communication dated 6 April 1963, that three applications for licences to publish a trade union newspaper were still outstanding.

171. The Committee recalled, at its meeting in May 1963, that in a number of cases in the past it had expressed the view that the right to express opinions through the press or otherwise is clearly one of the essential elements of trade union rights, and that in certain cases, where allegations as to the banning or suppression of trade union newspapers had been met by governments with the statement that the measure was taken because they published seditious matter or matter of a political and anti-national character, it had formulated its conclusions to the Governing Body only after it had had before it extracts from the publications concerned which the government regarded as justifying their prohibition, and had requested the government to furnish such extracts where they had not already done so in their observations.

172. The Committee, therefore, requested the Government to furnish extracts from *Al Ommal* on the basis of which its licence was revoked on the ground that it published subversive or seditious material.

173. In a further communication dated 13 June 1963 the Aden T.U.C. claimed that the High Commissioner (formerly the Governor) can prohibit any newspaper without showing any reason and that his action is not subject to review by any court of law.

174. In its communication dated 11 November 1963 the Government states that the revocation of the licence of the newspaper was not caused by a single article or a single issue but resulted from long-continued misrepresentation of news and was considered in conjunction with the security situation existing at that time. The Government adds that no application from the Aden T.U.C. to publish a newspaper is outstanding “at the moment” nor has any application been received since the present National Government of the State of Aden was established under the new Constitution of 18 January 1963.

175. The latest reply from the Government adds no new information to the general statement in its earlier reply that the newspaper was suppressed for publishing subversive or seditious material, which, apparently, did not lead to the prosecution...
of the editors of the newspaper, nor does the Government comment on the allegation that the revocation of a newspaper's licence is entirely within the discretion of the public authority, without the right of appeal to a court of law, an allegation which, if it is well founded, would appear to raise a question as to compatibility with the right of an organisation to organise its activities without interference on the part of the public authorities, pursuant to Article 3 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which has been declared applicable without modification to Aden.

176. In these circumstances the Committee requests the Government to be good enough to furnish fuller information on the aspects of the matter referred to in the preceding paragraph.

Allegations relating to the Banning of Public Meetings, Gatherings and Demonstrations

177. In its communication dated 13 June 1963 the Aden T.U.C. alleges that all public meetings, gatherings and peaceful demonstrations are banned, that Government Notice No. 21 of 1963 prohibits the exhibition of symbols, placards or pictures on any building, public or private, and that the police have removed flags, pictures and other symbols from trade union buildings.

178. In its reply to the complaint of the Aden T.U.C. the Government does not mention this matter. The Committee therefore requests the Government to be good enough to furnish its observations thereon.

Allegations relating to Non-Recognition of Trade Union Rights in the States of the Federation of South Arabia

179. In its communication dated 6 April 1963 the Aden T.U.C. alleges that in the states of the Federation other than Aden trade unions are illegal. It is alleged that the Aden Teachers' Union, recognised for the last seven years, is no longer recognised by the Federal Minister of Education because education concerns the whole Federation and not just the state of Aden. Since the formation of the Federation, it is alleged, other existing unions, as well as proposed new ones, are no longer recognised. The complainants add that, in Abyan state, employees who asked for a revision of wages have been arrested.

180. The Government states in its communication dated 11 November 1963 that under the Constitution of the Federation of South Arabia labour matters are the responsibility of the individual states. In the states other than Aden life depends on agriculture and there has been no demand for the formation of trade unions. "In fact", says the Government, "there is no trade union organisation in these states but it would be a misinterpretation to claim that trade unions are illegal in these states."

181. The Aden Teachers' Union is a registered union. In the past it has not sought recognition as a body with which the Government, as an employer, should negotiate, although in the past it has held informal discussions with the Education Department. On 6 February 1962 it applied for formal recognition and was requested to supply details of its constitution and membership. It did not reply to this request, but if it does reply, states the Government, further consideration will be given to the question of recognition.

182. To the formal allegation that trade unions are illegal in the states of the Federation, other than Aden, the Government replies that there are no trade unions in these states but that "it would be a misinterpretation to claim that trade unions are illegal in these states". The Committee requests the Government to state whether it would be correct to assume from this statement that workers in the states in question are legally entitled to form and join trade unions and carry on trade union activities if they wish to do so. The Committee also requests the Government to furnish its
observations on the allegation that employees in Abyan state who asked for a revision of wages were arrested.

**Allegations relating to the Employment (Registration and Control of Employment) Bill**

183. In its communication dated 13 June 1963 the Aden Trades Union Congress alleges that a proposed enactment, the Employment (Registration and Control of Employment) Bill, infringes trade union rights in a number of ways. The complainant furnishes a purported text of the Bill.

184. The complainant declares that the Bill provides for the registration of all workers—other than employees of the Government and semi-governmental bodies—and would prevent them from being employed unless registered and recommended by the Labour Exchange. When seeking to be registered, it is alleged, the worker would be asked personal questions concerning his political beliefs and affiliations and, if his answers were not satisfactory, would be refused registration and blacklisted. Even if a worker were registered and recommended, declared the complainant, the employer would not be bound to employ him and, in particular, would be able to refuse him employment because of his past trade union record. The complainant claims that this would be the effect of section 13 (3) of the Bill, which permits an employer to refuse to engage a registered worker where the employer "has good grounds for refusing to employ such person". The complainant contends further that, because section 21 of the Bill prohibits the conclusion of contracts of employment in contravention of the proposed ordinance, this will allow employers to ignore the collective agreements to which they have become parties and, in particular, to ignore closed-shop agreements which provide for "first in, last out" in the case of jobs by creating a vacancy in any way they like to get rid of troublesome union elements.

185. The complainants state that they are powerless to resist the Bill or make their views known because the legislature will automatically adopt it without consulting the trade union movement, while any public speech against the Bill is punishable with a minimum of three years' imprisonment on a charge of sedition.

186. In a communication dated 16 March 1964 the Government, without commenting on the specific points put forward by the complainant, declares that the Joint Advisory Council (see paragraph 128 above) "provides the Aden T.U.C. with an appropriate and effective means of expressing its detailed views on the proposed legislation, and these will be given full consideration by the Government of Aden".

187. In certain previous cases the Committee has considered how far it should comment on pending legislation. While the Committee has in certain cases dismissed allegations relating to proposed legislation, either because of the vagueness of the allegations ¹ or because the proposed enactment was not government-sponsored ², it has declared on the other hand that, when it has before it precise and detailed allegations concerning a proposed enactment submitted to the legislature by the Government, the fact that the allegations relate to a text which does not have the force of law should not of itself prevent the Committee from expressing its opinion on the merits of the allegations made. The Committee expressed the view that in such circumstances it is desirable that the Government and the complainant should be made aware of its point of view with regard to a proposed Bill before it is enacted, in view of the fact that it is open to the Government, on whose initiative such a matter depends, to make any amendments which may seem desirable.³

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¹ See 11th Report, Case No. 79 (Belgium), paras. 9-10, and Case No. 80 (Federal Republic of Germany), paras. 11-14.
² See 14th Report, Case No. 108 (Costa Rica), paras. 81-85.
³ See 14th Report, Case No. 105 (Greece), para. 136; 15th Report, Case No. 102 (Union of South Africa), paras. 160-165, and Case No. 103 (United Kingdom-Southern Rhodesia), paras. 210-212; 49th Report, Case No. 239 (Costa Rica), para. 329.
188. In the present case the complainant has furnished the full purported text of a government Bill and claims that its registration provisions would enable employers to commit acts of anti-union discrimination, in refusing to engage workers or dismissing them, and to ignore the provisions of existing collective agreements. These allegations, if justified, would appear to raise questions as to the application, particularly, of the provisions of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by the Government of the United Kingdom and declared applicable, without modification, to Aden.

189. The Government has not suggested in its reply that the purported text of the Bill furnished by the complainant and transmitted to the Government with the complaint is not a true copy of the Bill.

190. It appears from this text of the Bill that workers must be registered in different registers according to whether they are Aden-born or not. It is common practice for governments to make the employment of aliens subject to special rules, e.g. registration and/or the issue of work permits. In these circumstances the Committee considers that, at the present stage at least, it should confine its observations to the position under the Bill of workers in Aden who are not aliens.

191. In view of its declaration applying the said Convention No. 98 without modification to Aden the Government of the United Kingdom has assumed the obligation of ensuring that, pursuant to Article 1 thereof, workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

192. The Government has also undertaken to ensure, pursuant to Article 4 of the Convention, that measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers and employers' organisations and workers' organisations with a view to the regulation of terms and conditions of employment by means of collective agreements.

193. Moreover, Article 3 of the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), also declared applicable without modification to Aden, provides that 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.

194. It also appears from the text of the proposed Bill that, if it were to be enacted in its present form, access to employment in general and to particular employments would depend on a worker being registered and that a wide discretion would be accorded to the competent registering authority when deciding to grant or refuse registration. The Committee has drawn attention in the past, where job reservations have been determined by legislation, to the fact that such provisions may tend to prevent the negotiations by collective agreement of better terms and conditions, including terms and conditions governing access to particular employments, and thereby to infringe the rights of the workers concerned to bargain collectively and to promote and improve their working conditions which are generally regarded as essential elements of freedom of association. 1

195. The Committee, while taking note of the Government's statement that the Aden T.U.C. will be able to express its views through the Joint Advisory Council and that these views will be given full consideration by the Government of Aden, draws the attention of the Government of the United Kingdom to the importance which it attaches to the observance of the guarantees and principles referred to in the foregoing paragraphs, and trusts that due regard will be had to their implementation in the process of enacting the Bill in question.

1 See 15th Report, Case No. 102 (Union of South Africa), paras. 160-165.
196. Subject to the above observations, the Committee has decided to adjourn further examination of these allegations for the time being and to request the Government to be good enough to keep it informed as to further developments in this connection.

Allegations relating to the Registration of Societies Bill

197. In its communication dated 1 April 1963 the Postal, Telegraph and Telephone International (P.T.T.I.) refers to a proposal to enact legislation in Aden which would leave the ultimate decision whether a trade union should be allowed to exist or not in the hands of the Trade Union Registrar, or, in some cases, of the Registrar together with the Governor-in-Council.

198. The Aden T.U.C. in its communication dated 13 June 1963 alleges that the Registration of Societies Bill would oblige all existing societies to apply to register or apply for exemption from registration. The complainant contends that the Bill would empower the Registrar to refuse registration to the Aden T.U.C. if he were satisfied merely that it had any "connection with" any organisation or group "of a political nature" established outside the colony, and would oblige him to refuse registration: (a) if it "appeared" to him that it was "likely" to pursue or be used for any unlawful purpose or "any purpose prejudicial to or incompatible with peace, welfare or good order of the colony" or that "the interests of peace, welfare or good order in the colony would otherwise be likely to suffer prejudice by reason of the registration of such society"; or (b) if it appeared to him that the rules of the Aden T.U.C. were in respect "repugnant to or inconsistent with" the provisions of any law for the time being in force in the colony "and other circumstances as well".

199. Clearly, if such a text were to pass into law and it were established that the societies to which it would apply included trade union organisations, as is alleged would be the case, its provisions referred to above would call for examination in the light of the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which has been declared applicable without modification to Aden.

200. However, in its communication dated 4 September 1963, referring to the P.T.T.I. complaint, the Government states that the Bill has not yet been introduced into the Aden Legislative Council and that it is not intended to introduce it in the immediate future.

201. In its communication dated 16 March 1964, referring to the complaint of the Aden T.U.C. dated 13 June 1963, the Government again refers to the statement mentioned in the preceding paragraphs.

202. In these circumstances the Committee, without prejudice to its attitude in the future if a Bill in the terms alleged were to be introduced in the legislature, considers that no useful purpose would be served by pursuing further its examination of this aspect of the case at the present time and, therefore, subject to the above reservations, recommends the Governing Body to decide that these allegations do not call for further examination.

Allegations relating to Measures Taken during the State of Emergency

203. A series of complaints were submitted to the I.L.O. following the declaration of a state of emergency on 10 December 1963.

204. In a complaint dated 16 December 1963 the I.C.F.T.U. states that it received a report to the effect that Mr. Al Asnag, General Secretary of the Aden T.U.C.,
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and most of the other leading trade unionists had been placed in detention and had gone on a hunger strike after being maltreated, that members of a trade union delegation who saw the High Commissioner had been arrested, and that Aden T.U.C. office equipment had been confiscated. In a communication dated 17 December 1963 the I.C.F.T.U. states that it received a report that three trade union leaders, Messrs. Al Asnag, Khalifa and Mia, had been tortured.

205. The I.C.F.T.U. furnishes further details in a communication dated 6 February 1964. The complainant states that the Government of the Federation of South Arabia declared a state of emergency on 10 December 1963 following the throwing of a grenade at an official party at Aden Airport and that on 11 December the Aden T.U.C. wrote to the High Commissioner condemning the outrage. Many trade unionists were arrested until, in the first few weeks after the incident, some 50 trade unionists were in detention outside Aden state, including almost all the Aden T.U.C. executive committee. No charges were made. Four trade unionists who went to see the High Commissioner about the arrests were themselves arrested.

206. On 6 February 1964—the date of the complaint—it is alleged that 15 trade unionists were held in a detention camp at Alittihad, the federal capital, without having been charged. These were Messrs. Al Asnag, Ali Hussein Qadi, Muhamed A. Dahab, Abdu Khalil, Muhamed Saeed Basharein, Ahmed Haider, Ali Aswadi, Mohamed Shamsheir, Ahmed Abdul Malek, Salahudin A. Rehman, Othman Saif, Ibrahim Zokari, Abdulla Baidhani, Saleh Uriggi and Amin Aswadi. Three more trade unionists were in prison in Aden, but only one had been charged, on 22 January 1964, in connection with the bomb outrage. It had also been reported to the I.C.F.T.U. that the only member of the Aden T.U.C. executive still at liberty by early February, Mr. Khalid Abdo Ali, was arrested at that time.

207. The complainant alleged that office equipment belonging to the Aden T.U.C. and the trade unions was confiscated by the police in the first days after the bomb outrage and were not returned until a month later.

208. It is further alleged that, since 10 December 1963, all meetings of five or more persons held without the written permission of a person authorised by the Minister of Internal Security, in public or in a private place, for any purpose other than religion, sport, recreation or social intercourse, are prohibited, and that this renders illegal, unless previous authorisation is obtained, any trade union or union committee or shop stewards' meeting.

209. In its communication dated 24 January 1964 the W.F.T.U. alleges that, after the bomb outrage, the authorities arrested and deported thousands of persons, including hundreds of trade union members, including Mr. Al Asnag and Mr. Ali Hussein Qadi, Secretary and President of the Aden T.U.C., and other members of its executive. The W.F.T.U. says that the bomb outrage, with which these persons had no connection, has been used as a pretext to repress anti-colonial movements. In addition to confirming the allegations of the I.C.F.T.U. regarding confiscation of union property and the restriction of meetings, this complainant alleges that the Aden T.U.C. is refused access to its premises.

210. The Arab Federation of Petroleum Workers, in its communication dated 12 December 1963, declared that, on 11 December 1963, the Government of Aden arrested 200 Aden oil workers and all the members of the Aden Petroleum Workers' Union. In its communication dated 30 January 1964 this complainant states that of the 19 members of the executive of the Aden Petroleum Workers' Union 15 were in prison and two had been deported, while the authorities had confiscated the union's press and funds.
211. In its communication dated 16 March 1964 the Government declared that Mr. Al Asnag and some other trade union officials were among a considerably larger number of persons detained in December 1963 under the state of emergency declared after the bomb incident at Aden on 10 December which caused the deaths of two persons and injuries to 42 others. Those detained were not necessarily suspected of direct complicity in the bomb outrage. They were taken into custody because in the prevailing situation their activities were a threat to public security. The detention, contends the Government, had no connection with legitimate trade union activities. Some detainees were released very quickly and most of the remainder, including Mr. Al Asnag and the Aden T.U.C. and union officials, were released on 10 February 1964, leaving only one person—not a leading trade unionist—in detention in Aden under emergency powers.

212. Mr. Khalifa, an officer of the Aden Airway Employees' Union, named in the I.C.F.T.U.'s communication dated 17 December 1963, was one of those detained but was later charged with murder, as being the person who actually threw the bomb, and is awaiting trial.

213. When the detentions were made rumours spread fast that persons had been tortured. These rumours were proved to be untrue, says the Government, by three Labour Members of Parliament who visited Aden and saw the detainees, by the medical officer who visited them and by the report of the judicial inquiry conducted by the Chief Justice of Aden.

214. After the bomb outrage, states the Government, leaflets were circulated inciting further violence and describing the bomb thrower as a hero. During investigations the police removed typewriters and documents from the Aden T.U.C. office which they suspected to have been used in connection with these leaflets. They were returned to the Aden T.U.C. At no time were the offices of the T.U.C. closed.

215. In a letter dated 7 April 1964 the Government states that under the Emergency Decree a meeting of five persons or more requires prior authorisation. This applies to all organisations and not just trade unions. Such permission would not be withheld for trade union meetings for genuine industrial purposes. A permit has recently been granted to the Aden T.U.C. valid for one month to hold executive and branch representatives' meetings provided that only industrial matters are discussed and that the attendance is limited to 30 persons.

216. In its communication dated 13 May 1964 the Government declares that no oil workers or members of the Aden Petroleum Workers' Union were arrested on 11 December 1963 as alleged. At no stage during the state of emergency were more than 59 persons from Aden state detained. On 31 December 1962 the estimated membership of the Aden Petroleum Workers' Union was 2,627. On 31 March 1964, 2,575 members signed check-off certificates. At all times in this period the petroleum firms in Aden functioned normally. These facts, says the Government, prove the falseness of these allegations. Only one person, according to the Government, is detained in Aden state under the emergency regulations, and he is not a member of the Aden Petroleum Workers' Union. The Government denies that the press or any funds of the union were ever confiscated.

217. In a further communication dated 28 May 1964 the Government states that five members of the executive of this union were detained under emergency regulations, four being released by 10 February 1964 and the fifth being deported to Qa'itti state in the Protectorate of South Arabia, where he was born.

218. It is public knowledge that the political situation in Aden has been extremely tense for some time. In addition, a bomb was thrown on 10 December 1963 which killed two persons and injured 42 others. The Government immediately declared a state of emergency, temporarily detained a large number of persons, including
several trade union leaders, restricted the holding of all meetings of five or more persons, whether trade union meetings or not, granted a month's dispensation to the Aden T.U.C. for genuine trade union meetings of up to 30 persons and states that permission would not be withheld for any trade union meetings for genuinely industrial purposes. Finally, it would appear that the only leading trade unionist still in custody is the person awaiting trial on the charge of actually throwing the bomb on 10 December 1963.

219. The complainants have produced no evidence to show that any of the detentions in question were related to the trade union activities of the persons concerned or that the emergency regulations were applied in the case of trade unions in any way to their disadvantage compared with their application to other organisations and to the community as a whole.

220. In these circumstances, the Committee considers that the complainants have failed to show proof that the measures taken under the emergency regulations of 10 December 1963 constituted an infringement of trade union rights and, therefore, recommends the Governing Body to decide that these allegations do not call for further examination.

221. In all the circumstances the Committee recommends the Governing Body—
(a) to decide that the allegations relating to the political and legislative system in Aden and to measures taken during the state of emergency do not call for further examination;
(b) to decide, subject to the reservation made in paragraph 202 above, that the allegations relating to the Registration of Societies Bill do not call for further examination;
(c) to take note of the present interim report of the Committee with regard to the remaining allegations, it being understood that the Committee will report further thereon when it has received further information and observations which it has decided to request from the Government.

Case No. 292:
Complaints Presented by the British Trades Union Congress and the National Union of Bank Employees against the Government of the United Kingdom

222. When the Committee examined this case at its meeting in October 1962 it submitted an interim report to the Governing Body in paragraphs 136 to 243 of its 67th Report, which was approved by the Governing Body at its 154th Session (March 1963).

223. Paragraph 243 of the Committee's 67th Report contains the recommendations of the Committee and reads as follows:

243. In these circumstances the Committee recommends the Governing Body—
(a) to propose to the Government that it should arrange for an impartial, full and prompt inquiry, followed by an attempt to promote further negotiation towards an agreed settlement, as recommended in paragraphs 241 and 242 above;
(b) to note that the Committee has deferred until May 1963 its further examination of the allegation of the complainants that the Government is failing to ensure the application of the Right to Organise and Collective Bargaining Convention, 1949, in order to afford the Government an opportunity of indicating whether
it is in a position to accept this recommendation, and that the Committee will report further to the Governing Body at its 155th Session.

224. This decision of the Governing Body was brought to the notice of the Government of the United Kingdom by a letter dated 13 March 1963.

225. At its meeting on 27 May 1963 the Committee had before it a letter from the Government, received on 8 April 1963, in which the Government stated that it accepted the recommendation of the Committee and had decided to arrange for an inquiry into the alleged matters to be conducted by the Hon. Lord Cameron, D.S.C., Q.C., a Judge of the Court of Session, assisted by assessors nominated by the interested parties.

226. The Committee submitted a further interim report to the Governing Body in paragraphs 280 to 284 of its 70th Report, which was approved by the Governing Body in the course of its 155th Session.

227. Paragraph 284 of the Committee's 70th Report contains the recommendations of the Committee and reads as follows:

284. In these circumstances the Committee recommends the Governing Body—

(a) to note with satisfaction the Government's statement that, accepting the recommendation contained in paragraph 243 of the 67th Report of the Committee, it has decided to arrange for an inquiry into the matters alleged, to be conducted by the Hon. Lord Cameron, D.S.C., Q.C., assisted by assessors nominated by the interested parties;

(b) to request the Government to be good enough to keep the Governing Body informed as to further developments and to furnish the report and findings of the inquiry when they become available.

228. This decision of the Governing Body was brought to the notice of the Government by a letter dated 13 June 1963.

229. At its meeting on 4 and 5 November 1963, the Committee, as indicated in paragraph 8 of its 72nd Report, adjourned its examination of the case, as it was still awaiting information from the Government as to the outcome of the inquiry.

230. By a letter dated 11 December 1963, the Government forwarded a copy of Lord Cameron's report, which had been presented to Parliament on 28 November 1963. In its letter the Government draws particular attention to paragraph 303 of the said report, which reads as follows:

It appears to me, therefore, that as indicated in paragraphs 264 to 283 of the specific allegations made against the four banks, some which I have selected are irrelevant to charges of breach of Article 2, paragraph 2, of Convention No. 98 in that they relate to events long prior to the signature of the Convention and are not related to a continuing course of conduct subsequent thereto, that those which are relevant in time are for the most part either not proved or shown to be seriously exaggerated or misrepresented. Under the wider question as to whether, taking into account the admitted circumstances and proved facts as a whole, it would be said that the complainers succeeded in bringing home breach of Article 2, paragraph 2, in either of its branches, I should conclude, were mine the decision, that the complainers have failed to do so.

231. The Government also draws attention to the concluding section of Lord Cameron's report, in which suggestions are put forward for improving relations in the banking industry as a whole, and it is pointed out that the inquiry has created an opportunity for securing a permanent improvement in relations in that industry.

232. The Government goes on to state that the Minister of Labour has accepted Lord Cameron's view that the National Union of Bank Employees (N.U.B.E.) has
Report of the Committee on Freedom of Association

“not succeeded in establishing that Her Majesty's Government is in breach” of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Minister, continues the Government, “has also welcomed the suggestions made for action to improve relations in the banking industry, and he has commended these suggestions to the organisations concerned for urgent and careful consideration”. In conclusion, the Government adds that “officers of the Department are getting in touch with the organisations to offer their help in following up these suggestions”. The Government asks for the terms of its letter and Lord Cameron's report to be brought to the notice of the Committee.

233. The first two parts of the report are formal. Parts III and IV indicate the form and history of the complaint and make a brief analysis of it.

234. In Part V of his report, Lord Cameron makes his analysis of the relevant Articles of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by the United Kingdom.

235. He refers especially to Article 2 of the Convention, which reads as follows:

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

236. In this connection Lord Cameron remarks that the said Article 2 is silent as to the objects for which domination or control is being sought or acquired, but that “the promotion or support must be for the purpose of domination, so that the mere fact of promotion or support of workers' organisations is not per se a contravention of the Article”. However, the complainants had stated that domination was exercised in order to afford a pretext for withholding recognition of the National Union of Bank Employees and for not according negotiation rights to it. This, says Lord Cameron, opened the door to a difficult question “which does not expressly arise out of the provisions of that Article”, that is, “the question of the extent to which an employer is entitled to select which trade union or association of workpeople he will accept as representative of the whole, where more than one union or association can claim membership among employees in the same grade or grades”. That is why, says Lord Cameron, he permits himself subsequently to make certain observations on wider issues raised in the inquiry.

237. Lord Cameron also draws attention to his view that, while the complaint is not based on Article 4 of the Convention, the complainants allege certain breaches of that Article with the apparent idea of contending that national negotiating machinery should be established and that N.U.B.E. should have the right to be recognised as the employees' representative. However, the complaint not being based on this Article, he declined to deal with it as if it were, although he does not consider that such a contention appears to be warranted from the wording of Article 4.

238. Lord Cameron refers to arguments of interpretation submitted to him. Counsel for the District Bank expressed the view that the use of the plural in paragraph 1 of Article 2 of the Convention should mean that the whole Article cannot refer to acts of individual employers who are not members of an employers' organisation. The complainants' view was that the term “employers' organisation” in paragraph 2 of Article 2 covers such entities as joint stock companies. He rejects these arguments and expresses the opinion that the word “employers" in Article 2, paragraph 2, must be inter-
239. In Lord Cameron's view it would be unfortunate if a complaint raising "serious and important issues of act and of policy should be determined upon a technical point of interpretation ".

240. The Committee takes formal note that Lord Cameron has rejected the contention that Article 2 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), cannot be construed as applying to individual employers who are not members of employers' organisations.

241. Parts VI and VII of the report relate to the scope of the inquiry and to the opening submissions on behalf of the parties. In particular, he states his reasons for limiting the inquiry to the cases of the four banks named by the complainants and not extending it to the whole banking industry. Having heard counsel for both sides, Lord Cameron rules that his terms of reference must limit him to the particular matters which were set out in the complaint submitted to the I.L.O. by N.U.B.E., its supplementary memorandum and relative appendices, and the statements contained in the replies made to that complaint in relation to the four banks named therein. He adds: "I was appointed not to hold a court of inquiry in the familiar terms which have been applied to specific industrial disputes, but to hold an extra-statutory inquiry into allegations made to an external international authority and into the replies to these allegations made by the parties directly affected or named."

242. The Committee takes note of the reasons given by Lord Cameron for his ruling that his inquiry should be limited to matters relating to the four banks which were the subject of criticism in the complaint examined by the Committee, and observes that in this respect the inquiry has given effect to the recommendation of the Governing Body that an inquiry into the matters alleged be arranged by the Government.

243. Part VIII of the report reviews the evidence of witnesses on behalf of the complainants and of the staff associations concerned. In fact, this evidence in substance covers all the matters already submitted to the Committee by the complainants and in the statements of the bank staff associations. In the inquiry, however, no witnesses appeared as representing the directorates of the banks concerned, although the banks had previously furnished their own observations to the Committee. However, counsel for each of the four banks questioned the witnesses called by the complainants and the staff associations. On this aspect of the matter Lord Cameron refers to the protest by counsel for N.U.B.E. when the banks elected not to give evidence, but, says Lord Cameron, "it seemed to me that the real substance of his complaint was that this decision deprived him of the opportunity of cross-examining any witnesses who might have been called. But I did not feel that the purpose or scope of this inquiry was limited or to any degree defeated by this decision ".

244. In this connection, the Committee considers that, when a government agrees to undertake, in response to a recommendation by the Governing Body, a national inquiry of the kind arranged in the present case, questions of procedure which may arise in the course of such inquiry are clearly matters to be dealt with by the body to which the inquiry is entrusted and are not appropriate for further consideration by the Committee when it has before it the results of the inquiry.

245. Part IX of the report contains an account of the closing submissions by counsel for the various parties.

246. Lord Cameron's "conclusions in fact" form the subject of Part X of the report. In this part Lord Cameron, at some length, reviews and gives his view as to how far each of the very large numbers of facts alleged are to be regarded as founded or not founded, in regard to each of the four banks named in the complaint. In
paragraphs 284 to 303 he arrives at his general conclusions on the evidence, some of the essential aspects of which are analysed below.

247. As far as the contentions of N.U.B.E. as to its representativeness are concerned, he finds that in the case of the District Bank and Martins N.U.B.E. has something like 40 per cent. membership, considerably less in the National Provincial Bank, but that it has 700 members in the Yorkshire Bank compared with the 500 of the staff association, but that, in any event, N.U.B.E. "has achieved a respectable degree of membership viewed either absolutely in relation to the total staffs or relatively by comparison with the membership figures of the staff associations . . . . It would at least appear to be a factor which would provide a relevant and substantial consideration in any deliberation or discussion as to recognition of the union in a negotiating and representative capacity."

248. None of the four banks has granted recognition to N.U.B.E., that is, the managements have no personal contact with the officers of the union, although correspondence from the union concerning terms and conditions of employment and other matters is "accepted or at least noted". The banks maintain that recognition has not been accorded because they consider the legitimate interests of the employees to be adequately safeguarded by the staff associations. It is found that facilities for N.U.B.E. meetings are not officially provided on the premises of the four banks and no assistance is afforded in the distribution of the union's literature or exhibition of its notices or announcements; Lord Cameron says: "As, however, none of the banks recognises the union's representative capacity, it is not an illogical consequence." To this extent, he adds, the positive assistance given to the staff associations in this regard puts them in a stronger recruiting and publicity position.

249. Lord Cameron accepts that, prior to 1945, the management of the District Bank exercised discrimination against members of the union (then known under another name) and exercised pressure to cause them to leave the union. He has found no such evidence in the case of the other three banks, and no evidence of such conduct in the case of the District Bank since the change of management in 1945.

250. On the general issue of employer domination, Lord Cameron finds that there was no evidence "of any direct influence or pressure brought to bear by any of the four banks on members or officers of their staff associations to adapt or alter constitutional provisions to the employers' liking, to influence selection or election of office-bearers, or in any way to influence their actions while in office", and that no firm basis could be found for the suggestion that the staff associations are not independent, or that they are dominated by the employers or that they receive financial or other support for the object or purpose set forth in Article 2, paragraph 2, of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). With respect to the alleged financial support of the staff associations by the banks, Lord Cameron considers that the evidence given showed that the circulation of staff association literature is facilitated by use of the banks' mail, that sometimes bank stationery is used by staff association officers, and that the principal officials of the staff associations receive their full salary from the banks although they do a greater or less amount of staff association work in banking hours with the consent of the employers. It did not appear to him, however, that any of these financial benefits or advantages operate so as to bring the staff associations under domination or control of the employers in the generally accepted sense of either of these words, or that they were given to further any such object or purpose, or that they materially affected the capacity of the staff associations for independent financial existence. He rejects the complainants' argument that the benefits in question infer domination.

251. Lord Cameron then deals with the complainants' contention that the fact that, by their constitutions, the staff associations have no power to call a strike means that they accept a permanent position of subjectation to the banks. He finds no evidence to show
that the banks obliged the associations to frame their constitutions in this way, and points to the fact that the arrangements now in force for the settlement of disputes include independent and binding arbitration.

252. In all these circumstances Lord Cameron formulates the conclusions, with respect to the allegation of violation of Article 2, paragraph 2, of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which are reproduced in the letter from the Government of the United Kingdom and cited in paragraph 230 above, and which he terminates by saying that, with regard to the question as to whether the complainants have succeeded in proving such violation, "I should conclude, were mine the decision, that the complainers have failed to do so ".

253. Lord Cameron thus expresses his own view while recognising that the responsibility for the actual taking of decisions as to whether any established facts constitute an infringement of an international labour Convention lies elsewhere. The Committee attaches the greatest importance to the principle that the question as to whether an international labour Convention has or has not been violated is a matter for international and not national judgment. In the present case a national inquiry was suggested with a view to illuminating and elucidating a mass of complex and controversial facts which could not have been satisfactorily determined by an international procedure in all the circumstances of the case. The Committee accepts the findings of fact in full, but, while noting Lord Cameron's own view that if it were for him to decide he would consider the facts as found do not constitute a violation of the Convention, considers that any decision as to whether there is or has been any violation of the Convention on the basis of the facts submitted, if it should at any time become necessary to decide the question, is a matter for determination by the appropriate international procedures.

254. Lord Cameron then proceeds, in Part XI of his report, to set forth his general conclusions.

255. He expresses the view that a union's claim to recognition does not exclude the right of employees freely to select the association or union of their choice, but that this freedom in turn gives rise to another question as to freedom of choice—"the freedom or right of an employer to select which of two or more unions or associations of employees, drawing their membership from the same grade or grades, he will recognise as representatives of those employees ". In this connection, he refers to the examination of Case No. 96 (United Kingdom)1 by the Committee on Freedom of Association as affirming that employers have this right.

256. This reference to the meaning of the conclusions reached in Case No. 96 calls for certain observations on the part of the Committee. The finding of the Committee in Case No. 96 was that nothing in Article 4 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), "places a duty on a government to enforce collective bargaining, by compulsory means, with a given organisation, an intervention which ", as the Committee had observed in an earlier case, "would clearly alter the nature of such bargaining ". In that case, union security arrangements had been made by the employers in agreement with very large unions representing nearly 100 per cent. of the employees. On those facts, the Committee considered that it was only called upon to consider whether or not trade union rights were infringed because an inter-union dispute had resulted in the employers recognising certain unions for the purposes of collective bargaining while refusing to recognise the complaining organisation, the government being unwilling to intervene in the matter. The Committee concluded that the complainants had not offered sufficient proof that the refusal of the employers to recognise the complaining organisation as a bargaining agent constituted, in that particular case, an infringement of trade union rights.

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1 See 13th Report, paras. 115-139.
257. The facts in the present case are substantially different. Article 4 of the Convention calls for "measures appropriate to national conditions to be taken where necessary...". The question of what measures are appropriate and necessary must be governed by the facts of each particular case.

258. Lord Cameron then refers to the desire of N.U.B.E. for the setting up of national negotiating machinery. In support of its claim that such machinery would be more effective, N.U.B.E. had drawn attention to the existing manner of applying pay scales arising from agreements or awards in which the union and the Committee of London Clearing Bankers are concerned. Before this issue can be usefully approached, however, Lord Cameron considers that there must be a settlement of more immediate difficulties subsisting in the relations between the parties directly involved in the present case.

259. One difficulty, he considers, is that of the attitudes of the parties to each other. He feels that one factor which has influenced the staff associations has been the claim of N.U.B.E. to have not merely recognition, but sole recognition. Over many years the four banks have not deviated in their attitude to N.U.B.E. But the attitude of N.U.B.E. has not always been consistent. It was ready in 1955 to join with the Central Council of Bank Staff Associations in the formation of negotiating machinery with the Committee of London Clearing Bankers. Since the failure to reach final agreement at any time, says Lord Cameron, the attitude of N.U.B.E. against any co-operation had hardened. Some signs of less rigidity on the part of N.U.B.E. which Lord Cameron feels he sensed during the inquiry would, if that were the case, be "a development to be welcomed and encouraged". In this connection, too, he expresses his view that he can see no sign of the four banks withdrawing recognition from the staff associations and that it does not appear to him that they have any reason to do so. Yet, he adds, though N.U.B.E. is not recognised as a negotiating body and its subscriptions are higher than those of any staff associations, a large number of employees of the four banks choose to be members of N.U.B.E.

260. This general assessment of the factual situation leads Lord Cameron, in paragraphs 319 to 339 of his report, to make a number of concluding observations and suggestions.

261. All these circumstances, declares Lord Cameron, "suggest that the four banks as well as the N.U.B.E. might find it of advantage to look again at the realities of the situation as they exist today and in the light of the facts that have been established" by the inquiry.

262. Firstly, he considers that there are certain points for the managements of the four banks to bear in mind. One of the facts which impressed him is that, while the four banks accept written representations from the officers of N.U.B.E., they will not accept oral representations. As it had been proved, the Midland Bank, the Westminster Bank, and on certain matters, Williams Deacon's Bank, do accept oral representations from N.U.B.E., and the General Secretary of N.U.B.E. is accorded the right of interview with the Chairman of Lloyds Bank, while N.U.B.E. is associated in negotiating machinery with the C.W.S. and Trustee Savings Banks. While one reason why the four banks do not change their attitude towards N.U.B.E. may be a certain degree of immoderateness at times on the part of the union, Lord Cameron is not sure that refusal to have any contact with an organisation is always the best method of combating extreme views held by that organisation where it is representative of a substantial body of workers. The removal of this distinction between written oral representation would not appear to present great difficulty and, in view of the importance attached to it by the parties, would remove one obstacle to a radical improvement in the relations between N.U.B.E. and the four banks. He adds: "I think also that consideration of the extent to which N.U.B.E. has arrived at a modus vivendi with other banks... might be most relevant and useful when the four named banks come to consider the terms of this report and its findings." Lord Cameron
sees a “certain cogency” from a practical point of view, having regard to its numerical strength, in N.U.B.E.’s contention that its voice should be heard in presentation of matters affecting its members to the managements of individual banks more effectively than can be done by the submission of written representations alone.

263. Lord Cameron then calls upon N.U.B.E. to reconsider its own attitudes, stating: “A further point which appears to me to arise, and to deserve serious consideration by those responsible for the direction of the policy of N.U.B.E., is that one consequence of this inquiry should cause them to look again at the staff associations in the light of the facts as they exist today.” He criticises N.U.B.E. for having “failed to appreciate the factual independence of the staff associations in their constitutions and functions” and the significance of their membership strength, and strictures the union for some of the attitudes it has adopted in the past and for not burying ancient grievances and looking at present-day realities.

264. Addressing himself both to N.U.B.E. and the staff associations, Lord Cameron suggests that a reappraisal of the position should “lead responsibly-minded men both in the N.U.B.E. and in the staff associations to a recognition and acceptance of each other . . . as representative organisations” with a community, if not identity, of interest.

265. In the opinion of Lord Cameron it is amply clear that there is great room for improvement in the relations of all parties principally concerned and that, in the interests of the industry as a whole, there is need for action to secure that improvement. He adds significantly: “The occasion of this complaint, the action of the Committee taken after consideration of it and the holding of this inquiry, with its full, careful and competent presentation of the facts and arguments, all suggest that the opportunity for securing such permanent improvement now presents itself to those who are concerned and may not readily recur.”

266. Without attempting to point to any precise solution, Lord Cameron feels that a wise and first step would be for all parties to try, with the aid of officers of the Ministry of Labour, to explore the extent, manner and method in which the N.U.B.E. representations on matters affecting the interest of their members could be conveyed to and considered by and with the managements of the four banks or with their representatives in oral as well as written exchanges, but without prejudice to the full recognition at present enjoyed by the staff associations.

267. He rejects, however, any claim by N.U.B.E. to the right of exclusive representation of bank employees, and refers again to what he calls “an employer’s undoubted right to select which of two or more workers’ organisations he is prepared to acknowledge as representative of his employees and with which he is prepared to negotiate terms and conditions of employment”. But for practical purposes, he says, the existence of N.U.B.E., with a nation-wide membership, is a fact which can no more be ignored than the existence of the independent staff associations. In view of the relations already existing with the Committee of London Clearing Bankers and of the factual existence both of N.U.B.E. and the Central Council of Bank Staff Associations, Lord Cameron suggests that the field of “national activity” might be one in which there is greatest room for agreement. Any mutual agreement on national, general issues would inevitably have its reaction on relations at the bank level.

268. The Committee observes that there has been a full inquiry by Lord Cameron into all the facts and issues which were submitted to the Committee. As a result of that inquiry Lord Cameron has presented a comprehensive report in which he finds that certain facts have been proved and others have not been proved by the complainants. While his own view is that the evidence does not reveal any infringement of the provisions of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98),
he declined to conceive his task as one of determining "serious and important issues of fact and of policy . . . upon a technical point of interpretation". In this broader approach to the problem, the inquiry has undoubtedly revealed that a considerable number of elements have subsisted and still subsist which are not at all conducive to sound industrial relations in the banking industry. While he has limited his inquiry to issues involving the four banks named in the case and his recommendations for immediate consideration relate essentially to those issues, he has made a number of suggestions as to action which might be taken to effect a permanent improvement in industrial relations which would benefit the banking industry as a whole and the attainment of which would call for the co-operation of employers and employees in that industry in general.

269. When the Governing Body proposed to the Government of the United Kingdom that it should arrange for an impartial, full and prompt inquiry, it further proposed to the Government, on the recommendation of the Committee, that, if the inquiry should be made, it should be followed by an attempt to promote further negotiation towards an agreed settlement. Lord Cameron has made a number of suggestions as to lines of future action and conduct which might help to attain such a settlement, the first of which, in point of time, was for the parties to seek to enlist the aid of officers of the Ministry of Labour. In doing so he urged that the present moment presents an opportunity which may not recur for endeavouring to seek by negotiation an improvement in the situation as a whole.

270. The Government now states, in its letter dated 11 December 1963, that it "has welcomed the suggestions" of Lord Cameron, "made for action to improve relations in the banking industry" and "that officers of the Department are getting in touch with the organisations to offer their help in following up these suggestions".

271. In these circumstances, the Committee recommends the Governing Body—

(a) to take note that the inquiry arranged by the Government of the United Kingdom on the proposal of the Governing Body and entrusted to a Judge of the Court of Session (the Hon. Lord Cameron, D.S.C., Q.C.) has now been completed and that Lord Cameron’s report on his inquiry has been presented to Parliament by the Minister of Labour, published and communicated to the International Labour Organisation;

(b) to note that the scope of the inquiry corresponds with that of the complaint which the Governing Body recommended the Government to submit to such an inquiry;

(c) to take note of Lord Cameron’s rejection of the contention that Article 2 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), cannot be construed as applying to individual employers who are not members of employers’ organisations;

(d) to note that, in accordance with the hope expressed by the Committee in paragraphs 241 and 242 of its 67th Report, the report of Lord Cameron contains a number of suggestions for both immediate and subsequent action which might lead to a permanent improvement of industrial relations in the banking industry, and to note further the Government’s statement that officers of the Ministry of Labour are getting in touch with the organisations concerned to offer their help in following up those suggestions;

(e) to invite the Government to consider possible means of encouraging appropriate arrangements for determining the representative character of workers’ organisations where necessary;

(f) to request the Government to inform the Governing Body as to further developments when the circumstances so allow.
Case No. 294:

Complaints Presented by the International Confederation of Free Trade Unions, the International Federation of Christian Trade Unions and the World Federation of Trade Unions against the Government of Spain

272. The Committee has already reported to the Governing Body on this case in its 66th, 68th, 70th, 72nd and 74th Reports. In paragraph 200 of its 74th Report, the Committee made a series of recommendations to the Governing Body. By letter dated 19 April 1964 the Government has now sent its observations with regard to a number of those recommendations, which relate to the various allegations previously examined by the Committee.

Allegations relating to Arrests and Deportations as a Result of the Strikes of 1962

273. In Paragraphs 170 to 176 of its 74th Report the Committee examined the situation in regard to these allegations. The Government had persisted in its refusal to make available the texts of the judgments concerning the 47 persons convicted in connection with the strikes of 1962; however, the Government stated that 37 of those persons had been released and that ten were still in prison, although their sentences had been reduced. It was stated that six of these ten persons would probably be released before the beginning of 1965. The Government also reported on the nature of the offences of which these ten persons had been convicted. The Government had also sent the text of Act No. 154/1963 to establish public order courts and a corresponding examining magistrate's office.

274. In the circumstances the Committee made the following recommendation to the Governing Body in paragraph 200 (a) and (b) of its 74th Report:

(a) to note, with regard to the allegations relating to arrests and deportations as a result of the strikes of 1962, the Government's statement, in its communication dated 10 February 1964, that 37 of the 47 persons stated to be still in prison in January 1963 have now been liberated as a result of clemency measures, that the ten persons still in prison were sentenced for having committed acts designed to bring about the forcible overthrow of the Government, and that six of these ten persons are likely to be released by the beginning of 1965;

(b) to note that Act No. 154/1963 establishing a court and tribunal of public order sets up a tribunal and a court within the ordinary judicial system with sole power to deal with a series of offences, usually under the shortened emergency procedure provided for by the Criminal Indictment Act (Book IV, Title III), and that the Act also provides for the possibility of review in cases where the final decision has not been given;

275. In its communication of 29 April 1964, the Government stated that by Decree No. 786/1964 (the text of which was enclosed) a general amnesty had been granted to supplement the eight previous general amnesties granted over the last 25 years. The Committee notes that sections 4 and 5 of the decree seem to be applicable to the ten convicted persons. Under section 4 an amnesty is granted amounting to one-sixth of the sentences imposed for crimes or misdemeanours committed prior to 1 April 1964. Section 5 provides that if a partial reduction provided for in the last preceding section coincides with reductions under other general amnesties, the total reduction shall not exceed one-half of the duration of the sentence or sentences of imprisonment that have been or may be imposed. The Committee therefore recommends the Governing Body to take note of this further amnesty decreed by the Spanish Government and to request the Government to report how the ten convicted persons have been affected by this decree.
276. The Government also reports that the provisions establishing the Special Military Court and defining its powers were abrogated by Decree No. 712/1964, a copy of which is also enclosed with the letter. Under the decree cases that were pending before the said Court are to be tried by the ordinary courts. The Committee recommends the Governing Body to take note of this measure.

Allegations relating to Measures of Compulsory Residence on Account of Trade Union Activities


278. The Committee consequently recommended the Governing Body in paragraph 200 (c) of its 74th Report—

(c) with respect to the allegations relating to measures of compulsory residence on account of trade union activities—

(i) to take note of the fact that, at the present time, none of the persons in question is subject to a compulsory residence order;

(ii) to take note of the fact that the Government refers only in general terms to the activities of a subversive character which are stated to have been the reason for the measures taken against them, and that it supplies no details concerning the procedure employed in taking such measures;

(iii) to draw the Government’s attention to the importance which the Governing Body has always attached to ensuring due process of law whenever trade unionists are charged with offences of a political character or ordinary crimes, expressing the hope, as it did in a previous case concerning Spain, that governments desiring to see labour relations develop in an atmosphere of mutual confidence will have recourse, when dealing with situations resulting from strikes and lockouts, to measures provided for under common law rather than to emergency measures, which involve a danger, by reason of their very nature, of certain restrictions being placed on fundamental rights;

279. In its communication dated 29 April 1964 the Government refers particularly to subparagraph (ii) above and states once again as it had already done in its previous communication that these measures were taken by the competent authorities in accordance with the Legislative Decree of 8 June 1962 and with article 35 of the Spaniards’ Charter. The Government states that these provisions determine what legal procedure would be followed. Moreover, the judiciary power, acting through the administrative courts, is responsible for supervising all the activities of the administration and the public authorities. The administrative courts, which are governed by an Act of 26 December 1956, are competent to consider the substance of measures taken under government powers with regard to public order, and the courts have accordingly annulled a number of measures and penalties imposed.

280. The Committee regrets that the Government should not have specified, on this occasion either, the particular acts alleged to have been committed by the persons in respect of whom compulsory residence orders were issued. Similarly the Committee must regret that the Government should have made no specific reference to the procedure followed in issuing such orders; the information the Government supplies
refers solely to legal provisions that empowered the authorities to issue such orders, and not to the procedure as such.

281. On the other hand the Committee notes that according to the information supplied by the Government the orders issued by the authorities under their powers with regard to public order—and therefore also forced residence measures—are subject to review by the administrative courts, which may consider the substance of the case. The Committee considers that, even though this possibility of appeal to the courts can afford a remedy for injustices, it does not prevent unjust measures from being imposed which could as an immediate consequence affect workers in their trade union activities. In this connection the Committee recalls that according to the Government's communication of 10 February 1964 none of the forced residence measures was any longer in effect once the circumstances that had given rise to them no longer existed. However, in the same communication the Government also stated that these measures were taken on account of activities of subversive intent, or of the organisation of subversion or incitement to subversion. It would seem, therefore, that the Government issued compulsory residence orders in respect of the persons concerned—who were accused of having committed certain offences—without any form of trial, and that once "the circumstances" that called for these measures no longer existed the orders were no longer applied. This means, in other words, that the persons in question can be sentenced to compulsory residence without any decisions being taken as to whether they are really guilty, and that they later recover their freedom of action not because they have served a sentence but because the situation which gave rise to the measure has altered.

282. The Committee cannot refrain from emphasising the possibilities of abuse that can arise from such a situation, especially with regard to trade union activities, and recommends the Governing Body to urge the Government, when it draws the Government's attention to the contents of the last two paragraphs, to have recourse, when dealing with situations resulting from strikes and lockouts, to measures provided for under ordinary law rather than to emergency measures.

Allegations relating to the Spanish Legislation concerning Strikes

283. When it analysed this aspect of the case in its 74th Report, the Committee had before it the Government's communication dated 10 February 1964. On the basis of its examination of that communication the Committee recommended the Governing Body, in paragraph 200 (d)—

(d) with respect to the allegations relating to the national legislation concerning strikes—

(i) to take due note of the Government's statement, in its communication dated 10 February 1964, that there is no ground for any interpretation of existing Spanish legislation as meaning that there is an absolute ban on strike action, that Decree No. 2354/62 recognises that collective disputes of an industrial character are lawful and that section 222 of the Penal Code has constantly been interpreted as meaning that only strikes which were intended to cause subversion or sedition could be considered to be illegal;

(ii) to reaffirm the views expressed in paragraphs 137 to 138 of the 68th Report of the Committee that the right of workers and their organisations to strike as a legitimate means of defending their occupational interests is generally recognised and that restrictions imposed on strikes should be accompanied by adequate, impartial and speedy conciliation and arbitration procedure;

284. In its further communication dated 29 April 1964 the Government refers to previous reports supplied with regard to the conciliation and arbitration procedures
provided for under Spanish law, and states that these procedures are in conformity with the recommendation of the Committee on Freedom of Association. The Government refers to paragraph 152 of the 68th Report, which mentions the recommendation of the Committee that the restriction of strikes should be accompanied by adequate, impartial and speedy conciliation and arbitration procedures.

285. The Committee must explain in this respect that the recommendation in question refers not to the restriction of the right to strike as such but to the restriction of that right in essential services or in the public service, in relation to which the Committee has stated that adequate guarantees should be provided to safeguard the workers' interests. 1

286. The Committee therefore recommends the Governing Body to draw the Government's attention to the contents of the last paragraph and to repeat that, when strikes are prohibited or restricted in essential services and in the public service, the Committee has always attached importance to the provision of adequate guarantees to safeguard the interests of the workers who through such prohibition or restriction are deprived of an essential means of defending their occupational interests.

 Allegations relating to the Strikes of 1963

287. In its 74th Report the Committee continued its examination of these allegations made by the I.C.F.T.U. and the I.F.C.T.U. in their communications dated 16 August, 21 August and 24 September 1963, concerning which the Government furnished observations in two communications dated 16 and 19 October 1963. The complainants had given the names of eight persons, Messrs. Pedro León Álvarez, Leonardo Velasco García, Gerardo Álvarez García, José Cuesta García, Antonio Paredes Fernández, Francisco Rubio Casa, César Fernández Fernández and Faustino Rodríguez García, who had been arrested on the grounds that they had been ringleaders in the Asturian strikes of 1963 and had engaged in subversive propaganda activities. In its communication of 10 February 1964 the Government stated that of the eight persons arrested Mr. Pedro León Álvarez had already been released.

288. On that occasion the Committee analysed the joint complaint of the I.C.F.T.U. and the I.F.C.T.U. contained in a communication dated 8 October 1963 in relation to which the Government had made no observations. In that communication, the I.C.F.T.U. and the I.F.C.T.U. gave details of the ill-treatment and tortures alleged to have been inflicted on Rafael González, Silvino Zapico and his wife, Vicente Marañaga, Alfonso Braña and his wife, Antonio Zapico, Jerónimo Fernández Terente, Jesús Ramos Talavera, Everardo Castro, Tina Martínez, Juan Alberdi and others. The first of those named was stated to have died as a result of his tortures. It was also alleged that firms not affected by the strikes which took on workers who had taken part in them were made to pay a fine of 1,000 pesetas the first time and 6,000 pesetas the second time, while if they did so a third time, they were closed down. According to the complainants this information was obtained from a letter to the Minister of Information and Tourism signed by over 100 intellectuals; a copy of this letter was attached to the complainants' communication.

289. With regard to these allegations the Committee recommended the Governing Body in paragraph 200 (e) of its 74th Report—

\[ (e) \]\n
See, for example, 26th Report, Cases Nos. 134 and 141 (Chile), para. 76; 30th Report, Case No. 172 (Argentina), para. 178; 54th Report, Case No. 179 (Japan), para. 60; 58th Report, Case No. 192 (Argentina), para. 447; 69th Report, Case No. 285 (Peru), para. 63, and Case No. 363 (Colombia), paras. 220 and 241.
tioned by the complainants are still at the disposal of the authorities without having been sentenced; and that the Government has not yet furnished observations on the detailed allegations made in the complainants' communication dated 8 October 1963;

290. In its communication of 29 April 1964 the Government reported that Pedro Léon Álvarez and the other seven persons referred to in subparagraph (e) quoted above had been tried by the provincial court of Oviedo, that is to say by the ordinary court. All these persons have now been released. The Government does not refer to the allegations contained in the letter of 8 October 1963.

291. The Committee observes that the eight persons mentioned in the original complaint have now been released but that the Government has not sent in the copies of the judgments that were previously requested. In the circumstances the Committee cannot properly weigh the statements made by the complainants, nor give an opinion on the allegations themselves. The Committee therefore recommends the Governing Body to express its regret that the Government should have failed to send in the texts of the judgments it had been requested to supply, and to note that the persons mentioned by the complainants have now been released after trial by an ordinary court.

292. As regards the complaint contained in the complainants' communication dated 8 October 1963 the Committee recommends the Governing Body to also express its regret that the Government has not replied, and to urge the Government to do so with the shortest possible delay.

Despatch of a Commission of Inquiry

293. In paragraphs 197 to 199 of its 74th Report, the Committee reconsidered the question of the requests made by various trade union organisations for the sending of a commission of inquiry.

294. On that occasion the Committee stated:

198. The Committee observes that the first of such requests was made in 1962, in connection with matters arising out of the strikes of 1962, when the immediate question before the Committee was to determine whether the persons arrested at that time had engaged in the lawful exercise of the right to strike—which the Government had said [was] not per se unlawful—or in subversive activity, a matter in the determination of which the Committee has pointed out that it cannot assess the relative weight of the assertions of the complainants and the denial by the Government in the absence of corroboration by satisfactory evidence. While certain information has since then been furnished by the Government with regard to the cases of 47 persons arrested in connection with the strikes of 1962, the Committee notes that further requests for an inquiry have been related to the arrests and other matters arising out of the strikes of 1963, on which the Government has not furnished further information requested of it, and the matters raised in the complaint of the I.C.F.T.U. and I.F.C.T.U. dated 8 October 1963, on which the Government has furnished no observations. This question, therefore, is still pending before the Committee.

In paragraph 200 (f) of its report the Committee recommended the Governing Body—

(f) to note that the Committee proposes to examine further at its next meeting (3-4 June 1964), prior to the 159th Session of the Governing Body, in the light of whatever evidence may have been submitted to it by that time, the question as to whether it should recommend the Governing Body to request the Government to give its consent to a fuller investigation of such of the matters which have been in issue before the Committee as then remain pending.
295. With regard to the matters mentioned in paragraph 198 of the Committee's 74th Report, the position is now as follows: with regard to the ten persons who were still imprisoned (out of the 47 who had originally been convicted) on account of the strikes of 1962 the Government has stated that a new general amnesty, which seems to cover these persons also, was decreed on 1 April 1964, and the Committee has recommended the Governing Body to ask for particulars of the manner in which the amnesty affects the said persons. With regard to the allegations concerning the arrest of ten persons on account of the strikes that occurred in 1963, the Committee already noted in its 74th Report that one of these persons had been released, and the Government now reports that the other nine were tried by the ordinary courts and have now been released. Finally, with regard to other allegations connected with the strikes of 1963 and contained in the complaint of the I.C.F.T.U. and the I.F.C.T.U. dated 8 October 1963, the Government has not yet furnished its observations.

296. The Committee observes that though the Government has refused to furnish the texts of the judgments handed down with regard to the persons convicted in respect of the strikes that occurred in 1962 and 1963—a refusal in regard to which the Committee must express its deep disappointment—most of the persons concerned have now been released and the remainder seem to have recently benefited by a further amnesty. However, the Committee still has before it the question of the despatch of the Government’s observations on the complaint dated 8 October 1963.

297. The Committee considers that the information supplied by the Government reveals that there has been some improvement in the situation referred to in the complaints, especially with regard to the release of the persons who had been arrested on account of the strikes. The Committee accordingly considers that on this occasion it should not recommend the Governing Body to carry out a fuller investigation of the case.

298. Certain of the allegations examined above relate to the exercise of the right to strike. As the Committee has observed in its previous reports on this case as well as in reports dealing with other cases, allegations relating to strikes are not outside its competence in so far, but only in so far, as they affect the exercise of trade union rights.

299. With regard to the case as a whole the Committee recommends the Governing Body—

(a) with regard to the allegations relating to arrests and deportations as a result of the strikes of 1962, to take note of the further amnesty decreed by the Spanish Government and to request the Government to inform the Governing Body of the manner in which the ten convicted persons have been affected by the decree;

(b) to note that the provisions establishing the Special Military Court and determining its function were abrogated by Decree No. 712/1964;

(c) with regard to the measures of compulsory residence taken against various workers, to draw the Government’s attention to the considerations set forth in paragraphs 280 and 281 above and to urge the Government to have recourse, when dealing with situations resulting from strikes and lockouts, to measures provided for under ordinary law rather than to emergency measures;

(d) with regard to the allegations relating to the Spanish legislation concerning strikes, to draw the Government’s attention to the principle set forth in paragraph 285 above and to emphasise once again that when strikes are prohibited or restricted in essential services and in the public service the Committee has always attached importance to the provision of adequate guarantees to safeguard the interests of the workers who through such prohibition or restriction are deprived of essential means of defending their occupational interests;
(e) with regard to the allegations relating to the strikes of 1963—

(i) to express its regret that the Government should have failed to furnish in the texts of the judgments it had been requested to supply and to note that the persons mentioned by the complainants have now been released after trial by an ordinary court; and

(ii) also to express its regret that the Government has not replied to the complaint dated 8 October 1963 and to urge the Government to do so with the shortest possible delay; and

(f) to take note of this interim report of the Committee, on the understanding that the Committee will submit a further report on the case to the Governing Body when it has received the information requested of the Government.

Case No. 327:

Complaints Presented by the Union of Congolese Workers and the General Federation of Congolese Workers against the Government of the Congo (Leopoldville)

300. This case has already been examined by the Committee at its 35th Session (November 1963), when it made interim recommendations to the Governing Body which are to be found in paragraphs 158-181 of its 72nd Report. This was approved by the Governing Body at the 157th Session (November 1963): it asked the Government of the Congo (Leopoldville) for additional information on a number of points mentioned in paragraph 181 of the report, and, in particular, recommended the Governing Body—

(a) to request the Government to confirm that Messrs. Mutombo, Mbwangi, Luyeye, Bamu, Mbenza, Ndala, Sakibanza, Toto-Zita and Bunga have been released, as seems to be indicated by the Government's telegram dated 5 April 1963;

(b) to request the Government to indicate whether the offices of the Union of Congolese Workers (U.T.C.) in Stanleyville, Lukula, Matadi and Thysville have been reopened and whether the U.T.C. has been free to resume its activities in these places;

(c) to request the Government to state whether the order prohibiting strikes has been rescinded at Coquilhatville;

(d) to request the Government to indicate whether the workers dismissed as a result of the strike have been reinstated;

301. The Government responded to these various requests by a communication dated 12 February 1964, which arrived too late for the Committee to be able to examine the substance at its 36th Session (20-21 February 1964).

302. In its reply the Government states that all the persons mentioned in point (a) of the recommendation quoted above had been released not long after their arrest; that the offices of the U.T.C. at Stanleyville had been reopened "several months ago" and the offices at Lukula, Matadi and Thysville some time afterwards; that the prohibition of strike action at Coquilhatville had been rescinded in June 1963 as a result of observations made by the Minister of Labour to the regional authorities; and that the workers of OTRACO who were dismissed as a result of the strike had been reinstated in their employment.

303. In these circumstances the Committee recommends the Governing Body to note the information provided by the Government on these aspects of the case and to decide that they do not call for further consideration.
304. The other requests made in paragraph 181 of the Committee's 72nd Report related to several communications from the complainant organisations on which the Government had not made any observations. These were communications from the U.T.C. dated 14 May, 12 June and 24 June 1963. The Government was also asked to provide the additional information, to which it had itself referred, on the questions raised in a communication from the General Federation of Congolese Workers dated 29 August 1963.

305. The Government sent the Director-General a letter dated 24 December 1963 which deals with only one of these communications, namely the letter from the U.T.C. dated 24 June 1963.

306. In that letter the Union alleged that the Congolese Rubber Company forbade workers belonging to the complaining organisation to hold trade union meetings on its plantations. In the Union's view this attitude on the part of the employers constituted a breach of freedom of association.

307. In its observations the Government stated that, as the complainants themselves admit, it was planned to hold these meetings on the plantations themselves, i.e. on private property belonging to the employers. The Government states that existing legislation contains no provision compelling employers to allow trade union meetings to be held on their premises or land; the Congolese Rubber Company was therefore perfectly justified in adopting the attitude it did; accordingly there was no ground for a complaint.

308. On the other occasions the Committee, when dealing with allegations about the refusal of plantation employers to allow trade union activities to be conducted on their property, has taken the view that, although plantations are admittedly private property, it is particularly important, in cases where workers live on the plantations where they are employed (and trade union representatives must therefore enter the plantations to carry out their normal union duties), that these representatives should have unrestricted access to the plantations, in order to carry out their lawful trade union activities, provided they do not interfere with operations during working hours and adequate precautions are taken to protect the employers' property.

309. The same considerations led the Committee on Work on Plantations in a resolution concerning industrial relations on plantations (Bandung, December 1950) to lay down the principle that plantation employers "should provide such unions with facilities for the conduct of their normal activities, including free office accommodation, freedom to hold meetings and freedom of entry".

310. Accordingly, the Committee on Freedom of Association, having regard to the importance it attaches to the foregoing principles, recommends the Governing Body to express the hope that the Government will find it possible to take all appropriate measures to secure an agreement between the plantation employers and trade union organisations concerned regarding the holding of trade union meetings.

311. As regards the other allegations in this case which are still outstanding, the Committee, noting that the Government has not responded to the requests for additional information that have been made to it, can only recommend the Governing Body to submit these requests once more.

312. As regards the case as a whole, the Committee recommends the Governing Body—

(a) to take note with interest of the information provided by the Government on the matters mentioned in points (a) to (d) of the passage quoted in paragraph 300

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1 See Fourth Report, Case No. 34 (Ceylon), para. 168; 52nd Report, Case No. 239 (Costa Rica) paras. 177-182.

above and to decide that those aspects of the case do not call for further examination;

(b) to express the hope that the Government will find it possible to take all appropriate measures to secure an agreement between the plantation employers and the trade union organisations concerned regarding the holding of trade union meetings;

(c) to ask the Government to be good enough to forward its comments on the matters raised in the communications from the Union of Congolese Workers dated 14 May and 12 June 1963, together with the additional information it promised on the questions raised in the letter from the General Federation of Congolese Workers dated 29 August 1963;

(d) to take note of the present interim report on the understanding that the Committee will report afresh when it has received the information referred to in point (c) above.

Case No. 329:

Complaint Presented by the Economic Corporations of Cuba (in Exile)
against the Government of Cuba

313. The complaint is contained in a communication dated 16 February 1963. It was brought to the attention of the Government, which replied to it on 7 April 1964.

314. Cuba has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

315. The complainants have submitted to the Committee a lengthy document in which it is alleged that the Cuban Government has violated the principles and standards laid down in Conventions Nos. 87 and 98 in regard to both employers and workers. As regards the actual matter of the right of association of employers, the complainants allege that as from 1 January 1959, when the present régime came to power, it began by progressive stages to restrict and interfere with the free operation of the employers' organisations, arbitrarily decreeing that there should be intervention therein, persecuting their members and leaders, thus forcing them into exile, and finally ordering the dissolution of the employers' associations, the majority of which were wound up during 1960 and 1961. The complainants add that in making these interventions the Ministry of Labour invoked Act No. 907 of 31 December 1961, which empowered the Minister to order the taking of such measures where in his opinion circumstances rendered it necessary for the maintenance in operation of the centres of production. This Act, which was in force for 16 months before being repealed by Act No. 1021 of 4 May 1962, was the pretext used to interfere with and finally dissolve all the employers' organisations. The greater part of the document is concerned with various nationalisation and expropriation measures taken by the Government.

316. In its reply the Government merely states that in regard to this case, in view of the political and ideological implications which naturally arise from it, it wishes to draw the attention of the Governing Body to the importance of the right of peoples to self-determination, and their freedom to choose the economic systems and political structures best suited to their desires for progress and culture, in peaceful co-existence with other peoples and different systems.

317. The Committee considers that the Government's reply does not contain any information specific enough to enable it to form an opinion as to the merits of the complaint. The complainants allege in fact that the Minister interfered with employers' organisations, invoking Act No. 907 of 1961, "where in his opinion circumstances rendered it necessary for the maintenance in operation of the centres of production". The complainants also declare that this interference with the associations culminated
in their dissolution. The Government makes no reference to these specific allegations, nor to the reasons which motivated the Government's actions.

318. The Committee observes that Cuba has ratified Convention No. 87, Article 2 of which provides that employers as well as workers, without distinction whatsoever, shall have the right to establish organisations of their own choosing without previous authorisation; Article 3 stipulates that public authorities shall refrain from any interference which would restrict the right of organisations to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes; while Article 4 lays down that organisations shall not be liable to be dissolved or suspended by administrative authority. Moreover, the Committee also observes that, according to a statement made by a Government representative to the Committee on the Application of Conventions and Recommendations at the International Labour Conference in 1962, employers may form associations in conformity with the Royal Decree of 1888.¹

319. In these circumstances the Committee recommends the Governing Body—

(a) to express its regret that, more than a year after the complaint was brought to its attention, the Government still has not furnished concrete observations concerning the specific allegations made in the complaint;

(b) to request the Government to be good enough to furnish its observations as soon as possible, particularly in regard to the measures taken in respect of employers' associations, the legal enactments invoked in this connection and the procedure followed;

(c) to take note of the present interim report, it being understood that the Committee will report further as soon as it has received the information requested from the Government.

Case No. 352:

Complaints Presented by the Latin American Federation of Christian Trade Unionists and the International Federation of Christian Trade Unions against the Government of Guatemala

320. This case has already been considered by the Committee at its meeting in November 1963.² On that occasion the Committee, in paragraph 198 of its 72nd Report, recommended the Governing Body—

(a) to decide, with regard to the allegations relating to the detention of the trade unionists from the Cerro Redondo and Viñas Estates, while taking note of the fact that the trade union leaders and workers who were detained have been released and of the Government's statement that employers will not use a state security law as a cover for certain abuses, to draw the attention of the Government to the fact that the detention by military authorities of trade unionists concerning whom no grounds for conviction are subsequently found is liable to involve restrictions of trade union rights, and to request the Government to consider whether the authorities concerned have instructions for trade union activities;

(b) to request the Government to be good enough to furnish details as to the outcome of the proceedings now pending before the courts with a view to

² See 72nd Report, paras. 182-198.
elucidating the facts connected with the attack on Mr. Tereso de Jesús Oliva, and, in the meantime, to defer its consideration of this aspect of the case;

(c) to take note of the present interim report of the Committee, it being understood that the Committee will submit a further report on the case to the Governing Body when it has received the other information and observations requested from the Government.

321. The 72nd Report of the Committee was approved by the Governing Body at its 157th Session (November 1963) and the conclusions contained in the above-cited paragraph 198 were communicated to the Government of Guatemala in a letter dated 20 November 1963.

322. The Government forwarded certain additional observations in its communication of 25 March 1964.

_Detention of Trade Unionists from the Cerro Redondo Estate_

323. The Government states that the case of the Cerro Redondo Estate is now definitely closed and that the workers have gone back to their work in possession of all their rights under the Labour Code. On this occasion the military authorities acted in accordance with specific rules to ensure the security of the State. Those authorities are not competent to carry out investigations but act in accordance with orders from higher authorities and on the basis of previous denunciations or investigations by the police. The examination of the veracity of the facts alleged is a matter for the competent courts, which in the present case found the accused workers to be innocent; it accordingly declared them to be free and to have regained their rights.

324. The Committee notes that this information differs to a certain extent from that which the Government communicated on 2 October 1963, stating that several workers had been reported to the military authorities for alleged infringements of the law concerning the defence of democratic institutions, and the military authorities were thus obliged to take the necessary measures to carry out a thorough investigation of the facts with a view to establishing the truth or falsehood of the report. When it was proved that the charges were false, the workers were set free.

325. According to this first communication from the Government it seems that it was the military authorities who intervened right at the beginning, carried out the necessary inquiries and enabled the detainees to regain their liberty once it had been proved that the denunciations were false. In view of these circumstances and on the basis of the principles previously stated, the Committee decided to make a recommendation to the Governing Body which is reproduced in paragraph 198 (a) quoted above.

326. In view of the new communication from the Government referring to these facts, the Committee recommends the Governing Body to take note of the information supplied, both as regards the procedures followed in this case and as regards the reinstatement of the workers in their employment without loss of their rights under the Labour Code.

_Criminal Attacks against Mr. Tereso de Jesús Oliva_

327. The complainants in their communication dated 6 August 1963, alleged that on 29 July 1963 a member of the national police force committed a criminal attack against Mr. Tereso de Jesús Oliva, Secretary of the Union of Agricultural Workers and Secretary-General of the Rural Christian Social Movement of Guatemala. The Government in its reply of 2 October 1963 pointed out that the law courts were examining this criminal act, that the injured person had not accused anybody in particular but had merely mentioned on the strength of certain rumours heard in the street that he had been attacked by a member of the police force.
328. In its new communication, the Government points out that Mr. Tereso de Jesús Oliva has not provided actual data that would be of assistance to the national police in the inquiry they are now conducting and that he contradicted himself when certain questions were put to him in the course of the inquiry. For this reason the criminal courts had been unable to order the arrest of any person since the individual concerned had not accused either the police authorities or the persons who, according to him, are his enemies and could have carried out an attack on his life. On the other hand, the injured party states that he became unconscious as a result of the attack and was unable to identify any person, and that through some observations of third parties whom he has not mentioned (and who did not come forward to testify in the present proceedings) he learnt that it was the police authorities who had attacked him. In view of the foregoing, and in the absence of any basic evidence regarding the person who might have been responsible for the criminal act, the courts were unable either to arrest or prosecute any particular person.

329. In view of all these circumstances, and bearing in mind that the complainants themselves have not added to the information originally forwarded to the Committee on Freedom of Association, as they were entitled to do, the Committee recommends the Governing Body to request the Government to keep it informed as to any further developments in this matter, but to decide that it would be purposeless at the present time to continue its examination of this aspect of the case.

Acts of Discrimination against Trade Unionists in the GINSA Factory

330. On 12 December 1963 the Latin American Federation of Christian Trade Unions sent some additional items of information which were forwarded to the Government on 20 September 1963.

331. According to the complainants a union of rubber workers existed in the GINSA factory which, although a majority union, did not succeed in obtaining registration by the labour authorities, which instead had just registered a union favoured by the employers. The first of these unions was practically put out of existence by the company with the connivance of the Ministry of Labour by the use of coercive means of all kinds, including the dismissal of workers who did not want to join the employers' union. The complainants sent a list of workers who were dismissed because they would not join the union, in addition to a list of persons who changed their union because of coercion practised on them.

332. The Government has not as yet forwarded any specific observations regarding these two allegations. In these circumstances the Committee recommends the Governing Body to request the Government to be good enough to forward its observations on this aspect of the case as soon as possible.

333. With regard to the case as a whole the Committee recommends the Governing Body—

(a) with reference to the detention of trade unionists from the Cerro Redondo Estate, to take note of the information supplied by the Government in its latest communication both as regards the procedure followed in this case and as regards the reinstatement of the workers in their employment without loss of their rights under the Labour Code;

(b) with reference to the criminal attack committed against Mr. Tereso de Jesús Oliva, to request the Government to keep it informed as to any further developments in this matter, but to decide that it would be purposeless at the present time to continue its examination of this aspect of the case;

(c) with reference to the acts of discrimination against trade unionists in the GINSA factory, to request the Government to be good enough to forward its observations on this aspect of the case as soon as possible.
Case No. 364:

Complaint Presented by the World Federation of Trade Unions against the Government of Ecuador

334. The complaint of the World Federation of Trade Unions is contained in a communication dated 16 October 1963, addressed directly to the I.L.O. This complaint was transmitted to the Government of Ecuador, which furnished its observations by a communication dated 28 February 1964.

335. Ecuador has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), but has ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Allegations relating to the Withdrawal of Legal Personality from the Confederation of Workers of Ecuador

336. In their communication the complainants allege that following the coup d’etat of 11 July 1963 the Government Military Junta has continuously attacked the Confederation of Workers of Ecuador (C.T.E.), which claims to be the most representative central organisation in the country. It is alleged that one of the measures taken by the Junta is the withdrawal of the Confederation’s legal personality.

337. In its reply the Government declares that this assertion is incorrect and, while it is true that the said central workers’ organisation launched an open political campaign identifying itself with the Ecuadorian Communist Party, thus departing from its trade union aims, the Government has respected the legal personality of the Confederation. To substantiate this statement, the Government has sent a certificate from the Ministry of Social Welfare and Labour declaring that the rules of the Confederation of Workers of Ecuador were approved by a Government Order, No. 646, issued on 3 March 1945, which is still fully applicable.

338. In these circumstances, the Committee considers that the complainants have not submitted sufficient proof to show that trade union rights have been violated in this respect, and therefore recommends the Governing Body to decide that this aspect of the case does not call for further examination.

Allegations relating to the Detention of Trade Union Leaders

339. The complainants also allege in their communication that the principal leaders of the Executive Committee of the C.T.E. and of the Provincial Federations were arbitrarily arrested without any charges being made. Among those leaders are: Víctor Manuel Zúñiga, Mario Valencia, Hugo Novoa, Ecuador Romero, José Vázquez Merlo, Tránsito Amaguaña, Amadeo Alba, Luis Castro Villamar, Bolívar Sandoval (subsequently expelled from the country), Bolívar Bolaños, Jorge Calero, Fausto Moreno, Luis Vidal Monje, Efraín Obregón, José Jaramillo and Raúl Guzmán.

340. According to the complainants other craft and rural trade union leaders were arrested as well as many legal advisers in the trade union movement. The total number of persons arrested for reasons connected with their trade union amount to approximately 200.

341. The Government in its reply points out that, owing to the chaotic situation prevailing in the country as a result of political agitation promoted by communist elements who launched a wave of terrorism and open subservision of the internal order and security of the State, it proved necessary for the armed forces to intervene to defend the interests of the country. All the detained persons mentioned by the World Federation of Trade Unions were identified as terrorist elements who had carried out criminal attacks against the security of the State. They committed what are criminal offences under Ecuadorian penal law, and are now being proceeded against.
Reports of the Committee on Freedom of Association

342. The Committee notes that, even though the complainants refer in general terms to an approximate total of 200 leaders and legal advisers arrested for their trade union activities, they explicitly mention a certain number of those by name. The Government recognises that those persons were arrested but explains that they were arrested because of their subversive activities. In this respect the Committee notes that in the past, where allegations that trade union leaders or workers have been arrested or detained on account of trade union activities have been met by governments with statements that the arrests or detentions were made for subversive activities, for reasons of internal security, or for common law crimes, the Committee has followed the rule that the governments concerned should be requested to submit further and as precise information as possible concerning the arrests or detentions, and the exact reasons therefor. If, in certain cases, the Committee has concluded that allegations relating to the arrests or detentions of trade union militants did not call for further examination, this has been after it has received information from the governments showing sufficiently precisely and with sufficient detail that the arrests or detentions were in no way occasioned by trade union activities but solely by activities outside the trade union sphere which were either prejudicial to public order or of a political nature.

343. In the present case the Government states that the detainees are being prosecuted for infringing the provisions of the Penal Code. In the past the Committee has followed the practice of not proceeding to examine matters which were the subject of pending national judicial proceedings where such proceedings might make available information of assistance to the Committee in appreciating whether or not allegations were well founded.

344. In these circumstances, the Committee recommends the Governing Body to request the Government to be good enough to communicate the result of the legal proceedings instituted in national courts of law against the persons mentioned and, in particular, the text of the judgments given and their grounds, and, pending the receipt of such information, to postpone examination of this aspect of the case.

Allegations relating to the Dismissal of Workers and Trade Unionists

345. The complainants allege that the Military Junta allowed the employers to dismiss workers and that it is sufficient for a trade union leader or worker to be accused of communism to be dismissed, which is an infringement of the provisions

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1 See, for example, Sixth Report, Case No. 18 (Greece), paras. 323-326, Case No. 44 (Colombia), paras. 593-595, and Case No. 49 (Pakistan), paras. 807-811; 11th Report, Case No. 72 (Venezuela), para. 6 (c); 12th Report, Case No. 65 (Cuba), paras. 102-105, Case No. 66 (Greece), paras. 140-146, and Case No. 68 (Colombia), paras. 167-169; 15th Report, Case No. 110 (Pakistan), para. 241; 22nd Report, Case No. 58 (Poland), para. 106 (d); 25th Report, Case No. 136 (United Kingdom-Cyprus), paras. 93-117, and Case No. 158 (Hungary), para. 332; 27th Report, Case No. 156 (France-Algeria), para. 273, and Case No. 159 (Cuba), para. 370; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251, (United Kingdom-Southern Rhodesia), para. 152; 74th Report, Case No. 294 (Spain), para. 191.

2 See, for example, Second Report, Case No. 31 (United Kingdom-Nigeria), para. 79; Third Report, Case No. 6 (Iran), para. 36; Sixth Report, Case No. 22 (Philippines), paras. 377-383; 12th Report, Case No. 16 (France-Morocco), paras. 385-386; 17th Report, Case No. 104 (Iran), para. 219; 19th Report, Case No. 110 (Pakistan), paras. 74-77; 24th Report, Case No. 142 (Honduras), paras. 130-134; 25th Report, Case No. 140 (Argentina), para. 263; 52nd Report, Case No. 143 (Spain), para. 48; 62nd Report, Case No. 251 (United Kingdom-Southern Rhodesia), para. 152; 74th Report, Case No. 294 (Spain), para. 191.

3 See Sixth Report, Case No. 22 (Philippines), paras. 353-383; 11th Report, Case No. 51 (Saar), paras. 27-56; 12th Report, Case No. 69 (France), para. 446; and Case No. 61 (Francis-Tunisia), paras. 447-492; 17th Report, Case No. 97 (India), paras. 120-156; 19th Report, Case No. 92 (Peru), paras. 16-38; 26th Report, Case No. 147 (Union of South Africa), paras. 107-111; 28th Report, Case No. 170 (France-Madagascar), para. 143; 34th Report, Case No. 130 (Switzerland), para. 6; 41st Report, Case No. 172 (Argentina), para. 122; 49th Report, Case No. 213 (Federal Republic of Germany), para. 73; 53rd Report, Case No. 232 (Morocco), paras. 66-67; 58th Report, Case No. 234 (Greece), para. 588, and Case No. 262 (Cameroon), para. 65; 60th Report, Case No. 262 (Cameroon), para. 206; 72nd Report, Case No. 294 (Spain), para. 101.
governing employment security in the Labour Code and in the collective agreements. In this connection the complainants state that 180 workers were dismissed by the Electricity Company, 50 by Quito Municipality, 120 by the San Antonio Textile Factory and 100 by the Guayaquil Municipality. In the same way a large number of telephone, telegraph and postal workers were dismissed as well as bank employees, etc., and the dismissal of some 1,000 railway workers had been announced.

346. The Government repudiates this allegation, stating that it acted to prevent a mass dismissal of workers, since on the very day on which the Military Junta assumed power it declared in a communiqué that such activities were prohibited, which was subsequently confirmed by Decree No. 564 of 27 September 1963, the text of which is attached. The Government also explains that several public bodies have been purged of extremist agents who never, in fact, were workers but devoted their time to propaganda and sabotage in different centres of employment and were obeying political instructions. As regards the dismissals which occurred in the San Antonio Textile Factory, the existing conflict was settled by the conclusion of a compromise agreement which has been forwarded by the Government.

347. The Committee notes that it is a question here, on the one hand, of mass dismissals carried out by employers, against whom the Government reacted by taking the measures mentioned above, and, on the other hand, of the dismissal of a number of persons employed in public agencies. The complainants have not distinguished between these two types of dismissals but have confined themselves to stating that the dismissals took place on the grounds that these workers were communists. The Government points out that the dismissals in public services were due to political and even subversive activities by the persons involved.

348. The Committee recalls that it has always attached great importance to the principle contained in Article 1 of the Right to Organise and Collective Bargaining Convention (No. 98), adopted in 1949, by virtue of which workers should enjoy adequate protection against acts of anti-union discrimination in respect of their employment, and such protection should apply more particularly in respect of acts calculated to cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities.\(^1\)

349. In the present case, even though the Government claims that in the case of public agencies (including state undertakings) the dismissals carried out—which also affected union members—were due to their political and subversive activities, the complainants allege that, in general, the pretext that the workers (including the union members) were communists was used as a reason for dismissing them. That means that discrimination could have been practised against certain trade unionists as such, even though another type of reason was invoked as the declared cause. This question is of particular importance in the case of workers employed by private or state undertakings, to whom protection against discrimination on account of union membership or activities applies, as specified in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which has been ratified by Ecuador. In these circumstances it is important to determine to what extent internal legislation applies to the principles of this Convention and affords workers protection against acts of anti-union discrimination.

350. The Committee therefore recommends the Governing Body to request the Government to be good enough to explain how the provisions contained in the said Convention No. 98 to the effect that workers should enjoy adequate protection against any acts calculated to cause their dismissal by reason of union membership or because

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\(^1\) See Fourth Report, Case No. 34 (Ceylon), para. 169; Sixth Report, Case No. 11 (Brazil), para. 131 (a); 17th Report, Case No. 56 (Uruguay), para. 61; 11th Report, Case No. 59 (United Kingdom-Cyprus), para. 63; 14th Report, Case No. 105 (Greece), para. 134; 19th Report, Case No. 97 (India), paras. 47-48; 49th Report, Case No. 213 (Federal Republic of Germany), paras. 77-78; 57th Report, Case No. 231 (Argentina), para. 120; 58th Report, Case No. 179 (Japan), para. 340, and Case No. 234 (Greece), para. 578; 61st Report, Case No. 256 (Greece), para. 40; 74th Report, Case No. 307 (Somalia), para. 62.
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of participation in union activities are applied in the internal legislation of the country and what procedure is available to workers to guarantee their rights in this matter, and, in the meantime, to defer its examination of this aspect of the case.

Allegations relating to the Violation of Other Trade Union Rights

351. The complainants allege that, right from the first days of its assumption of power, the Military Junta abolished the right of assembly and the right to strike. In its reply the Government does not refer to these two allegations.

352. The Committee considers that even though the complainants have not supplied detailed information in support of this point the request for further information is justified by the importance the Committee has always attached both to the right of assembly and to the right to strike, in so far as they affect the exercise of freedom of association, and by the fact that the Government has not submitted its observations on this point. For these reasons the Committee recommends the Governing Body to request the Government to be good enough to state what is the legal and factual situation as regards trade union meetings and strikes, and, pending the receipt of such information, to postpone its examination of this aspect of the case.

353. With regard to the case as a whole the Committee recommends the Governing Body—

(a) to decide that the allegations relating to the withdrawal of legal personality from the Confederation of Workers of Ecuador do not call for further examination;

(b) with regard to the allegations relating to the detention of trade unionists, the dismissal of workers and trade unionists and the infringement of other trade union rights, to request the Government to be good enough to furnish the information indicated in paragraphs 344, 350 and 352 respectively, and, in the meantime, to postpone examination of these aspects of the case.

Case No. 365:

Complaint Presented by the Union of Congolese Workers against the Government of the Congo (Leopoldville)

354. The complaint of the Union of Congolese Workers is contained in a cablegram addressed directly to the I.L.O. on 19 October 1963, supported by a letter bearing the same date. Both these communications were transmitted to the Government for its observations by letters dated respectively 25 October and 20 November 1963. The Government replied by communications dated 3 January and 12 February 1964.

355. The Congo (Leopoldville) has not ratified either the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

356. The complainants allege that on 15 October 1963, while on a tour of inspection of the local sections of the Union of Congolese Workers, the National President of that organisation, Mr. Raymond Beya, was arrested, arbitrarily imprisoned and maltreated by the provincial authorities of North Kivu.

357. In its reply of 3 January 1964 the Government states that the Union of Congolese Workers has not yet been approved by the Government as an occupational organisation and that accordingly it cannot be permitted to engage in trade union activities. It explains that section 2 of the Decree of 25 January 1957 respecting the exercise of the right of association by the inhabitants of the Congo provides that
only such associations shall be authorised as have been approved in the manner prescribed by order, while section 6 lays down penalties for any person participating in the operation of an occupational association which acts unlawfully, particularly one which acts without having been approved.

358. The above-mentioned legislation, declares the Government, requiring trade unions to be officially approved, is still in force "pending abrogation and—if appropriate—replacement by provisions suited to present circumstances". According to the Government its object is to shelter emerging trade unions, in the interests of their members, from political movements. In practice, however, states the Government, occupational associations are permitted to operate as such before obtaining official approval, provided that they do not disturb public order.

359. As for the movement entitled "Union of Congolese Workers", the existence of which, according to the Government, has only been known to the authorities for about a year, there is nothing so far to indicate that it is a genuine occupational association—i.e. an organisation established at the common desire of a group of workers and animated by an authentic trade union spirit. It may well be, continues the Government, that it is merely a "business office" with nothing trade unionist about it but the name, "not belonging to any labour movement and addressing the workers with the object of procuring jobs for its founders".

360. The Government declares—also in its communication of 3 January 1964—that it is unaware at present whether the alleged events have really occurred. Moreover, it goes on, even if they have, it cannot be assumed a priori that Mr. Beya was arrested by reason of activities directed towards the defence of the workers; such an arrest "may have been due to some specifically unlawful act, for membership of a trade union cannot confer any privilege or immunity and, if an unlawful act has been committed while its author was engaged in trade union activity the authorities are entitled and indeed obliged to take cognisance of the act, to investigate it and to prosecute its author".

361. The Government states in its communication of 3 January 1964 that it has invited the local authorities to report on the facts, and in particular on the reasons for the arrest, if it did in fact take place. A similar invitation has been addressed to the judicial authorities. The Government undertakes to inform the I.L.O. of any developments in connection with this correspondence as soon as it is acquainted with them itself.

362. The Government concludes this first communication by declaring that it is already in a position to assure the Office that Mr. Beya is now free.

363. In a second communication dated 12 February 1964, which was received too late for the Committee to be able to consider the substance at its 36th Session (20-21 February 1964), the Government provided the additional information forecast in its first letter: the character of this information is indicated in paragraph 361 above.

364. It proceeds from the second letter that Mr. Beya was sentenced in virtue of a judgment made in due form by the police court at Butembo on 17 October 1963: like other police courts (which exist in each territory and in each place classified as a "town") it is competent in respect of offences for which not more than two months' imprisonment or a fine of not more than 2,000 francs or both can be inflicted. It proceeds also from the information furnished by the Government that Mr. Beya, having served his sentence, was released on 19 December 1963.

365. The Committee notes that although in its latter communication the Government refers to a judgment which led to a term of imprisonment for the person concerned, it does not specify, as expected (see paragraph 361 above), the reasons invoked by the court for sentencing Mr. Beya.

366. The Committee recalls in this regard that, in all instances in which matters relating to a case before it were the subject of national judicial proceedings, provided
these had been conducted in a manner ensuring due process of law, it has considered that the decision in such proceedings might provide it with information of assistance in appreciating the allegations made, and has therefore decided to adjourn examination of the case until it was in possession of the result of the said proceedings.  

367. The Committee considers it advisable to follow the same course in the present instance: to recommend the Governing Body to ask the Government to be good enough to communicate the text of the judgment which led to Mr. Beya's imprisonment, and that of the reasons on which the judgment was based, and meanwhile to adjourn examination of the case.

Case No. 379:

Complaint Presented by the Golfito Workers' Union against the Government of Costa Rica

368. By a communication dated 27 February 1964 the Golfito Workers' Union presented a complaint against the Government of Costa Rica alleging violation of trade union rights in that country. Following communication of the complaint to the Government, a reply was received by note dated 25 April 1964.

369. Costa Rica has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Allegations concerning Arrest of a Trade Union Leader, House Search and Confiscation of Trade Union Literature

370. The complainants allege in their communication that the Golfito Workers' Union is endeavouring at present to obtain signatures of workers to a set of petitions to be submitted to the labour courts and that this was the reason why the Government as employer initiated systematic repression of the organisation. The fiscal police, whose function is to deal with such cases, is alleged to be making searches of workers' homes and confiscating trade union literature in their possession. It is stated that the home of the worker Jesús María Alpízar was searched without any court order and without any suspicion of tax offences and that 25 trade union pamphlets in his possession were confiscated. It is further stated that the trade union leader Guillermo Fuentes was arrested without any grounds at the same time, and that the fiscal police authorities of Puerto González Viquez acted in both cases.

371. The Government's reply states that the fiscal police is authorised to take action not only in respect of tax offences but also in the case of other offences against ordinary legal provisions. Executive Decree No. 37 of 1954 is in force, by which the publication, importation, sale, exhibition or circulation of leaflets, magazines, books or any other reading matter, whether printed or otherwise, that express communist views or leanings is prohibited. Under Act No. 4 of 1923 one of the functions of the fiscal police is to assist the authorities and other public officials in discharging their functions. Therefore the intervention of the fiscal police with regard to the offence constituted by circulation of communist propaganda is stated to be perfectly legitimate and within the powers

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1 See Sixth Report, Case No. 22 (Philippines), paras. 353-383; 11th Report, Case No. 51 (Saar), paras. 27-56; 12th Report, Case No. 69 (France), para. 446, and Case No. 61 (France-Tunisia), paras. 447-492; 17th Report, Case No. 97 (India), paras. 120-156; 19th Report, Case No. 92 (Peru), paras. 16-38; 26th Report, Case No. 147 (Union of South Africa), paras. 107-111; 28th Report, Case No. 170 (France-Madagascar), para. 143; 34th Report, Case No. 130 (Switzerland), para. 6; 41st Report, Case No. 172 (Argentina), para. 122; 49th Report, Case No. 213 (Federal Republic of Germany), para. 73; 53rd Report, Case No. 232 (Morocco), paras. 66-67; 58th Report, Case No. 234 (Greece), para. 558, and Case No. 262 (Cameroon), para. 657; 60th Report, Case No. 262 (Cameroon), para. 206; 70th Report, Case No. 294 (Spain), para. 305; 72nd Report, Case No. 352 (Guatemala), para. 188.
of the fiscal police. With regard to the complainants’ specific allegations, the Government states that Mr. Guillermo Fuentes Ortega was arrested on suspicion of having communist propaganda in his possession but that he was released 15 minutes later. It is further stated that the home of the worker Jesús María Alpízar was not searched and that no confiscation was made.

372. The Committee notes that, according to the information supplied by the Government, the fiscal police is within its legal powers in confiscating literature of a particular political character. That is to say, its function is not restricted to dealing with tax offences. With regard to the complainants’ specific allegations, the Government denies that the home of Mr. Jesús María Alpízar was searched without court order or that any trade union pamphlets were confiscated from him, and it also states that Mr. Guillermo Fuentes was released immediately after being arrested on suspicion of the same offence.

373. In these circumstances the Committee considers that the complainants have not provided sufficient evidence in support of their complaint that trade union rights have been violated, and recommends that the Governing Body, noting that the trade union leader Guillermo Fuentes was immediately released, should decide that this aspect of the case does not call for any further examination.

Allegations concerning the Intervention of the Authorities at Trade Union Meetings

374. The complainants allege in their communication that the fiscal authorities have attempted to interfere with workers’ meetings in the Coto Valley at which sets of petitions were discussed and signed. This is alleged specifically to have occurred at Estates 62 and 63. The Government makes no reference to these allegations in its reply.

375. In numerous cases in the past the Committee has emphasised the importance which it has always attached to the fact that freedom from government interference in the holding of trade union meetings constitutes an essential element of trade union rights and to the principle that the public authorities should refrain from any interference which would restrict this right or impede the lawful exercise thereof. The Governing Body has already, on a previous occasion, drawn the attention of the Government of Costa Rica to the importance which it attaches to the right of plantation workers to hold trade union meetings.

376. In view of the above, and with regard to the request submitted by the complainants in this connection, the Committee recommends the Governing Body to request the Government to be good enough to furnish its observations on these allegations and to decide in the meantime to postpone examination of this aspect of the case.

Discriminatory Action against Trade Unionists

377. The complainants further allege that the Costa Rica Banana Company is dismissing workers who are known for their activities in the defence of the workers’ rights and who are allowing trade union leaders to live in their homes. They further allege that the Government has set in motion propaganda machinery by issuing

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1 See First Report, Case No. 8 (Israel), paras. 63-69; Second Report, Case No. 21 (New Zealand), paras. 11-31, and Case No. 28 (United Kingdom-Jamaica), paras. 65-70; Sixth Report, Case No. 40 (France-Tunisia), paras. 384-564; Seventh Report, Case No. 56 (Uruguay), paras. 32-70; 12th Report, Case No. 16 (France-Morocco), paras. 292-428, and Case No. 61 (France-Tunisia), paras. 447-492; 17th Report, Case No. 104 (Iran), paras. 157-221; 19th Report, Case No. 110 (Pakistan), paras. 50-90, and Case No. 133 (Netherlands-Netherlands Antilles), paras. 108-134; 24th Report, Case No. 121 (Greece), paras. 41-79; 25th Report, Case No. 136 (United Kingdom-Cyprus), paras. 93-178; 27th Report, Case No. 159 (Cuba), para. 373; 53rd Report, Case No. 245 (Greece), para. 47; 58th Report, Case No. 253 (Cuba), para. 639; 66th Report, Case No. 261 (Republic of South Africa), para. 175.

2 See 66th Report, Case No. 239 (Costa Rica), para. 161.
pamphlets insulting trade union leaders. The Government makes no reference to these statements in its reply.

378. The Committee has always attached considerable importance to the provisions of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), ratified by Costa Rica, providing that the workers should enjoy adequate protection against acts of anti-union discrimination in respect of their employment and that their organisations should enjoy similar protection against any interference by the employers.

379. In the present case, however, the allegations are stated in extremely vague terms and the complainants make no precise reference to any such act of discrimination as they denounce. In these circumstances the Committee recommends the Governing Body to decide that this aspect of the case does not call for further examination.

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380. In these circumstances the Committee recommends the Governing Body—

(a) with regard to the allegations relating to the arrest of a trade union leader, house searches and confiscation of trade union literature and acts of discrimination against trade unionists, to note that Mr. Guillermo Fuentes was immediately released and to decide that these allegations do not call for further examination;

(b) with regard to the allegations concerning intervention in trade union meetings, to request the Government to be good enough to furnish its observations and to decide in the meantime to postpone examination of this aspect of the case.


(Signed) Roberto Ago,
Chairman.
Seventy-seventh Report 1

INTRODUCTION

1. The Committee on Freedom of Association set up by the Governing Body at its 117th Session (November 1951) met at the International Labour Office, Geneva, on 3 June 1964, under the chairmanship of Mr. Roberto Ago, former Chairman of the Governing Body.

2. In accordance with the procedure laid down in paragraph 12 of its 29th Report, as amended by paragraph 5 of its 43rd Report, the Committee recommends the Governing Body to examine the present report at its session immediately following the close of the 48th (1964) Session of the International Labour Conference. 2

3. The Committee considered 21 cases in which the complaints had been communicated to the governments concerned for their observations, namely the cases relating to Peru (Case No. 335), Ceylon (Case No. 343), Argentina (Case No. 346), Panama (Case No. 349), Dominican Republic (Case No. 350), Chile (Case No. 354), Congo (Leopoldville) (Case No. 357), Morocco (Cases Nos. 361 and 362), United Kingdom (British Guiana) (Case No. 366), Austria (Case No. 368), Congo (Leopoldville) (Case No. 372), Belgium (Case No. 376), United Kingdom (Southern Rhodesia) (Case No. 380), Honduras (Case No. 381), Greece (Case No. 382), Cameroon (Case No. 389), Syrian Arab Republic (Case No. 393), Mexico (Case No. 394), Argentina (Case No. 399) and Upper Volta (Case No. 403).

4. The Committee adjourned until its next session its examination of the cases relating to Peru (Case No. 335), Panama (Case No. 349), Chile (Case No. 354), Morocco (Cases Nos. 361 and 362), Belgium (Case No. 376), United Kingdom (Southern Rhodesia) (Case No. 380), Cameroon (Case No. 389), Syrian Arab Republic (Case No. 393), Mexico (Case No. 394), Argentina (Case No. 399) and Upper Volta (Case No. 403), with respect to which it has not yet received the observations of the governments concerned, and the case relating to Honduras (Case No. 381), with respect to which the Government's observations were received too late to permit of their being examined by the Committee at its present session.

5. The Committee also adjourned until its next session its examination of the cases relating to the Dominican Republic (Case No. 350) and Congo (Leopoldville) (Case No. 357), with respect to which it is still awaiting information previously requested from the governments concerned, the case relating to Argentina (Case No. 346), with respect to which information previously requested was received too late to permit of its being examined by the Committee at its present session, and the case relating to Ceylon (Case No. 343), with respect to which the Committee has requested the Director-General to obtain further information from the government concerned before it formulates its recommendations to the Governing Body.

6. In the present report the Committee submits for the approval of the Governing Body the conclusions which it has now reached concerning the remaining cases before it, namely the cases relating to the United Kingdom (British Guiana) (Case No. 366), Austria (Case No. 368), Congo (Leopoldville) (Case No. 372) and Greece (Case No. 382). These conclusions may be briefly summarised as follows:

(a) the Committee recommends that, for the reasons indicated in paragraphs 7 to 48 of this report, the cases relating to Austria (Case No. 368), Congo (Leopoldville)
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(Case No. 372) and Greece (Case No. 382) should be dismissed as not calling for further examination;

(b) with regard to the case relating to the United Kingdom (British Guiana) (Case No. 366), the Committee, for the reasons indicated in paragraphs 49 to 59 of this report, has reached certain conclusions to which it wishes to draw the attention of the Governing Body.

CASES WHICH THE COMMITTEE CONSIDERS DO NOT CALL FOR FURTHER EXAMINATION

Case No. 368:

Complaint Presented by the International Confederation of Senior Officials against the Government of Austria

7. In a communication dated 31 October 1963 the International Confederation of Senior Officials submitted to the I.L.O. a complaint against the Government of Austria for infringement of freedom of association. On 8 January 1964 the complainants presented an amendment to the original text of the complaint. Both communications were transmitted to the Government of Austria, which replied by a note dated 10 February 1964.

8. Austria has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

9. According to the statement of the complainants, a constitutional provision existed prior to 1962, the force of which was that staff representatives must to a certain extent participate in the drafting of regulations concerning the rights and duties of public officials. This provision was repealed. Nevertheless a circular exists, published by the Federal Chancellery in 1946, providing that the representation of the staff of public services should provisionally be entrusted to the four civil service unions then in existence. The four unions are the Union of Municipal Employees, the Union of Post Office Employees, the Union of Railway Employees and the Union of Public Employees. The complainants explain that those unions are no more than a creation of the political parties, two of which have for years been allied to the present coalition Government. The most senior trade union officers are at the same time representatives of those two parties. In view of the existing party discipline those senior trade union officers are subordinate to the Government, that is to say to the employer. The members of those unions do not in fact possess any rights—even that of electing their leaders—since the last elections in public services which took place in 1951.

10. The complainants also state that in 1955 those officials who desired trade union action which was independent of the employer formed the Austrian Federation of Officials, which succeeded in 1959 in obtaining from the Constitutional Court a recognition of their right to employ the term “trade union”, contrary to the opinion expressed by the Minister of the Interior. Following the argument that the right to participation and representation of personnel has not been subjected to legal regulation, the Government refuses to permit the Federation to intervene in consultations on general staff problems, those consultations being held solely with the four recognised organisations. The only advantage which the Federation has so far been able to gain is the decision of the court respecting the right to use the denomination of “trade union”.

11. The documents forwarded by the complainants include two previously mentioned, the award of the Constitutional Court and the 1946 circular. In the circular the public authorities are invited to secure the participation of staff committees in framing regulations on staff questions. The committees are, in particular, to be consulted before the adoption of measures of all kinds relating to this staff; complaints
lodged on behalf of one or more public officials are to be received as well as claims of an economic or social nature, and public officials should be permitted to participate in measures to ensure hygiene in the working conditions of offices.

12. In its reply the Government points out that the right of association is guaranteed both by the Fundamental State Law and the 1951 Law of Associations, and in this respect the Austrian Civil Service Federation enjoys the same rights as other organisations. The complainants apparently are confusing two separate ideas, namely the right to representation within undertakings and the right to represent the collective interests of the members of a profession through occupational organisations. The first of these rights is not included in the concept of right of association, within the meaning of the international Conventions. The Circular or "Figl Edict" mentioned in the complaint has a provisional character and refers almost exclusively to matters within the competence of staff committees and within their respective agencies. The unions mentioned in that Edict were the only ones in existence at the time of its publication. Since then one of the unions has ceased to exist as a result of a reshuffle within the civil servants' trade union movement.

13. It can be gathered from the information supplied by the Government that the four unions of public employees possessed on 31 December 1963 a total of 406,820 members (of whom 75,605 were retired), and the number of public employees included in the scope of those unions numbered on that date approximately 420,000. The Austrian Civil Service Federation on the other hand has not so far published any figures showing the number of its members, but according to the available data they would be somewhere between 10,000 and 20,000. The Government explains that the members of the four unions referred to periodically elect their executive committee and indicates the dates on which their Congresses were held, all of which took place very recently (1959, 1961, 1962 and 1963). In its communication the Government encloses a copy of the rules of each of these unions.

14. According to the Government the conditions of employment of public services are generally determined by legal provisions; there is nevertheless a wide scope for collective negotiation. The conditions set by the Government for granting the power to conclude collective agreements is that the number of members and the importance of the activities of a union in the economic field give that union a representative character. So far the Austrian Civil Service Federation has not applied to have this power granted. The Government also explains that in presenting their claims the four unions mentioned can count on the support of the Austrian Federation of Trade Unions and that the central organisation forms part of the joint Price and Wages Committee and has a share in the framing of the economic and social policy of the country. Those organisations are completely independent and on various occasions have taken action as a trade union in support of their demands and have instituted numerous proceedings against the Austrian Republic and other public employers in defence of their members. Each of these unions has a headquarters and branch offices throughout the country, with a total of 246 employees. The Austrian Civil Service Federation on the other hand apparently does not devote more than one hour per week to hearing complaints from its members.

Allegations relating to Non-Participation by the Austrian Civil Service Federation in Consultative Bodies

15. The Committee observed that in the present case the principal complaint relates to the fact that the Austrian Civil Service Federation is not recognised by the authorities for consultation in staff matters. The Government for its part maintains that the right of representation within the undertaking (and by extension within public agencies) is not included in the concept of the right of association within the meaning of the international Conventions and must be distinguished from the representation of the collective interests of the members of a profession by the appropriate organisations. In other words, the
Government holds that the claim of the complainants that the Federation should be admitted to the existing consultative bodies does not find support in the international standards relating to freedom of association. As an illustration of this point the Government mentions that the number of members of the Federation does not exceed 20,000 at the most, a figure much lower than the number of members of the other associations of the staff of public services, and that the Federation is therefore entirely a minority organisation.

16. In several cases 1 the Committee held that it was not required to state its views regarding the right of a particular organisation to be, for example, invited to form part of consultative bodies, unless its exclusion constituted a flagrant case of discrimination involving the principle of freedom of association, and that this is a question on which the Committee has to decide in each particular case, having regard to the circumstances.

17. Again, on various occasions, as the Committee will recall 2, in particular with relation to the discussion of the draft Convention on the right of association and collective bargaining, the Conference raised the question of the representative character of unions and admitted up to a certain point the distinction which is sometimes made between different unions as regards the extent to which they are representative. However, with regard to this particular point, the Committee considered 3 that, although a distinction may be admissible in itself, it is necessary in the first place that the criteria for determining such distinction should be objective and be based on factors which give rise to no possibility of abuse.

18. In a similar case connected with France 4, involving the problem of a trade union organisation which had been refused the right to form part of the internal bodies of a state undertaking, the Committee held that since that organisation only represented a small proportion of the workers concerned it had not produced sufficient evidence to prove that not to allow its participation in such bodies would have meant an infringement of trade union rights.

19. In the present case, in view of the figures supplied concerning the number of members of staff organisations in the public services, including the Austrian Civil Service Federation, which make it possible to apply an objective criterion to determine the representative character of those organisations, the Committee considers that the exclusion of the Federation from the consultative bodies already established cannot be regarded as a flagrant case of discrimination involving the principles of freedom of association, since the Federation has clearly a minority position.

20. In these circumstances the Committee considers that the complainants have not proved that there was an infringement of trade union rights and recommends the Governing Body to decide that this aspect of the case does not call for further examination.

Allegations relating to the Absence of Any Possibility of Action by the Austrian Civil Service Federation

21. The complainants have alleged that the most that the Austrian Civil Service Federation had been able to obtain was the judicial recognition of its right to describe itself as a union. This decision has not altered the de facto situation and the Federation is still not recognised. In this respect the Committee recalls that the Government in its reply stated that the staff unions of public services do in principle possess the right of collective bargaining. The condition laid down by the law for

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1 See 53rd Report, Case No. 244 (Belgium), para. 35; 67th Report, Case No. 241 (France), para. 44.
2 See, for example, 36th Report, Case No. 190 (Argentina), para. 193.
3 Ibid., para. 195.
4 See 69th Report, Case No. 280 (France), paras. 11-26.
exercising this right is that the organisation in question should be of a representative character by reason of the number of its members and the importance of its activities in the economic field. As regards the Austrian Civil Service Federation, it has not even applied for recognition for the purpose of collective bargaining.

22. On the other hand, the Committee considers that the very raison d'être of a union is the defence and representation of the interests of its members, the mere possibility of legal assistance possessed by a union does not satisfy the principles contained in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which in Article 2 guarantees freedom of choice for workers in the matter of joining a particular organisation and defines the term “organisation” in Article 10 as “any organisation of workers or of employers for furthering and defending the interests of workers or of employers”.

23. Now, according to the 1946 edict mentioned by the complainants and the Government, and which refers to the intervention of unions in matters affecting staff within a public agency, the organisations which have been recognised for that purpose would appear to be only ones who amongst other things are authorised to present complaints concerning an official if requested by him or where a measure may fundamentally affect the position of one or more officials.

24. The Committee has under certain conditions accepted as a fact not contrary to the principles of freedom of association that a minority organisation may not be empowered by law to form part of consultative bodies, as we have seen above, or may not be authorised to initiate collective negotiations. Nevertheless, the Committee has also pointed out that the distinction between the most representative trade union organisations and the other organisations should not result in those trade union organisations which have not been recognised as the most representative being deprived of the essential means of defending the occupational interests of their members.

25. On the other hand the Committee observes that the Committee of Experts on the Application of Conventions and Recommendations, when analysing the trade union legislation of Denmark with regard to public officials, had observed that according to that legislation only one organisation of officials can be recognised by the Government, and that this recognition implied for the organisation concerned the right to be consulted and to form part of consultative bodies, and to negotiate. In this connection the Committee observed that if the recognition of an organisation for the purpose of representation on joint bodies or of previous consultation can be admitted in certain conditions, the fact that the law itself only authorises this recognition for one single organisation of officials and grants the right of collective bargaining to that organisation alone may in certain cases limit the possibility of action of organisations which are not recognised. Moreover, the fact that the recognised organisation is the only one which is able in practice to further and defend the interests of its members might be incompatible with the principle laid down in Article 2 of Convention No. 87, according to which the persons concerned should be able to set up such organisations as they think fit and to join the same. The Committee did not insist on this point of view when the Government stated that the organisations which were not recognised were authorised to submit petitions to the Government, although they did not possess the right of collective bargaining.

26. In all the circumstances the Committee recommends the Governing Body to decide that the allegations relating to the participation of the Austrian Civil Service Federation in consultative bodies within public agencies do not call for further examination.

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1 See, for example, 58th Report, Case No. 231 (Argentina), para. 546.
Case No. 372:

Complaint Presented by the Union of Congolese Workers against the Government of the Congo (Leopoldville)

27. The complaint by the Union of Congolese Workers is contained in a communication dated 18 December 1963; it is supplemented by information in the form of a copy of a letter addressed by the complainant organisation to the Ministry of Labour of the Government of the Congo on 8 January 1964. This complaint was transmitted to the Government for comment on 21 January 1964. The Government furnished its observations in three letters dated 7 and 20 February and 11 May 1964.

28. The Congo (Leopoldville) has ratified neither the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

29. The complainants allege as follows: that by Presidential Order No. 14/1963 (of which they enclose a copy) the President of the province of Central Kongo has suspended the activities of trade union organisations throughout the province and threatened to imprison any person contravening this decision; that to ensure respect for the order the territorial administrators of Central Kongo province have sent letters (the complainants enclosed a specimen) to the Union's officials in the province instructing them to close their offices, failing which they would be arrested and detained in the nearest gaol; and that by order of the Provincial Minister of the Interior the said territorial administrators sent a circular (photocopy enclosed by complainants) to every employer in Central Kongo forbidding all contact with the Union.

30. In its communication of 7 February 1964 the Government states that the developments in the situation with regard to trade unions in the province of Central Kongo received the attention of the Ministry of Labour in the Leopoldville Government as soon as they became known; that, since the attitude taken by the provincial authorities was unlawful, the Minister of Labour and Social Welfare went on a tour of the Central Kongo with a view to securing observance of trade union legislation and also requested the Head of the Leopoldville Government to have steps taken as soon as possible which would oblige the Central Kongo provincial authorities to respect the law; and that accordingly, in a circular addressed to all regional authorities on 22 January 1964, the Prime Minister announced, inter alia, that henceforth action would be taken against any authorities which interfered with freedom of association.

31. In closing, the Government reports that it has just learned that some of the trade unions and other associations affected by the prohibitive measures had resumed their activities and reopened their offices, and that “it therefore seems likely that there will be further favourable developments in this matter”.

32. In its second series of observations, dated 20 February 1964, the Government states that all trade union organisations affected by Order No. 14/1963 have resumed their normal activities; their offices are open again, workers and employers have resumed discussions and employers are able to communicate freely, without hindrance, with trade union organisations. The Government adds that “the leaders of the trade union organisations concerned [when] contacted at Leopoldville have expressed their satisfaction”.

33. The Government goes on to state that the administrative authorities who came directly within the jurisdiction of the province of Central Kongo had been instructed by the province to lift the restrictions on freedom of association. The Government concludes by saying that it remains for the political authorities of Central Kongo to rescind Presidential Order No. 14/1963 in so far as this relates to occupational associations; even in the absence of any express abrogation, the order would not be applied by any court of law to which a dispute were referred, for the court would note that it is
contrary to the law (Decree of 25 January 1957) and would refuse to apply it by virtue of article 196 of the Constitution, which lays down that "courts and tribunals shall apply ordinances, edicts, regulations, decrees and other said instruments only in so far as they are in conformity with statutory provisions".

34. In its communication dated 11 May 1964 the Government states that, since it furnished its earlier observations, Presidential Order No. 14/1963 has been abrogated.

35. It appears from the information provided by the Government first, that the trade union situation in the province of Central Kongo has returned to normal in that the occupational organisations have been able to resume their activities, the local offices have reopened business and contacts between employers and trade unions have been restored; secondly, that the necessary action has been taken so that such unlawful acts cannot be repeated or at least will incur sanctions; thirdly, that the order complained of, which embodied a breach of the principle that occupational organisations should not be liable to be suspended by administrative authority, has been formally rescinded.

36. In these circumstances the Committee recommends the Governing Body—

(a) to note, first, that the trade union situation in the province of Central Kongo has returned to normal in that the occupational organisations have been able to resume their activities, the local offices have reopened business and contacts between employers and trade unions have been restored; second, that the necessary action has been taken so that abuses such as those mentioned in the present case cannot be repeated or at least will incur sanctions; thirdly, that Order No. 14/1963 has been formally rescinded;

(b) to decide, accordingly, that the case as a whole does not call for further examination.

Case No. 382:

Complaint Presented by the Pan-Hellenic Confederation of Wage-Earning and Salaried Employees against the Government of Greece

37. The complaint by the Pan-Hellenic Confederation of Wage-Earning and Salaried Employees is contained in a communication dated 19 March 1964 addressed directly to the I.L.O. This complaint was transmitted to the Government for its observations by a letter dated 1 April 1964, and the Government replied by a communication dated 15 May 1964.

38. Greece has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

39. The complainants allege that, under Act No. 3755/1957, all Greek workers, whether or not belonging to a trade union, are required to pay an annual contribution equivalent to one day's wage for an unskilled worker to the "Workers' Club", a public institution under government supervision. The trade union organisations are then entitled, in principle, to financial assistance from the Workers' Club towards their operating costs.

40. Together with all other workers, according to the complainants' statement, the members of the Pan-Hellenic Confederation of Wage-Earning and Salaried Employees pay their contributions to the Workers' Club. However, the Workers' Club not only refuses to subsidise the complainant organisation in proportion to its membership, but withholds all financial assistance.

41. The complainants go on to state that this situation creates considerable operating difficulties for their Confederation. Quite apart from the injustice involved, it constitutes discrimination against the complainant organisation, which has been refused any form of
Reports of the Committee on Freedom of Association

subsidy while the General Labour Confederation receives sums totalling millions of drachmas per year from the Workers’ Club. The complainants consider that this practice means that only the General Labour Confederation is regarded as representative.

42. The Government’s reply first of all recalls that it has in the past submitted detailed observations regarding the system of contributions and subsidies concerned in this complaint.

43. It further states that the complainant organisation represents only a small number of workers and that, under the articles of the Workers’ Club, only the most representative organisations are entitled to financial assistance from it.

44. The Government concludes by stating that, if the complainant organisation feels victimised or considers that existing legislation is applied to it unfavourably or wrongfully, it is free to appeal to the Council of State, as other organisations have with success. It is stated that the Pan-Hellenic Confederation of Wage-Earning and Salaried Employees has not made use of that possibility.

45. The Government is quite correct in its statement that the Committee has on several occasions dealt with the situation arising in Greece as a result of subsidies paid to trade union organisations by the Workers’ Club. In this connection the Committee has reached detailed conclusions which it would be pointless to reiterate, even though it has no ground for modifying them.\(^1\)

46.\(^2\) The Government’s reply also shows that the complainant organisation has not made use of the opportunities to appeal available to it. When the Committee has been called upon to examine similar situations in the past\(^2\) it has pointed out that while, in view of the nature of its responsibilities, it cannot consider itself bound by any rule that national procedures of redress must be exhausted, such as appeals, for instance to international claims tribunals, it must have regard in examining the merits of a case to the fact that a national remedy before an independent tribunal whose procedure offers appropriate guarantees has not been pursued.

47. In the present instance, in view of the fact that, according to the Government’s statement, other organisations have successfully appealed in similar circumstances to the Council of State, the Committee considers that the complaining organisation, which has made no use of its opportunity to lodge such an appeal, has made no real effort to obtain redress for the injustice it believes it has suffered.

48. In these circumstances the Committee recommends the Governing Body to decide that the case does not call for further examination.

DEFINITIVE CONCLUSIONS IN THE CASE RELATING TO THE UNITED KINGDOM (BRITISH GUIANA)
(CASE No. 366)

Case No. 366:
Complaints Presented by the Man-Power Citizens’ Association and the British Guiana Trades Union Council against the Government of the United Kingdom in respect of British Guiana

49. The original complaint is contained in a communication dated 16 October 1963 forwarded to the I.L.O. by the Secretary-General of the United Nations. Further

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\(^1\) See 19th Report, Case No. 121 (Greece), paras. 138, 154-158 and 178-182; 24th Report, Case No. 121 (Greece), paras. 45, 48-51, 54, 55, 59, 63, 70-75 and 79; 75th Report, Case No. 341 (Greece), paras. 91-106 and 107(e).

\(^2\) See Fourth Report, Case No. 29 (United Kingdom-Kenya), paras. 127-139; 14th Report, Case No. 88 (France-Sudan), para. 30; 27th Report, Case No. 163 (Burma), para. 51; 30th Report, Case No. 171 (Canada), para. 42, and Case No. 174 (Greece), para. 226; 33rd Report, Case No. 189 (Honduras), para. 37; 60th Report, Case No. 234 (Greece), paras. 89-90.
communications in support of the complaint were addressed to the Office on 12 and 20 November 1963. These communications were forwarded to the Government of the United Kingdom, which furnished on 10 and 12 February 1964 the observations made on the complaints by the Government of British Guiana.

50. The Government of the United Kingdom has ratified the Right of Association (Agriculture) Convention, 1921 (No. 11), the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and has declared their provisions to be applicable, without modification, to British Guiana. The Government of the United Kingdom has also ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and has declared it applicable to British Guiana with modifications.

51. In the communication of 16 October 1963 Mr. Richard Ishmael, in his capacity as General President of the trade union known as the Man-Power Citizens' Association (M.P.C.A.), President of the British Guiana Trades Union Council (B.G.T.U.C.) and First Vice-President of the Caribbean Conference of Labour, alleges that the People's Progressive Party (P.P.P.) and all the government machinery of British Guiana has been directed towards forcing sugar workers to withdraw from the M.P.C.A. by the use of threats. The Minister of Labour, Mr. Ranji Chandisingh, the Minister of Home Affairs, Mrs. Janet Jagan, and the President of the Senate, Mr. Ashton Chase, participated in this campaign. By a communication dated 12 November 1963 the M.P.C.A. forwarded various documents in support of its complaint. They include sworn affidavits from workers who were intimidated, a number of newspaper clippings, a copy of a letter addressed by the M.P.C.A. to the B.G.T.U.C. and a copy of a letter from the B.G.T.U.C. to the Secretary of State for Commonwealth Affairs mentioning the intimidation of M.P.C.A. members. A copy of that letter was sent to the premier, Dr. C. B. Jagan. On 20 November the complainants forwarded certain additional information.

52. From all the information supplied in the various communications from the complainants it would seem that in October 1963 the Guiana Agricultural Workers' Union (G.A.W.U.) launched a campaign to make sugar workers belonging to the M.P.C.A. leave the latter organisation and join the former. It is alleged that ministers and members of the legislature belonging to the P.P.P. participated in this campaign. The complainants give a list of such persons, which includes Messrs. Victor Downer, Macie Hamid and G. Robertson, members of the Legislative Assembly; Messrs. Hubert Thomas and Ashton Chase, members of the Senate; the Minister of Labour, Mr. Ranji Chandisingh; and the Minister of Home Affairs, Mrs. Janet Jagan. According to statements made in the organ of the Guiana Agricultural Workers' Union the reason for this campaign was that the Union was trying to obtain recognition by the Sugar Producers' Association and maintained that a ballot should be taken among the workers to establish that it was the majority union. However, the Sugar Producers' Association rejected the request and asked the Union to open its books for inspection so that the number of members could be ascertained. Since the books did not justify its claim of majority support the Union decided to launch a campaign in order to prevail on the sugar workers to transfer to the Union.

53. It would appear from the sworn affidavits sent in by the complainants that a number of workers were intimidated by activists of the P.P.P. and of the Progressive Youth Organisation (P.Y.O.) into transferring to the Guiana Agricultural Workers' Union, and that the activists had threatened damage to the property and persons of the workers concerned. It is also stated that Senator Herbie Thomas, Miss Edith Jagan (who is in charge of the New Amsterdam office of the P.P.P.) and assemblyman Victor Downer participated in this intimidation. Another sworn affidavit, by the former Assistant Secretary of the Guiana Agricultural Workers' Union, states that in September 1963 he attended a conference of that organisation which was also attended by Senator Ashton Chase and by the Minister of Labour, Mr. Chandisingh. According to the
affidavit, which was published in the official organ of the M.P.C.A., the Minister of Labour stated on that occasion that all P.P.P. supporters should help to destroy the M.P.C.A. because the continual agitation of that trade union organisation was detrimental to the Government's interests since the increases in wages and welfare benefits were reducing the tax receipts from the sugar industry. Such receipts were necessary to the Government, which would break down without them.

54. The complainants state that as a consequence of the campaign 2,814 members withdrew from the M.P.C.A. but that, a month later, 2,212 workers rejoined the organisation and signed an authorisation for the check-off of trade union dues by their employers. However, many workers asked that the existing system should be changed and that the deduction of union dues should not be mentioned on the pay envelopes, so that the terrorists who compelled them to produce these envelopes should be unable to discover whether the workers concerned were members of the M.P.C.A. or not. In any case at least 70 representatives of the M.P.C.A. have resigned and will not continue to sit on the joint committees on the various estates owing to the threats they have received. The complainants also state that all the broadsheets and pamphlets calling on the workers to withdraw from the M.P.C.A. were printed by the New Guiana Company Ltd., which belongs to the P.P.P.

55. In its reply of 10 February 1964 the British Government states that British Guiana is internally self-governing and that the matters which are the subject of these allegations are within the exclusive competence of the ministers of the British Guiana Government. In the note sent by the Government of British Guiana concerning the complaint contained in the communication of 15 October 1963 it is categorically denied that the Government or members of it participated in the campaign carried out by the Guiana Agricultural Workers' Union. The Commissioner of Labour specifically stated that the civil service, and more specifically the Labour Department, which deals with these questions, took no part whatsoever in this matter. In its communication the Government of British Guiana rejects as a complete fabrication the charge that certain ministers visited the districts in which the campaign was taking place with a view to playing an active part in it. As regards the statements imputed to the Minister of Labour to the effect that the Government would facilitate the workers' efforts to destroy the M.P.C.A., the Government states that the Minister opened the last annual conference of the G.A.W.U. and a conference of sugar workers sponsored by that organisation, but that he made no declaration corresponding to the complainants' accusation. The Government encloses a copy of the address delivered by the Minister of Labour on 9 September 1962 at a meeting sponsored by the G.A.W.U.

56. The Government of British Guiana maintains that no violence was reported in connection with the campaign of the G.A.W.U. On the other hand it is known that officers of the M.P.C.A. intimidated workers who wished to withdraw from the latter. For some time there has been dissatisfaction on the part of the workers with M.P.C.A. activities and with its undemocratic practices. According to the Government the leadership is divorced from the rank and file, and the Government cites a number of examples in support of that contention. It also maintains that the workers are convinced that the leaders of the M.P.C.A. have so entrenched themselves in office that it is impossible to bring about a change in the leadership of the Association. The Government considers that the campaign began in consequence of the situation described above.

57. With regard to the charges relating to intimidation by the G.A.W.U. the Government does not consider itself expected to reply. It states, however, that the greatest caution should be exercised in assessing the worth of sworn statements alleging intimidation and violence. As regards the statement that the New Guiana Company Ltd. belongs to the P.P.P., the Government states that this company is a public limited liability company in which hundreds of members of the public hold shares.
58. The Committee now has before it a considerable amount of information which reveals a basic conflict of evidence as between the statements made by the complainants and the observations furnished by the Government of the United Kingdom. It would not be possible for the Committee to ascertain what is the true factual position on the basis of the information available to it. The Government's observations, moreover, are based on information supplied by the Government of British Guiana, and the Committee takes note of the statement by the Government of the United Kingdom that British Guiana is internally self-governing and that the matters which form the subject of the allegations in this case are within the exclusive competence of the Government of British Guiana. At the same time, the United Kingdom is still responsible for the international relations of British Guiana.

59. In these circumstances, therefore, the Committee, having regard to the fact that the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), has been declared applicable to British Guiana subject only to a modification relating to the registration of organisations, which does not affect the questions at issue in the present case, recommends the Governing Body—

(a) to request the Government of the United Kingdom to draw the attention of the Government of British Guiana to the importance which the Governing Body attaches to the principles—

(i) that workers without distinction whatsoever should have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation;

(ii) that workers' organisations should have the right to organise their administration and activities and to formulate their programmes, and that the public authorities should refrain from any interference which would restrict this right or impede the lawful exercise thereof;

(b) to express the hope that, in accordance with the obligations assumed by virtue of Article 11 of the said Convention, all necessary and appropriate measures will be taken to ensure that workers in British Guiana may exercise freely the right to organise.


(Signed) Roberto Ago,
Chairman.
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Note. Addendum to the Official Bulletin, Vol. XLVII, No. 2, April 1964:

The booklet containing documents relating to the Tripartite Technical Meeting for the Food Products and Drink Industries included in the present issue should be inserted in the April 1964 issue, Vol. XLVII, No. 2.
A Tripartite Technical Meeting for the Clothing Industry was held at the International Labour Office, Geneva, from 21 September to 2 October 1964.

The agenda of the Meeting consisted of the consideration of a general report and the following two technical items: conditions of work in the clothing industry; and problems arising from fluctuations of employment in the clothing industry.

Twenty countries were represented by tripartite delegations.

The Meeting set up two subcommittees to deal with the two technical questions, as well as a Steering Committee which also acted as a Resolutions Committee.

The Meeting adopted the reports and conclusions of the two technical subcommittees and four resolutions.

In the “Documents” section of this issue will be found a note on this Meeting, including a summary of the general discussion, the reports of the subcommittees and the texts adopted by the Meeting.¹

¹ See below, p. 329.
Meeting of Experts on Statistics of Wages and Labour Costs

(Geneva, 7-16 September 1964)

In accordance with the decisions of the Governing Body at its 157th (November 1963) and 158th (February 1964) Sessions, the Meeting of Experts on Statistics of Wages and Labour Costs met in Geneva from 7 to 16 September 1964. Mr. R. F. Fowler (United Kingdom) was elected Chairman. The participants in the Meeting included five other experts, namely Mr. S. Shkurko (U.S.S.R.), Mr. P. Gounot (French), Mr. G. Omiya (Japanese), Mr. N. J. Samuels (United States) and Mr. H. Sánchez-Latour (Guatemalan). Representatives from the United Nations, the European Economic Community and the Organisation for Economic Co-operation and Development also attended the Meeting.

The terms of reference of the Meeting, as approved by the Governing Body, were as follows:

To identify and describe the several components of wages and labour costs and to advise the Office in the preparation of proposals for international standards for statistics on the subject, with particular reference to definitions, methodology and classification and tabulation of the data.

A brief summary of the discussions is given below, together with the recommendations of the experts.1

The Meeting concurred with the view that it should consider statistics of wages and salaries only within the context of labour cost, which was itself a very complex subject. It felt that a review of existing international recommendations concerning statistics of earnings, or of wages and salaries in general, was desirable but should be taken up separately at a later date.

The Meeting decided to consider, first and foremost, wages and related elements of labour cost from the aspect of labour cost to the employer. However, it appeared relevant to identify among the items falling under labour cost, as seen from the employer’s viewpoint, those corresponding to earnings as defined in the Convention concerning Statistics of Wages and Hours of Work, 1938. (No. 63). Moreover, the Meeting pointed out that data on employers’ labour cost threw considerable light on levels of living of employees and were very useful for certain analyses in this connection.

Labour costs were defined in such a way as to cover employee remuneration of all kinds, costs of social security, vocational training and welfare services, and some items of employers’ expenditure which could be regarded as not yielding any benefit, direct or indirect, to workers. In other words, labour costs to the employer are not synonymous with incomes received by workers.

For national purposes, certain payments made in conjunction with wages—for instance half-yearly bonuses, family allowances and other regular supplements—might be regarded as subsumed within wages and salaries. For purposes of international comparisons of the structure of employers’ labour costs, however, the pro-

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1 The full text of the report of the experts will be published in the Minutes of the 161st Session of the Governing Body.
posed international standard classification of labour cost (see below) attempts to distinguish types of payments and group them according to their general nature under bonuses, holiday pay, social security, etc.

The Meeting recommended that the statistics should show the average labour cost per unit of time, in particular per hour. It recognised that information on labour cost per unit of output was also needed for many purposes but agreed that statistics of this kind were beyond the scope of its agenda. For the same reason the Meeting felt that it was not called upon to deal with labour cost to the whole economy, as this was one particular aspect of statistics of national accounts.

The Meeting stressed the need for supplementing statistics of employers' labour costs by particulars of the national system of social security financing, taxation affecting employers, and the like. These particulars would be helpful in interpreting the structure of labour costs in the different countries. It was agreed that taxes paid by employers which were levied on payrolls or numbers employed or in a similar way directly linked with employment were to be regarded as labour cost from the employers' viewpoint but should be classified separately.

All wages and salaries and assimilated payments by the employer were to be included in labour cost. The remaining part of an employer's labour cost comprised various items which were to be included on a "net cost" basis, i.e. after deduction of amounts (if any) paid by the workers for the services in question, grants-in-aid from public authorities, etc. In principle, free services such as free travel facilities accorded to their employees by railways, omnibus services, etc., should not be taken into account since employers as a rule did not regard them as involving additional costs. That the free services obviously had a value to the workers was not in itself a justification for adding their estimated value to the employers' actual costs. The same principle applied where the employer did not incur additional expense by distributing to his employees perishable or surplus goods which were of no real value to him or sold goods to his workers at reduced prices.

The recommendations of the Meeting, as submitted to the Governing Body, are as follows:

RECOMMENDATIONS OF THE MEETING ON STANDARDS FOR STATISTICS OF LABOUR COST

I. General

1. As resources and facilities permit, each country should aim to develop statistics of labour cost in the principal industrial sectors of the country such as selected branches of manufacturing, mining, building and construction industries, as well as other industries of particular interest.

2. Programmes for statistics of labour cost should be designed to provide reliable measures on the level, composition and evolution of employer cost for the production factor labour. Data collected in labour cost surveys may also be used to throw light on income from employment, for instance to derive data on direct wages, average earnings, supplementary wage elements not covered by regular wage statistics, etc.

II. Definition of Labour Cost

3. For purposes of labour cost statistics labour cost is the cost to the employer of the production factor labour. The statistical concept of labour cost should comprise remuneration for work performed, payments in respect of time paid for but not worked, bonuses and gratuities, the cost of food, drink and other payments in kind, cost of workers' housing borne by employers, employers' social security expenditure, cost to the employer for vocational training, welfare services and miscellaneous items such as transport of workers, work
clothes, recruitment, etc., together with taxes regarded as labour cost. In particular, depreciation, interest and maintenance cost for buildings and equipment are included in the costs for housing, vocational training and other services. The annexed classification shows the components of labour cost in more detail.

4. Where statistics pertaining to labour cost exclude major groups covered by the international standard definition, these groups should be indicated, together with an estimate of their magnitude, so far as possible.

III. CLASSIFICATION

5. (1) Labour cost data should be classified by industry and wherever possible by employment status, i.e. wage earners and salaried employees, distinguishing homeworkers where appropriate.

(2) The classification of reporting units by industry should be in as much detail as possible and should be made according to the United Nations International Standard Industrial Classification of All Economic Activities, or according to a classification convertible to it.

(3) Pending adoption of an international standard definition, the distinction between wage earners and salaried employees should be based on such criteria as appear to be most suitable for statistical operations under the conditions in each country. As a general guide, wage earners are “manual” workers and salaried employees are “non-manual” workers. The latter include administrative, managerial and supervisory staff, technical and clerical workers and salesmen.

6. Labour cost should be classified by components so as to distinguish, wherever possible, at least the major groups of the annexed classification of labour costs and should also distinguish separately minor groups for which information is available. Certain combinations of the main groups of the classification should be made for analytical purposes, especially the combination of groups I to V (direct labour cost) and of groups VI to IX (indirect labour cost exclusive of taxes). Interest also attaches to combining groups I to III (cash remuneration) and IV to V (payments in kind, including housing).

7. Labour cost statistics should be supplemented by employment data of the same scope, showing the numbers of employees of each sex classified by employment status and distinguishing, where appropriate, homeworkers.

IV. COLLECTION AND COMPIlATION

8. The reporting unit should be the establishment rather than the enterprise or firm, so far as the accounting system used enables a multi-establishment enterprise to supply data for each establishment.

9. The observation period in comprehensive labour cost surveys should cover the 12 months of the calendar year, whenever possible, otherwise the usual accounting year, to take account of expenditures which occur only annually or irregularly.

10. For each industry covered by the national programme of labour cost surveys data should be collected at intervals not exceeding five years. The need for a new survey may arise earlier in some cases than in others. Until such time as major changes occur in labour cost components owing to changes in social legislation or other causes, data for the years intervening between two surveys could be extrapolated wherever suitable data on earnings and other elements of labour cost are available. Special investigations of limited scope during the interim period may provide a satisfactory basis for extrapolation of certain components of labour cost.

11. Each country should compile statistics of average labour cost per unit of time. In particular, data should be compiled showing average labour cost per hour. For the computation of average labour cost per hour data on man-hours actually worked should be compiled in accordance with the resolution concerning statistics of hours of work adopted
by the Tenth International Conference of Labour Statisticians (1962). Wherever possible
data on man-hours worked should be obtained directly in the labour cost inquiries.

ANNEX

INTERNATIONAL STANDARD CLASSIFICATION OF LABOUR COST

I. Direct wages and salaries:
   (1) straight time pay of time-rated workers ¹;
   (2) incentive pay of time-rated workers (production premiums and other incentive pay regularly
       included in payrolls);
   (3) earnings of piece workers (not including overtime premiums) ¹;
   (4) premium pay for overtime, late shift and holiday work.

II. Remuneration for time not worked:
   (1) annual vacation and assimilated leave and long-service leave;
   (2) public holidays and other recognised holidays;
   (3) other time off with pay granted by employer (e.g. birth or death of family member, marriage
       of employee, functions of titular office, union activities, etc.).

III. Bonuses and gratuities:
   (1) year-end and seasonal bonuses;
   (2) profit-sharing bonus;
   (3) additional payments in respect of vacation, supplementary to normal vacation pay;
   (4) other bonuses and gratuities (e.g. for inventions, suggestions, technical improvements, etc.).

IV. Food, drink, fuel and other payments in kind.

V. Cost of workers’ housing borne by employers:
   (1) net cost for establishment-owned dwellings ²;
   (2) net cost for dwellings not establishment-owned (allowances, grants, etc.) ²;
   (3) other housing costs (relating to land ceded for construction of employees’ housing, interest
       forgone on loans granted without interest or at reduced rates for construction of housing
       for own employees, etc.).

VI. Employers’ social security expenditure:
   (1) statutory social security contributions (for schemes covering old age, invalidity and sur-
       vivors; sickness and maternity; employment injury; unemployment; family allowances;
       other employee benefits);
   (2) collectively agreed, contractual and non-obligatory contributions to private schemes and
       insurances (covering old age, invalidity and survivors; sickness and maternity; employment
       injury; unemployment; family allowances; other employee benefits);
   (3) direct payments to employees in respect of absence from work due to sickness, maternity or
       employment injury to compensate for loss of earnings;
   (4) other direct payments to employees assimilated to social security benefits (covering old age,
       invalidity and survivors; sickness and maternity; employment injury; unemployment;
       family allowances; other employee benefits);
   (5) cost of medical care and health services ³;
   (6) severance and termination pay.

VII. Cost of vocational training ³

¹ Includes, for example, responsibility premiums, dirt, danger and discomfort allowances, payments
    under guaranteed wage system and other regular allowances regarded as direct wages or salaries.

² Maintenance expenditure, property taxes, insurances and fees, interest, depreciation and other costs
    less grants-in-aid, tax rebates, etc., received from public authorities and rents and other receipts from
    workers.

³ Including depreciation on buildings and equipment, interest, repairs and maintenance.
VIII. Cost of welfare services:
   (1) canteens, other food services \(^1\);
   (2) education, cultural, recreational and related facilities and services \(^1\);
   (3) grants to credit unions and related services for employees.

IX. Labour cost not elsewhere classified:
   (1) cost of transport of workers to and from work undertaken by establishment \(^1\);
   (2) cost of work clothes;
   (3) cost of recruitment;
   (4) other labour costs.

X. Taxes regarded as labour cost (payroll taxes and other taxes directly linked to employment or payrolls).

\(^1\) Including depreciation on buildings and equipment, interest, repairs and maintenance.
Technical Meeting concerning Certain Aspects of Labour-Management Relations within Undertakings

(Geneva, 5-14 October 1964)

In accordance with the decision of the Governing Body of the I.L.O. at its 155th Session (May-June 1963) a Technical Meeting concerning Certain Aspects of Labour-Management Relations within Undertakings was held in Geneva from 5 to 14 October 1964.

Professor Charles A. Myers, Director, Industrial Relations Section of the Massachusetts Institute of Technology (United States), was elected Chairman and Reporter of the Meeting. The Meeting was attended by 18 participants and an observer from the Commission of the European Economic Community.

The agenda of the Meeting, as determined by the Governing Body at its 155th Session, was as follows:

I. Methods of recruitment, selection, placement and induction of workers within the undertaking.
II. Promotion procedures within the undertaking.
III. Grievance procedures within the undertaking.
IV. Communications within the undertaking.

The participants had an extensive discussion on each item of the agenda, as a result of which they adopted a memorandum which figures as a part of the report of the Meeting. This memorandum contains a summary of the main views expressed in the course of the discussion of the four agenda items, as well as general findings and conclusions in respect of those items; it will be reproduced in a forthcoming number of the Labour-Management Relations Series of the I.L.O.

The report of the Meeting, which also contains various suggestions as to future I.L.O. action, is being submitted to the Governing Body for consideration at its 160th Session (November 1964).
Meeting of Experts on Welfare Facilities for Industrial Workers

(Geneva, 5-16 October 1964)

In accordance with a decision taken by the Governing Body at its 157th Session (November 1963) a Meeting of Experts on Welfare Facilities for Industrial Workers was held at the I.L.O. in Geneva from 5 to 16 October 1964.

The Meeting was attended by 14 experts selected from among persons concerned with industrial welfare—either as government officials, employers, trade union members or officials of independent institutions—in the following countries: Argentina, Cameroon, Federal Republic of Germany, India, Iran, Israel, Japan, Mexico, Nigeria, U.S.S.R., United Arab Republic, United Kingdom, United States and Yugoslavia, in accordance with a decision taken by the Governing Body at its 159th Session (June-July 1964). Representatives of the United Nations, the Food and Agriculture Organisation of the United Nations, the World Health Organisation and the European Economic Community, as well as observers from the International Conference of Social Work and the Catholic International Union for Social Service, also took part in the Meeting.

The agenda for the Meeting, as fixed by the Governing Body at its 157th Session, was as follows:

I. The scope and content of the welfare facilities for industrial workers in the different countries, with special reference to the needs and problems of countries in the early stages of industrialisation.

II. The methods of organising, financing and administering such welfare facilities and the types of personnel needed for administering them.

III. The ways in which the I.L.O. can help in promoting such facilities, as also suitable training programmes for persons responsible for their administration.

The I.L.O. had prepared a series of reports describing current legislation and practice in regard to welfare facilities for workers in industry in countries in different regions of the world, and a general report reviewing the practices adopted in the different countries to improve the well-being of workers both at the workplace and in the community, and outlining the special problems in this respect which arise in certain countries, particularly those in the course of industrial development. The United Nations contributed a paper on “The Role of Social Services in Industry”. In addition the Meeting had at its disposal a document containing a selection of provisions concerning welfare facilities for industrial workers adopted under the auspices of the I.L.O.

Miss W. McCULLOUGH (United Kingdom) was unanimously elected Chairman of the Meeting and Mr. M. ZAVOCH (Iranian) Vice-Chairman.

Welcoming participants to the Meeting on behalf of the Director-General of the I.L.O., Mr. F. BLANCHARD stressed the point that although, over the years, various aspects of industrial welfare had been discussed by the International Labour Conference and by other meetings held under the auspices of the I.L.O., this was the first
time that a meeting had been called to examine and advise on all the different aspects of industrial welfare as a whole.

The subject-matter of the discussions in the Meeting centred around the following specific points, each of which was found to be of particular importance to industrial workers in many countries, if not always in all: basic health and welfare facilities at the workplace (sanitary conveniences, drinking water, washing facilities and cloakrooms); work clothes; facilities for rest; first-aid and medical care facilities; employee food services (including messrooms and dining rooms serving hot meals at reduced prices); child-care facilities for women workers; transport facilities; facilities for cultural and recreational activities; facilities for the utilisation of holidays with pay; workers’ housing; supply schemes (including works stores and co-operative stores run by the workers themselves); and the special welfare needs of retired workers. The Meeting also discussed the different methods adopted in the various countries for the provision and financing of welfare facilities for industrial workers, especially for those employed in small and medium-sized undertakings; the methods of administration practised; and the types of personnel needed to promote and supervise welfare facilities. Particular attention was focused on the role and functions of social workers in industry which, in many countries, have taken on increasing importance over recent years.

In reaching conclusions on the different points enumerated above the Meeting had in mind the differences both in the stages of economic and social development reached in the countries of the various regions and in the policies adopted to improve the well-being and standard of living of industrial workers. Thus it became clear that there are three broad categories under one or other of which it is possible to classify most countries, although in some the welfare policies practised may pertain partly to one category and partly to another. At one end of the scale there are certain countries in which wages are high and social institutions so developed that employers are rarely called on to make a contribution towards the provision of any welfare facilities apart from those normally provided at the workplace in modern industry, either under legislation or voluntarily. At the other end there are many developing countries in which wages are low and the social infrastructure so inadequate that the industrial worker looks mainly to his employer for the provision of a wide range of welfare facilities to enable both himself and his family to live in some degree of comfort and well-being and to spend their leisure hours in educational, cultural or recreational activities. In a third group of countries, including some which have reached a fairly advanced stage of industrialisation and others in the course of development, a different approach to industrial welfare has developed: in these countries the social, economic and political system has favoured the development of welfare facilities by the workers themselves, through their trade unions.

From the outset of the discussions it became clear that the consensus was that welfare measures taken voluntarily by the employer specifically for the purpose of improving the well-being of his workers either at the workplace or away from it were not to be regarded as part of a paternalistic policy but as measures which would ultimately benefit both employer and employed: the enhanced well-being of the workers resulting from appropriate welfare measures could be expected to lead to higher labour productivity, brought about not only by reduced absenteeism following the reduction of both sickness and accidents but also by improved labour-management relations. Nevertheless, one or two participants from highly industrialised countries, while recognising the need for employers in certain countries to provide a very wide range of welfare facilities for their workers in existing circumstances, expressed the hope that the time would soon come when many of these countries would reach a stage of economic and social development which would make it possible for the community to provide for the social needs of the population as a
whole and for workers to be paid a wage high enough to allow them to pay for all
the facilities, services and amenities they need, and thus allow employers to con-
centrate on their essential role of producers.

The final conclusions reached unanimously by the Meeting not only make pro-
posals concerning the provision of specific types of welfare facilities but also set out
the general considerations underlying specific action to make such facilities available
to industrial workers. The text of these conclusions is reproduced in the "Docu-
ments" section of this issue.¹

¹ See below p. 376.
Official Action on the Decisions of the International Labour Conference

Ratifications and Denunciations of International Labour Conventions and Declarations concerning the Application of Conventions to Non-Metropolitan Territories

[Note. The publication of information concerning the ratification and application of international labour Conventions does not imply any expression of view by the International Labour Office on the legal status of the State having communicated a ratification or declaration, or on its authority over the territories in respect of which such ratification or declaration is made; in certain cases these may present problems on which the I.L.O. is not competent to express an opinion.]

ALBANIA

Ratification of the Minimum Age (Fishermen) Convention, 1959 (No. 112); denunciation of the Night Work (Women) Convention, 1919 (No. 4).

The ratification by Albania of Convention No. 112 was registered by the Director-General of the International Labour Office on 11 August 1964.

The Director-General also registered on the same date the denunciation by Albania of Convention No. 4.

The instrument of ratification of Convention No. 112 is as follows:

(Translation)

THE PRESIDUIUM OF THE PEOPLE'S ASSEMBLY OF THE PEOPLE'S REPUBLIC OF ALBANIA,

Having seen and examined the Convention concerning the minimum age for admission to employment as fishermen adopted by the General Conference of the International Labour Organisation on 19 June 1959,

Has decided to ratify the said Convention,
And undertakes to ensure its application.
In faith whereof it has signed these presents and has affixed thereto the Seal of State.
Done at Tirana this thirteenth day of July one thousand nine hundred and sixty-four.

(Signed)  Haxhi Llesh,  
President.

(Signed)  Behar Shtylla,  
Minister of Foreign Affairs.

The instrument of denunciation of Convention No. 4 is as follows:

1 Report III (Part III), which has been laid before every session of the Conference since 1950, contains a summary of the information supplied by governments in accordance with article 19 of the Constitution of the International Labour Organisation on the measures taken by member States to bring Conventions and Recommendations before the competent authorities and on relevant action taken by these authorities.
THE PRESIDIUM OF THE PEOPLE'S ASSEMBLY OF THE PEOPLE'S REPUBLIC OF ALBANIA,

Having seen and examined the Convention concerning employment of women during the night adopted by the General Conference of the International Labour Organisation at its first session held in Washington on 29 October 1919 and ratified by Albania on 17 March 1932,

Has decided to denounce the said Convention in accordance with Article 13 thereof.

In faith whereof it has signed these presents and has affixed thereto the Seal of State.

Done at Tirana this thirteenth day of July one thousand nine hundred and sixty-four.

(Signed) Haxhi Llesh, President.

(Signed) Behar Shylla, Minister of Foreign Affairs.

CENTRAL AFRICAN REPUBLIC

Ratification of the Unemployment Convention, 1919 (No. 2); Maternity Protection Convention, 1919 (No. 3); Minimum Age (Agriculture) Convention, 1921 (No. 10); Workmen's Compensation (Accidents) Convention, 1925 (No. 17); Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18); Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); Holidays with Pay Convention, 1936 (No. 52); Safety Provisions (Building) Convention, 1937 (No. 62); Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67); Labour Inspection Convention, 1947 (No. 81); Employment Service Convention, 1948 (No. 88); Labour Clauses (Public Contracts) Convention, 1949 (No. 94); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99); Equal Remuneration Convention, 1951 (No. 100); Holidays with Pay (Agriculture) Convention, 1952 (No. 101); Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104); Abolition of Forced Labour Convention, 1957 (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117); Equality of Treatment (Social Security) Convention, 1962 (No. 118); and Guarding of Machinery Convention, 1963 (No. 119).

The ratification by the Central African Republic of Conventions Nos. 2, 3, 10, 17, 18, 19, 52, 62, 67, 81, 88, 94, 98, 99, 100, 101, 104, 105, 111, 117 and 119 was registered by the Director-General of the International Labour Office on 9 June 1964. The ratification of Convention No. 118 was registered on 8 October 1964.

The text of the letter from the President of the Central African Republic which constitutes the instrument of ratification of these Conventions is as follows:

(Translation) Bangui, 4 June 1964.

Sir,

In accordance with Act No. 64-18 dated 6 May 1964 which empowers me to ratify 22 international labour Conventions, I have the honour to inform you of the ratification of the following Conventions:

Maternity Protection Convention, 1919 (No. 3).
Unemployment Convention, 1919 (No. 2).
Minimum Age (Agriculture) Convention, 1921 (No. 10).
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19).
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18).
Workmen's Compensation (Accidents) Convention, 1925 (No. 17).
Holidays with Pay Convention, 1936 (No. 52).
Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67).
Labour Inspection Convention, 1947 (No. 81).
Employment Service Convention, 1948 (No. 88).
Labour Clauses (Public Contracts) Convention, 1949 (No. 94).
As regards Convention No. 118 the President of the Central African Republic communicated to the Director-General of the International Labour Office, in conformity with Article 2 of the said Convention, a declaration as a result of which the Convention was registered; this declaration is as follows:

(Translation)

Bangui, 5 October 1964.

Sir,

By your letter No. 64/1619 of 10 September 1964 you requested me to forward to you a supplementary statement in respect of the Convention concerning the equality of treatment of nationals and non-nationals in social security, 1962 (No. 118).

I have the honour to inform you that the branches of social security for which the Central African Republic has accepted the obligations of the Convention are the following:

- maternity benefit;
- old-age benefit;
- employment injury benefit;
- family benefit.

I have also the honour to confirm, with reference to paragraph 1 of Article 2 of the Convention, that legislative provisions are already in force in respect of each of the branches for which the obligations of the Convention have been accepted by the Central African Republic and that the basic texts are the following:

- family benefit and maternity benefit: Order No. 276 of 7 March 1956.
- employment injury benefit: Ordinance No. 59-60 of 20 April 1959.
- old-age benefit: Act No. 63-412 of 5 June 1963 establishing a retirement scheme for salaried workers.

I have the honour, etc.

(Signed) D. DACKO,
President of the Republic,
President of the Government.

CYPRUS

Ratification of the Final Articles Revision Convention, 1961 (No. 116).

The ratification by Cyprus of Convention No. 116 was registered by the Director-General of the International Labour Office on 20 July 1964.

The text of the letter from the Ministry of Labour and Social Insurance which constitutes the instrument of ratification of this Convention is as follows:

Nicosia, 15 July 1964.

Dear Sir,

I am directed to inform you that the Government of the Republic of Cyprus has ratified the Final Articles Revision Convention (No. 116). The necessary Law ratifying the Convention was
published in the Official Gazette of the Republic of 9th July, 1964 (Law No. 35 of 1964), and since that date this Government considers itself bound by the provisions of the Convention.

Yours faithfully,

(Signed) E. CONSTANTINIDES,
Acting Director-General.

CZECHOSLOVAKIA

Declaration concerning the Radiation Protection Convention, 1960 (No. 115).

Following the ratification by Czechoslovakia of Convention No. 115, which was registered on 21 January 1964, the Government of Czechoslovakia communicated to the International Labour Office, in conformity with Article 3, paragraph 3 (c), of the said Convention, a declaration dated 15 June 1964, the text of which is as follows:

(Translation)

Reply to the Questionnaire Issued by the I.L.O. under paragraph 3 (c) of Article 3 of International Labour Convention No. 115 concerning the Protection of Workers in the Czechoslovak Socialist Republic against Ionising Radiations

Measures for the protection of workers against ionising radiations in accordance with the provisions of Convention No. 115 were already subject in the Czechoslovak Socialist Republic to regulations with binding force in the shape of Notice No. 98 of 1956 issued by the Ministries of the Chemical Industry and of Health concerning the treatment of radioactive substances; this notice was superseded by Notice No. 220 of 28 November 1959 on the same subject. These regulations refer to workers in contact with radioactive substances. Protection against radiation by X-rays is covered by Czechoslovak Government Standard No. 34 1720 (radiological equipment and places of employment) which also has binding force; more detailed regulations dealing with protection against radioactive substances are to be found in Czechoslovak Government Standard No. 34 1780 (places of employment exposed to radioactive substances).

On 1 May 1963 a further notice came into force; this was Notice No. 34 concerning protection of workers' health against ionising radiations and the handling of sources of such radiations and was issued by the Ministries of Health and of the Chemical Industry under Act No. 4 of 1952 concerning health and protection against epidemics. It superseded Notice No. 220 of 1959 referred to earlier and lays down essential standards of protection against ionising radiations for both workers and the population as a whole.

This general legislation covers workers of all categories (i.e. employees of public bodies or co-operative societies and members of co-operatives) and deals with the protection of persons exposed to sources of radiation in their employment and those employed near places of work exposed to sources of radiation or assigned to such places of work from time to time. All the standards laid down by the Convention are embodied in the above legislation, and since the ratification of the Convention it has not therefore been found necessary to issue any additional regulations on the subject. The notice of 1 May 1963 was discussed by the Central Council of Trade Unions as the body representing the workers and by the central government agencies as the bodies representing the employers, in accordance with Part I, Article 1, of the Convention.

The principles laid down in the notice have been implemented by means of technical regulations issued thereunder; by the standards mentioned earlier; by Regulation No. 5000 issued by the Central Mining Directorate, which lays down more detailed regulations for the protection of workers engaged in the mining and enrichment of radioactive ores; and by the instructions of the Ministry of Health regulating jobs in which luminescent radioactive colours are employed (No. NE-3400-27.5.59, of 29 May 1959).

As regards certain individual provisions of the Convention the following points should be made:

1. Notice No. 34 of 1963 prescribes maximum permissible doses of radiations for various categories of workers in accordance with the recommendations of the International Commission on Radiological Protection. Different standards are laid down by the notice solely in order to give workers better protection; this is the case when workers are not in direct contact with sources of radiation but are liable to be exposed to them in some other way, for instance when they are employed near places of employment exposed to sources of radiation, when the maximum permissible dose is 0.5 rem a year. A body specialising in the protection of health against radiations—the Institute for Industrial Health and Occupational Diseases in Prague—has been instructed, on the basis of the latest scientific research and the recommendations made at the international level, to submit special proposals for revising the maximum permissible doses (Articles 6 and 8 of the Convention).
2. Under the existing regulations jobs exposed to radiation may be performed only by persons over the age of 18; some jobs, such as the mining of radioactive ores or the use of luminescent radioactive colours, may be performed only by persons over the age of 21 (Article 7 of the Convention).

3. Before being allowed to work in jobs where they are exposed to radiations workers must take a special course of instruction followed by refresher courses at intervals of not less than six months. The supervisors of such workers are tested by a special committee attached to the appropriate self-management body.

4. The measurement of external doses of radiations received by workers is compulsory; the regulations also require measurement of the intensity of the doses of radiations, of the concentration of radioactive substances in the atmosphere at the place of work, and measurement of any other forms of exposure to radiations, with a view to ensuring that the maximum permissible levels are not exceeded (Article 11 of the Convention).

5. Before being taken on and at intervals thereafter—depending on the nature of the job and each worker's state of health—preventive medical examinations are held for all persons employed in jobs where they are exposed to radiations. Medical examinations must also be held where necessary whenever the maximum permissible doses of radiation have been exceeded or whenever internal contamination by radioactive substances is suspected. In either case the employer must notify the special inspectorate and the appropriate medical bodies. When a worker is medically examined the employer must act on the doctor's conclusions (Articles 13 and 14 of the Convention).

6. Before acquiring any radioactive substances or beginning any process which is exposed to any source of ionising radiations undertakings must obtain the permission of the special inspectorate, which checks that the necessary safety standards are being observed, that the workers have been adequately instructed, that medical examinations have been held, that permission has been given to allow work in a place exposed to radiations and that the supervisor in question is adequately qualified (Article 10 of the Convention).

7. The special inspectorate responsible for protection against ionising radiations comes under the Departments of Hygiene and Epidemiology of the Ministry of Health, which is also responsible for authorising the acquisition of radioactive substances and the use of sources of ionising radiations. These departments hold periodical inspections at places of employment where such sources are used, and their permission must be secured before any building or changes therein may take place. These inspections are also designed to ascertain whether the level of exposure to ionising radiations could be lowered. In this task the Departments of Hygiene and Epidemiology collaborate with other special bodies of the state inspectorate responsible for safety and health and also with the trade unions (Articles 5, 11 and 15 of the Convention). The Law entitles the unions to stop work whenever there is a threat to the workers' health (Act No. 65 of 1961).

8. Workers employed in jobs where they are exposed to radiations are paid higher wages and have longer holidays. Under Act No. 150 of 1961 a worker is entitled to compensation in the event of damage to his health, no matter how slight.

**DOMINICAN REPUBLIC**

**Ratification of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).**

The ratification by the Dominican Republic of Convention No. 111 was registered by the Director-General of the International Labour Office on 13 July 1964.

The text of the instrument of ratification is as follows:

*(Translation)*

No. 274.

**THE TRIMVIRATE,**

Pursuant to Article 38, paragraph 14, of the Constitution of the Republic;

Having examined the Convention concerning discrimination in respect of employment and occupation, 1958 (No. 111), of the International Labour Organisation, dated 25 June 1958;

Whereas the Dominican Republic was represented at the said session by our Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate of the Republic to the I.L.O. in Geneva, Switzerland;

We hereby resolve:
To approve the Convention concerning discrimination in respect of employment and occupation, 1958 (No. 111), of the International Labour Organisation, dated 25 June 1958, which is worded as follows:

[Here follows the text of the Convention.]

Given and promulgated by the Triumvirate at the National Palace, Santo Domingo, capital of the Dominican Republic, on the first day of June nineteen hundred and sixty-four in the one hundred and twenty-first year of Independence and the one hundred and first year following the Restoration.

The foregoing shall be published in the official gazette.

(Signed) Donald Y. Reid CABRAL.

(Signed) Manuel E. TAVARES ESPAILLAT.

(Signed) Ramón CÁCERES TRONCOSO.

FINLAND

Ratification of the Final Articles Revision Convention, 1961 (No. 116).

The ratification by Finland of Convention No. 116 was registered by the Director-General of the International Labour Office on 1 June 1964.

The text of the letter from the Permanent Delegate of Finland in Geneva which constitutes the instrument of ratification of this Convention is as follows:


Sir,

Upon instructions of my Government I have the honour to inform you, with reference to article 19 of the Constitution of the International Labour Organisation, that the President of the Republic of Finland has on 15 May 1964 ratified the Convention No. 116 of 7 June 1961 concerning the partial revision of the Conventions adopted by the General Conference of the International Labour Organisation at its first 32 sessions for the purpose of standardising the provisions regarding the preparation of reports by the Governing Body of the International Labour Office on the working of Conventions.

Accept, Sir, the assurance of my highest consideration.

(Signed) R. Honkaranta, Ambassador.

FEDERAL REPUBLIC OF GERMANY

Ratification of the Fishermen’s Articles of Agreement Convention, 1959 (No. 114).

The ratification by the Federal Republic of Germany of Convention No. 114 was registered by the Director-General of the International Labour Office on 1 July 1964.

The instrument of ratification of this Convention is as follows:

(Translation)

Considering that on 19 June 1959 the General Conference of the International Labour Organisation in Geneva adopted Convention No. 114 concerning fishermen’s articles of agreement, the text of which is attached hereto, and that in the form of a law it has met with constitutional approval, I hereby declare that I confirm the said Convention.

Bonn, 13 May 1964.

For the Federal President:

(Signed) Diederichs,
President of the Federal Council.

For the Federal Minister of Foreign Affairs:

(Signed) ScheeL
Federal Minister for Economic Co-operation.
In depositing this instrument of ratification the Delegate of the Federal Republic of Germany to the International Organisations in Geneva communicated to the Director-General of the International Labour Office a separate letter in which it is declared that Convention 114 is also applicable in Land Berlin.

**GHANA**

**Ratification of the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).**

The ratification by Ghana of Convention No. 117 was registered by the Director-General of the International Labour Office on 18 June 1964.

The text of the letter from the Minister of Labour and Social Welfare which constitutes the instrument of ratification of this Convention is as follows:

Accra, 11 June 1964.

Sir,

International Labour Organisation Conventions and Recommendations

I have the honour to refer to Convention No. 117 concerning basic aims and standards of social policy and to inform you that the Government of Ghana, having considered the Convention aforesaid, do hereby, under the terms of article 19(5) (d) of the Constitution of the International Labour Organisation, communicate formal ratification of the same and undertake faithfully to perform and carry out all the stipulations therein contained.

In witness whereof, I have signed these presents at Accra this eleventh day of June 1964.

Accept, Sir, the assurance of my highest esteem.

(Signed) Osei Owusu-AFIUYIE,

Minister of Labour and Social Welfare.

**INDIA**

**Ratification of the Equality of Treatment (Social Security) Convention, 1962 (No. 118).**

The ratification by India of Convention No. 118 was registered by the Director-General of the International Labour Office on 19 August 1964.

The text of the instrument of ratification of this Convention is as follows:

Sarvepalli RADHAKRISHNAN,

President of India,

To all to whom these presents shall come, greeting:

Whereas a Convention concerning equality of treatment of nationals and non-nationals in social security was adopted by the International Labour Conference at its Forty-sixth Session held in Geneva, on the twenty-eighth day of June in the year one thousand nine hundred and sixty-two, which Convention is reproduced, word for word, in the Annexure to this document;

And whereas it is fit and expedient to accept and ratify the aforesaid Convention in respect of medical care, sickness benefit and maternity benefit;

Now, therefore, be it known that the Government of India, having seen and considered the said Convention, do hereby accept and ratify the same, in respect of medical care, sickness benefit and maternity benefit.

In testimony whereof I, Sarvepalli Radhakrishnan, President of India, have signed these presents and affixed hereunto my Seal at New Delhi this the twenty-second day of Jyaistha of the Saka year one thousand eight hundred and eighty-six corresponding to the twelfth day of May of the year A.D. one thousand nine hundred and sixty-four, in the fifteenth year of the Republic of India.

(Signed) Sarvepalli RADHAKRISHNAN,

President of India.
In conformity with Article 2, paragraphs 1 and 3, of the said Convention the following declaration was appended to the instrument of ratification:


Dear Mr. Jenks,

Please refer to your letter No. ACD 2-33-00 dated 19 June 1964, regarding the ratification of the I.L.O. Convention No. 118 concerning equality of treatment of nationals and non-nationals in social security.

This is to confirm that we have legislation in force and operation for the branches of social security for which we have accepted the obligations of the Convention.

Yours sincerely,

(Signed) S. W. Zaman,
First Secretary, Permanent Mission of India to the European Office of the United Nations.

IRAN


The ratification by Iran of Convention No. 111 was registered by the Director-General of the International Labour Office on 30 June 1964.

The text of the communication from the Minister of Labour and Social Affairs which constitutes the instrument of ratification of this Convention is as follows:

(Translation)


Sir,

I have the honour to inform you of the ratification by the Imperial Government of Iran of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

I attach the Persian text, together with the French translation, of the relevant Imperial Firman, together with the Act ratifying the Convention, which has been approved by the Senate and Chamber of Deputies.

The present communication is made in accordance with the provisions of article 19, paragraph 5 (d), of the Constitution of the International Labour Organisation.

I have the honour, etc.

(Signed) A. Khosrovani,
Minister of Labour and Social Affairs.

Imperial Firman promulgating an Act respecting the ratification by the Government of Iran of international labour Convention No. 111 of 1958 concerning discrimination in respect of employment and occupation; the Act has been passed by the Senate and the Chamber of Deputies

By the Grace of Almighty God,

We, Pahlavi,
Shahinshah of Iran,

By virtue of section 27 of the Supplementary Constitutional Act hereby order as follows:

Section 1

The Act concerning the ratification by the Government of Iran of international labour Convention No. 111 of 1958 concerning discrimination in respect of employment and occupation, which has been approved by the Senate and the Chamber of Deputies and a copy of which is appended to the present Firman, is hereby put into effect.

Section 2

The Council of Ministers shall be responsible for implementing the said Act.

3 Khordad 1343 (24 May 1964).
Act respecting the ratification by the Iranian Government of international labour Convention No. 111 of 1958 concerning discrimination in respect of employment and occupation

Sole Section

The ratification by the Imperial Government of international labour Convention No. 111 of 1958 concerning discrimination in respect of employment and occupation, consisting of a Preamble and 14 Articles, is hereby approved.

The above-mentioned Act, consisting of a sole section, together with the appended text of the Convention, was passed by the Senate on Thursday, 17 Ordibehechte 1343 (7 May 1964), and approved by the Chamber of Deputies.

(Signed) Abdollah RIAZI,
President of the Chamber of Deputies.

[Here follows the text of Convention No. 111.]

The text of the above Convention, consisting of a Preamble and 14 Articles, appended to the Act respecting the ratification by the Government of Iran of international labour Convention No. 111 of 1958 concerning discrimination in respect of employment and occupation, is certified to be a true copy.

(Signed) Abdollah RIAZI,
President of the Chamber of Deputies.

The original text of the Imperial Firman and of the present Act and the appendix thereto are hereby consigned to the archives of the Prime Minister's Office.

Prime Minister.

LUXEMBOURG

Ratification of the Forced Labour Convention, 1930 (No. 29); Social Security (Minimum Standards) Convention, 1952 (No. 102); and Abolition of Forced Labour Convention, 1957 (No. 105).

The ratification by Luxembourg of Conventions Nos. 29 and 105 was registered by the Director-General of the International Labour Office on 24 July 1964; the ratification of Convention No. 102 was registered on 31 August 1964.

The text of the instrument of ratification of Convention No. 29 is as follows:

(Translation)

We, CHARLOTrE,
By the Grace of God, Grand Duchess of Luxembourg, Duchess of Nassau, etc., etc., etc.,

Having seen and examined Convention No. 29 concerning forced or compulsory labour adopted by the General Conference of the International Labour Organisation at its 14th Session on 28 June 1930, of which the text is as follows:

[Here follows the text of the Convention.]

Have approved and do approve the said Convention, declare that it is accepted, ratified and confirmed and promise that it shall be carried out and observed in the Grand Duchy of Luxembourg according to its form and language.

In faith whereof We have signed these presents and have caused to be affixed thereto Our Grand-Ducal Seal.

The Palace, Luxembourg, 26 June 1964.

For the Grand Duchess,
Her Lieutenant and Representative:

(Signed) JEAN,
Hereditary Grand Duke.

(Signed) E. SCHAUS,
Minister of Foreign Affairs.

The instruments of ratification of Conventions Nos. 102 and 105 are in similar terms.
In conformity with Article 2 (b) of the Social Security (Minimum Standards) Convention, 1952 (No. 102), the following communication was appended to the instrument of ratification of this Convention:

(Translation)  

Sir,

Further to your letter of 30 July 1964 (reference ACD 2-40-00), I have the honour to transmit to you herewith a communication from my Government stating that it accepts all the obligations of Convention No. 102, including those of Parts II to X referred to in Article 2, clause (b), of this Convention.

My Government considers that this declaration should be regarded as an integral part of the ratification.

I have the honour, etc.

(Signed)  I. Bessling,
Permanent Delegate of Luxembourg to the European Office of the United Nations.

With this communication was enclosed an annex containing the following statement:

(Translation)

In ratifying Convention No. 102 concerning minimum standards of social security without specifying in respect of which of Parts II to X it accepts the obligations of the Convention, Luxembourg undertakes to observe the Convention in its entirety, in conformity with the provisions of section 2 of the Luxembourg Act of 13 January 1964 approving this Convention, which reads as follows: “The obligations of Parts II to X of the Convention are accepted”. The ratification of the Convention by Luxembourg is therefore to be regarded as relating to all the obligations of the Convention, including those which are contained in Parts II to X.

MALAGASY REPUBLIC

Ratification of the Final Articles Revision Convention, 1961 (No. 116); Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117); Equality of Treatment (Social Security) Convention, 1962 (No. 118); and Guarding of Machinery Convention, 1963 (No. 119).

The ratification by the Malagasy Republic of Conventions Nos. 116, 117 and 119 was registered by the Director-General of the International Labour Office on 1 June 1964; the ratification of Convention No. 118 was registered on 22 June 1964.

The text of the letter from the Minister of Labour and Social Legislation which constitutes the instrument of ratification of these Conventions is as follows:

(Translation)  
Tananarive, 27 May 1964.

Sir,

I have the honour to inform you that the Government of the Malagasy Republic has ratified the following international labour Conventions:

The Final Articles Revision Convention, 1961 (No. 116).
The Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).
The Equality of Treatment (Social Security) Convention, 1962 (No. 118).
The Guarding of Machinery Convention, 1963 (No. 119).

These Conventions were published in the official gazette of the Malagasy Republic on 23 May 1964.
I shall be obliged if you will consider the present communication as a formal instrument of ratification in respect of the foregoing Conventions in accordance with article 19, paragraph 5 (d), of the Constitution of the International Labour Organisation.

I have the honour, etc.

(Signed) Jean-François Jarison,
Minister of Labour and Social Legislation.

As regards Convention No. 118 the Minister of Labour and Social Legislation of the Malagasy Republic communicated to the Director-General of the International Labour Office, in conformity with Article 2 of the said Convention, a declaration as a result of which the Convention was registered. This declaration is as follows:

(Translation)
Tananarive, 19 June 1964.

Sir,

I have the honour to acknowledge receipt of your letter ACD 2-80-00 of 9 June 1964 concerning the ratification by my Government of international labour Conventions Nos. 116 to 119.

As regards Convention No. 118 I should add that, in accordance with Article 2 of that Convention, the ratification concerns the following branches of social security for which Madagascar has effective legislation in operation:

- sickness benefit (section 36 of the Labour Code);
- maternity benefit (Family Allowances and Employment Injuries Code);
- invalidity benefit (Family Allowances and Employment Injuries Code);
- employment injury benefit (Family Allowances and Employment Injuries Code).

I have the honour, etc.

(Signed) J. Ravoahangy-Andrianavalona,
Acting Minister of Labour and Social Legislation.

REPUBLIC OF MALI

Ratification of the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19).

The ratification by the Republic of Mali of Convention No. 19 was registered by the Director-General of the International Labour Office on 17 August 1964.

The communication from the Secretary of State for Labour and the Public Service which constitutes the instrument of ratification of this Convention is as follows:

(Translation)
Bamako, 10 August 1964.

Sir,

I have the honour to inform you that by Act No. 64-13 AN dated 14 July 1964 the National Assembly of the Republic of Mali ratified international labour Convention No. 19 concerning equality of treatment for national and foreign workers as regards workmen’s compensation for accidents.

I enclose herewith a copy of Decree No. 014-PG/RM promulgating the above-mentioned Act. I should be grateful if you would be good enough to proceed to registration of the ratification of this Convention.

I have the honour, etc.

(Signed) Oumar Baba Diarra,
Secretary of State for Labour and the Public Service.

Decree No. 014/PG-RM to Promulgate Acts Nos. 64-13, 64-14, 64-15, 64-17, 64-18, 64-19, 64-21 and 64-22/AN-RM of 14 and 15 July 1964

The President of the Government of the Republic of Mali,

Acting in accordance with the Constitution of the Republic of Mali, And having regard to Acts Nos. 64-13, 64-14, 64-15, 64-16, 64-17, 64-18, 64-19, 64-21 and 64-22/AN-RM of 14 and 15 July 1964,

Hereby decrees:
Section 1

The following Acts are promulgated:

No. 64-13/AN of 14 July 1964 for ratification of international labour Convention No. 19 concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents.

Koulouba, 24 July 1964.

(Signed) J. M. KONE,

Acting President of the Government.

NETHERLANDS

Ratification of the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32); and Equality of Treatment (Social Security) Convention, 1962 (No. 118); declarations concerning the Holidays with Pay (Agriculture) Convention, 1952 (No. 101), and Equality of Treatment (Social Security) Convention, 1962 (No. 118).

The ratification by the Netherlands of Convention No. 118 was registered by the Director-General of the International Labour Office on 3 July 1964; the ratification of Convention No. 32 was registered on 25 August 1964.

The text of the instrument of ratification of Convention No. 118 is as follows:

(Translation)

We, JULIANA,

By the Grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.,

To all whom these presents may come, greetings!

Having seen and examined the Convention concerning equality of treatment of nationals and non-nationals in social security adopted in Geneva on 28 June 1962 by the General Conference of the International Labour Organisation at its 46th Session in the following form:

[Here follows the text of the Convention.]

We hereby approve all its provisions with respect to the Kingdom in Europe in the case of the branches of social security listed in Article 2, paragraph 1, clauses (a) to (i), and with respect to the Netherlands West Indies in the case of the branch of social security mentioned in Article 2, paragraph 1, clause (b). We hereby declare that the foregoing Convention is accepted, ratified and confirmed and will be faithfully carried out.

Wherefore We have given these presents, signed by Our hand, and have ordered Our Royal Seal to be affixed thereto.

Given at Soestdijk this fourth day of June in the year of grace nineteen hundred and sixty-four.

(Signed) JULIANA.

(Countersigned) J. M. A. H. LUNS.

In conformity with Article 2, paragraphs 1 and 3, of the said Convention, the following declaration was appended to the instrument of ratification:

(Translation)


Sir,

In pursuance of the instrument of ratification by my country of Convention No. 118 concerning equality of treatment of nationals and non-nationals in social security, 1962, I have the honour to confirm, in accordance with Article 2, paragraph 1, of the said Convention, that the Netherlands possesses, in the case of the Kingdom in Europe, legislation in effective operation concerning branches (a) to (i), which are accepted by the instrument of ratification.
In the case of the Netherlands West Indies the provisions of branch (b) concerning sickness benefit, which are accepted by the instrument of ratification, are also in effective operation under current legislation.

I have the honour, etc.

(Signed) A. F. W. LUNSINGH MEUER,
Acting Permanent Delegate of the Netherlands to the United Nations and Other International Organisations.

The text of the instrument of ratification of Convention No. 32 is in similar terms.

The Director-General of the International Labour Office further registered, on the dates indicated below, the following declarations communicated under article 35 of the Constitution of the International Labour Organisation, concerning the application to certain non-metropolitan territories of the international labour Conventions mentioned below:

**Convention No. 101.**
Applicable without modification: Netherlands Antilles, Surinam—2 June 1964.

**Convention No. 118.**
Applicable without modification: Netherlands Antilles—3 July 1964.

**PARAGUAY**

Ratification of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26); Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99); and Equal Remuneration Convention, 1951 (No. 100).

The ratification by Paraguay of Conventions Nos. 26, 99 and 100 was registered by the Director-General of the International Labour Office on 24 June 1964.

The text of the letter from the Minister of External Relations which constitutes the instrument of ratification of these Conventions is as follows:

(Translation)

Asunción, 15 June 1964.

Sir,

I have pleasure in confirming the text of my telegram dated 10 June 1964, reading as follows:

Have pleasure inform you Government Paraguay approved and ratified Conventions Nos. 26, 99 and 100 adopted International Labour Conference stop Shall confirm by letter: Raúl Sapena Pastor Minister External Relations Paraguay.

1 Thus the House of Representatives of Paraguay by Act No. 924 dated 29 May 1964 approved and ratified Convention No. 26 concerning the creation of minimum wage-fixing machinery, adopted by the International Labour Conference at its 11th Session, held in Geneva, Switzerland, from 30 May to 16 June 1928.

By Act No. 925 of the same date the House approved and ratified Convention No. 99 concerning minimum wage fixing machinery in agriculture, adopted on 28 June 1951 at its 34th Session by the International Labour Conference convened in Geneva by the Governing Body of the International Labour Office.

By Act No. 926 of the same date the House approved and ratified Convention No. 100 concerning equal remuneration for men and women workers for work of equal value, adopted by the International Labour Conference at its 34th Session, held in Geneva, Switzerland, on 6 June 1951.

These Acts were promulgated by the National Executive on 3 June 1964.

I have the honour to be, Sir, etc. j

(Signed) José SAPENA PASTOR.
[Sealed with the seal of the Minister of External Affairs.]
PORTUGAL

Ratification of the Night Work (Women) Convention (Revised), 1948 (No. 89); and Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The ratification by Portugal of Convention No. 89 was registered by the Director-General of the International Labour Office on 2 June 1964; the ratification of Convention No. 98 was registered on 1 July 1964.

The text of the instrument of ratification of Convention No. 89 is as follows:

(Translation)

We, América Deus Rodrigues Tomás,
President of the Portuguese Republic by the Will of the Nation,

Hereby inform all who see the present letters of confirmation and ratification that, on 9 July 1948, at the 31st Session of the General Conference of the International Labour Organisation in San Francisco, a Convention (No. 89) was adopted concerning night work of women employed in industry (revised 1948), the text of which in French, together with a translation into Portuguese, is given below.

[Here follows the text of the Convention.]

Having seen, examined and considered the contents of the said Convention, which was approved for ratification by Legislative Decree No. 44862, published in the official gazette, No. 19, first series, on 23 January 1963, we hereby confirm and ratify the said Convention in each and all of its parts, declaring it to be valid and fully effective, and undertake that it shall be inviolably implemented and observed.

In faith whereof, we have signed these presents and caused the seal of the Portuguese Republic to be affixed thereto.

Given at the Palace of the Government of the Republic, this day of 1964.

(Signed) América Deus Rodrigues Tomás.
(Signed) A. Franco Nogueira.

The instrument of ratification of Convention No. 98 is in terms similar to those of the instrument of ratification of Convention No. 89.

THAILAND


The ratification by Thailand of Convention No. 104 was registered by the Director-General of the International Labour Office on 29 July 1964.

The text of the instrument of ratification of this Convention is as follows:

Whereas a Convention (No. 104) concerning the abolition of penal sanctions for breaches of contract of employment by indigenous workers was adopted by the General Conference of the International Labour Organisation at its Thirty-eighth Session, held at Geneva, on the twenty-first day of June two thousand four hundred and ninety-eighth year of the Buddhist Era (A.D. 1955), which Convention is, word for word, as follows:

[Here follows the text of the Convention.]

The Government of Thailand, having considered the Convention aforesaid, hereby confirm and ratify the same and undertake faithfully to perform and carry out all the stipulations therein contained.

In witness whereof this Instrument of Ratification is signed and sealed by the Minister of Foreign Affairs of the Government of Thailand.

Done at Bangkok, the seventeenth day of July two thousand five hundred and seventh year of the Buddhist Era (A.D. 1964).

(Signed) Thanat Khoman.
Declarations concerning the Unemployment Convention, 1919 (No. 2); Minimum Age (Industry) Convention, 1919 (No. 5); Minimum Age (Sea) Convention, 1920 (No. 7); Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8); Minimum Age (Agriculture) Convention, 1921 (No. 10); Right of Association (Agriculture) Convention, 1921 (No. 11); Workmen's Compensation (Accidents) Convention, 1925 (No. 17); Seamen's Articles of Agreement Convention, 1926 (No. 22); Sickness Insurance (Industry) Convention, 1927 (No. 24); Sickness Insurance (Agriculture) Convention, 1927 (No. 25); Minimum Wage-Fixing Machinery Convention, 1928 (No. 26); Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32); Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35); Old-Age Insurance (Agriculture) Convention, 1933 (No. 36); Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37); Invalidity Insurance (Agriculture) Convention, 1933 (No. 38); Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39); Survivors' Insurance (Agriculture) Convention, 1933 (No. 40); Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42); Unemployment Provision Convention, 1934 (No. 44); Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63); Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Employment Service Convention, 1948 (No. 88); Accommodation of Crews Convention (Revised), 1949 (No. 92); Labour Clauses (Public Contracts) Convention, 1949 (No. 94); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Seafarers' Identity Documents Convention, 1958 (No. 108); and Radiation Protection Convention, 1960 (No. 115).

The Director-General of the International Labour Office registered, on the dates indicated below, the following declarations communicated under article 35 of the Constitution of the International Labour Organisation, concerning the application to certain non-metropolitan territories of the international labour Conventions mentioned below.

Convention No. 2.
Applicable with the following modification: Basutoland—7 July 1964: Article 2: There is only one employment exchange.

Convention No. 5.
Applicable with the following modifications: Bermuda 1—3 August 1964: Article 2: Children or young persons under the age of 15 years may be admitted to industrial employment—(a) in light work as errand boys or messengers; or (b) in other light ancillary work connected with an industrial undertaking; or (c) in work for the purpose of training them in any trade or employment where the work is of a light and safe character and is not likely to be injurious to their health or physical development.

Convention No. 7.
Applicable with the following modifications: Bermuda 1—3 August 1964: Article 2: Children or young persons under the age of 15 years may be employed at work on vessels—(a) in light work as errand boys or messengers; or (b) in other light ancillary work connected with an industrial undertaking; or (c) in work for the purpose of training them in any trade or employment where the work is of a light and safe character and is not likely to be injurious to their health or physical development.

Convention No. 8.
Applicable without modification: British Honduras—12 June 1964.

Convention No. 10.

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1 This declaration supersedes the declaration of 3 April 1963.
Convention No. 11.

Convention No. 17.
Applicable with the following modification: Swaziland—12 June 1964: Article 2: Excluded.

Convention No. 22.
Applicable without modification: British Honduras—12 June 1964.
Applicable with the following modifications: Hong Kong—12 June 1964: Article 1: Applied in respect of British ships and foreign ships of nations not represented in the colony by a consular officer; Article 4: There is no specific legislation covering this practice, though it is not in fact permitted; Article 9: There is no specific legislation regulating agreements for an indefinite period, though they are not in practice allowed; Articles 12 and 13: Though no legislative provision exists there are well-defined grounds upheld by legal decision on which a seaman can obtain his discharge. St. Christopher-Nevis-Anguilla—12 June 1964: Articles 9, 10 and 13: Excluded.
Decision reserved: Aden, Brunei—3 August 1964.
Not applicable: Basutoland—7 July 1964.

Convention No. 24.
Decision reserved: Aden—12 June 1964; Basutoland—7 July 1964; Brunei—3 August 1964.

Convention No. 25.
Decision reserved: Basutoland—7 July 1964; Brunei—3 August 1964.

Convention No. 26.
Applicable without modification: Montserrat—12 June 1964; Bahamas—28 August 1964.
Decision reserved: Brunei—3 August 1964.

Convention No. 32.
Decision reserved: St. Christopher-Nevis-Anguilla—12 June 1964; Aden, Brunei—3 August 1964.
Not applicable: Basutoland—7 July 1964.

Convention No. 35.
Decision reserved: Aden, Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands—12 June 1964; Barbados, Basutoland, British Guiana, St. Christopher-Nevis-Anguilla—7 July 1964; Dominica—3 August 1964.

Convention No. 36.
Decision reserved: Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands—12 June 1964; Barbados, Basutoland, British Guiana, St. Christopher-Nevis-Anguilla—7 July 1964; Dominica—3 August 1964.

Convention No. 37.
Decision reserved: Aden, Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands—12 June 1964; Barbados, Basutoland, British Guiana, St. Christopher-Nevis-Anguilla—7 July 1964; Dominica—3 August 1964.

Convention No. 38.
Decision reserved: Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands—12 June 1964; Barbados, Basutoland, British Guiana, St. Christopher-Nevis-Anguilla—7 July 1964; Dominica—3 August 1964.

Convention No. 39.
Decision reserved: Aden, Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands—12 June 1964; Barbados, British Guiana, St. Christopher-Nevis-Anguilla—7 July 1964; Dominica—3 August 1964.

1 This declaration supersedes the declaration of 4 June 1962.
2 This declaration supersedes the declaration of 27 March 1950.
Convention No. 40.
Decision reserved: Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands—12 June 1964; Barbados, Basutoland, British Guiana, St. Christopher-Nevis-Anguilla—7 July 1964; Dominica—3 August 1964.

Convention No. 42.
Applicable without modification: Barbados—7 July 1964.
Applicable with the following modification: Swaziland—12 June 1964: Article 2: Excluded.

Convention No. 44.
Decision reserved: Aden—12 June 1964; Basutoland—7 July 1964; Brunei—3 August 1964.

Convention No. 63.
Applicable with the following modifications: Gibraltar (Parts II and IV are excluded)—12 June 1964: the provisions of Article 21 of Part III are also excluded.
Decision reserved: Basutoland, Grenada—1 July 1964; Aden—3 August 1964.

Convention No. 84.
Applicable without modification: Gilbert and Ellice Islands—1 July 1964.

Convention No. 87.
Applicable without modification: British Virgin Islands—12 June 1964; Seychelles—7 July 1964.

Convention No. 88.
Applicable with the following modification: British Honduras—28 August 1964: Article 1, paragraph 5: Variations may be approved by the competent authority after consultation with the shipowners or such organisation or organisations as appear to him to be representative of owners of British ships and such organisation or organisations (if any) as appear to him to be representative of seamen employed in British ships; Article 3, paragraph 2 (c): No fines are provided as a penalty for any violation; paragraph 2 (e): Excluded; Article 5, clause (c): Regulations do not prescribe any procedure for complaint by a recognised bona fide trade union, although a procedure for complaints by individual crew members is prescribed; Article 10, paragraph 9 (d): Permitted accommodation in sleeping rooms for day-working ratings is, wherever practicable, between two and five persons per room, and in no event more than six; paragraph 10: There is no provision for consultation with shipowners, organisations of shipowners or bona fide trade unions.

Convention No. 92.
Applicable with the following modifications: Hong Kong—28 August 1964: Article 1, paragraph 5: Variations may be approved by the competent authority after consultation with the shipowners or such organisation or organisations as appear to him to be representative of owners of British ships and such organisation or organisations (if any) as appear to him to be representative of seamen employed in British ships; Article 3, paragraph 2 (c): No fines are provided as a penalty for any violation; paragraph 2 (e): Excluded; Article 5, clause (c): Regulations do not prescribe any procedure for complaint by a recognised bona fide trade union, although a procedure for complaints by individual crew members is prescribed; Article 10, paragraph 9 (d): Permitted accommodation in sleeping rooms for day-working ratings is, wherever practicable, between two and five persons per room, and in no event more than six; paragraph 10: There is no provision for consultation with shipowners, organisations of shipowners or bona fide trade unions.

Convention No. 94.
Applicable with the following modification: Swaziland—28 August 1964: Article 1: Service and supply contracts are excluded.

Convention No. 98.
Applicable without modification: British Virgin Islands—12 June 1964.

Convention No. 108.
Applicable without modification: Antigua, Barbados, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Malta, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands—3 August 1964.

This declaration supersedes the declaration of 27 March 1950.
This declaration supersedes the declaration of 29 December 1958.
This declaration supersedes the declaration of 22 March 1958.
This declaration supersedes the declaration of 8 March 1961.
Decision reserved: Aden, Bahamas—3 August 1964.

Convention No. 115.
Applicable without modification: British Honduras—7 July 1964.
Decision reserved: St. Lucia—12 June 1964; Aden, Basutoland, Fiji, Montserrat—7 July 1964

UNITED REPUBLIC OF TANGANYIKA AND ZANZIBAR

Ratification of the Minimum Age (Industry) Convention, 1919 (No. 5); Minimum Age (Sea) Convention, 1920 (No. 7); Right of Association (Agriculture) Convention, 1921 (No. 11); Workmen’s Compensation (Agriculture) Convention, 1921 (No. 12); Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15); Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16); Workmen’s Compensation (Accidents) Convention, 1925 (No. 17); Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19); Minimum Wage-Fixing Machinery Convention, 1928 (No. 26); Forced Labour Convention, 1930 (No. 29); Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32); Underground Work (Women) Convention, 1935 (No. 45); Recruiting of Indigenous Workers Convention, 1936 (No. 50); Minimum Age (Sea) Convention (Revised), 1936 (No. 58); Minimum Age (Industry) Convention (Revised), 1937 (No. 59); Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63); Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64); Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65); Labour Inspection Convention, 1947 (No. 81); Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86); Employment Service Convention, 1948 (No. 88); Labour Clauses (Public Contracts) Convention, 1949 (No. 94); Protection of Wages Convention, 1949 (No. 95); Migration for Employment Convention (Revised), 1949 (No. 97) 1; Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Holidays with Pay (Agriculture) Convention, 1952 (No. 101); Abolition of Forced Labour Convention, 1957 (No. 105); and Seafarers’ Identity Documents Convention, 1958 (No. 108).

By a communication dated 16 June 1964 the Minister of External Affairs of the United Republic of Tanganyika and Zanzibar informed the Director-General of the International Labour Office that his Government recognises that it continues to be bound, in respect of the entire territory of the United Republic, by Conventions Nos. 11, 12, 15, 16, 17, 19, 26, 29, 50, 59, 63, 64, 65, 86, 94, 95, 98 and 105.

The Government of the United Republic of Tanganyika and Zanzibar further recognises that it continues to be bound in respect of the territory of Tanganyika by Conventions Nos. 32, 45, 81, 88, 101 and 108, and in respect of the territory of Zanzibar by Conventions Nos. 5, 7, 58 and 97 (excluding Annexes I, II and III).

The Director-General of the International Labour Office therefore registered on 22 June 1964 the confirmation of the obligations arising under these various Conventions.

Moreover, the Government of the United Republic undertakes, in respect of the territory of Zanzibar, to continue to apply the following non-metropolitan Conventions: the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), and the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85).

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1 Excluding Annexes I, II and III.
The following, in addition to the regular section "Information" and the Bibliography, are the contents of recent issues of the *International Labour Review*.

**August 1964:**
- Food for Development: The World Food Programme, by A. Dawson.
- Industrial Estates in Wales, by Geoffrey Percival, M.A., Ph.D.
- Youth and Work in Latin America. II: Youth Employment Prospects.

**September 1964:**
- Automation and the Evaluation of Training, by S. D. M. King.
- Three Secrets of Development Magic, by Dr. R. J. P. van Glinstra Bleeker.

**October 1964:**
- Old-Age Pensions and Retirement, by T. Hiuchi.
- Reflections on a Policy for Retirement, by Edouard Lambert.

The statistical supplements to these numbers contain unemployment statistics and consumer price indices. The statistical supplement for September contains, in addition to changes in the tables, statistics on employment, wages and hours of work.

As from the beginning of 1965 the statistical supplement hitherto included with each monthly issue of the *International Labour Review* will be replaced by a separate quarterly *Bulletin of Labour Statistics* in a more convenient format, permitting the inclusion of an increased number of statistical series covering a longer period of time. The first issue of the *Bulletin* will appear in March 1965, and subsequent issues in June, September and December of each year. The present statistical supplement will be published for the last time with the December 1964 issue of the *Review*. Further details and a subscription form for the *Bulletin of Labour Statistics* will be found in the October issue of the *Review*.

**Legislative Series**

The July-August issue of the *Legislative Series* contains texts promulgated in 1962-63 dealing with the following subjects.

*Labour legislation:*

*Social security legislation:*
The September-October issue contains texts promulgated in 1963 dealing with the following subjects.

**Labour legislation:**

**Social security legislation:**
- Spain 1 (1963): Basic principles of social security.

These issues also contain lists of recent labour legislation.

**DOCUMENTS OF THE INTERNATIONAL LABOUR CONFERENCE (49TH SESSION)**

In preparation for the 49th Session of the Conference (June 1965) the Office has published the following reports.

**The Employment of Young Persons in Underground Work in Mines of All Kinds**

This report prepared by the Office on the basis of the first discussion by the Conference deals, in Chapter I, with the proceedings of the 48th Session of the Conference relating to the employment of young persons in underground work in mines of all kinds. The following texts are included in Chapter II: a proposed Convention and a proposed Recommendation concerning the minimum age for admission to employment underground in mines, a proposed Convention concerning medical examination for fitness for employment of young persons underground in mines and a proposed Recommendation concerning conditions of employment of young persons underground in mines. The purpose of the report is to transmit these texts to governments for their amendments or comments.

**The Employment of Women with Family Responsibilities**

The text of this report prepared by the Office is based on the Conclusions adopted by the Conference at its 48th Session. Chapter I deals mainly with the proceedings of the 48th Session of the Conference relating to the employment of women with family responsibilities. The text of the proposed Recommendation concerning the employment of women with family responsibilities is to be found in Chapter II. The purpose of the report is to transmit this text to governments for their amendments or comments.

The Conference at its 48th Session also discussed the subject of women workers in a changing world in general and adopted four resolutions on various aspects of the subject. These resolutions are reproduced for information in the appendix to the report.

**Minutes of the Governing Body**

157TH SESSION

This volume contains a record of the discussions of the Governing Body, the documents relating to the various items on the agenda, and the decisions taken at its 157th Session (12-15 November 1963).

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In preparation for the Second African Regional Conference of the I.L.O., to be held in Addis Ababa from 30 November to 12 December 1964, the Office has published the Director-General's Report to the Conference.

The Director-General reviews some salient problems of social development in the African region against the background of trends in population, labour force, production and income, and trade. Its five chapters deal with the following questions: the background to African social needs; labour force problems and the development of the modern sector; human resources in the rural sector; labour relations and economic development; and international labour standards and technical co-operation. The trends outlined in the various chapters should be considered in conjunction with the nine tables in the text and the ten tables in the appendix.

MIMEOGRAPHED DOCUMENTS

Reports for Various Meetings


I.L.O. Technical Assistance Mission Reports

Africa:

Central African Republic:
L'éducation ouvrière en République centrafricaine (Workers' education in the Central African Republic) (OIT/OTA/CENTRAFRICAINE/R.2).

Ceylon:

Costa Rica:
Readaptación profesional y empleo de los inválidos (Vocational rehabilitation and employment of the disabled) (OIT/TAP/COSTA RICA/R.4).

Cyprus:

Dahomey:
L'assurance-pension (Pension insurance) (OIT/TAP/DAHOMEY/R.5).

Iraq:
Vocational Rehabilitation and Employment of the Disabled (ILO/OTA/IRAQ/R.8).

2 Limited quantities of these documents are available from the I.L.O., Geneva.
3 For further details of the Meeting see pp. 297 and 329 of this issue.
Jamaica:
Co-operative Development (ILO/TAP/JAMAICA/R.4).

Panama:
Misión en materia de administración y aplicación de la reglamentación de salarios mínimos (A mission to advise on administration and application of minimum wage fixing regulations) (OIT/TAP/PANAMÁ/R.3).

Tunisia:
Les statistiques de la Caisse nationale de sécurité sociale (The statistics of the National Social Security Fund) (OIT/TAP/TUNISIE/R.8).

Venezuela:
Tripartite Technical Meeting for the Clothing Industry

(Geneva, 21 September-2 October 1964)

Note on the General Discussion, Reports of the Subcommittees, Conclusions and Resolutions Adopted

The Tripartite Technical Meeting for the Clothing Industry convened by the International Labour Organisation was held at the International Labour Office, Geneva, from 21 September to 2 October 1964.

The agenda of the Meeting, which had been fixed by the Governing Body of the International Labour Office at its 153rd and 154th Sessions (November 1962 and March 1963), was as follows:

I. General examination of the labour and social problems in the clothing industry.

II. Conditions of work in the clothing industry.

III. Problems arising from fluctuations of employment in the clothing industry.

The International Labour Office had prepared a report on each of the above items.

In accordance with a decision of the Governing Body the Chairman of the Meeting was Mr. W. CLAUSSEN, representative of the Government of the Federal Republic of Germany on the Governing Body of the International Labour Office.

The Meeting elected two Vice-Chairmen: Mr. W. F. EVANS (United States) for the Employers' group and Mr. K. BUSCHMANN (Federal Republic of Germany) for the Workers' group.

All the 20 countries which had been invited by the Governing Body to participate in the work of the Meeting were represented by tripartite delegations. The countries in question were as follows:

Argentina.
Australia.
Brazil.
Canada.
Czechoslovakia.
France.
Federal Republic of Germany.

India.
Italy.
Japan.
Mexico.
Netherlands.
Nigeria.
Pakistan.

Sweden.
Switzerland.
U.S.S.R.
United Arab Republic.
United Kingdom.
United States.

1 Composition of the Meeting as decided by the Governing Body at its 157th Session (November 1963).
In addition a Workers' representative from Belgium attended the Meeting as an observer.

The Governing Body was represented by a delegation consisting of—
*Government group* : Mr. W. CLAUSSEN (Federal Republic of Germany).
*Employers' group* : Mr. C. KUNTSCHEN (Swiss).
*Workers' group* : Mr. R. BOTHEREAU (French).

Representatives of the Secretariat of the Contracting Parties to the General Agreement on Tariffs and Trade, the Organisation for Economic Co-operation and Development and the League of Arab States also attended.

In addition observers from the following international non-governmental organisations were present at the Meeting: the International Confederation of Free Trade Unions¹, the International Federation of Christian Trade Unions¹, the International Federation of Christian Trade Unions of Textile and Clothing Workers, the International Organisation of Employers¹, the International Textile and Garment Workers' Federation, the World Federation of Trade Unions¹ and the World O.R.T. Union.

The Meeting set up two subcommittees for the examination of the two technical items on the agenda, namely a Subcommittee on Conditions of Work in the Clothing Industry and a Subcommittee on Problems Arising from Fluctuations of Employment in the Clothing Industry. In addition the Meeting set up a Steering Committee which also acted as a Resolutions Committee.

Seven plenary sittings were held during the Meeting, three of which were devoted in particular to a general discussion of the problems of the clothing industry.

At its sixth and seventh plenary sittings on 1 and 2 October the Meeting examined the reports, conclusions and resolutions which had been submitted to it.

This note gives an outline of the deliberations in plenary sitting, the text of the reports, conclusions and resolutions adopted by the Meeting, and a summary of the discussions leading to the adoption of these texts.

**DELIBERATIONS IN PLENARY SITTING**

**OPENING SPEECHES**

Opening speeches were made by Mr. BLANCHARD, Assistant Director-General of the International Labour Office and Secretary-General of the Meeting; by Mr. CLAUSSEN, Chairman of the Meeting; and by Mr. KUNTSCHEN and Mr. BOTHEREAU, representing respectively the Employers' and Workers' groups of the Governing Body.

Mr. Blanchard referred to the need for improving in particular the conditions of work in small workshops, in establishments operating under a system of contract, and in home work. Conditions of work were related to the efficiency of production methods, and this in turn was closely linked with mechanisation and the introduction of technical improvements. In the industrially developing countries mechanisation should not be pushed as fast as in the industrially advanced countries. It was essential to ensure that lower cost of production should not be achieved at the cost of low wages.

In regard to the problems arising from fluctuations of employment in the industry the aim of labour policy should be to ensure full employment of manpower and complete utilisation of equipment and machinery. The clothing industry had to cope not only with seasonal fluctuations but also with the vagaries of fashion, and one of the problems was

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¹ Organisation with consultative status.
to examine to what extent fashions could be influenced and production planned in advance in order to avoid undue fluctuations of employment. This involved in industrially developed countries some transfer of labour from the industry to other industrial sectors in need of more labour, hence mobility of manpower, creation of complementary jobs and facilities for retraining. Consultation and co-operation between employers and workers and their respective organisations were extremely important.

As regards the problems raised by the increasing participation of developing countries in international trade in ready-made garments, the International Labour Office had always taken the stand that expansion of international trade would make for higher standards of living and improved labour conditions, while stressing that all possible measures should be taken to avoid the unemployment which might result in certain cases. While increasing exports of clothing from developing countries would necessitate in the long run some modifications in the industrial structure of the developed countries, such modifications could be foreseen and were often less drastic than those caused by technological changes or shifts in the pattern of domestic demand. An expansion in the demand for the products of the clothing industry would also facilitate the problems caused by the imports of manufactured goods from developing countries. However, an increase in the standard of living of the people in these countries was essential for this potential demand to materialise. Technical assistance provided by the I.L.O. in conjunction with the United Nations and other specialised agencies could do much to raise the standard of living in the developing countries.

Mr. Claussen said that mass production of garments using factory methods was a relatively recent development, and a rapid change-over to new industrial methods was taking place in many countries. It was estimated that the industry at present employed about 6 million workers in some 65 countries, and an increase in the number of workers engaged in the industry was likely. The need to pay particular attention to labour and social problems was therefore obvious.

The industry was facing a number of basic problems. First, its extremely competitive nature had led to the production of low returns on the capital invested and to poorer conditions of employment; there was thus a need to improve the economic foundations of the industry. Secondly, it must make efforts to increase the proportion of consumers' income spent on clothing. Finally, care should be taken to avoid building up surplus productive capacity of the industry in the world as a whole. It was necessary to make a realistic appraisal of future needs for the products of the industry.

Mr. Claussen pointed out the disparities in the average level of consumption of textiles per head, even after taking into account climatic differences, between the various regions in the world. The bulk of the consumption of textile goods was at present in the industrially developed countries. Even a moderate increase in the clothing requirements of the developing countries would therefore ensure full employment in the industry and would considerably increase its present capacity. While a large part of these requirements would continue to be met by traditional methods in the developing countries, an increasing share would be met by factory methods since only these methods could ensure efficiency and cheap production.

One of the interesting features in recent years was the active interest and participation of trade unions in measures to improve productivity in the industry, especially the introduction of work study methods and new techniques. It was, however, necessary to give careful examination to problems such as increased tempo of work.

Markets should also be studied with a view to avoiding fluctuations of output. Central organisations in each country should devote closer attention to such matters as social and fashion trends and the habits of various age groups. Moreover, exchanges of views on such matters at the international level would also be beneficial.

Mr. Kuntschen pointed out that the clothing industry satisfied one of the basic requirements of mankind, and referred to the advantages of tripartite discussion of the problems of the industry.

Mr. Bothereau said that the clothing industry was an old industry but that its evolving technology raised a number of complex problems: development of the methods of manufacture, differences in the raw materials used, variations in production methods, influence of fashion and seasonal trends.
GENERAL DISCUSSION

In accordance with the usual practice the Meeting devoted most of the plenary sittings to a general discussion of the problems in the clothing industry, as outlined in Report I prepared by the Office.

Many delegates referred to the particular features of the development of the clothing industry in their respective countries, and to the difference in the problems in the developing countries and in the developed countries. Other subjects covered were the composition and structure of the labour force, shortage of experienced workers in many countries, problems connected with training and retraining of workers, industrial home work, labour-management relations, social aspects of international trade in clothing, and the need for technical assistance to developing countries. Some comments were also made on the two technical items on the agenda, namely conditions of work and problems arising from fluctuations of employment in the industry.

Some Features of the Development of the Clothing Industry

Several delegates referred to the rapid transition in recent years from craft to industrial methods of production of garments in their countries, mechanisation, concentration and modernisation of clothing establishments resulting in increased productivity, and the labour and social problems which arose from the need to make adjustments.

According to a Workers’ delegate from Argentina it was only since 1946 that manufacture of garments in his country had become industrialised. The fairly rapid growth in demand in the domestic market had made it necessary for the clothing manufacturers to improvise training a skilled labour force.

An Employers’ delegate from Australia pointed out that the clothing industry occupied third place in his country in terms of employment. Clothing factories were in general equipped with modern machinery, and a policy of modernisation and improvement was being followed.

In Czechoslovakia, according to a Government delegate, the clothing industry played a very important part. It was able not only to satisfy domestic demand but also to export part of its production. Industrial undertakings used modern production methods, and research institutes were studying employment problems. There was great concentration of production and trade, and this favoured improvement of labour conditions.

A French Workers’ delegate stated that in France, despite the trend towards concentration, there were still a great many small and medium-sized undertakings, and that modernisation and increased productivity of the undertakings had not always been adequate to improve conditions of work and the standard of living of workers in the industry.

The clothing industry in India was of recent origin, and it had been faced with a large number of difficulties. Foremost among these, in the view of an Employers’ delegate from that country, was the resistance on the part of the public to ready-made garments, in conjunction with a shortage of raw materials. However, another Indian Employers’ delegate expressed the view that the industry was a promising one. Both of them emphasised the need for introducing modern machinery and new techniques.

In Pakistan also, where the industry was relatively new, the difficulties in importing machinery slowed down rapid progress, according to an Employers’ delegate from that country. The Pakistan Government delegate emphasised that the industry was passing through a transition stage from handicraft to mass production and that the intention was to develop a healthy industry rather than to export underpriced goods. The Workers’ delegate referred to the low level of consumption and the consequent wide gap which still existed in Pakistan for increasing production.

In Italy also the transition from craft methods to industrial methods was relatively recent, but it had taken place rapidly. According to a Government delegate from that country the industry absorbed 7.5 per cent. of the industrial manpower. Employment had increased by 12 per cent. during the last three years. An Italian Employers’ delegate pointed out that the industry was distributed widely throughout Italy and consisted mainly of small undertakings, and emphasised that handicrafts and home work continued to be of importance.
The small size of the undertakings was also a main characteristic of the clothing industry in Japan. A Government delegate pointed out, however, that some small undertakings had amalgamated. The demand for higher quality was one of the factors which led to modernisation of machinery and rationalisation of management. Although the clothing industry constituted only 4 per cent. of manufacturing as a whole, and the workers in the industry 2.5 per cent. of the total labour force, there had been a rapid growth of the industry between 1957 and 1961. A Japanese Employers’ delegate stated that during these years production had increased by 82 per cent. and the labour force by 29 per cent. Adjustments had had to be made to rapid technical developments by rationalising management and production methods, increasing investment and productivity, and moving some undertakings to less developed areas. A Workers’ delegate from Japan stressed the need for adopting a policy to protect workers in small and medium-sized undertakings.

In Mexico 50 per cent. of the undertakings in the industry were small, 40 per cent. of medium size and 8 per cent. large, according to an Employers’ delegate. The industry was in a position to satisfy domestic demand, though it had not been working at full capacity.

According to a Government delegate from the U.S.S.R. the clothing industry dated from the Revolution, when small handicraft undertakings had been replaced by large-scale establishments. At present there were 2,300 factories and 18,000 workshops, which employed 900,000 and 550,000 workers respectively. Production in 1963 was 32 per cent. above that of 1958 and represented three-and-a-half times the volume of production in 1940. Mechanisation and specialisation had enabled productivity to be increased, though it still remained below that of certain highly industrialised countries. Changes in demand, said an Employers’ delegate from the U.S.S.R., had required the introduction of new equipment and vocational retraining of workers. Careful attention was being paid to the rationalisation of manufacturing methods and the reduction of cost prices. While technical progress had led to increased productivity, this had not involved a reduction in the number of workers, for output had increased, and in some cases workers had been transferred to other industries.

A Workers’ delegate from the United Kingdom stated that in his country the clothing industry occupied a prominent place in manufacturing. A wages board for the industry, consisting of employers, workers and independent representatives, had been established in 1913 to make up for shortcomings in the trade union organisation. Later, 13 wages advisory boards had been constituted corresponding to the various sectors of the clothing industry. These bodies might serve as examples to the developing countries.

**Problems in Developing and Developed Countries**

Several delegates who took part in the general discussion stressed the difference in conditions and problems of the developing and the developed countries.

In the opinion of a Workers’ delegate from Japan, whereas the developed countries were faced with problems related to technological innovations, changes in the pattern of consumption and the modernisation of their factories, the developing countries were faced with problems which arose from their low purchasing power. He pointed out that, while the developed countries aimed at improving their manpower by technical training, the developing countries were concerned with increasing their economic resources and expanding their domestic and foreign markets.

A Mexican Government delegate said that the clothing industry was a suitable one for developing countries, especially those which produced the necessary raw materials. However, in the majority of these countries the industry was at the handicraft stage, and industrial production of garments did not amount to more than 10 per cent. of world production. Further development depended upon a rise in living standards and the consequent growth of the domestic market.

In the opinion of a Nigerian Employers’ delegate many of the social problems facing the industry in the highly developed countries would sooner or later also occur in the developing countries, and prior knowledge of the difficulties would therefore be of assistance. Technical and vocational training were also essential.

An Indian Workers’ delegate thought that problems facing developing countries were substantially the same as those confronting the developed countries.

Workers’ delegates from Australia and the United Kingdom said that developing countries could profit from the experience of the developed countries. A Workers’ delegate
from the United States recalled that the aim of the Meeting was to fix international standards applicable to workers in both the developing and developed countries, and a Mexican Government delegate stressed that the conclusions of the Meeting should be sufficiently flexible to be applicable to countries at all stages of development.

Composition of the Labour Force in the Industry

Several delegates referred to the structure and composition of the labour force in the clothing industry and its repercussions on social and labour problems.

A Workers' delegate from Czechoslovakia pointed out that in his country there was a high proportion of women in the industry, but that they enjoyed full equality with men in every aspect of their working life. However, in some countries, equal conditions of employment did not exist between men and women, and the Meeting should pay due attention to this point.

In the Federal Republic of Germany the proportion of women in the industry was 85 to 90 per cent. A Workers' delegate pointed out that a high percentage of these women were married and upon completion of their work had to carry out their domestic tasks at home. An industry almost entirely dependent on women workers must take account of this in regulating hours of work.

In Italy, according to the figures quoted by an Employers' delegate, 47 per cent. of workers in the industry were skilled, 75 per cent. were adults and 85 per cent. were women.

A Workers' delegate from the U.S.S.R. pointed out that great importance was attached in his country to the question of women's work, as women constituted 85 per cent. of the workers in the industry. The Constitution upheld the principle of equality and guaranteed equal wages and other benefits to women.

A Government delegate from Italy recalled that women workers were effectively protected by Italian labour legislation.

A Workers' delegate from the United Kingdom stressed the fact that managements of undertakings in the clothing industry had a serious responsibility to ensure satisfactory conditions of work for the large number of women they employed. An Indian Employers' delegate said that very few women were employed in the clothing industry in his country. A Pakistani Workers' delegate stressed the need for giving special protection to young workers, and suggested that the question of attracting the young workers into the clothing industry should also be studied.

Shortage of Workers

Some delegates, particularly from the industrially developed countries, referred to the problems of shortage of workers in the industry.

A Government delegate from Czechoslovakia pointed out that the development of the clothing industry had led to a shortage of labour, which had been partially mitigated by the introduction of new technological methods.

In Japan, according to a Government delegate, the expansion in other sectors, particularly in the heavy and chemical industries, had led to labour shortages in the clothing industry.

An Employers' delegate from Japan pointed out that the shortage of young skilled workers remained acute, and that the smaller undertakings were the most affected. The result was a spectacular increase in the wages of young workers.

In connection with recruitment of workers a Workers' delegate from the U.S.S.R. referred to a whole series of measures which had been adopted with a view to improving conditions of work in the clothing industry, such as increases in wages and social security benefits.

In the developing countries the problem was mainly one of shortage of skilled manpower. A Mexican Employers' delegate referred to the work of the Technical Fashion Centre in Mexico City, which was administered on a tripartite basis and which had been training 5,000 to 6,000 semi-skilled workers every year, and to the industrial training centres established by the Mexican Government.

An Employers' delegate from India pointed out that young workers sometimes preferred to start in other industries. More vocational training would encourage them to enter the industry and would in turn raise productivity.
In the opinion of a Workers’ delegate from the United States low wages had been one of the causes of the shortage of labour which had affected the clothing industry. This view was shared by the observer from the World Federation of Trade Unions, who also pointed out that as the skills necessary for a worker in the clothing industry were high there was no justification for paying him wages below those in other industries. An observer from the International Federation of Christian Trade Unions of Textile and Clothing Workers supported this view and added that vocational training was important not only as a means of ensuring that the female workers and young workers in the industry earned wages comparable to those in other branches of industry, but also to allow the personality of each worker its full development.

**Training and Retraining**

Many delegates considered problems of training and retraining as being among the most important problems facing the industry.

A Workers’ delegate from the United States remarked that according to experience in his country in-plant training was the most rapid method. The value of in-plant training was also stressed by an Employers’ delegate from India.

According to a Workers’ delegate from Italy young apprentices should have an opportunity of attending supplementary training courses and of familiarising themselves with all aspects of the production process. Training centres common to two or more undertakings should be financed by employers and administered with the participation of the unions. He also suggested the establishment of tripartite vocational training bodies for young people.

A Mexican Employers’ delegate said that regular courses for management had been organised by the National Federation of the Clothing Industry in Mexico.

The importance of training, and more particularly of retraining and upgrading of the existing labour force, was stressed by an Employers’ delegate from the United Kingdom, particularly for older workers who had to face the introduction of new methods and modern machinery, and to enable the industry to respond to changes in fashion.

Delegates from the U.S.S.R. said that in their country courses of training were carried on both inside and outside the factory. All courses were free, and workers received their normal wages for the duration of the courses.

The observer from the World Federation of Trade Unions emphasised that training policies should take into account the immediate and future needs of the clothing industry and that there should be no discrimination in training between men and women.

The importance of systematic vocational training in the less developed countries was stressed by a Workers’ delegate from India. In this connection the need for technical assistance from the developed countries was emphasised by the Employers’ delegates from Nigeria and Pakistan.

**Industrial Home Work**

Problems relating to home work were raised by delegates from some countries.

A Workers’ delegate from Argentina pointed out that clandestine home work had increased in his country owing to the inadequacy of inspection services. The Argentine Federation of Clothing Industry Workers had proposed an amendment to the existing legislation with a view to ensuring that homeworkers were paid on the same basis as workers in industrial undertakings. An Employers’ delegate from Mexico said that legislation in his country granted the same rights and social advantages to homeworkers as to industrial workers. However, while clandestine home work was contrary to the interests of workers, employers and governments, the Mexican employers were opposed to the elimination of home work in general.

A Workers’ delegate from Australia said that the principle of the elimination of industrial home work should be embodied in an international labour Convention.

In France, according to a Workers’ adviser, while legislation had drawn no distinction between workers at home and workers in a workshop, in actual fact differences in conditions of work existed. However, it should be remembered that home work required great competence and skill, and sheltered certain special cases. Nevertheless he supported the proposal to abolish home work.

In the opinion of an Italian Employers’ delegate it was impossible to abolish home work completely since it followed family traditions and often met social needs. On the other
hand home work deprived workers of their right to a fair wage, owing to competition amongst employers. He therefore thought it should be regulated so as to avoid any abuses. A Workers’ delegate said that in Italy the wages of homeworkers were sometimes as little as one-third of those of factory workers, and that home work should be gradually abolished, the first step being to secure equality of remuneration and strict regulation of the conditions of home work. An Italian Government delegate hoped that more effective regulation of home work would guarantee persons working at home similar conditions to those working in factories, and that home work would gradually be abolished.

The observer from the World Federation of Trade Unions supported the view that industrial home work should soon be prohibited altogether, and that in the meantime no distinction should be made between it and work in an industrial undertaking in regard to wages.

Conditions of Work

The existing situation in regard to the various aspects of conditions of work in the clothing industry was described by some delegates who took part in the general discussion. Others raised the more general question of the impact of technical developments on conditions of work.

Provisions relating to Conditions of Work.

An Employers’ delegate from Australia referred to the federal award for the clothing industry in his country, which fixed minimum wage standards, a 40-hour, five-day week, approximately nine paid holidays a year, with three weeks’ paid annual vacation after 12 months of service, and overtime rates at time-and-a-half up to three hours, with double time thereafter. An Australian Workers’ delegate referred also to the special provisions relating to conditions of work for female workers. Efforts should be made to overcome pressure from retail establishments for undercutting prices and thus adversely affecting conditions of work in the industry.

In Czechoslovakia, according to a Government delegate, workers in all industries were given a minimum of two weeks’ paid annual vacation, which was increased up to four weeks according to seniority in the undertaking. Young workers were entitled to three weeks’ paid vacation. He stressed the need for governments to apply the principle of equal pay for equal work everywhere. A Workers’ delegate said that women enjoyed full equality with men.

A Workers’ delegate from France said that wages in the clothing industry in France were still lagging behind the average increases in wages in other occupations, and that workers had therefore made a demand for the raising of real wages. They were also asking for a revision of the minimum national wage scales and for a guaranteed monthly wage of not less than 500 francs. Another French Workers’ delegate suggested the abolition of wage zones which existed in France.

An Indian Employers’ delegate referred to the social benefits provided by labour legislation in India.

In Italy, according to a Workers’ delegate, wages in other industries were on an average 20 to 30 per cent. higher than wages in the clothing industry. Some employers did not comply with the provisions of collective agreements, and there was also a regional difference. Italian trade unions were now attempting through collective bargaining to obtain a 40-hour week. An Italian Employers’ delegate referred to the large fringe benefits, the contributions to which amounted to about 49 per cent. of wages paid by the employer as against 6.5 per cent. by the workers. An Italian Government delegate emphasised the role of collective agreements in providing more favourable conditions of work than those provided by national legislation, and pointed out the progress achieved during the period 1960-63.

A Japanese Government delegate referred to the progressive improvement of working conditions in Japan as reflected in the rise in the index of wages from 100 in 1960 to 162.3 in 1963. A Japanese Employers’ delegate remarked that the traditional wage structure for women and young persons in Japan was based on age and seniority, and that a change in this field had to come about slowly.

In regard to conditions in the U.S.S.R. a Government delegate stated that annual holidays with pay ranged from two to four weeks, depending on the worker’s age and position, and that women had the right to 112 working days’ maternity leave. In addition
undertakings had nurseries, kindergartens and recreation rooms subsidised by the Government and the undertaking. The working day had been reduced from eight to seven hours and a 41-hour week was in force, without in any way prejudicing workers' wages, which had increased by 14 per cent.

**Impact of Technical Development.**

The need for protecting factory workers against abuses that occurred in the speeding up of work was stressed by a French Workers' delegate, who emphasised that fatigue should be compensated by paid rest periods.

A Workers' delegate from the Federal Republic of Germany also stressed that the dangers resulting from the pressure of increased production should not be overlooked.

The observer from the World Federation of Trade Unions referred to the fact that increased tempo of work caused by more efficient machinery resulted in greater psychological and nervous strain, together with greater monotony. While realising the benefits of technological progress, it was important to recognise that conditions of work and social benefits should also improve.

**Fluctuations in Production and Employment**

The views expressed on the question of fluctuations in production and employment showed that in some countries these still remained, whereas in others they had been overcome or had not existed.

In Australia, according to an Employers' delegate and a Workers' delegate, a long, hot summer and short winter rendered balanced production very difficult, and changes in fashion constituted another unpredictable factor. The Workers' delegate thought that, since these factors could not be controlled, efforts should be made to overcome the pressure from retail establishments, which in his view was one of the reasons for fluctuations.

A Government delegate from Italy pointed out that the large number of establishments in the production and distribution sectors of the industry rendered co-ordination between them difficult, and that this was one of the factors which aggravated fluctuations. Particular attention was paid to the study of programming methods designed to alleviate them. Further, a special fund, financed by contributions from employers, had been established, from which workers were paid an additional wage representing two-thirds of wages lost between the twenty-fourth and the fortieth hour in any week.

In Japan the number of employees in the industry had risen progressively during 1960-63, and the problem, according to a Government delegate from that country, was that of stabilising employment following changes in demand. An Employers' delegate stressed the role of comprehensive market surveys in reducing the fluctuations in the industry.

Delegates from the U.S.S.R. stressed that the problem of fluctuations in employment did not exist in their country. The few seasonal fluctuations in demand did not affect the work of the factory, which produced at full capacity all the year round. This was due to planned production and distribution.

An Employers' delegate from India and a Government delegate from Pakistan said that seasonal fluctuations in production and employment did not exist in their countries.

**Labour-Management Relations**

The importance of a positive attitude in labour-management relations was stressed by a Workers' delegate from the United Kingdom, who also emphasised that the Government's part in improving conditions of work should be recognised.

A Workers' delegate from Italy, supported by observers from the World Federation of Trade Unions and the International Federation of Christian Trade Unions of Textile and Clothing Workers, urged that governments should be encouraged to take measures to guarantee freedom of association. The last-mentioned speaker insisted on the necessity of guaranteeing workers in the clothing industry the opportunity to join the union of their choice, and for trade unions to fix rules and to administer them without external interference.

The role of trade unions in the economic and social development of a democratic society was emphasised by a Workers' delegate from Italy. A Japanese Workers' delegate expressed the view that the increased strength of workers' organisations was an essential starting point for all progress. He pointed out that workers were not only producers but also formed
the largest group of consumers, and that their organisations should therefore participate in formulating economic policy. A Workers’ delegate from the Federal Republic of Germany underlined the role which the workers’ organisations had to play in the developing countries so as to ensure that the workers benefited from expanding international trade and economic progress.

An observer from the International Federation of Christian Trade Unions of Textile and Clothing Workers stressed that the progress of social justice required powerful and free trade unions everywhere. The observer from the International Textile and Garment Workers’ Federation referred to the efforts made by the Federation to create a strong trade union structure in the developing countries. Governments should re-examine legislation so as to ensure that workers were not denied the right to strike.

A Government delegate from Italy referred to the importance of collective agreements in the industry in his country. According to an Italian Workers’ delegate, while collective bargaining had been recognised in Italy, there had been cases of discrimination against representatives of trade unions, including dismissals.

A Workers’ delegate from Czechoslovakia pointed out that trade unions in his country concluded every year at the plant level collective agreements with management fixing standards concerning the various aspects of conditions of work. A delegate from the U.S.S.R. referred to the participation of the Central Committee of the Trade Unions for Workers in the Clothing Industry in establishing wage rates.

A Mexican Employers’ delegate referred to the recent implementation, following tripartite negotiations, of a law on workers’ participation. The value of joint consultation was stressed by a Japanese Workers’ delegate.

Social Aspects of International Trade in Clothing

The social aspects of international trade in clothing were referred to in the general discussion by a number of speakers. The subject also came up for discussion later on when a draft resolution was before the Meeting.1

A representative of the Secretariat of the Contracting Parties to the General Agreement on Tariffs and Trade (G.A.T.T.) referred to the great expansion which had taken place in recent years in international trade in clothing. G.A.T.T. aimed at the progressive liberalisation of world trade through international co-operation. That liberalisation was of great importance because it was the means of securing the most efficient use of economic resources for raising the standard of living of the peoples of the world. However, acute human and social problems sometimes arose owing to the need for sharp and often radical processes of adjustment. Such problems had been particularly acute in the textiles and garment industries.

He also referred to the cotton textiles arrangement negotiated under the auspices of G.A.T.T., designed to facilitate the economic expansion of developing countries while avoiding any disruptive effects in individual markets and on individual lines of production in both importing and exporting countries.

A Government delegate from Mexico pointed out that international trade in clothing was an important factor in the economic and social progress of developing countries, since it offered prospects of exporting finished articles; he suggested that developed countries which had imposed restrictions on imports of such articles should remove them. A Mexican Employers’ delegate advocated liberalising international trade.

A Government delegate from Pakistan pointed out that the relaxation of import restrictions would help the developing countries. A lowering of trade barriers would not cause serious disruption. A Pakistani Workers’ delegate supported this view. An Employers’ delegate from the same country said that any difficulties in this field could be mitigated by bilateral agreements.

A Workers’ delegate from the Federal Republic of Germany was in favour of a reasonable development of international trade so as to improve conditions of work and life in developing countries, but said that this should not endanger the employment situation in importing countries.

A Workers’ delegate from the United Kingdom emphasised that, while developed countries were willing to help the developing countries, the former had their own problems.

1 See p. 370 below.
In the opinion of an observer from the International Federation of Christian Trade Unions of Textile and Clothing Workers the fundamental problem was the influence of international trade upon wages and employment in the clothing industry. Imports from developing countries were no longer the basic cause of the disturbances which accompanied expansion in international trade. It was necessary to undertake economic co-ordination on a world-wide scale, to diversify investments in each country, and to avoid excessive dependence on a single industry.

The observer from the International Textile and Garment Workers' Federation stated that his Federation would do everything in its power to encourage the orderly expansion of exports from the developing countries. He pointed out, however, the danger of disruptions, caused by the import of vast quantities of low-priced goods, in the domestic markets of developed countries. The cotton textile arrangement concluded under the auspices of G.A.T.T. was one way of preventing such disruptions.

Technical Assistance

An Indian Employers' delegate referred to the low productivity in the clothing industry in his country and suggested that the solution was large-scale technical assistance from the developed countries as regards new techniques and new machinery. A Workers' delegate from India said that, unless technical assistance was given to the fullest extent, the industry in developing countries would not be able to grow.

A Government delegate from Mexico pointed out that the need for planning in the clothing industry was a problem common to both developing and developed countries. In many of the developing countries the foundations for the industry had to be laid after a realistic evaluation of the available resources. In this field the I.L.O. could give valuable assistance by indicating the standards and solutions best suited to each type of country, on the lines indicated in Report I submitted by the Office. Member States should be invited to request the I.L.O. for technical assistance to improve conditions of work in the clothing industry. The I.L.O. could also participate in international action to promote the movement of capital under conditions favourable to developing countries.

An Employers' delegate from Pakistan emphasised the value of fellowships to study the conditions in various sectors of the industry in developed countries, in addition to technical assistance in training.

An observer from the World Federation of Trade Unions pointed out that the I.L.O. could be of great assistance to the developing countries by helping to establish medium-sized and small undertakings.

While recognising the value of technical assistance to the developing countries, the observer from the International Textile and Garment Workers' Federation emphasised that the aid provided should reach the people who needed it most, and that, for this, trade union organisation was most important.

Other Matters

Workers' Education.

A Workers' delegate from Nigeria said that the Meeting should suggest means of setting up departments dealing with workers' education as regards both trade union organisation and the clothing industry itself.

Survey of the Economic and Social Aspects of the Clothing Industry.

An Employers' delegate from India suggested that the I.L.O. should set up a working group to carry out a detailed survey of the various economic and social aspects of the clothing industry. Such a working group could examine the profitability and expansion of the industry, make surveys of market trends and consider such problems as availability of raw materials, advanced techniques of production and scientific organisation of marketing.

Definition of the Clothing Industry.

The need for defining the scope of the clothing industry and, in particular, defining the line of demarcation between it and the textile industry, was referred to by an Australian Workers' delegate. It should cover everything relating to the manufacture of garments, irrespective of the type of garment involved and of the raw materials used. An Employers' delegate from Mexico suggested the integration into the clothing industry of certain related
branches such as knitwear and hosiery, and the standardisation of classification methods used by the different countries in regard to the clothing industry.

Further Meeting.

An Employers' delegate from the Netherlands, a Workers' delegate from the United States, and the observer from the International Textile and Garment Workers' Federation hoped that a second Meeting on the clothing industry would be convened in the not-too-distant future.

REPLY OF THE ASSISTANT SECRETARY-GENERAL

At the close of the Meeting the Assistant Secretary-General, in reply to the general discussion, recalled that 115 delegates from 20 member States, accompanied by 34 technical advisers, had attended the Meeting. Including the Governing Body delegation and observers from other international organisations, a total of 171 persons were present.

In regard to the suggestion for defining the scope of the clothing industry he pointed out that hosiery and knitwear had been covered by the Office reports, and felt that too precise a definition of scope was not necessary. He also remarked that in general the Office was seeking greater uniformity in the national presentation of statistics based on the United Nations International Standard Industrial Classification of All Economic Activities and the Office's own International Standard Classification of Occupations, at present under revision.

The conclusions of the Subcommittee on Conditions of Work in the Clothing Industry provided a kind of model code regarding most aspects of conditions of work. These conclusions were forward-looking in that they not only accepted certain standards as desirable for immediate application, but also suggested higher standards as an objective to be reached at a later stage, particularly in regard to hours of work and annual vacations with pay.

New ground had been broken with regard to the problems of wage determination in the clothing industry. It had been pointed out that if the workers' organisations were to participate in methods of wage determination their representatives should be specially trained in methods of wage fixing. This was one of the fields which the Office was anxious to study more closely.

As regards home work, the problem applied to cases where manufacturers or contractors farmed out work to persons in their own homes. It was clear that in some countries industrial home work posed acute social problems, and it would be of use if those countries which were in a position to do so would undertake studies on the subject and transmit them to the Office. He added, in attempting to regulate or abolish industrial home work, care should be taken not to injure the activities of the small tailor or seamstress and the handicraft worker, whose incomes could be usefully supplemented by such work.

The question of industrial home work also arose in connection with fluctuations in employment, since the industrial homeworker suffered most. However, the uncertainty as to the volume of industrial home work done also had a disturbing effect on the manufacturing part of the industry.

The Assistant Secretary-General referred to the difficulties in dealing with the problems arising from fluctuations in employment and pointed out that in spite of these difficulties the subcommittee concerned with this item had put forward interesting and valuable conclusions which covered the whole field thoroughly.

The Office report on the subject had raised matters which concerned the relationship between distributors and producers and certain trade practices, because the Office felt that the key to reducing irregularity in employment lay very often in establishing relations between customer, wholesaler and manufacturer such as would ensure the placing of orders sufficiently far in advance and in a manner which prevented firms suddenly being put out of business.

The conclusions on the subject before the Meeting, which were in the nature of guidelines, were designed to reduce fluctuations and to mitigate their effects.

In connection with I.L.O. standards the International Labour Code provided a valuable guide to conditions of work and labour-management relations. He hoped that delegates would use it in seeking to apply these standards to their own industry. Similarly, the Model
Code of Safety Regulations for the Guidance of Governments and Industry contained a wealth of useful material.

He recalled that the International Labour Conference had at its various sessions concerned itself with the social aspects of international trade. The Office fully realised the need for the developing countries to establish and promote new industries, of which clothing might well be one, and it was devoting much of its resources to helping industries to get started in developing countries.

He urged all concerned to see the growth of international trade in its true perspective, for, taken over-all, the growth of international trade in clothing formed but a small proportion of all clothing sales, and only a limited number of countries and certain lines were substantially affected. The immediate problem was to find a "shock absorber" for massive and unexpected imports, while facilitating the necessary adaptation to long-term changes.

The Office had dealt with the subject of international trade in Report I in accordance with the suggestion made by the International Garment Workers' Federation and the Governing Body's discussion thereon. The usefulness of tripartite meetings relating to specific industries as a forum for the discussion of such subjects had also been referred to by the Director-General at the 48th (1964) Session of the International Labour Conference.

In regard to the technical assistance programme of the I.L.O., technical assistance could as a general rule be given only following a government request. If technical assistance were needed for the clothing industry of any country it was important to ensure that requirements were included in the over-all programme by the governments concerned. He added that in a number of countries the Office had set up productivity centres to advise on certain management problems, and these might be able to help the clothing industry, especially in regard to work study, the introduction of flow-line production and the related wage problems. In some countries, also, technical assistance missions assisted in the promotion of small-scale industries, and the clothing industry might benefit.

In outlining the measures for the follow-up of the work of the Meeting the Assistant Secretary-General pointed out that it was not possible for the Office to undertake comparative surveys of the clothing industry in the different parts of the world, as suggested by the Indian Employers' delegate, but that it would be useful if, from time to time, such surveys could be undertaken in the various countries, either by the governments themselves or by the trade or the unions or academic bodies.

In regard to the suggestion for a further meeting for the clothing industry he stated that owing to budgetary and administrative limitations the Governing Body had decided that there should not be more than four major meetings each year. To hold another meeting the Governing Body would therefore have to be persuaded by those most concerned that the clothing industry was facing problems of greater urgency and importance than other industries.

He added that, in accordance with the policy indicated in the document concerning the purposes and functions of Industrial Committees, tripartite or joint national bodies might meet in their own countries to follow through the conclusions which the Meeting had agreed upon.

Closing Speeches

Closing speeches were made by Mr. Jaška, Government delegate, Czechoslovakia, Chairman of the Government Group; Mr. Chambers, Employers' delegate, United Kingdom, Chairman of the Employers' Group; Mr. Buschmann, Workers' delegate, Federal Republic of Germany, Workers' Vice-Chairman of the Meeting; Mr. Deiters, Employers' delegate, Netherlands; Mr. Newton, Workers' delegate, United Kingdom, Chairman of the Workers' Group; and Mr. Clausen, Chairman of the Meeting.

All of them expressed appreciation of the work done by the Meeting. Mr. Buschmann emphasised that the Meeting was but the beginning of further exchanges of views on the problems of the clothing industry, and that the workers of the developed countries had an attitude of solidarity towards those in developing countries. Mr. Clausen stressed the need for action in putting into practice the basic guidelines which had been laid down at the Meeting.
REPORTS AND CONCLUSIONS ADOPTED

Report of the Subcommittee on Conditions of Work in the Clothing Industry

Composition and Officers of the Subcommittee and of Its Working Party

1. The Subcommittee on Conditions of Work in the Clothing Industry was composed of one Government member, one Employers' member and one Workers' member from each of the delegations of the 20 countries represented at the Tripartite Technical Meeting for the Clothing Industry.

2. The Subcommittee appointed its officers as follows:

Chairman and Reporter: Mr. H. L. FAGEL (Government member, Netherlands).

Vice-Chairmen:
- Mr. F. A. Th. J. DEITERS (Employers' member, Netherlands).
- Mr. J. S. POTOFSKY (Workers' member, United States).

3. The Subcommittee held seven sittings.

4. At its fourth sitting the Subcommittee set up a Working Party to draw up draft conclusions. This was composed as follows:

Government members:

Titular members:
- U.S.S.R.: Mr. GANDURIN.
- United Kingdom: Mr. CLARO.
- United States: Mr. WEISS.

Deputy members:
- France: Mr. DURAND.
- Italy: Mr. GRITA.
- Netherlands: Mr. FAGEL.

Employers' members:

Titular members:
- Mr. DEITERS (Netherlands).
- Mr. HEATON (United Kingdom).
- Mr. MORERA-GIRÓN (Mexican).

Deputy members:
- Mr. BOORSCH (French).
- Mr. COHEN (Canadian).
- Mr. RAHMAN (Pakistani).

Workers' members:

Titular members:
- Mr. DEARING (United Kingdom).
- Miss LAMBERT (French).
- Mr. POTOFSKY (United States).

Deputy members:
- Mr. AKINTOLA (Nigerian).
- Mr. GREGOR (Czechoslovak).
- Mr. Micó (Argentinian).

Adopted unanimously.

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Terms of Reference of the Subcommittee

5. The Subcommittee was called upon to examine the second item on the agenda of the Meeting, namely "conditions of work in the clothing industry". The Subcommittee had before it a report which had been prepared by the Office on the subject.

6. At the invitation of the Chairman the representative of the Secretary-General introduced the report, stressing the scope and complexity of the problems which were before the Subcommittee. He outlined the procedure which would be followed in the course of the Subcommittee's work and expressed his conviction that, by agreeing to adopt conclusions based on a free exchange of views and information—an exchange to which, thanks to their special knowledge and to their experience, all the members of the Subcommittee would have contributed—they would further the improvement of conditions of work in the clothing industry.

7. The Subcommittee had a brief general discussion.

8. With regard to the report which was before the Meeting the Workers' members expressed strong reservations concerning the section dealing with the importance of wages costs and of production costs. The Subcommittee would have had a better basis for its work if fuller and more up-to-date data had been presented concerning the cost of raw materials and the relationship between capital invested, profits and the rate of investment in the clothing industry.

9. The U.S.S.R. Government member pointed out that a method had been developed in his country to enable cost comparisons to be made between different undertakings in the clothing industry. This method took account of all factors other than the cost of raw materials in the computation of an index of unit production costs, and it had proved to be of practical value.

10. The Subcommittee then proceeded to examine the list of points which had been suggested for discussion and which were set forth in the report prepared by the Office.

General Considerations

11. The Workers' members were unanimous in their view that there existed an urgent need to improve conditions of work in the clothing industry. It was essential to establish minimum standards with regard to conditions of work. However, the minimum standards which the Subcommittee might recommend with a view to the protection of workers should in no way be considered as maximum standards. The existence of minimum standards should, moreover, enable employers to fight against any unfair competition which might be based upon inferior conditions of work. In some countries the conditions of work of workers in the clothing industry were appalling, particularly as regards wages and hours of work. Essential safeguards should be provided to rectify this situation.

12. The Employers' members stated that they attached great importance to labour-management collaboration with a view to improving the economic and social position of the clothing industry, and achieving conditions of work which would be acceptable to the two parties. They stressed that employers had as much interest as workers in ensuring that the clothing industry was both profitable and prosperous. The workers should, of course, share in this prosperity.

13. The members of the Subcommittee considered the role of vocational training as a means of improving the economic and social position of the clothing industry. Several Employers' and Workers' members indicated the paths which vocational training should follow in order that the clothing industry might have the necessary skilled and semi-skilled manpower. Steps should be taken to ensure that this training was sufficiently broad in terms of skills and that it took account of the development of manufacturing methods.

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in the clothing industry. Vocational training should, moreover, be complemented by general training.

**Wages**

**General Objectives.**

14. The Workers' members were unanimous in their view that in almost all countries the level of wages in the clothing industry was much too low. This was in some cases due to the fact that unsuitable and outdated machinery was still being used, with the result that productivity was kept at an abnormally low level. In view of this situation consideration had to be given to the general raising of wages in the clothing industry. The raising of wages should not depend upon any single factor, such as productivity or changes in the cost of living, for if wages were to be linked exclusively to such factors the effect would be to perpetuate certain inequalities with regard to earnings—inequalities which should be reduced. The Workers' members stressed the need for bringing wages in the clothing industry to the same level as that reached in other manufacturing industries. Several Workers' members drew attention to the favourable effect which increased wages could have on recruitment.

15. The Employers' members recognised that increased wages could have a favourable effect on the outlook with regard to recruitment. They stressed, however, that other factors, such as the social climate in the industry, had also to be taken into account. In particular, efforts should be made to improve the image of the industry. The Employers' members drew attention to the unavoidable repercussions which increased wages would have on the level of the industry's selling prices. If the latter should rise, the volume of demand would undoubtedly tend to drop, and that could not fail to result in unemployment. The Employers' members recalled that the sales possibilities of the clothing industry were tending to become less, because of the trend for a greater proportion of family budgets to be devoted to other ends, such as the purchase of items of household equipment. They considered that in these conditions the level of selling prices assumed particular importance. The Employers' members unanimously recognised, however, that workers were entitled to receive a fair share of the benefits resulting from increased productivity and from the increased prosperity of the industry as a whole.

16. The Government member from Czechoslovakia stressed the importance of maintaining and increasing the purchasing power of workers. Particularly in view of the manifest technological progress which was being made by the clothing industry, the Subcommittee should recommend in its conclusions that the level of wages should rise more rapidly than the cost of living.

17. An exchange of views took place concerning measures to raise the level of wages, and concerning such relationships as might exist between wages and productivity, and between wages and the cost of living. The Workers' member from the Federal Republic of Germany stated that workers, like employers, viewed the question of raising wages against the economic background. Numerous and varied factors had to be taken into account in fixing wages. It would be a mistake to attempt to link wages with any one of these factors exclusively. He was particularly opposed to linking wages with a productivity index: productivity was a difficult concept to use, for a distinction had to be made between the index of the increase in productivity at the national level on the one hand and the rate of increase of productivity in an individual industry on the other. It was clear that the movement of wages in an individual industry was largely influenced by the rise or fall of productivity at the national level. The Workers' adviser from the United States expressed the same view, adding that higher wages need not inevitably bring about an increase in prices, since other factors—such as profits, for example—affected the determination of prices. Higher wages could very well be justified with a view to reducing inequalities in the distribution of earnings, even if they were to lead to an increase of sales prices. In any case such an increase need not necessarily affect the volume of sales of the industry's products.

18. The Employers' members recognised that many factors had to be taken into account when the level of wages was being determined. They felt, however, that an increase in selling
prices should be avoided, as it would undoubtedly have adverse effects on the situation of the clothing industry.

19. The Australian Workers' member drew attention to the situation in some developing countries, and referred in particular to the case of Hong Kong, where employers had engaged large numbers of workers at very low wages, at the same time making very great profits.

20. The United States Employers' member denounced deplorable conditions of work in the clothing industry, not only in Hong Kong but also in a number of other countries, including Korea and Formosa. He also denounced the excessive profits which were being made by undertakings in the ready-made trade in these countries. Employers in the clothing industry of the United States condemned such abuses wherever they occurred.

21. The United Kingdom Government adviser, who was also Labour Commissioner for Hong Kong, stated that the level of wages in the clothing industry in Hong Kong was higher than the average level of wages in the territory, and that the real wages of workers in the clothing industry had increased by 60 per cent. since 1959. The Government of Hong Kong was doing everything possible to improve social conditions, but some time would be needed before the level of international standards could be reached.

The Wage Structure.

22. The Subcommittee recognised the desirability of seeking a basis for a new wage structure which would take account of technological changes and of the new production methods which had made their appearance in the clothing industry. The Workers' members pointed out, however, that it should not be forgotten that the results which had already been obtained thanks to the application of job-evaluation techniques were based mainly upon judgment and therefore contained a considerable subjective element. Those in charge of their application should have a thorough knowledge of production operations on the shop floor; it was also necessary to take due account of the human factor. The participation of workers and of their representatives in the application of job-evaluation techniques was essential and should, in fact, be made a preliminary condition. The Workers' members also stressed that such participation presupposes the existence of strong organisations of employers and of workers.

23. The Employers' members recorded their agreement on the principles which had been put forward by the Workers' members, but pointed out that the participation of representatives of workers' organisations necessarily presupposed that the latter had at their disposal the services of specialists in job-evaluation techniques.

Payment by Results.

24. The Workers' members expressed the view that rates of payment by results should be fixed on the basis of a normal workload which would endanger neither the welfare nor the health of workers, either in the short run or in the long run. It was essential that workers and their organisations should participate in the determination of workloads and of rates of pay, as well as in any subsequent revisions of these matters. Payment by results had all too often led to abuses such as overwork, excessive working tempo, and to inadequate wages for the efforts which the workers had been obliged to make.

25. The Employers' members pointed out that the clothing industry lent itself particularly well to the application of systems of payment by results. They stated that it was at the shop-floor level that rates should be determined, in consultation with the workers. Such a determination of rates at the level of the undertaking should in no way exclude the possibility of workers consulting their organisations—as, indeed, employers, for their part, could always consult their own organisations. The Employers' members further pointed out that it was sometimes the workers themselves who pressed for the adoption of an excessive working tempo so as to increase their earnings. But excessive working speeds had a bad effect upon quality, and that, in turn, could well have adverse repercussions on the turnover of the undertaking. The employer, therefore, realised his interest in ensuring that production was not carried out at excessive speeds.
26. The U.S.S.R. Workers' member stressed the need for the full collaboration of workers' representatives in fixing and revising the rates for payment by results. It should be recognised, as a matter of principle, that these rates should enable workers to achieve earnings greater than those which would result from working at time rates.

27. The Subcommittee recognised the need to ensure that workers paid by results received a number of guarantees, with a view in particular to making certain that the workers in question would have minimum earnings and would be protected from the dangers of overwork and of excessive working tempos, as well as from arbitrary revisions of rates and of workloads.

28. The Subcommittee also agreed on the desirability of establishing appropriate conciliation or arbitration procedures for settling any disputes which might arise concerning the application of systems by results. In connection with the details of such procedures the Canadian Employers' member stressed that account should be taken of the conditions and customs of each country: a system of compulsory arbitration such as existed in some countries was not appropriate for application in many other countries, where disputes concerning payment by results were settled exclusively by direct negotiations between employers and workers.

Payment for Flow-Line Operation.

29. The Workers' members laid special emphasis on the need to ensure that working tempos were not too great, at all events in all cases where flow-line operations were involved. They consequently felt it was essential that, when such systems were being introduced, workers or their representatives should participate in fixing working speeds.

30. The Employers' members pointed out that there was now a clear trend towards dropping flow-line operation in the clothing industry. As a result, the problems which had been raised in connection with this system had at present lost much of their significance. They nevertheless agreed in principle to the participation of workers in fixing working speeds, wherever flow-line operation still existed.

Remuneration of Women Workers.

31. The Subcommittee recommended that, in accordance with the principles laid down by the Equal Remuneration Convention, 1951, the principle of equal pay for equal work should be applied to women workers in the clothing industry. It recognised the desirability of introducing a job classification based on the intrinsic value of work done, regardless of sex. In view of the protection which—by prohibiting night work and certain dangerous jobs—should be accorded to women, some Workers' members expressed reservations with regard to the admission of women to various jobs.

32. The United States Government member reported that application of the principle of equal pay for equal work had given rise to no upheavals in his country, and that it had been accomplished with no adverse effects, either for men or for women.

Remuneration of Young Workers.

33. The Workers' members stated that they supported the principle of equal pay for equal work as regards the payment of young workers. During training periods the earnings of young workers should not be subject to considerations of output, but they should, in the interests of their health and welfare, have guaranteed minimum earnings.

34. This statement was supported by the Employers' members, who pointed out, however, that the legislation in force in some countries placed obstacles in the way of equal payment of young workers.

35. The related question of the length of vocational training gave rise to an exchange of views which brought out the difficulty which would be involved in laying down a uniform length of training. The Subcommittee recognised that training should not take longer than was necessary to provide young workers with the required degree of skill. It was,
however, desirable to ensure that such training as was given was sufficiently broad in terms of skills.

**Hours of Work and Rest Periods**

**Normal Weekly Hours of Work.**

36. The Workers' members felt that every effort should be made to apply the Reduction of Hours of Work Recommendation, 1962, within the clothing industry. It was, in their view, essential that, wherever weekly hours of work were still in excess of 48, steps should be taken to reduce them immediately to that level. Wherever they were 48 or under, steps should be taken for their progressive reduction towards a standard of 40 hours per week. Reductions in hours of work should be accomplished without loss of earnings for the workers concerned. Moreover, the Workers' members called for the introduction of the five-day week as soon as possible, for the sake of the health of workers.

37. The Employers' members, while recognising the need to apply the Recommendation, stated that it was difficult to envisage the progressive reduction of hours of work to 40 per week at present, when the demand for articles of clothing was so very heavy. Such a reduction would, in practice, simply result in an increase in overtime, and would, therefore, in no way bring about any reduction in the total number of hours actually worked. With regard to the introduction of the five-day week the Employers' members pointed out that, while it was true that it was applied in some countries, its introduction in countries where the 48-hour working week was in operation would be impracticable. Moreover, there were cases in which a number of factors—and particularly the climate—could hamper the introduction of the five-day week.

**Overtime.**

38. The Workers' members urged that overtime working should not be the normal practice. The agreement of the workers concerned should be obtained beforehand in any case in which overtime working was deemed to be necessary. Overtime should be paid for at progressively higher rates. Questions relating to overtime should not be decided unilaterally by employers, but should be settled by agreement between employers and representatives of the workers.

39. While recognising that overtime working should not become normal practice the Employers' members pointed out that, in addition to cases of *force majeure*, there were circumstances—for instance when it became necessary to meet an urgent demand for fashion items—in which overtime working could become necessary. They agreed that overtime working should be a matter for consultation with the workers or their representatives.

40. As regards payment for overtime several Workers' members urged that, contrary to the view of the Employers' members, overtime should be paid for on a daily basis: payment for overtime should not be made to depend upon the prior completion of normal weekly hours of work.

41. The prohibition of overtime for young workers was also the subject of attention by the Subcommittee. It was recognised that young workers should be exempted from overtime. The Employers' members pointed out, however, that the definition of a "young worker" was a matter for national legislation, taking into account the climatic and population features of each country.

42. The Workers' members from Switzerland and from the U.S.S.R. made special reference to the situation of women with family responsibilities. These members felt that it would not be suitable to compel such women to work overtime.

**Shift Work.**

43. With regard to shift work the Workers' members felt that shift workers should receive a bonus. The bonus for the night shift should be substantial. They stressed the need to place a limit upon the length of shifts, and particularly upon that of the night shift, as well as to arrange for the regular rotation of shifts so as to minimise interference with the
family and social life of workers. The Workers' members also called for the prohibition of night work by women and by young workers.

44. The proposals which had been put forward by the Workers' members met with the agreement of the Employers' members.

Breaks.

45. The Workers' members felt that, over and above interruptions of work for main meals, there should be additional, regular and paid breaks which should be deemed to form part of normal hours of work. Steps should be taken to ensure that no worker, and in particular no worker paid by results, should incur any loss in earnings as a result of such breaks. They stressed the importance of ensuring that each worker should be absolutely convinced of being genuinely and fully paid in respect of the duration of such breaks.

46. The Employers' members recognised that regular breaks should be granted to workers on continuous processes and to those paid by results. When rates of payment by results were being fixed, work study could make it possible to provide for periodic individual breaks. These members stressed, however, that workers sometimes preferred to forgo breaks so as to earn more. While accepting in principle that breaks should be paid for the Employers' members emphasised that the result should not mean double payment for the breaks in question. Such a situation could arise when, having taken the individual breaks which were taken into account in the calculation of the rates of payment by results, workers then participated in collective breaks paid for separately by the employers.

47. Some Workers' members stressed the need for simultaneous breaks of equal length for all workers in an undertaking.

Weekly Rest.

48. The Subcommittee was in unanimous agreement that there should be a weekly rest period. This period should be a two-day one in cases in which the five-day week was in operation.

Paid Annual Vacations and Public Holidays

49. The Workers' members unanimously felt that workers, after a year of service, should receive a minimum annual vacation of three weeks, paid for at a rate equal to their customary earnings. Workers should, moreover, receive a special holiday bonus to cover the additional expenses which were incurred during such periods.

50. The Employers' members pointed out that the fixing of the length of vacations was a matter for collective bargaining. They further pointed out that a minimum standard of three weeks was too long and could not be applied in the majority of countries. The Subcommittee should recommend a minimum length of two weeks for immediate application in all countries, a period of three weeks being indicated as an objective to be attained. They were, moreover, opposed to the payment of a special holiday bonus. The award of such a bonus should, in their view, be related to the wage received by the workers. Such a bonus should be considered only in countries where wages were too low.

51. The United States Government member, by way of a compromise, urged the Employers' members to agree to a length of three weeks and Workers' members to abandon for the moment their claim for a special vacation bonus.

52. Following detailed consideration of the problem as a whole the Subcommittee agreed on the text reproduced in paragraphs 45 to 47 of the conclusions appended to the present report.

53. The members of the Subcommittee were in agreement in recognising that the special needs of young workers should be given due consideration in connection with determination of the length of their vacations.

54. The Workers' members considered that public holidays fixed by law or practice should be paid for, and the Employers' members were generally in agreement with this proposal.
Occupational Health and Safety

55. The Workers' and Employers' members stressed the major importance of problems of occupational health and safety, and the need in this connection to apply the standards which had been adopted by the International Labour Organisation and in particular the Protection of Workers' Health Recommendation, 1953, and the Occupational Health Services Recommendation, 1959. The Workers' members drew attention to the value of periodic medical examinations for all workers.

Welfare

56. There was general agreement on the need to provide workers with welfare services according to their requirements. As regards transport facilities the Employers' members pointed out that there were cases where an employer might provide a transport service, and other cases in which the employer, acting on behalf of the workers, might approach the public authorities or public transport services with a view to obtaining appropriate facilities.

Maternity and Employment Protection of Women with Family Responsibilities

57. The Workers' and Employers' members agreed that women workers in the clothing industry should enjoy maternity protection, in particular maternity leave, retention of jobs throughout such leave, and maternity allowances or benefits. The Employers' members pointed out that maternity allowances or benefits should be arranged for either by means of insurance or by recourse to public funds.

58. The Employers' members pointed out that in very many cases employers were only too glad to see women returning to their jobs after having given birth. A number of difficulties arose, however, with regard to the provision of facilities by employers.

59. The Workers' members pointed out that both social and humanitarian considerations arose. The employment of women was not interrupted by marriage, but it was surely in the interests of employers that women workers who had been trained should resume their jobs in the undertaking. Women workers should have guarantees on this point.

60. With regard to the services and facilities to be provided for child care the Workers' members felt that such facilities should be provided either by employers or by local authorities.

61. With regard to the solution of other problems concerning the employment of women workers having family responsibilities the Workers' members noted that this question was included on the agenda of the 49th (1965) Session of the International Labour Conference and they recommended that the standards which might be adopted on the occasion of that session should be applied to the clothing industry.

Protection of Young Workers

62. The Workers' and Employers' members were agreed on the principle of prohibiting child labour.

63. The Workers' members stated that the minimum age for admission to employment in the clothing industry should be fixed at 16 years, and in due course at a higher age. Some Government members, together with the Employers' members, pointed out, however, that in a number of countries the school-leaving age was not as high as 16 years, and that young persons who in such circumstances were free from compulsory attendance at school could turn towards other industries if the minimum age for employment in the clothing industry were to be fixed at that which had been suggested by the Workers. Moreover, the minimum age of admission to employment was in many countries a matter for legislation.

64. The Workers' members considered that a medical examination was essential for the determination of the fitness for employment of young workers under 18 years of age. This principle met with the agreement of the Subcommittee.
65. In the view of the Workers' members employers should be held responsible for the conditions of work of workers engaged by contractors working for one or more main undertakings. These conditions of work should be the same as those in the main undertakings.

66. Several Employers' members gave an account of the legislative provisions which were in force in their respective countries and by virtue of which contractors had an independent status.

67. The Workers' members emphasised the practical aspect of this question in the clothing industry and criticised the abuses against which it was necessary to fight. Workers engaged by contractors should have the same conditions of work as workers in main undertakings.

*Industrial Home Work in the Clothing Industry*

68. At its fifth sitting the Subcommittee had before it a draft resolution submitted by the Workers' members concerning industrial home work.

69. This draft resolution was forwarded to the Working Party for consideration.

*Presentation and Adoption of the Conclusions and Resolutions*

70. At its fourth sitting the Subcommittee requested its Working Party to prepare draft conclusions which would take into account the various proposals and suggestions which had been made in the course of the discussions. The Working Party submitted to the Subcommittee, at its sixth sitting, draft conclusions accompanied by two draft resolutions, one of which concerned industrial home work in the clothing industry, and the other the inclusion of the question of the revision of the Holidays with Pay Convention, 1936, on the agenda of the International Labour Conference in 1966.

71. The Subcommittee undertook a paragraph-by-paragraph examination of the draft conclusions.

72. The United Kingdom Government member reserved the position of his Government with regard to paragraphs 24 and 25, in view of the fact that neither the Equal Remuneration Convention, 1951, nor the Discrimination (Employment and Occupation) Convention, 1958, had been ratified by his country.

73. In connection with paragraphs 29 to 32 the United Kingdom Government member also expressed a reservation: in the view of his Government, hours of work were not suitable for regulation on an international basis, being a matter for collective bargaining. The same reservation was made by the Australian Government member.

74. In connection with paragraph 36 the United Kingdom Government member also reserved the position of his Government, pointing out that legislation in his country provided for exceptions to the prohibition of overtime working by young workers.

75. Paragraph 41 gave rise to two reservations. The United Kingdom Government member stated that he was unable to accept the principle of the prohibition of night work of women and of young workers because of the exceptions permitted by the legislation of his country. The Swedish Government member stated that, following the ratification by her country of the Discrimination (Employment and Occupation) Convention, 1958, she was not in a position to support the adoption of the paragraph in question, since prohibition of night work of women constituted discrimination.

76. The United Kingdom Government member reserved the position of his Government with regard to paragraphs 45 to 48, concerning paid annual vacations. The standards set forth in these paragraphs were, in his view, too high to be applicable throughout the world. The Canadian Government member expressed a similar reservation. The Italian Employers'
adviser expressed a reservation with regard to paragraph 45: because of the number of public holidays which were in force in his country an annual vacation of three weeks was too long. He would, however, be prepared to agree to a length of three weeks provided that annual vacations and public holidays would together not exceed a total of four weeks.

77. The Argentine Employers' member stated that he was unable to support the adoption of paragraph 49, according to the terms of which not only public holidays fixed by law but also public holidays fixed by practice should be paid for. The number of public holidays fixed by law was already too high in his country.

78. The United Kingdom Government member reserved the position of his Government concerning paragraph 51 because legislation in his country provided for medical examination in the case of young workers only.

79. Paragraph 58 was amended at a sitting of the Subcommittee so as to make it clear that, because of numerous factors, the minimum age which was suggested for admission to employment could not immediately be implemented in all countries. Reservations with regard to this paragraph, as amended, were expressed by the Brazilian Government member and the Mexican Employers' member.

80. Having noted the above-mentioned reservations, the Subcommittee unanimously adopted the draft conclusions.

81. The draft resolution concerning industrial home work in the clothing industry gave rise to a lively discussion, in the course of which the Government members from the Federal Republic of Germany and Mexico and the Employers' members from Argentina and the Federal Republic of Germany recorded their disagreement with the principle of prohibition of home work.

82. The draft resolution was adopted, on a show of hands, by 38 votes to 4, with 8 abstentions.

83. The draft resolution concerning the inclusion of the question of the revision of the Holidays with Pay Convention, 1936, in the agenda of the International Labour Conference in 1966 was unanimously adopted after minor drafting changes.

Adoption of the Report

84. The Subcommittee unanimously adopted the present report at its seventh sitting on 1 October 1964.

Geneva, 1 October 1964.

(Signed) H. L. FAGEL,
Chairman and Reporter.

Examination by the Meeting of the Report, of the Draft Conclusions and of the Two Draft Resolutions

At its seventh plenary sitting the Meeting had before it the foregoing report, draft conclusions concerning conditions of work in the clothing industry and the two draft resolutions proposed by the Subcommittee.

Mr. FAGEL (Government delegate, Netherlands; Chairman and Reporter of the Subcommittee) stated that the conclusions reflected the large measure of agreement which prevailed in the Subcommittee, and made a valuable contribution towards the achievement of better working conditions in the clothing industry. He pointed out that a thorough examination of the subject of wages had resulted in a clear and constructive proposal. The draft resolution concerning industrial home work had given rise to some discussion and had been adopted by a large majority in the Subcommittee. The draft resolution relating to the inclusion of the question of the revision of the Holidays with Pay Convention, 1936,
in the agenda of the International Labour Conference in 1966 had been adopted unanimously.

The report was adopted unanimously.

Mr. ZAMAN (Government delegate, India) pointed out that in India there was no legislation which related exclusively to the clothing industry and that the industry was covered by legislation applicable to industry as a whole.

Mr. RAHMAN (Employers' delegate, Pakistani) also pointed out that the Factory Act in Pakistan was applicable to industry as a whole and that therefore the immediate application of the conclusions concerning conditions of work in the clothing industry might be difficult. They would be applied in Pakistan as soon as conditions permitted.

Mr. SCHÖNI (Employers' adviser, Swiss) reserved his position with regard to paragraphs 30 and 45 of the draft conclusions, which dealt with hours of work and holidays with pay.

Subject to the reservations indicated above the Meeting adopted the draft conclusions (No. 1) concerning conditions of work in the clothing industry.

The text of the conclusions is reproduced below.

Mr. DE ALTAOZ (Government delegate, Mexico) made a reservation concerning paragraph 1 of the draft resolution concerning industrial home work in the clothing industry. The application of this paragraph would require an amendment of the article of the Mexican Constitution which guaranteed freedom of work.

Mr. DURÁN ROSELL (Employers' delegate, Mexican) supported the declaration which had been made on behalf of the Mexican Government.

Mr. LUPARIA (Employers' delegate, Argentine) recorded his inability to support the adoption of the draft resolution.

The draft resolution concerning industrial home work in the clothing industry was adopted by 65 votes to 14, with 16 abstentions.

The draft resolution relating to the inclusion of the question of the revision of the Holidays with Pay Convention, 1936, in the agenda of the International Labour Conference in 1966 was adopted unanimously.

The texts of the resolutions are reproduced below.

Conclusions (No. 1) concerning Conditions of Work in the Clothing Industry

The Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met at Geneva from 21 September to 2 October 1964,

Having considered the different aspects of conditions of work in the clothing industry,

Having noted the principles and standards concerning conditions of work contained in the international instruments adopted by the International Labour Conference and in particular of those set forth in the Minimum Wage-Fixing Machinery Convention and Recommendation, 1928; the Equal Remuneration Convention, 1951; the Discrimination (Employment and Occupation) Convention, 1958; the Reduction of Hours of Work Recommendation, 1962; the Holidays with Pay Recommendation, 1954; the Protection of Workers' Health Recommendation, 1953; the Welfare Facilities Recommendation, 1956; the Maternity Protection Convention (Revised), 1952; the Night Work (Women) Convention (Revised), 1948; and the Night Work of Young Persons (Industry) Convention (Revised), 1948;

Considering the characteristics of the clothing industry and the various national, regional and local conditions in different countries;

Adopts this second day of October 1964 the following conclusions:

General Considerations

1. Although conditions in the clothing industry are determined in large measure by the general economic and social situation in different countries, there are in this industry certain characteristics which imply that conditions of work in this sector call for special attention.
2. In view of the fact that the possibility of improving conditions of work and the standard of living of workers employed in the clothing industry depends partly upon the raising of productivity, it is desirable to consider the steps to be taken for that purpose, with due regard to the necessary social protection of the workers.

3. Technological changes in machines, equipment and methods of work have resulted in increased productivity. It is necessary to maintain this trend, in particular in undertakings, in branches and in countries where until now the increase in productivity has been least apparent.

4. In order to improve conditions of work in the clothing industry various measures should be taken to improve methods of work so as to increase productivity, to provide adequate training, to improve the distribution of garments, and to promote the consumption of garments.

5. Where necessary measures should be taken to adapt industrial training, including retraining, to the industry's new needs, in view of the fact that in numerous countries handicraft methods of production are giving way to industrial methods. Industrial training should be accompanied by general supplementary education.

6. In order to encourage the consumption of garments in the developing countries an increase in income per head, and hence in the standard of living of the population, is of particular importance as it can favourably influence the level of demand for garments.

7. Taking into account the characteristics of the clothing industry it is essential that, where this has not already been done, minimum standards be established to govern the conditions of work in this industry.

8. These minimum standards of conditions of work should be fixed by legislation, by regulation, by collective agreement or by award, by decisions of bipartite or tripartite bodies, by any combination of these various means, or by any other method in accordance with national practice, according to the method which, for each topic dealt with, is the most appropriate to national conditions and to those conditions obtaining in the industry or its relevant branch.

9. The establishment or the existence of minimum standards does not exclude the possibility of the workers enjoying conditions of work more favourable than those laid down by these standards.

10. It is most important that governments, employers and workers in each country should co-operate for the purpose of improving conditions of work in the clothing industry. Every effort should be made to strengthen employers' and workers' organisations and to encourage collective bargaining and joint consultation. In matters which are appropriate for joint consultation or for collective bargaining, and where appropriate machinery for joint consultation or for collective bargaining exists, managements should not take unilateral action, and every use should be made of the machinery available.

Wages

General Objectives.

11. Any policy to be followed with regard to wages should take into account all relevant economic and social factors and in particular the economic conditions of the industry and the general economic situation of the country. Any wages policy should be directed at a substantial and continual improvement of living conditions for the workers in the clothing industry, so as to provide them with a fair share of increased prosperity resulting from increases in productivity and other factors. The average level of wages in the clothing industry should be raised to the average level of those in other manufacturing industries, wherever they are below the latter, after taking all relevant factors into account.
12. Wages should be regularly reviewed with a view to attaining the objectives set forth in the preceding paragraph.

The Wage Structure.

13. Wage scales for the various occupations in the clothing industry should be established on a rational basis. In this connection it should be stressed that technical innovations and new methods of work often make it necessary to revise traditional methods of job classification and wage fixing. The breaking up of traditional tasks into a number of operations carried out by semi-skilled workers makes it essential to revise or adapt the earlier job classifications which are still in effect in certain sectors or in certain countries. Recourse to properly applied work study methods and to job evaluation might appear useful both for assessing wage scales and for establishing wage differentials.

14. The application of work study and job evaluation techniques should be entrusted to persons with adequate training and experience and with an awareness of the human factors affected by the application of these techniques, bearing in mind the considerable importance of personal judgment in work study and job evaluation.

15. In the light of experience gained in a certain number of countries it is essential for the representatives of the workers and of their organisations to be associated with the implementation of work study techniques and job evaluation. Arrangements should be made to ensure that employers' and workers' representatives and representatives of their organisations be trained in these techniques so that they will be able to participate effectively in their implementation.

Payment by Results.

16. The fixing of rates for payment by results is especially important in view of the widespread practice in the clothing industry to pay by results and because of the numerous problems that can arise under this system.

17. In systems of payment by results workloads should be established on the basis of a reasonable amount of work and on the average time taken by a worker of normal ability working at a normal speed. The rates of pay should enable workers paid by results to receive a negotiated average wage in excess of the time rate in the same category.

18. Provision should be made for participation by representatives of the workers and of their organisations in fixing and, where necessary, revising workloads and rates for payment by results in accordance with arrangements to be laid down in collective agreements or by some other method. Steps should be taken to enable employers' and workers' organisations to have available representatives who are specially trained in methods of wage fixing by results.

19. Conciliation, arbitration or other procedures should be provided, according to the conditions and practice of each country, in case disputes arise between the employers and workers regarding the establishment of wage rates by results or other methods of applying this system of payment.

20. All systems of payment by results should include—

(a) sufficient guarantees against overwork and excessive working speeds;
(b) the guarantee of a minimum wage for the job concerned if work is slowed down or interrupted owing to causes beyond the workers' control;
(c) the assurance that, once fixed, the rates will not be reduced without agreement between management and labour; and
(d) the guarantee that the rates will be adjusted if models or production methods are changed.

21. When systems of payment by results are applied steps should be taken to prevent anomalies in the relationship between wages of workers paid by results and those of other categories of workers who continue to be paid on a time-based system.
Payment for Flow-Line Operation.

22. In all cases where workers are required to follow a specific work tempo provision should be made to increase wages in those cases where the work is more tiring and where there is higher output under this system of work.

23. It is essential to arrange for the participation of representatives of the workers or of their organisations in fixing the speed of flow-line operation.

Remuneration of Women Workers.

24. The problem of the remuneration of women workers is of great importance in view of the large proportion of women engaged in the clothing industry. It is particularly desirable to apply the principles laid down in the Equal Remuneration Convention, 1951. For this purpose it would be useful to establish job classifications based on a rational evaluation of the work to be carried out without distinction of sex.

25. In a fairly large number of countries the clothing industry is characterised by a traditional distinction between men's and women's jobs, by which certain occupations are performed only by women and paid for at rates which yield lower wages than do jobs which are of a comparable level of skill and which are generally performed by men. Appropriate measures should be taken to enable women workers to enjoy equal opportunities and remuneration in accordance with the principles set out in the Discrimination (Employment and Occupation) Convention, 1958, wherein it is made clear that special measures for protection or for assistance provided for by other Conventions or Recommendations adopted by the International Labour Conference are not deemed to constitute discrimination.

Remuneration of Young Workers.

26. While it is recognised that in some countries legislation provides for differential payments for young workers which prevents the application of the principle of equal pay for equal work for young workers, it is highly desirable that this principle should be applied.

27. Young workers who are entering the industry for the first time and who are undergoing training should have minimum guaranteed earnings which should not depend upon considerations of output.

28. The length of vocational training for young workers in the clothing industry—whether by apprenticeship or by way of short-term systematic training for the carrying out of specialised operations—should not exceed the time necessary to provide young workers with the level of skill required and with a sufficiently broad training.

Hours of Work and Rest Periods

Normal Weekly Hours of Work.

29. In all cases where the normal weekly hours of work exceed 48, immediate steps should be taken to reduce them to 48.

30. Where the normal weekly hours of work are 48 or less, steps should be taken for the progressive reduction of hours of work to the standard of 40 per week.

31. Steps to reduce the normal weekly hours of work should in no way involve a reduction of the wages of the workers affected and should be applied in accordance with the Reduction of Hours of Work Recommendation, 1962.

32. Normal weekly hours of work should, to the maximum extent possible, be spread over five days of the week.

Overtime.

33. Overtime should be limited.

34. Overtime should be remunerated by higher pay, increasing progressively according to the number of overtime hours worked.
35. All questions relating to overtime working and to its remuneration should be settled by mutual agreement between the parties.

36. Overtime should be prohibited in the case of young workers.

37. Arrangements for overtime working should take into account the special situation of workers with family responsibilities.

Shift Work.

38. Workers employed on shift work should receive special bonuses, especially for the night shift.

39. The length of shifts, and in particular of the night shift, should be limited.

40. Regular rotation of shift workers should be ensured so as to minimise effects on the family and on the social life of shift workers.

41. Night work for women and young workers should be forbidden.

Breaks.

42. In addition to the usual rest periods for meals workers should have breaks at regular intervals during the day.

43. Such breaks should be included in the normal hours of work and should be remunerated accordingly. The system of payment for breaks should be such that no worker, whether paid on a time basis or on a piece-work basis, shall suffer loss of wages therefrom.

Weekly Rest.

44. Workers of the clothing industry should, in the course of each seven-day period, have a weekly rest of at least one day and, where the five-day week is in operation, of two days.

Paid Annual Vacations

45. A minimum duration of three weeks' annual vacation, paid for at a rate at least equal to average earnings in normal working weeks, should be achieved in the near future. To this end, in countries where the length of paid annual vacation is less than three weeks, measures should be taken for the progressive attainment of this standard.

46. Where the length of paid annual vacations is at present less than two weeks measures should be taken to alter the length of such vacations immediately to two weeks, paid for at a rate at least equal to average earnings in normal working weeks.

47. The annual vacation referred to in paragraphs 45 and 46 should be paid to all workers who have had a year or more of service in the clothing industry, regardless of the length of service in a particular undertaking. Where a worker has been in the service of an undertaking for less than one year, the worker in question should receive vacation pay in proportion to the length of service in that undertaking.

48. In fixing the length of paid annual vacations regard should be had to the special needs of young workers.

Public Holidays

49. Public holidays established by law or practice should be paid for.

Occupational Health and Safety

50. In view of the great importance of occupational health and safety in the clothing industry the highest standards should be established as regards environmental factors (lighting, noise and vibration, ventilation, temperature of workplaces), the layout of working places (situation, space, seating), safety (the guarding of machinery), health (cleanliness of
premises, sanitary installations), the prevention of occupational diseases, and the protection of workers' health at the workplace (first aid, occupational medicine). In this connection the basic principles laid down by the Protection of Workers' Health Recommendation, 1953, and by the Occupational Health Services Recommendation, 1959, should be applied.

51. It would be desirable for workers employed in the clothing industry to undergo periodic medical examinations.

Welfare

52. Welfare services should be established in accordance with the needs of the workers. These services should include, in particular, canteens and refectories, as well as rest places and facilities. Where public transport services are inadequate due attention should be given to the transport facilities to be provided for workers, either by the employer or by special arrangements made by the management of the undertaking with the public authorities or with public transport services.

Maternity and Employment Protection of Women with Family Responsibilities

53. Women workers in the clothing industry should be covered by maternity protection measures covering in particular maternity leave, maternity benefits and the prohibition of dismissal during maternity leave, in accordance with the principles set forth in the Maternity Protection Convention (Revised), 1952.

54. There should be a guarantee of the reinstatement—after necessary additional paid or unpaid maternity leave or absence due to family responsibilities—of a woman worker in the undertaking which previously employed her.

55. Child-care services and facilities should be provided either by the employer or by the local authorities, in collaboration with the public and private organisations concerned.

56. Appropriate solutions to other problems concerning the employment of women workers with family responsibilities—and in particular the granting of additional maternity leave, as well as assistance in re-entry into employment after a period devoted exclusively to family responsibilities—should be sought and applied in the clothing industry, in accordance with decisions taken by the International Labour Conference for women workers in general.

Protection of Young Workers

57. Children who have not reached the official school-leaving age should not be employed in the clothing industry.

58. It is desirable that the minimum age of admission of young persons to employment be fixed at 16 years, although, because of numerous factors, such a minimum may not be immediately applicable in all countries.

59. Young persons should not be admitted to employment by an undertaking unless, following a thorough medical examination, they shall have been declared to be fit for the job on which they will be employed. The fitness of young persons for the jobs on which they are engaged should be the subject of periodic medical examinations.

Contractors

60. Steps should be taken to ensure that clothing workers employed by contractors have the same conditions of work as other workers in the clothing industry.

Resolution (No. 2) concerning Industrial Home Work in the Clothing Industry

The Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

1 Adopted by 65 votes to 14, with 16 abstentions.
Having met at Geneva from 21 September to 2 October 1964,
Having considered the problems which arise in connection with industrial home work in the clothing industry,
Considering that low wages, long hours, unhealthy sanitary conditions and inadequate safety standards for industrial homeworkers can threaten the labour and employment conditions of clothing workers generally,
Considering that industrial home work is in such cases a source of unfair competition on the part of employers who evade decent labour standards and who shift to the homeworker such costs as those of rent, light, heat and of the machine,
Considering that, although these undesirable practices may gradually vanish as the manufacture of ready-made clothing becomes more industrialised, such home work is damaging to the workers concerned and to the image of the bona fide clothing industry, and
Considering that there are inherent difficulties in effectively controlling industrial home work;
Adopts this second day of October 1964 the following resolution:

1. Industrial home work in the clothing industry should, as a matter of principle, ultimately be abolished, except as to certain individuals—for example physically handicapped persons—who cannot adapt themselves to factory work.

2. Where it is not yet practicable to eliminate home work from the clothing industry, governmental regulations—including registration of homeworkers, agents and employers—should be strictly applied in an attempt to ensure that labour conditions and social security standards of industrial homeworkers are to the maximum possible extent identical with those of factory workers.

Resolution (No. 3) relating to the Inclusion of the Question of the Revision of the Holidays with Pay Convention, 1936, in the Agenda of the International Labour Conference in 1966

The Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,
Having met at Geneva from 21 September to 2 October 1964,
Considering the substantial changes which have taken place in the clothing industry since the adoption, in 1936, of the Holidays with Pay Convention;
Adopts this second day of October 1964 the following resolution:

The Governing Body of the International Labour Office is invited to include, at its 160th Session (November 1964), the question of the revision of the Holidays with Pay Convention, 1936, in the agenda of the International Labour Conference in 1966.

Report of the Subcommittee on Problems Arising from Fluctuations of Employment in the Clothing Industry

Composition and Officers of the Subcommittee and of Its Working Party

1. The Subcommittee on Problems Arising from Fluctuations of Employment in the Clothing Industry was composed of one Government titular member, one Employers' titular member and one Workers' titular member from each of the member countries represented at the Tripartite Technical Meeting for the Clothing Industry.

2. The Subcommittee appointed the following officers:

Chairman and Reporter: Mr. M. KANGAN (Government member, Australia).
Vice-Chairmen: Mr. DURAN ROSELL (Employers' member, Mexican).
Mr. S. KRAISMAN (Workers' member, Canadian).

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1 Adopted unanimously.
3. The Subcommittee held seven sittings.

4. At its third sitting the Subcommittee, in conformity with article 20 of the Standing Orders for Industrial and Analogous Committees, set up a Working Party to draft conclusions. The Working Party consisted of the following members, in addition to the Chairman of the Subcommittee:

**Government members**:

**Titular members**:
- Nigeria: Mr. L. L. Akerele.
- U.S.S.R.: Mr. L. G. Barabanov.
- United Kingdom: Mr. K. G. Sherriff.

**Deputy members**:
- Japan: Mr. S. Uehara.
- Switzerland: Mr. C. Schluchter.
- United States: Mr. J. Freidin.

**Employers' members**:

**Titular members**:
- Mr. F. Durán Rosell (Mexican).
- Mr. B. Du Roselle (French).
- Mr. C. G. Whitmont (Australian).

**Deputy members**:
- Mr. R. Boccardi (Italian).
- Mr. C. C. D. Miller (United Kingdom).
- Mr. S. Narayan (Indian).

**Workers' members**:

**Titular members**:
- Mr. H. L. Gibson (United Kingdom).
- Mr. S. Kraisman (Canadian).
- Mr. L. Tepfer (United States).

**Deputy members**:
- Mr. K. Buschmann (Federal Republic of Germany).
- Mr. J. T. Collins (Australian).
- Mr. G. Glisie (French).

**Terms of Reference of the Subcommittee**

5. The Subcommittee had the task of examining the third item on the agenda for the Meeting: "Problems arising from fluctuations of employment in the clothing industry." It had before it a report on this subject prepared by the Office.¹

**General Considerations**

6. In introducing the report the representative of the Secretary-General briefly explained that, while an attempt had been made to explain the nature and extent of fluctuations and to offer an analysis of the main causes which gave rise to them, the main emphasis in the report was on the measures to reduce fluctuations and to mitigate their effects. He also pointed out that some of the measures suggested in the report related to economic and organisational aspects and others to purely labour aspects, and that these two were interrelated. The views of the members of the Subcommittee with their experience of the actual conditions in the industry in the different countries would be particularly valuable.

in regard to the former. In regard to the suggestions relating to labour questions, such as measures for improving the organisation of the labour market, provisions concerning job security, guaranteed wages and unemployment insurance, he drew attention to a number of conclusions which the International Labour Conference had formulated, which were applicable to industry as a whole, including the clothing industry.

7. The Chairman, in opening the general discussion, referred to the fact that conditions in the different countries varied and that consequently problems arising in these countries also differed to some extent. However, while the conclusions of the Meeting might not be applicable equally to all the countries, it was possible to frame them in such a way that, with appropriate reservations, they could be acted upon either by governments or the industry in all the countries. Among the subjects which might be discussed he mentioned, in particular, the concept of preproduction planning with a view to avoiding fluctuations of employment, the possible usefulness of machinery consisting of representatives of manufacturers and distributors, where this was practicable, so as to facilitate the placing of orders in advance, the possibilities of developing complementary lines of production for slack seasons, and simplification and standardisation to encourage stable demand and production. He also suggested that other conclusions might refer to measures for improving the organisation of the employment market and measures for income protection.

8. The Subcommittee accepted the list of points appended to the Office report as a basis for discussion.

9. In the general discussion which preceded the setting up of the Working Party the Subcommittee dealt with a number of subjects. The main subjects covered by the discussion related to the difference in the problems in the industrially developed and developing countries, the problems raised by the existence of home work, and particularly of clandestine home work, the nature and extent of fluctuations of production and employment in the industry in recent years and factors which have contributed to reducing such fluctuations. The Subcommittee also briefly discussed some general economic measures which would help in avoiding and in solving the problems arising from fluctuations of employment in the industry, and some specific measures suggested in the Office report to reduce fluctuations and to mitigate their effects.

**Difference in the Problems in Developed and Developing Countries.**

10. Several members referred to the difference in the situation in the developed and in the developing countries. It was pointed out at an early stage of the discussion that the Office report dealt mainly with the situation in developed countries; in the developing countries the problem was one of promoting the development of the industry so as to increase employment rather than of eliminating fluctuations of employment. This view was supported by the Government members from the developing countries, who also suggested that the conclusions of the Subcommittee should be flexible enough to apply to these countries. It was pointed out that a large proportion of clothing in the non-industrialised parts of the world was still produced by simple craft methods, and that much of such work was necessarily being done at home. Comments were, however, made that it was open to question whether home work was necessary even in the developing countries. The opinion was also expressed that elimination of home work would help to smooth fluctuations of employment. On the other hand, some members expressed the view that home work was an essential element for the clothing industry in some countries and that care should be taken not to impede the industry by regulating home work too strictly.

**Home Work and Fluctuations of Employment.**

11. The Subcommittee discussed at some length the problems posed by the existence of home work and their relevance to fluctuations of employment.

12. In the opinion of some members one important problem in connection with fluctuations of employment related to homeworkers, particularly clandestine homeworkers. The Workers' member from the United States pointed out that it was impossible to gauge the full impact of fluctuations in many countries because of the existence of homeworkers
whose production represented an unknown quantity. He argued that while home work might be necessary in certain countries to meet the needs of production during peak periods, it should be the aim of planned production to remove such peaks and consequently the need for resorting to home work. Increased productivity was necessary to achieve a higher standard of living, and this was not possible under a system of home work. Home work should be considered as an outmoded way of production and should be discontinued.

13. Some members made a distinction between home work which was subject to legislative control, and clandestine home work which was beyond any control. The discussion centred round the issue whether home work should be subject to control with a view to eliminating clandestine home work, or whether attempts should be made towards the total elimination of home work.

14. Government members from France and Switzerland, the French Employers' member and the French Workers' member expressed themselves in favour of control over home work. In both France and Switzerland legislative provisions existed to protect the interests of homeworkers. Homeworkers constituted a supplementary labour force, a point which the United Kingdom Government member also stressed. A suggestion was made that the Office might undertake a comparative study of legislative provisions relating to the control over home work.

15. In view of the difficulties of exercising control a considerable number of members expressed the view that the aim should be the eventual elimination of home work. However, in the opinion of the Indian Government member, control by legislation was not practicable over the large proportion of homeworkers in developing countries, who were in fact self-employed persons, and the Government member from Nigeria stated that home work was often a necessity in these countries where there were not otherwise adequate job opportunities.

Nature and Extent of Fluctuations.

16. There was general agreement among the members of the Subcommittee that the amplitude of fluctuations had diminished in recent years. The Workers' member from the United States illustrated this by indicating the difference in the patterns of fluctuations of employment and production in the different branches of the clothing industry in his country during the pre-war and post-war periods. He pointed out that there was a correlation between fluctuations in the industry and general economic prosperity, employment being more stable in times of prosperity than during the recession years. However, the amplitude of fluctuations varied in the different sectors of the industry, women's coats, suits and skirts showing wide fluctuations compared with corsets and brassières in which the level of employment remained relatively stable.

17. According to the French Employers' member seasonal fluctuations in the industry in the countries in Western Europe had practically disappeared. However, there were some periodic fluctuations in employment, although it was not possible to discern in them any regular cyclical pattern. The periodic fluctuations which remained were due to the variations in the consumers' expenditure on clothing and their consequent effect on market conditions.

Factors Which Have Reduced Fluctuations.

18. The improvement in reducing fluctuations was ascribed to a number of factors. Among these factors the Workers' member from the United States stressed the increasing practice of retailers to place orders in advance, and improved labour-management cooperation. The French Employers' member agreed that early placing of orders in recent years by retailers had facilitated better planning of production. Exchange of information relating to trends in fashion on an international basis had also helped in his view to anticipate fashion changes and thus to limit their effects on fluctuations. The establishment of chain stores was another factor which, according to the United Kingdom Workers' member, helped in reducing fluctuations, since the guarantee of large orders by these stores created stability of employment. However, in the opinion of the Workers' member from Canada, the chain stores, by monopolising sales and forcing manufacturers to compete with each
other, exercised an unfavourable influence on conditions of work. The Australian Workers’ member pointed out that the pressure exercised by retailers on manufacturers to supply seasonal needs was still a factor in causing seasonal fluctuations. The distributors’ margin was also still very high. The French Employers’ member agreed with this view, but suggested that an improvement in this respect depended on reorganisation of the methods of distribution.

**Measures Further to Reduce Fluctuations and to Mitigate Their Effects.**

**General Measures.**

19. The discussion on the measures to further reduce fluctuations in the industry and to mitigate their effects showed that many members placed emphasis on economic measures designed to promote an expanding economy and increasing employment. In regard to the particular measures relating specifically to the clothing industry as suggested in the list of points in the report some members, while generally agreeing with them, had reservations and pointed out their limited applicability to the conditions existing in the industry in their countries.

20. In regard to general economic measures the United States Workers’ member emphasised that it was the responsibility of governments to maintain policies of full employment. These should, in his view, include provision for minimum wages, unemployment insurance and other social security benefits, improved functioning of employment services and measures for promoting regular employment in industry as a whole. The United Kingdom Workers’ member agreed that the conclusions of the Subcommittee should stress the objective of full employment and that this was a government responsibility. The French Employers’ member also agreed with the need for maintaining a policy of full employment since, as he pointed out, the elasticity of demand for clothing was high and the industry was extremely sensitive to revivals and recessions in general economic activity. In this connection the Australian Employers’ member stressed that measures to increase purchasing power would not achieve this object if measures were not taken to increase productivity at the same time.

21. Some members referred to the advantages of planned production in the industry, and others to the relevance of planned national economy in this context.

**Specific Measures.**

22. In regard to the specific measures relating to the clothing industry the United States Workers’ member pointed out the following limitation, among others, in the suggestions made in the Office report. While market research would lead to better planning and product promotion would have some beneficial aspects, the special sales and other measures suggested in the Office report might have only a temporary influence, since in the end they might lead to a change in the timing of fluctuations and in the patterns of seasonality rather than a reduction of fluctuations. Similarly, product specialisation would not lead to a reduction in fluctuations if the specialised product were highly seasonal. Since the pattern of fluctuations was somewhat similar as regards most of the products of the industry there were limitations in introducing complementary lines of production. Finally, with rising standards there would be a demand for more varieties of design, and this limited the possibilities of simplification and standardisation.

**Examination of the Draft Conclusions**

23. At its fifth sitting the Subcommittee had before it the draft conclusions drawn up by its Working Party. The Subcommittee accepted a number of changes to the draft conclusions. Some of these changes were of a relatively minor nature, but some dealt with matters of broad policy. Among the latter the main changes related to the needs of developing countries and the question of restrictions on overtime work. The Subcommittee also discussed during the course of its examination of the draft conclusions the question of the effect of changes in the pattern of international trade in clothing on fluctuations in employment and production in the industry. The final text as adopted by the Subcommittee is
appended to this report. In the course of the discussion a number of members reserved their positions relating to certain of the conclusions.

Situation in Developing Countries.

24. The Subcommittee had before it an amendment submitted by the Mexican Government member to the draft conclusions prepared by the Working Party. This suggested the addition of a separate section entitled "The Situation in Developing Countries" and the deletion and rearrangement of some of the paragraphs in the draft conclusions submitted by the Working Party. It dealt with three aspects, namely a factual description of the main features of the clothing industry in developing countries, the question of technical assistance to developing countries, and the need for expanding trade opportunities so as to enable the developing countries to export the products of the clothing industry to the developed countries.

25. After some discussion the Subcommittee decided to exclude a separate section relating to the situation in the developing countries as proposed in the amendment. There were 30 votes for exclusion and 10 for inclusion, with 7 abstentions.

26. The proposals contained in the amendment relating to technical assistance were incorporated in a new paragraph which appears as paragraph 5 of the conclusions appended to the report.

International Trade and Fluctuations of Employment.

27. The draft conclusions contained a paragraph which provided that every effort should be made by bilateral or multilateral agreements or other methods to prevent as far as possible disruptive effects of imports and exports of clothing on employment, conditions of work and production in the industry.

28. In the discussion on this paragraph the Swedish Government member explained the policy followed in his country in regard to trade. In his view bilateral and multilateral agreements designed to remove or at least lower the import restrictions on the products of the developing countries should be supplemented by other methods. These other methods included an active employment and labour market policy by developed countries. They should buy goods of equal quality from developing countries although these goods might have been produced on the basis of relatively lower wages, and although this would create problems of adjustment and redundancy in the industry in developed countries. Labour market policy designed to facilitate the geographical and occupational mobility of manpower and capital made an important contribution to the national welfare since it permitted an economic utilisation of the resources of the country and reduced the likelihood of social tensions.

29. The Government members from the United Kingdom and Mexico suggested that the portion of the paragraph relating to international trade should be deleted as this subject was covered by one of the general resolutions which would be moved at the plenary sitting of the Meeting.

30. The proposal for the deletion of the portion relating to international trade was rejected by 18 votes to 23, with 5 abstentions.

Industrial Home Work.

31. During the discussion on the paragraph in the draft conclusions relating to controver industrial home work the Italian Employers' member suggested that the provision should be amended to provide for the progressive limitation of industrial home work instead of its disappearance. The Japanese Employers' member supported this view. The Swedish Employers' member and the Government members from France, the Federal Republic of Germany, India, Nigeria, Mexico, Switzerland and the United Kingdom also reserved their position with reference to the paragraph of the draft conclusions as submitted by the Working Party. The Subcommittee decided to retain the paragraph of the draft conclusions relat-
ing to control of industrial home work by 29 votes to 14, with 4 abstentions. The text as adopted by the Subcommittee appears as paragraph 22 of the conclusions.

**Hours of Work.**

32. The Subcommittee had before it an amendment proposed by the United States Workers’ member to insert two paragraphs relating to hours of work in the draft conclusions.

33. The first of these paragraphs related to restrictions on overtime with the object of spreading work over longer periods of time and thus levelling out employment fluctuations. This paragraph was adopted with some modifications, and the final text as adopted appears as paragraph 20 of the conclusions.

34. The second paragraph proposed by the United States Workers’ member related to the reduction of hours of work. This amendment was substantially modified during the discussion in the Subcommittee, and the text as adopted appears as paragraph 21 of the conclusions. The paragraph makes reference to the Reduction of Hours of Work Recommendation, 1962. The Government members from the United Kingdom and Mexico stated that, while they had no objection to the paragraph as adopted by the Subcommittee, they maintained the reservations which their respective governments had made in regard to the Recommendation when it was adopted. The Government members from India and Nigeria also had reservations with regard to this paragraph.

**Job Security.**

35. The draft conclusions as submitted by the Working Party contained a paragraph relating to job security. This paragraph provided for a reasonable period of notice to be given prior to the termination of employment. The Subcommittee had some discussion on the question whether any indication should be given in the paragraph specifying the period of notice. The Australian Workers’ member moved an amendment to provide that the period of notice should be at least two weeks. After some discussion the Subcommittee decided to adopt the text as it appears in paragraph 24 of the conclusions.

**Implementation.**

36. The Subcommittee adopted an amendment to add a paragraph to the text which recognised that the provisions of the conclusions should be implemented through legislation, collective bargaining or other means, on a co-operative basis between governments, employers and workers or their organisations, in the light of the situation and in accordance with national policy prevailing in each country.

37. The Government member for Mexico stated that his acceptance of the paragraphs relating to a severance allowance and guaranteed employment was subject to the reservation indicated by the provisions of the paragraph relating to implementation.

**Adoption of the Conclusions**

38. The Subcommittee unanimously adopted the conclusions as amended, with the reservations noted above.

**Adoption of the Report**

39. The Subcommittee unanimously adopted the report at its seventh sitting.

Geneva, 1 October 1964.

(Signed) M. Kangar,  
Chairman and Reporter.

**Examination by the Meeting of the Report and the Draft Conclusions**

At its seventh plenary sitting the Meeting had before it the above report and the draft conclusions concerning problems arising from fluctuations of employment in the clothing industry.

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In submitting the report Mr. KANGAN (Government delegate, Australia; Chairman and Reporter of the Subcommittee) pointed out that, while the report had been adopted unanimously, some reservations had been made in regard to some of the paragraphs of the draft conclusions. In the discussions which had taken place in the Subcommittee it had become evident that fluctuations of employment in the clothing industry were primarily a problem in the industrially developed countries, and that in the developing countries it was the growth of the clothing industry that was important. Another subject which had been discussed in the Subcommittee was industrial home work and the paragraph relating to industrial home work had been adopted by a majority.

Mr. CÁMPORA (Government delegate, Argentina) regretted that the proposal submitted by the Government delegate from Mexico to include in the draft conclusions a special section dealing with developing countries had been rejected by the Subcommittee.

The Meeting unanimously adopted the report and the draft conclusions concerning problems arising from fluctuations of employment in the clothing industry.

The text of the conclusions is reproduced below.

Conclusions (No. 4) concerning Problems Arising from Fluctuations of Employment in the Clothing Industry

The Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 21 September to 2 October 1964,

Considering that fluctuations of production and employment in the clothing industry still constitute a problem,

Accepting the fact that in many countries, and especially in the developing countries, the problem is not only that of avoiding undue fluctuations, but also one of promoting the growth and development of the clothing industry,

Recognising the importance of taking measures to eliminate to the greatest possible extent fluctuations of employment in the clothing industry,

Considering that, in cases where fluctuations continue after taking all possible measures to reduce them, action is essential to mitigate their effects on the workers concerned,

Recognising that policies for promoting full employment in the national economy as a whole and increasing demand for the products of the industry itself will facilitate efforts both to reduce fluctuations and to mitigate their effects, and

Recalling the provisions of the Employment Policy Convention and Recommendation, 1964, and the Suggestions concerning Methods of Application of the Recommendation, with particular reference to those designed to stabilise employment;

Adopts this second day of October 1964 the following conclusions:

General Considerations

1. Fluctuations in production and employment in the industry have arisen from a number of factors. Among these may be mentioned—without exhausting the list of influencing factors—long-term changes, such as changes in the industrial structure, occasioned by new techniques of production or shifts in demand, periodic variations in the general level of economic activity, seasonal and other variations in demand for particular products due to climatic factors or changes in fashion, methods of distribution, and other factors.

2. These fluctuations tend to cause, among other adverse effects: underemployment; short-time working and unemployment in slack periods; excessive overtime and shortage of workers in peak periods; difficulties in recruitment and in retention of workers; maldistribution of work; and underutilisation of manpower, equipment and machinery.

3. The nature and extent of fluctuations of employment vary in the different sectors of the industry. Cyclical and random fluctuations in the demand for the industry's products

1 Adopted unanimously.
at times may have even more influence on patterns of employment than those caused by seasonal factors. In some countries the problem is also affected by the existence of an excessive number of workers in the industry.

4. The measures suggested are therefore only the guidelines to be applied in a manner appropriate to the circumstances of each case, and in particular of national conditions and practices. It should be the aim of national employment policies to achieve and sustain an appropriate level of employment, and for relevant authorities, in both the public and private sectors, together and independently, as circumstances require, to work towards avoiding undue fluctuations in employment and adverse effects to which they give rise.

5. In view of the fact that the clothing industry in developing countries might lack material resources and technicians, it is considered that it should receive technical and other assistance from the industrialised countries under appropriate programmes. The governments of developing countries, in close co-operation with the employers' and workers' organisations, when they are preparing their programmes for economic and social progress in the clothing industry, should try to link their demands for technical co-operation with their own programmes, in order to ensure that the available help from international technical assistance programmes is an integral part of the implementation of their national programmes.

Measures to Reduce Fluctuations in Employment

General Measures.

6. Economic measures designed to promote a continuously expanding economy in a country help in avoiding and in solving the problems arising from fluctuations of employment in the clothing industry, since such measures contribute to a rise in demand for the products of the industry and usually to a higher level of employment in the industry itself, as well as to increased opportunities for alternative employment for displaced workers. Governments should therefore adopt monetary, fiscal, economic and social policies designed to promote a continuously expanding economy and increasing employment; and industry, including the clothing industry, should work in co-operation with governments in studying, formulating and putting into effect measures appropriate to that end. Among such specific policies there may be provision for minimum wages, unemployment insurance and/or other social security measures to be pursued through appropriate machinery according to national circumstances.

7. Assessments should be made periodically, and in an appropriate manner, of the extent of the development of the clothing industry in each country in the light of its resources and the present and future demand for the products of the industry, both within the country concerned and in international markets. In industrialised countries and in countries which are in the course of industrialisation and which desire to set up a clothing industry, it is suggested that every effort should be made to diversify the economy by developing other industries. In this effort there should be active co-operation between industrially advanced and developing countries.

8. It is generally recognised that, in order to enable developing countries to further their economic growth and improve the standard of living of their peoples, they should be enabled to find export markets for their manufactures, including products of the clothing industry. Every effort should, however, be made by bilateral or multilateral agreements or other methods to prevent as far as possible disruptive effects of imports and exports of clothing on employment, conditions of work and production.

9. It is desirable that the introduction of technological changes, such as changes in basic raw materials, methods of production, machinery and other innovations, should be preceded by consultation and co-operation with workers' organisations in order to enlarge the opportunities for avoiding undue fluctuations of employment in the industry.

10. It is important to recognise that different countries at different stages of development may have to meet different needs to ensure the orderly development of the industry. The measures adopted by the respective countries in regard to matters affecting employment in the clothing industry should take account of their different stages of development. Those
countries in which the industry is well developed, recognising that fluctuations in employ-
ment represent an underutilisation of the total resources of the industry, might take such
measures as will promote the maximum use of the resources of human skills, managerial
competence and capital investment. Those countries in which the industry is at an early
stage of development might adopt such measures as will ensure enlarged opportunities for
employment, the development of human skills and the full utilisation of capital resources.

**Smoothing Fluctuations in Production.**

11. The industry should make every effort to spread its output evenly over the year
as a whole. To this end an effort should be made to persuade retailers of the advantages of
and the need for planning their purchasing requirements as far ahead as possible and for
the early placement of orders for a substantial proportion of their total requirements for
the approaching season. In turn, this will enable the undertakings in the clothing industry
to plan their production in a way which would tend to iron out excessive seasonal peaks
and to level out unnecessary and undesirable fluctuations in employment and production.

12. Through the use of market research and other techniques clothing manufacturers,
suppliers of their raw materials and retailers should increasingly utilise forecasting of fashion
developments with a view to rationalising production and distribution of clothing in a
manner conducive to minimising fluctuations in production and employment.

13. In order to help minimise fluctuations in the clothing industry and to provide the
necessary background information for production planning by manufacturers and suppliers
of their raw materials and for distribution planning by retailers, attention is strongly directed
to the importance of collecting and publishing periodically statistics of production and
stocks of the major items of textiles and clothing and of retail sales and stocks. Govern-
ments are also urged, to the extent possible, according to national circumstances, to collect
and publish statistics of imports and exports of the major items of textiles and clothing
in as much detail as practicable.

**Levelling Out and Developing Consumption.**

14. With a view to levelling out and developing increased consumption for the products
of the industry various methods to stimulate purchases generally, and particularly at times
of low demand, through such means as advertising, fashion parades, consumer surveys,
and others, should be explored.

15. It is suggested that governments, including local authorities and other government
agencies, should place their orders for clothing as far ahead as possible, and provide for
adequate flexibility in delivery dates in order that these orders may be put in hand in periods
when ordinary business is slack.

16. In view of the incidence of the demand for clothing on levels of employment
it is important to encourage research on the needs of consumers and the factors involved
in the selection and purchase of garments. Appropriate bodies to encourage such research
might include labour organisations, manufacturers of clothing, governments, suppliers of
raw materials, retailers, universities and technical institutions. Arrangements should be
made for a wide diffusion of the results of research in the industry.

**Improving the Organisation of the Employment Market.**

17. Training, including multi-purpose training, where appropriate, and retraining
arrangements should be organised to facilitate the internal transfer of workers from one
occupation to another and from one branch to another in the industry, where possible.

18. Close attention should be given at the plant level to the co-ordination of procedure
relating to recruitment and dismissals, layoffs and re-engagements, with a view to reducing
fluctuations in employment. In this connection there should be consultation with the
workers’ representatives. As far as possible, and taking account of the need for the efficient
operation of the undertaking, efforts should be made to provide maximum periods of
uninterrupted employment to the workers.
19. In respect of fluctuations of employment in the clothing industry it is urged that the provisions of the Termination of Employment Recommendation, 1963, should be followed.

**Hours of Work.**

20. Every effort should be made, where national conditions and conditions within the undertaking are appropriate, to restrict the number of hours of overtime worked (in accordance with the Reduction of Hours of Work Recommendation, 1962) in excess of normal scheduled hours, to spread work over longer periods of time and thus level out employment fluctuations.

21. With a view to smoothing out employment fluctuations attention is drawn to the relevant provisions relating to the reduction of weekly hours of work contained in the Reduction of Hours of Work Recommendation, 1962.

**Control Over Industrial Home Work.**

22. Industrial home work as a method of production tends to aggravate instability of production and employment. In the interests of stabilisation of industrial production in the clothing industry, apart from other important social considerations, the disappearance of industrial home work seems necessary. Because the situation in some countries may temporarily postpone the attainment of this objective there should be maximum governmental regulation and control of industrial home work, including registration of distributors of home work and of industrial homeworkers. The system of control should further be designed so as to eliminate illegal employment of industrial homeworkers in violation of governmental regulations.

**Measures to Mitigate the Effects of Fluctuations**

**Sharing the Work.**

23. In order to avoid undue hardship falling on individual workers during slack periods every effort should be made, in consultation with workers’ representatives, to achieve an equitable distribution of available work, giving due weight to local needs and to the interests of both the undertaking and the workers.

**Job Security.**

24. Termination of employment of workers in the clothing industry should conform to the principles and procedures laid down in the Termination of Employment Recommendation, 1963, with attention being directed to the following:

(a) termination of employment at the initiative of the employer should not take place unless there is a valid reason for such termination;

(b) workers whose employment has been terminated as a result of temporary fluctuations of production at the level of the undertaking should be given priority of re-engagement within the limits of employment possibilities in that undertaking;

(c) a reasonable period of notice, which in some countries is not less than two weeks, during which time off may be taken to seek other employment, should be given to a worker prior to his permanent termination of employment, or compensation in lieu of such notice. The period of notice deemed reasonable should be in accordance with local law or custom or fixed in consultation with workers’ representatives.

**Severance Allowance.**

25. In addition to any compensation payable in lieu of notice workers whose services are terminated as a result of fluctuations of employment at the level of the undertaking should be paid a severance allowance, particularly in countries which do not have unemployment insurance benefits. The amount of such allowance or benefits should be fixed in consultation with workers’ representatives, in accordance with national practice.

**Guaranteed Employment.**

26. Attention is drawn to the existence of schemes whereby workers are guaranteed a minimum number of hours’ or days’ work during a specific period.
Unemployment Insurance.

27. Unemployment insurance schemes, where they exist, should be examined with a view to their adaptation, if necessary, so as to ensure the inclusion, as far as possible, of the workers in the industry who suffer from fluctuations of employment and who may not therefore satisfy the prevailing qualifying conditions. In this connection the problems of those who are engaged on the basis of part time and of casual workers should also be examined.

Voluntary Schemes of Benefit.

28. The question of establishment of voluntary schemes to supplement unemployment benefits provided by the State, or as a substitute therefor in countries where state unemployment insurance schemes do not exist, should be examined.

Retraining for Other Industries.

29. Retraining schemes for training in other industries should be established by governments, where necessary, in the light of national circumstances, to provide employment opportunities for those who have been displaced from the industry. Such schemes should be organised in accordance with the Vocational Training Recommendation, 1962.

Employment Services.

30. Employment services should be organised by governments and fully utilised in order to facilitate the movement of workers, where necessary, to other suitable industries and occupations.

Labour-Management Co-operation.

31. Co-operation between labour and management is essential in achieving success in efforts to eliminate to the greatest extent possible fluctuations of employment and in mitigating their effects.

Need for Further Study and Investigation.

32. Continued investigation and study should be made, at both the national and international levels, of ways and means of minimising fluctuations and of mitigating their effects in the clothing industry. Such investigation and study should deal in particular with appropriate action by governments, management and labour in this field.

Implementation.

33. The provisions of these conclusions should be implemented through legislation, collective bargaining or other means, on a co-operative basis between governments, employers and workers or their organisations, in the light of the situation and in accordance with national practice in each country.

RESOLUTIONS ADOPTED

DISCUSSION AND ADOPTION OF THE DRAFT RESOLUTIONS

At its sixth plenary sitting the Meeting had before it three draft resolutions. These were presented by the Chairman in his capacity as Chairman of the Steering Committee.

1. Draft Resolution concerning Future Action by the International Labour Office in Respect of the Clothing Industry

The original text of the resolution, which was submitted by the Workers' members, had requested the International Labour Office to collect and disseminate statistics concerning employment, earnings and hours of work in the principal sectors of the clothing industry, together with separate tables for those workers employed by contractors and for those doing home work. This text had been examined by a working party of the Steering Com-
mittee, and as a result two important modifications had been made. In the first place, the emphasis was shifted from periodic statistics to more general studies, which might be undertaken from time to time. Secondly, in view of the fact that the Office was not itself able to undertake full studies in the various countries, it was the governments which were to undertake studies from time to time and forward them to the International Labour Office. In addition changes primarily of a drafting character were made.

When the draft resolution was discussed at the plenary sitting Mr. NEWTON (Workers' delegate, United Kingdom) pointed out that the information available at present was not adequate and that the aim of the draft resolution was to encourage governments to collect facts which would allow future meetings for the clothing industry to arrive at precise conclusions.

The draft resolution was adopted unanimously.

The text of the resolution (No. 5) is reproduced further on.

2. Draft Resolution concerning Social Aspects of International Trade in the Clothing Industry

The Meeting had before it the following draft resolution:

The Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,

Having met in Geneva from 21 September to 2 October 1964,

Recognising—

(a) that the urgent need to increase standards of living in the developing countries requires that these countries should have access to growing market opportunities for their exports of manufactured goods (including clothing) to developed countries;

(b) that exports of clothing to apparel-producing countries may have adverse effects on labour conditions in these countries offsetting the benefits of such trade;

(c) that the present nature of the clothing industry often makes it attractive to countries in an early stage of industrialisation as a means of providing industrial employment opportunities for their population;

(d) that the clothing industry, wherever located, is beset by many economic, labour and social problems which grow out of its special characteristics and that its great mobility generates powerful downward pressures on the wages and employment conditions of its workers;

(e) that unco-ordinated programmes of expansion of clothing-producing capacity in excess of the world demand for clothing may lead to a deterioration in the conditions of employment of clothing workers in all clothing-producing countries; and

(f) that the present limits of consumption arise from the insufficiency of purchasing power of the people rather than from satisfaction of their needs;

Adopts this day of October 1964 the following resolution:

The Governing Body of the International Labour Office is invited to request the Director-General to ask the appropriate international agencies to give special consideration to the social consequences of international trade and, because of the particular vulnerability of the clothing industry in this respect, to the importance of appropriate forms of international discussion, looking toward the regularisation of trade in all clothing by means of bilateral and multilateral arrangements or other methods designed—

(a) to ensure the orderly growth of such trade;

(b) to progressively increase the access of developing countries to the markets of the industrialised countries;

(c) to minimise any disruptive effects imports and exports of clothing may have on employment, conditions of work and production; and

(d) to develop world demand for clothing.

The original draft of the resolution had been submitted by the Workers' group. In the Steering Committee a preliminary objection had been made on behalf of the Employers' members that the draft resolution should be remitted to the Subcommittee on Problems Arising from Fluctuations of Employment in the Clothing Industry, since the subject of fluctuations arising from international trade referred to in the draft resolution was under
consideration by that Subcommittee. However, this objection was withdrawn since the subject-matter of the draft resolution went beyond the terms of reference of that Subcommittee. Thereafter the United Kingdom Government member had moved that, under article 12, paragraph 3 (a), of the Standing Orders for Industrial and Analogous Committees, the draft resolution should be considered irreceivable on the ground that it went beyond the scope of the Meeting. This motion of irreceivability had been rejected by the Steering Committee by 6 votes to 8. The Steering Committee had then referred the draft resolution to a working party with the object of drafting a text which might win more general acceptance. As a result a number of changes had been made to the original text. In the first place a reference to the long-term arrangement for cotton textiles had been deleted. In the second place the emphasis in the operative paragraph of the resolution on the importance of the appropriate international agencies taking necessary action had been deleted and replaced by a reference to the importance of appropriate forms of international discussion with a view to the regularisation of trade in all clothing.

Although several members of the Steering Committee reiterated their view that it was inappropriate for the International Labour Organisation to concern itself with matters in the field of international trade, and that therefore they were opposed in substance to the draft resolution, the Steering Committee nevertheless decided to submit it to the Meeting. Many delegates took part in the discussion on the draft resolution at the sixth plenary sitting.

Mr. NEWTON (Workers' delegate, United Kingdom) pointed out that the basis of the resolution was that it fully recognised the need of the developing countries to have access to wider markets, and at the same time the fact that the clothing industry in industrialised countries had to face difficult problems. The purpose of the resolution was to find the best arrangement for international discussions in this field. The resolution was drafted with the intention of helping developing countries to increase their exports whilst mitigating the consequences of unco-ordinated policies, and of limiting restrictive trade practices.Whilst trade had to take place if conditions in the clothing industry were to be improved, the clothing industry should not be allowed to become the foundation of the economy of any country.

Mr. WEISS (Government delegate, United States) stated that the United States Government was most concerned with the problems raised in the text of the resolution affecting the clothing industry and the stability of international trade. However, in spite of the efforts to increase imports from developing countries by reducing tariff barriers during the last few years serious problems had arisen. The United States Government therefore supported the suggestion that international discussions should be held on the problems. There had been an attempt to present this question as one which separated developed and developing countries. However, this was not so, and the object of the resolution was clearly to increase the access of developing countries to markets in the developed countries. The I.L.O. was competent to discuss the labour and social problems resulting from the present and future growth of international trade. The resolution did not discuss the substance of commercial policy, but urged the agencies competent in the field of trade to examine the problems and to find solutions. In the circumstances neither the view expressed by some of the developing countries that the object of the resolution was to arrest the development of the clothing industry in these countries, nor the fear expressed by some of the developed countries that its object was to get them to accept a larger amount of goods from developing countries, was justified. The question was not one of conflict between developing and developed countries, and the aim of the resolution was to reach agreement on the problems raised and to suggest that the competent organisations should arrange a meeting for the purpose.

Mr. PAMMETT (Government delegate, Canada) suggested two amendments to the draft resolution, namely the deletion of the word “growing” in clause (a) of the preamble, and the substitution of the words “to provide” for the words “to progressively increase” in clause (b) of the operative part of the resolution. The purpose of the amendments was to provide the developing countries with access to market opportunities but not necessarily to growing market opportunities for their exports to the developed countries. He explained that Canada had followed a liberal policy regarding imports from developing countries and had, on general grounds, imposed no restrictions on such imports. This had, however,
given rise to some difficulties, and the question was being raised as to whether it would not be better to arrive at some international agreement by asking countries which were exporting manufactured goods to Canada to limit some of their exports.

The above amendments did not receive any support and were therefore not discussed.

Mr. ZAMAN (Government delegate, India) opposed the draft resolution. He pointed out that the proportion of clothing made from fibres other than cotton in developing countries was negligible and exports of such clothing were few. In the circumstances, even if the exports were to increase, they were not likely to cause disruption in importing countries. If international trade in clothing were regularised in the same way as had been done in the case of cotton textile goods, namely by permitting percentage increases based on previous imports, prospects for exporting non-cotton clothing goods would be virtually reduced to nothing. He referred to the fact that a similar resolution adopted by the Textiles Committee had not yet been forwarded to the other international agencies. In his opinion it would not be desirable for the I.L.O. to send to G.A.T.T. or to the United Nations a resolution which would have been accepted by only a comparatively small number of countries.

Mr. KRENGEL (Employers’ delegate, Federal Republic of Germany) pointed out that the Tripartite Technical Meeting for the Clothing Industry was not an economic conference and that it did not have sufficient data available to enter into a discussion on the complex economic problems raised by the draft resolution.

Mr. RABMAN (Employers’ delegate, Pakistani) supported the opinion against adopting the draft resolution. He stated that the governments of industrialised countries had already concluded, as far as possible, agreements on imports of clothing produced by the developing countries, to prevent market disruption, and that in the circumstances the resolution did not appear necessary.

Mr. BUSCHMANN (Workers’ delegate, Federal Republic of Germany) expressed the view that the question was very important for the workers in the clothing industry in the developed countries and that they were conscious of the difficulties of the workers in the less developed countries. This was one of the reasons which had led the Workers’ group to propose a text which could be a basis for discussion since it aimed at more orderly world trade and a stable world economy in the clothing industry, while bearing in mind the need to assist the industrial expansion of the developing countries.

Mr. CLARO (Government delegate, United Kingdom) stated that his country was seeking to increase its trade with the developing countries but that it was opposed to the resolution being adopted, since the policy advocated in the resolution was not conducive to the liberalisation of international trade.

Mr. DE ARAOZ (Government delegate, Mexico) expressed the view that the Tripartite Technical Meeting for the Clothing Industry was not a suitable forum for discussing matters relating to the liberalisation of international trade in clothing. He pointed out that only 20 States were represented at the Meeting and that it would be desirable to have the opinion of a great many countries before taking the measures indicated in the draft resolution, because the problems involved concerned the whole world. In his view the liberalisation of international trade in the products of the clothing industry other than cotton goods through international agreements was not a problem resulting from the development of the clothing industry in the developing countries, since the trade from these countries constituted only a small percentage of world trade. The problem, therefore, was one which concerned the industrially developed countries. These countries already had competent bodies to discuss their problems and find solutions for them and, therefore, it was not necessary for an ad hoc international meeting to study such questions. One of the means by which developing countries could improve their situation was by increasing their exports to the industrialised countries, a concept which had already been discussed at great length, particularly by the United Nations Conference on Trade and Development. The resolution would not benefit the developing countries and they were opposed to it.

Mr. CÁMPORA (Government delegate, Argentina) stated that he could not support the resolution and would abstain from voting on it. Although in its preamble the resolution stated that developing countries should be offered growing market opportunities for their manufactured goods, in the operative part it called for the minimising of any disrupting
effects on conditions of work which might be caused by increasing exports from those countries. That gave the incorrect impression that disruptive effects on conditions of work in the clothing industry in the industrialised countries were caused by exports from the developing countries. Further, the draft resolution seemed to ignore the results of the United Nations Conference on Trade and Development, which urged that countries could and should assist the developing countries by expanding their trade.

Mr. Dearing (Workers’ delegate, United Kingdom) supported the resolution. The resolution was very well balanced. On the one hand it offered help to developing countries, and on the other it sought to minimise any disruptive effects which might occur in the developed countries. The developed countries were ready to open their markets, as far as possible, to the rest of the world, but they also had a duty to protect the people working in the clothing industry in their own countries. The resolution deserved support because it merely called for the minimising of any adverse effects that exports and imports of clothing might have on employment and conditions of work and also because it called for the development of world demand in clothing.

Mr. Narayanan (Employers’ delegate, Indian) pointed out that the developing countries produced only 10 per cent. of the total world production of clothing, and that it was the developed countries which were in a position to make sacrifices in this matter.

Mr. Fried (Workers’ adviser, United States) emphasised that the I.L.O. was fully competent to deal with the problems raised by the draft resolution. He referred to the relevant provisions of the Declaration of Philadelphia, which was annexed to the Constitution of the I.L.O. He also drew attention to the fact that the Tripartite Technical Meeting for the Food Products and Drink Industries had unanimously adopted a resolution which had requested the Director-General of the I.L.O. to give the fullest possible support to the efforts of the United Nations and other organisations concerned to protect the balance of payments of the developing countries by such means as the regularisation of prices of raw materials through international commodity agreements. Those who had not opposed that resolution should, in his view, support the present draft resolution.

Mr. Zaman explained the reasons for his support of the resolution adopted by the Tripartite Technical Meeting for the Food Products and Drink Industries which had emphasised the need for protecting the balance of payments of developing countries. The purport of the present draft resolution was, however, quite different.

Mr. Mukherjee (Workers’ delegate, Indian) stated that, apart from a few members, the Workers’ group as a whole supported the draft resolution. He was among those who did not support it. Developing countries must be helped to industrialise and improve their standard of living. The argument that the small amount of exports from the developing countries would lead to disruption in the developed countries would imply that the developing countries had no chance to grow. In order to enable the developing countries to pay for the imports of machines needed for their industrialisation, they should export manufactured goods, particularly products of the clothing industry. Exports from developing countries represented only a small percentage of world trade and imports from them into the developed countries would not endanger the latter’s workers or industry. However, if the developing countries could not export they would not be able to import the products of the manufacturing countries. The developed countries also had social security schemes to help in the solution of problems arising from unemployment.

Mr. Asumah (Government delegate, Nigeria) pointed out that none of the delegates from the developing countries had supported the draft resolution and suggested that it should be withdrawn.

The vote on the draft resolution was 32 in favour, 2 against and 72 abstentions. The draft resolution failed of adoption, the quorum not having been obtained.

3. Draft Resolution concerning the Convening of a Further Tripartite Technical Meeting for the Clothing Industry

The draft of this resolution had originally been submitted by the Workers’ group. A small working party of the Steering Committee had examined this draft and made some amendments. In the first place it had recognised that any proposals made for the agenda
of a future session might be influenced by important developments taking place in the meantime in the clothing industry, and a reservation to this effect had been added to the original text. Secondly two suggested items for discussion, relating respectively to training and productivity, were added on the proposal of the Employers' members of the Steering Committee. The working party of the Steering Committee had also made it clear that the development of labour-management relations in the clothing industry should be considered with particular reference to the problems of developing countries.

When the draft resolution was before the plenary sitting Mr. Newton (Workers' delegate, United Kingdom) emphasised the importance of the subjects proposed for discussion and the need for holding a further meeting as early as possible. He pointed out that the Governing Body might not necessarily take all the five items listed in the resolution into consideration, but that it would be free to include some of them or even to add others.

Mr. Heaton (Employers' delegate, United Kingdom) supported the resolution on behalf of the Employers' group. In his view the work done during the first Tripartite Technical Meeting for the Clothing Industry should be followed up.

The draft resolution was unanimously adopted. The text of the resolution (No. 6) is reproduced below.

**TEXT OF THE RESOLUTIONS ADOPTED**

Resolution (No. 5) concerning Future Action by the International Labour Office in Respect of the Clothing Industry

The Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,
Having met in Geneva from 21 September to 2 October 1964;
Adopts this first day of October 1964 the following resolution:

The Governing Body of the International Labour Office is invited to request the Director-General—

1. to invite governments, in consultation with the employers' and workers' organisations concerned, to undertake from time to time special studies on manpower, hours of work, earnings and other conditions of work in the major subdivisions of the clothing industry, bearing in mind the importance in this industry of workers employed by contractors and workers engaged in industrial home work, and to forward the results of such studies to the International Labour Office;

2. to collect and disseminate analyses of the above studies; and

3. to collect and disseminate information on—
   
   (a) the extent, development and results of collective bargaining and other forms of labour-management co-operation in the clothing industry of the different countries; and
   
   (b) wage systems in use in the clothing industry of the various countries and in particular the effect of changing production techniques on methods of wage determination.

Resolution (No. 6) concerning the Convening of a Further Tripartite Technical Meeting for the Clothing Industry

The Tripartite Technical Meeting for the Clothing Industry of the International Labour Organisation,
Having met in Geneva from 21 September to 2 October 1964,
Considering that the discussions on the general report submitted by the International Labour Office and on the two technical items included in the agenda of the present Meeting

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1 Adopted unanimously.
have made it evident that a great many problems relating to the clothing industry remain to be studied and solved with the assistance of the I.L.O.;

Adopts this first day of October 1964 the following resolution:

The Governing Body of the International Labour Office is invited to consider the convening, at as early a date as possible, of a further tripartite technical meeting for the clothing industry. Subject to such important developments as may have taken place in the clothing industry in the meantime, items for discussion might include—

(1) the causes and effects of disparities in wages, conditions of work and environmental factors between the clothing industry and other light industries in the various countries;

(2) measures to be taken to ensure that the clothing industry offers young workers conditions of work and wages at least as favourable as those offered in other industries;

(3) the development of labour-management relations in the clothing industry and their patterns in the various countries, with particular reference to the problems of developing countries;

(4) methods of training and retraining in the light of technological developments in the industry;

(5) increased productivity in the clothing industry, having regard to improvements in machinery, equipment and methods of work and to the safeguards necessary for the workers.
Meeting of Experts on Welfare Facilities for Industrial Workers¹
(Geneva, 5-16 October 1964)

CONCLUSIONS ADOPTED

Conclusions concerning Welfare Facilities for Industrial Workers²

1. General Considerations

1. Policies and programmes aimed at promoting the provision of welfare facilities for industrial workers should be based on the recognition of the fact that the provision of such facilities is in the common interest of both employers and workers; they contribute towards safeguarding and promoting the health and well-being of the worker, to the better adaptation of the worker to his work, to improved labour-management relations and to an increase in productivity.

2. The development of extensive welfare facilities involves a claim on resources which some developing countries may consider as having restrictive effects on industrial growth. However, they contribute to the basic objectives of economic development, namely the raising of standards of living, and thus constitute, when appropriately planned, an element in balanced economic and social development.

3. It is recognised that in the developing countries many undertakings, and particularly small and medium-sized ones, may have difficulty in financing comprehensive welfare facilities. This situation emphasises the importance of programmes designed to increase the productivity of such undertakings, in particular management development programmes, vocational-training schemes and special services to small-scale industry.

4. Welfare facilities should be provided and administered in such a way as fully to respect the dignity and personality of the worker. This implies that, in formulating and administering policies and programmes for welfare facilities, care should be taken to avoid any suggestion of a paternalistic attitude on the part of the employer or that such facilities are being provided merely as a favour. The worker in turn should not regard the provision of welfare facilities as a gift to be passively received, but rather as a programme in the operation of which he should, in most cases, be expected to play a responsible part.

5. For this approach to be successful policies and programmes for welfare facilities should, in most cases, be worked out and implemented in close association with the workers concerned.

6. The workers should be fully free to choose whether or not to use any of the welfare facilities provided. An exception may, however, be made in cases where certain facilities have to be used in order to protect the health or safety of the worker.

7. In the developing countries, in particular, most welfare facilities and services for the workers should be so organised as to reach not only the worker but also his family. Good

¹ See also above, p. 304.
² Adopted unanimously.
facilities provided for the worker himself at or in connection with the place of work may fail to have the desired impact if they establish a contrast with the conditions in which his family is living.

8. Governments and employers' and workers' organisations, especially in the developing countries, should initiate and implement all activities designed to ensure that industrialisation and urbanisation do not disrupt the family life of the worker. Such activities should be aimed specially at promoting and strengthening the worker's sense of responsibility not only to his family but also to the community.

9. The provision of welfare facilities should, wherever practicable, be accompanied by educational efforts designed to develop in those concerned a better understanding of the related problems involved, be it in connection with health, sanitation, nutrition, safety or cultural activities.

10. In the development of various types of welfare facilities due account should be taken of the content and scope of welfare services available to the community in general and the special needs of each particular industry or area.

11. The provision of adequate welfare facilities should in no circumstances be regarded as a substitute for the payment to the worker of a fair living wage.

12. The provision of welfare facilities should be carried forward in such a way as not to impair initiative leading to the growth of industry.

13. The nature and extent of the community's and industry's respective responsibilities depends upon the level of economic and social development of the country concerned. The need, especially for developing countries, to make the most effective use of the scarce material and manpower resources available to them calls for a co-ordinated development of welfare programmes for industrial workers and other types of social service programmes. At the level of governments welfare facilities for workers should be promoted as a part of the total pattern of the nation's social services. The necessary development of welfare facilities in industries should not result in absorbing an undue proportion of locally available resources, thus discouraging community action and creating dual standards of services; the undertakings should, on the contrary, take an active interest in the development of social services in the community in which they are located.

II. Basic Health and Welfare Facilities at the Workplace
(Sanitary Conveniences, Drinking Water, Washing Facilities and Cloakrooms)

14. In every country legislation applying to industrial establishments should require all employers to provide for their workers sanitary conveniences, washing facilities, drinking water and changing rooms or cloakrooms in conformity with the principles established in the Protection of Workers' Health Recommendation, 1953. The detailed standards contained in the Model Code of Safety Regulations for Industrial Establishments for the Guidance of Governments and Industry provide, in addition, supplementary suggestions of considerable value. In principle such legislation should apply to all industrial establishments, although in certain countries, more particularly those in the course of development, it may be necessary during a shorter or longer transitional period to provide for exemptions to the general requirements in respect of establishments employing less than a prescribed minimum number of workers, such number to be determined by the competent authorities in each country in the light of the conditions prevailing for particular localities or for certain classes of undertakings. In such cases efforts should be made to extend the coverage of the general legislation to all undertakings and workplaces at as early a date as possible.

15. In the case of workers employed on non-stationary work, for instance those employed on construction or building sites, similar minimum standards should apply, but the facilities provided might be of a temporary character. The responsibility for ensuring that such facilities are provided should be placed on the employer under whom the worker is directly employed.
16. Both management and the workers concerned may need to be educated in the importance of proper maintenance and use of these facilities. An important contribution can be made in this field by voluntary educational and advisory efforts on the parts of the employers' and workers' organisations.

17. The responsibility of ensuring that the installations are properly maintained should be placed on the employer under whom the worker is directly employed. There should also be proper and adequate inspection by the competent authorities concerned.

III. Facilities for Rest

18. The principles in respect of the provision of seats for workers established in Paragraphs 16 to 18 of the Welfare Facilities Recommendation, 1956, should be observed in industry in all countries.

19. In cases where work is performed standing, the principles of ergonomics should be utilised in order to determine whether such work could not be performed seated.

20. Furthermore the science of ergonomics should also be applied to the designing of all seats provided for the use of workers whose work can be performed while seated. Equipment should, wherever possible, be so designed as to enable the worker to operate it either seated or standing so that he can, when necessary, relax by changing his posture.

21. Adequate attention should be paid to educating the workers to use seats where they have been provided on the basis of such scientific studies.

22. Advice and guidance on the design and provision of suitable seats incorporating the latest scientific knowledge on the subject should be made available to employers by the competent authorities. Where a service which can provide guidance in this matter is not already in existence steps should be taken to provide such a service.

23. In industry in many countries the need for rest rooms is largely met by the provision of messrooms, dining rooms or, in cases of temporary indisposition, by rooms attached to the occupational health service or first-aid rooms. Nevertheless, it is particularly important that suitable rest rooms should be provided whenever the work pattern or working conditions (for instance a long working day, split shifts, or work in a particularly arduous and difficult environment, due for example to heat or cold, noise and vibration, dust, toxic substances and so on) make it desirable and whenever other available premises do not adequately serve the purpose of a rest room. Rest rooms so provided should conform to the minimum standards prescribed in Paragraph 20 of the Welfare Facilities Recommendation, 1956.

IV. First-Aid and Medical Care Facilities

24. Facilities for rendering first aid should be readily available in every industrial undertaking and at every worksite. All employees should be informed of the scope and location of these facilities by all practical means, such as signs and posters.

25. Steps should be taken to ensure that in every undertaking a sufficient number of workers are trained in first aid. At least two trained first-aid men should always be readily available. Wherever practicable, it is desirable to give as many workers as possible some training in the basic principles of first aid.

26. In addition arrangements should be made so that facilities for the suitable transport of sick or injured workers to hospitals or other treatment centres are always rapidly available.

27. Steps should be taken to ensure the widest implementation of the principles in respect of the organisation of preventive medical services at the workplace contained in the Occupational Health Services Recommendation, 1959. Consideration may also be given in this connection to the establishment of an occupational health institute at the national level for the promotion of occupational health services.
28. The provision of first aid at the workplace and of an occupational health service and treatment by it should be the responsibility of the employer and should not involve the worker in any financial outlay.

29. In certain cases the medical services in the undertaking make a useful contribution to the welfare of their workers by also providing treatment which goes beyond purely preventive treatment and that relating to occupational injuries. In such cases it is quite understandable that the cost might be financed partly by the workers, either through contributions or payments as provided for under a national health or social security scheme, or under a private insurance scheme.

30. In those countries where there is no scheme for medical care satisfying the standards set in Part II of the Social Security (Minimum Standards) Convention, 1952, the competent authorities may call upon employers, where considered appropriate, to make a contribution to the welfare of their workers and families by providing non-occupational medical care facilities, either alone or in co-operation with the government, until such time as general curative medical care can be provided by the community. In such circumstances the workers concerned might be called upon to make a financial contribution where their means allow towards the curative facilities provided. Such a contribution will have the advantage of educating the workers to appreciate the real value of the service so provided.

V. Employee Food Services

31. All workers should be able to consume food at or near the undertaking if they so desire. Facilities may be required for both the worker who brings his own food and for the worker who prefers to buy a meal or other food at or near his place of employment.

Messrooms.

32. Messrooms in which workers may take meals provided by themselves should be set up in industrial undertakings in order to obviate eating at the place of work.

33. Such messrooms should conform to the requirements laid down in Paragraph 11 (2) of the Welfare Facilities Recommendation, 1956. In addition they should in every case be equipped with suitable facilities—
(a) for the storage of food from the time it is brought by workers up to the time when it is consumed;
(b) for the sanitary washing of utensils;
(c) for hand washing.

34. Adequate arrangements should be made and appropriate equipment provided to ensure the proper maintenance of all messrooms.

Meal Services.

35. The International Labour Conference has established general principles applicable to all countries as regards the setting up, management and financing of canteens in Parts III, VI and VII of the Welfare Facilities Recommendation, 1956. Over more recent years, however, social changes, progress in research into various aspects of the nutritional needs of workers in different countries and under different working conditions, and technological changes in the work patterns in industries call for particular attention to certain aspects of employee food service programmes.

36. Meal services should in principle be available to all workers without regard to status.

37. Whether or not there should be separate facilities for different categories of employees should depend on practical considerations. In many countries the practice of providing separate canteens for different grades of employees has served to perpetuate class distinctions which are out of line with the increasing democratisation of society.

38. The Welfare Facilities Recommendation, 1956, contains valuable suggestions regarding forms of financing which meet the conditions in the developed countries. In the
developing countries, however, competent authorities, employers and workers should also take into account the fact that the prices charged for a well-balanced meal may need to be considerably lower than the actual cost of the food alone if workers in lower wage brackets are to be encouraged to take advantage of the canteen meal.

39. It is desirable to provide adolescent workers and pregnant and lactating women with meals appropriate to their higher nutritional needs at even lower prices.

40. Special diet meals should be available to workers for whom such provision is recommended by a physician at prices no higher than those charged for a normal meal.

41. In undertakings where work is organised in shifts and/or the worker cannot leave his workplace during the rest breaks, buffets and trolleys for the sale of snacks and beverages, as suggested in Paragraph 10 of the Welfare Facilities Recommendation, 1956, would be particularly useful. In respect of this type of work vending machines could be especially useful. Special attention should be given to ensuring that such buffet and trolley services and also vending machines conform to proper standards of hygiene.

42. To encourage workers to make full use of the food services two things are desirable: (1) the meal should be sold at a price within the means of the worker; (2) the employer should give workers the opportunity of participating in the organisation and choice of menus.

43. Employee meal services, provided they are based on a knowledge of nutritional needs, can be valuable to all workers, particularly young workers, single workers and workers in developing countries whose normal diet is inadequate. At the same time some educational work in regard to the importance of sound nutrition should be undertaken. Such educational work might be directed where desirable towards (1) convincing workers of the value to their health of an adequate breakfast before starting work; (2) encouraging rural workers new to industrial life whose normal diet is known to be inadequate to use employee meal services; (3) encouraging foreign workers to adapt themselves to the national dishes of the country in which they are working; (4) persuading workers to try out new foodstuffs which could greatly increase the nutritive value of meals.

44. Educational programmes to instil into workers the basic principles of sound nutrition should preferably not be undertaken by the employer himself, although he should be prepared to make a financial contribution to the cost of such programmes. Educational work in this field could most appropriately be carried out by an independent authority or by the workers' organisations. Educational programmes in the undertaking in the field of nutrition should be co-ordinated with any other nutrition education programmes in the school or in the community.

45. The consultancy service envisaged in Paragraph 8 of the Welfare Facilities Recommendation, 1956, to give advice and guidance to individual undertakings on all technical questions involved in the setting up and operation of meal services, should be set up in every country. Such a consultancy service should, in particular, be competent to give advice and guidance on the proper installation, use and sound maintenance of all types of equipment. Facilities for the training of canteen staff in the preparation of food, particularly of new types of food, and in the use of large-scale equipment should also be available. National nutrition committees and related professional groups are available in many countries to provide assistance in this field.

46. Training programmes and advisory services should also be instituted in order to ensure that all meal services conform to adequate dietary standards and appropriate standards of hygiene in respect of persons, premises and equipment.

47. In the developing countries there is considerable scope for improving the well-being and efficiency of the industrial worker by promoting better nutrition through employee food services, and by the sale of basic foods and foods of high nutritive value at low prices through workers' co-operatives or stores subsidised by the undertaking. Governments may wish to examine the possibility of utilising material and/or technical assistance in such
programmes for improved nutrition for the industrial worker and his family. The Meeting noted in this connection that the World Food Programme may be prepared to assist governments on request by providing appropriate foods to be used in connection with specific projects related to national development. The I.L.O., F.A.O. and W.H.O., through their technical services and personnel, may assist governments on request in the planning and organisation of employee feeding programmes and in establishing training programmes for managers, inspectors and other workers in employee food services.

VI. Child-Care Facilities for Women Workers

48. Where there is a need for mothers with children to enter paid employment there is also in a number of cases a need for the provision of suitable child-care facilities.

49. In principle the provision of child-care facilities for the children of working mothers should be the concern of the competent public authorities in co-operation with the public and private organisations concerned.

50. However, it is in the interest of employers to ensure that such facilities are available in order that the mothers concerned may be able to accept employment, and that the combined strain of working and looking after the family may be lessened.

51. The International Labour Conference has, at its 48th Session, given preliminary consideration to the question of the employment of women with family responsibilities, and Part III of the Proposed Conclusions with a view to the adoption of a Recommendation, with regard to which governments are being consulted, covers the varying conditions and existing practices of different countries in regard to child-care facilities for women workers.

52. In those countries where a legal obligation to provide child-care facilities has been placed on all employers who employ more than a given number of women, such a criterion has sometimes been found not only to restrict the employment opportunities of women but also to defeat the purpose of the legislation through the action of some employers in ensuring that they do not employ the prescribed number of women which would bring them under legal obligations. It might therefore be advisable for governments when introducing legislation requiring the setting up of child-care facilities by employers not to prescribe a fixed number of women employees but to impose obligations on all employers of women requiring them either to make a monetary contribution to community or inter-undertaking facilities or, as an alternative, to provide such facilities directly themselves. Wherever such legislation proves to be necessary governments should bear in mind the desirability of child-care facilities being provided, as soon as possible, by public authorities or by other means, and in any event under public supervision.

VII. Transport Facilities

53. In many communities much time and energy is absorbed by the increasingly difficult conditions of transport to and from work. It is therefore part of the task of those concerned with the welfare of the worker in industry, and primarily that of his employer, to look into any transport difficulties that may exist and consider what concerted action may be possible to mitigate them.

54. In this matter the basic guidance which should be followed in all countries is to be found in Part VIII of the Welfare Facilities Recommendation, 1956. Certain further suggestions may, however, usefully be added.

55. Employers who provide transport to and from the workplace for their workers in conformity with the provisions of Paragraph 32 of the Recommendation should ensure that if lorries or trucks are used these should be adequately equipped with seats and provided with protection against the weather.

56. The competent authority should ensure that all conveyances used for the transport of workers, and in particular lorries or trucks, are inspected regularly to ensure the observ-
anance of standards in respect of the mechanical fitness of the vehicle and minimum space requirements per passenger.

57. Waiting shelters affording protection against either rain or excessive sun should be provided where necessary.

VIII. Facilities for Cultural and Recreational Activities

58. One of the basic aims of cultural and recreational activities should be to help the worker to develop his personality so that he may be in a position to make a fuller contribution to society.

59. In addition workers, and particularly the younger ones, often need the opportunity for physical development as a corrective for the industrial environment in which they spend most of their time.

60. Further, when a worker from a village takes up employment in industry and moves into town he moves into a new social and economic environment and is exposed to influences which are likely to have a disruptive effect on his family life. His adaptation to his new environment would be considerably facilitated if he and his family could have adequate facilities for healthy recreational, educational and cultural activities.

61. As against these needs in many communities, particularly in developing countries, the community services which might provide the kind of facilities required are frequently inadequate. These services may not yet have caught up with the needs. For example opportunities for education may be lacking and facilities for other forms of physical and cultural recreation not yet really initiated. Even in highly industrialised countries many facilities are still lacking, particularly where shortage of premises for indoor activities and of land for outdoor activities inhibit the possibilities of the workers organising them without assistance.

62. The importance of facilities on the cultural and educational side deserves to be particularly emphasised.

63. In many communities the undertaking, or organisations sponsored jointly by the employers and the workers, have found themselves, at least provisionally, providing for the education of the workers' children. This is a most desirable effort, though it is recognised that it is essential that the State or local education services assume their responsibilities in this field as soon as they are in a position to do so.

64. Help is also needed for various forms of adult education. In communities where there are many illiterate workers concerted action to teach workers and their families to read and write, using subject-matter and methods adapted to their needs and their way of life, should have a high degree of priority among the facilities offered. Beyond that there is the whole range of programmes designed to enable the worker and his family to participate more actively in his community and to enjoy a better life. Such programmes can greatly assist adaptation to industrial conditions. The selection of the subjects to be covered will have to be made in accordance with the needs and the wishes of the participants in these activities; the range will include educational and cultural subjects such as vocational training to enable the worker to improve his skills, and also health and home economics in the interest of his wife and family.

65. The employer could assist the activities described in paragraph 64 above by providing financial assistance and, where these are not otherwise made available, such facilities as premises, equipment and instructors.

66. Contributions by the undertakings in the form of scholarships to attend various types of vocational courses are particularly valuable. In some cases it is found desirable to make at least part of the scholarship dependent on regular attendance and on the results achieved. Time to attend courses should, of course, also be granted where necessary.

67. The importance of adequate facilities for physical development is also stressed.
68. No doubt the main responsibility for the provision of the physical amenities needed should rest with the community; it is, however, desirable that the users of the facilities, whether through clubs or through the workers' organisations, should in all cases have the main responsibility for running the facilities concerned. However, in many cases the local authorities are not in a position to provide these facilities, and the employer can then provide valuable assistance in a number of ways.

69. For instance the undertaking can contribute by financing the provision of premises, land and durable equipment needed and their upkeep as suggested in Paragraph 25 of the Welfare Facilities Recommendation, 1956, leaving it to the participants or the appropriate associations to finance the day-to-day running expenses.

70. The employer can also assist by bearing in mind the importance of these activities when determining the distribution of hours of work, especially when shift work and overtime are involved, and arrangements for holidays. It would be helpful if he could allow those who have responsibilities in running cultural and recreational activities, and those to whom participation in them is of particular importance, the necessary time for the purpose. This is particularly relevant for workers holding scholarships, preparing for examinations, or training for or actively participating in sports events.

IX. Facilities for the Utilisation of Holidays with Pay

71. The necessity for the worker to maintain his health and strength and to relax adequately after a year's work calls for the provision of holidays with pay of sufficient length. The Holidays with Pay Convention, 1936, provides for a minimum period of one week a year, and a Recommendation adopted in 1954 calls for at least two weeks. The Meeting considers that from the point of view of the health of the worker two weeks should be regarded as a minimum, and notes that there is a marked trend in many countries towards longer annual holidays. It would therefore be desirable that the Holidays with Pay Convention, 1936, be revised at an early date in order to bring it into line with present trends.

72. In general a worker can derive more benefit from his annual holiday if he is able to afford a change of environment. Therefore the holiday pay should amount at least to his usual earnings and not be limited, as it sometimes is, to the basic time rates of pay. In some cases an additional payment is made at holiday time, which makes it easier for the worker to leave home with his family.

73. More particularly in the developed countries but also in some of the developing countries it is becoming increasingly urgent, in order to lessen the pressure on holiday resorts at the peak periods, cultural and recreational facilities and public transport, to stagger workers' annual vacations. As far as is possible, in view of the limiting factors of climate and school holidays, efforts should therefore be made to stagger workers' annual vacations over the maximum period practicable. In order to do so it may be desirable for the educational authorities to consider in some countries altering the traditional dates of school terms and examinations.

74. In order that workers may be able to make the best use of their holidays it is helpful if arrangements can be made to provide low-cost holiday facilities. These may take a variety of forms such as the provision of holiday villages, rest homes, camp sites, special arrangements for holidays for the children of workers and for the younger workers. Cheap travel arrangements may also be made.

75. Though to a large extent such facilities will be financed by the workers themselves, help may be provided through community organisations, employers and their associations and trade unions.

76. Employers' associations and trade unions should try to educate workers in a proper appreciation of the beneficial consequences of annual holidays with pay for the worker, for industry and for the community. They should further educate workers in the effective use of such holidays by informing them of the need for relaxation and of the existence of
any low-cost facilities for cultural and recreational activities which may be available to them in their own locality or elsewhere.

X. Workers' Housing

77. Adequate and decent housing accommodation and related community facilities, which together constitute a major element in the general welfare of workers, should be made available in accordance with the provisions of the Workers' Housing Recommendation, 1961.

78. As pointed out in the above-mentioned Recommendation it is generally not desirable that employers should provide housing for their workers directly, with the exception of cases where it is a matter of legislation or where circumstances necessitate that employers provide housing for their workers—as, for instance, when the undertaking is located a long distance from normal centres of population or where the nature of the employment requires that the worker should be available at short notice. In all cases where housing is provided by the employer the safeguards set forth in the Workers' Housing Recommendation, 1961, should be fully ensured.

79. Employers should in any event take an active interest in the housing situation of their workers and should, wherever desirable, take suitable steps with a view to ensuring that each worker and his family is decently housed in accordance with the provisions of the above-mentioned Recommendation.

80. The steps referred to in the preceding paragraph may be taken by employers acting individually or collectively and may include the following:

(1) encouragement of the appropriate national or local authorities to provide the necessary housing and related community facilities;

(2) the provision of funds—either by way of grants or by way of low-interest loans—to the appropriate authorities, or to independent bodies, so that housing may be made available for sale, hire-purchase or lease to the workers concerned;

(3) the provision of funds—either by way of grants or by way of low-interest loans—directly to workers, either collectively or individually, to assist them in meeting their housing needs;

(4) the provision of services to help workers in their search for suitable housing accommodation.

81. Another method of financing housing which in some countries has given good results, is the provision of a levy on employers, based on the wages bill or on production, to be used for this purpose.

82. Where employers provide housing they should consider the desirability of collective action at a district or national level to provide housing for the workers of the various undertakings.

83. Where housing is owned by the employer it is undesirable that the continued occupancy of a dwelling should depend on a worker retaining his employment with a given undertaking. Ownership by a group of employers or by a separate housing association may reduce such dependency.

84. Special consideration should be given to cases in which a worker wishes to retain after retirement occupancy of a dwelling provided by the employer. In some cases special arrangements might be made, with the assistance of the employer, to house any retired workers who may desire to avail themselves of such arrangements.

85. In cases—such, for instance, as on a construction project at an isolated site—where the circumstances require that the labour force be temporarily housed by the employer for the duration of particular operations, housing and related facilities should be provided in accordance with the standards indicated in resolution No. 25 concerning welfare in the construction industry which was adopted by the Building, Civil Engineering and Public
XI. Other Welfare Services

Working Clothes.

86. Clothing and equipment required to be used on grounds of safety and health should be supplied, cleaned and maintained by the employer free of charge.

87. In many cases, and quite apart from the provision of clothing and equipment under legal obligations related to safety and health, the well-being, health and safety of the worker can in many cases be substantially promoted if he wears certain types of clothing or equipment such as strengthened footwear, rainwear for outdoor work or clothing of a type which is more convenient for a worker in industry than the ordinary clothing of the country concerned. In such cases the employer can promote its use and help the workers by providing the clothing either free or at a reduced price.

88. It is desirable in many cases that work clothes be provided for all employees.

89. Where working clothes, other than those required on the grounds of safety or health, are supplied by the undertaking, employers might consider making provision for the laundering of such clothing. In order to ensure that workers do not abuse the servicing facilities provided a small charge might be made for laundering.

Supply Schemes.

90. Employers, particularly in many of the developing countries, have found it desirable to set up shops for the sale to workers of a range of commodities including, in particular, basic foodstuffs.

91. In accordance with the Protection of Wages Convention, 1949, such goods should be either provided at fair and reasonable prices, or on the basis that the store is not operated for the purpose of securing a profit but for the benefit of the workers concerned.

92. The practice of setting up such stores has been found to be a valuable method of stabilising prices in the locality concerned, particularly in times of food shortages.

93. Works stores originally set up by the employer are often transformed at a later stage into consumers’ co-operatives. This is a desirable evolution which deserves encouragement by employers through the provision of premises and, if necessary, initial loans or grants to place the co-operative on a firm footing. Technical advice on the running of co-operatives may also be found useful.

Retired Workers.

94. Many workers on retiring from work after a lifetime of employment have a feeling of isolation if they are immediately cut off from the friends and activities associated with their former workplace.

95. To help retired workers over what may be only a transitional period employers might consider the adoption of practices already instituted by some undertakings of allowing retired workers to make use of the undertaking’s dining room and to continue to use the recreational facilities, in particular workshops for hobbies.

96. Training courses specially designed to prepare older workers for retirement by arousing their interest in new activities can make a valuable contribution towards the solution of the problems of adjustment to the use of full-time leisure and a reduced income which many workers face on retirement.

XII. Methods of Providing and Financing Welfare Facilities for Workers

97. Certain welfare facilities provided in the undertaking or at the worksite (such as sanitary conveniences, drinking water, washing facilities, cloakrooms, messrooms and rest
rooms) are the responsibility of the undertaking. They form part of its normal equipment and are thus financed wholly by the employer. This is also the case in respect of first-aid facilities and the occupational health services referred to in Part IV above.

98. Workers should participate in the financing of employee food services in conformity with the methods suggested in Part V above.

99. In respect of other welfare facilities it is desirable that workers should make a financial contribution, however small, towards maintenance in order to foster among them a sense of participation and responsibility and an appreciation of the facilities provided.

100. In addition to their normal vocational training programmes for young workers in several countries many undertakings, either individually or jointly, as part of an enlightened social policy, have instituted employer-financed programmes of social education. These programmes are designed to give workers of all grades a better understanding of the economic and social role of industrial undertakings, their place and role in the organisational structure of the undertaking, and of the working of social, economic and political institutions. Such programmes often constitute a necessary complement to allied activities carried on by trade unions and public authorities. At the same time they help to enrich the lives of workers both within the undertaking and in society. Undertakings in all countries might consider the possibility of setting up similar programmes where the need arises.

101. Many large undertakings provide a wide range of educational, cultural and recreational facilities for the workers and their families. Such provision is a valuable contribution to community resources, particularly in the developing countries where such facilities are often inadequate if not almost entirely non-existent. However, it is desirable that all countries should eventually reach a stage where adequate facilities are available to the community as a whole through action by public authorities, non-profit-making associations, or private interests.

102. The considerations set out in the preceding paragraph also apply to workers’ housing provided by the employer.

103. In order to provide educational, cultural and recreational facilities for workers for whom neither community nor employer-provided facilities are available it is desirable that action be taken in this field by national or local authorities, by non-profit-making independent organisations, or by the trade unions themselves.

104. The following methods of helping to finance educational, cultural and recreational facilities have proved successful in different countries:

(1) grants or subsidies by governments to non-profit-making organisations active in the field of welfare;

(2) grants or subsidies by employers to local or national authorities or to non-profit-making organisations to assist in the development of local or national community facilities;

(3) joint action by employers’ associations and trade unions in the setting up in industrial areas of welfare centres for the use of all workers in the area, with the former providing the necessary finance and the latter taking the responsibility for organisation;

(4) the imposition under legislation of a levy on production in a given industry to be used to finance recreation and other welfare facilities for workers in all undertakings in the industry;

(5) on a national basis, contributions from all workers plus a proportion of the percentage of the profits of each undertaking to which workers are entitled under legislation, to be used for financing the setting up by a trade union of welfare centres for the use of all workers in given industrial areas.

105. It should be generally accepted that whenever a large-scale new industrial undertaking is set up the cost of providing appropriate welfare facilities for the workers and, where
necessary, their families should be regarded as an integral part of the cost of establishing the undertaking. It is recommended that, particularly in developing countries, considerable importance should be attached to the social factors in economic development plans. Due account should be taken of such considerations in the award of international development loans.

XIII. Administration of Welfare Facilities

106. At the national level it is desirable that there be some competent authority which can have an over-all view of the various services which are concerned with welfare facilities for industrial workers. Where the welfare services concerned come under different government departments or agencies or non-governmental organisations, mutual consultations and programming would help to ensure co-ordination, coverage of needs and adequate standards, and would bring to light areas in which further action is needed.

107. At the central and local levels it is essential that adequately staffed inspection services be provided to ensure that the employer provides the facilities required by law and that appropriate standards are observed. These inspectors when adequately trained can often assist by giving advice to the employers concerned. The inspection services may need to have access to specialists in such matters as, for instance, sanitation standards.

108. Advisory bodies dealing with industrial welfare in general or with particular aspects of it can make a valuable contribution by providing advice to and consulting with undertakings and organisations engaged in welfare activities.

109. At the level of the undertaking responsibility for the supervision, maintenance and regular inspection of welfare amenities provided by the employer must clearly be assigned to suitable persons who can give enough time to the task.

110. It is important that the workers should be closely associated with the management of the welfare facilities. In larger undertakings this may be done through joint works committees or councils or welfare committees. In some cases special committees may be set up to deal with particular matters such as the employee food services or recreational activities. In certain cases the best course may be to hand over the running of certain activities to the workers concerned.

111. Where many medium-sized or small undertakings are grouped in the same area or within an industrial estate certain welfare facilities can be usefully operated in common. The plans for industrial estates should provide for this. In such cases committees could be set up on which the employers and workers concerned could be represented.

112. It is desirable that the committees within the undertaking dealing with the details of welfare activities should be separate from those concerned with collective bargaining.

113. The status of the specialised staff employed in welfare services should reflect their training and experience, and they should, of course, enjoy terms and conditions of employment no less satisfactory than those of other employees of comparable standing in the undertaking.

XIV. Personnel and Training

114. If the welfare facilities which are made available are to exert their full beneficial effects they must be supervised or run by staff sufficiently trained for the purpose and having a sense of vocation.

115. Various practices are followed as regards the choice of personnel administering over-all welfare services. The choice will depend largely on the particular approach current in the country concerned.

116. In many cases it is the personnel manager who is responsible for welfare services in addition to his other functions. In large undertakings he often delegates his authority in this respect to one or more of his staff.
117. In other cases a welfare officer is appointed who may be independent of the personnel manager.

118. In some countries the tendency has been to appoint professional social workers who have specialised in industrial welfare. They may be employed by the undertaking or by bodies such as institutes of social work which make their services available to one or more employers as required, either on a full- or part-time basis. These social workers are well placed to ensure that the workers in a given undertaking can be put into touch with the community social services which they may need.

119. Of course in the great mass of small undertakings, it is very often the owner or manager himself who has to look after the welfare of his employees.

120. It is important that a social worker in industry dealing with welfare should have a real sense of the social needs of the workers and that he should be able to carry out his duties without interference.

121. Training tending to instil interest and basic knowledge in welfare is highly desirable at all levels. For that reason it is recommended that courses, even if brief, on industrial welfare be included in the curricula of universities, schools of management, technical institutes and other academic bodies giving training in the social sciences, economics, management or medicine.

122. The development of institutes or schools of social work should be encouraged. However, when social workers trained at these schools specialise in industrial welfare they should be given special training for this purpose and be afforded the opportunity to acquire practical experience.

123. Special short-term courses or seminars for management, supervisory staff and workers' representatives concerned should be organised, whether by schools of social work, universities, special industrial institutes, employers' or workers' organisations, or workers' education associations.

124. For the various tasks connected with particular welfare services specialised staff are needed, only some of whom can be mentioned here:

(a) medical practitioners, who should if possible have received in addition to their general medical training some background in occupational medicine;

(b) nurses, who in addition to their general training should if possible receive training in situations they are likely to have to deal with in an industrial undertaking, for example in health and injury recording and in interviewing;

(c) workers trained in first aid;

(d) managers of employee meal services, with training and experience in catering, including food buying, preparation and handling for large groups, and in nutrition, whose training may be directed especially to the problem of feeding workers;

(e) leaders and trainers for cultural and recreational activities, who may of course be drawn from the workers concerned but who may need short training courses at institutions specialised for the purpose.

125. It would be desirable that the various categories of specialised staff mentioned in paragraph 124 above should have some practical experience in an industrial environment as part of their training.

126. There is further a need for the preparation and dissemination of written material giving guidance to those who have to assume responsibilities in industrial welfare.

XV. Future Action

127. The Meeting considers that governments, employers, the organisations of employers and workers concerned and all interested voluntary societies should energetically pursue their efforts to promote and improve the welfare facilities available to workers in industry.
128. In these efforts it is urged that they seek to secure acceptance and implementation as appropriate of the relevant Recommendations adopted by the International Labour Conference, the Conclusions adopted by the present Meeting and all other relevant suggestions formulated under the auspices of the United Nations, the International Labour Organisation and the other specialised agencies concerned.

129. It is also suggested that in each country further consideration be given to the special welfare needs of particular groups of workers, such as—

(1) the young workers, who have to make a sometimes difficult adjustment between school and industry;

(2) the physically or mentally handicapped worker so as to enable him to use his abilities to best effect with the least hardship;

(3) women workers, taking into account that in addition to their work most of them have household responsibilities;

(4) migrant workers, who may have to adapt themselves to work in countries with different customs and methods and speaking a different language from their own;

(5) special problems arising in particular industries;

(6) older workers, bearing in mind the possibility of less intense employment in old age and a transition to retirement.

130. The Governing Body of the International Labour Office is invited to request the Director-General to continue to give due attention to the study of the welfare needs of the worker in industry and to action designed to ensure that these needs are met, particularly in developing countries, and to give an adequate place to these activities in the programme of work of the Office.

131. It would be desirable that the International Labour Office assist in making information regarding useful experience in the field of industrial welfare widely available among those interested. More information on this subject might be included in the publications of the Office than is at present the case. The Meeting recommends in particular that a series of manuals be published giving practical and detailed advice in the setting up and operation of particular welfare services and the standards to which the relevant facilities should conform. Further, a manual in the workers' education series designed for the guidance of workers' representatives concerned with the running of welfare services would be most useful.

132. The Meeting notes that the International Labour Organisation has been devoting considerable attention to the welfare problems of the special categories of workers indicated in paragraph 129 above, and trusts that it will continue to do so.

133. The Meeting expresses the hope that all those who are advising governments and industry under the auspices of the technical co-operation programmes of the United Nations and the specialised agencies will seek to promote the acceptance and implementation, wherever appropriate, of the standards and recommendations referred to in paragraph 128 above. For this purpose it is desirable that these texts be made available to those concerned in a form convenient for reference and use.

134. The Meeting notes the close co-operation between the International Labour Organisation on the one hand, and the United Nations, the Food and Agriculture Organisation of the United Nations and the World Health Organisation on the other, in respect of activities related to welfare services in industry, and trusts that this co-operation will continue to be actively pursued. It is hoped that co-operation will also be pursued with and between the international non-governmental organisations concerned.

135. Among the fields in which this co-operation should be particularly fruitful mention may be made of the following:

(1) advice on the welfare amenities needed when new industrial plants are being set up in developing countries with international assistance;
(2) the training of various categories of social workers concerned with industrial welfare;
(3) the concerted plan of activities in regard to housing and related community facilities;
(4) nutritional health aspects of the employee food services, including the possibility of having recourse for them to supplies made available under the World Food Programme;
(5) occupational health.

136. It would be desirable that the I.L.O., in co-operation with the United Nations and the specialised agencies concerned, should, if necessary, undertake research and convene a meeting of experts with a view to defining the roles of the different services or personnel engaged in workers' welfare, in particular the social workers, doctors and nurses in the undertaking, and defining also the co-ordination which should exist between their respective activities.
Interpretation of Decisions of the International Labour Conference

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Minister of Labour and Social Insurance of the Republic of Cyprus requested from the International Labour Office certain information concerning the interpretation of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (Articles 1 \((a)\), 2 and 3 \((c)\) and \((d))\).

With the usual reservation that the Constitution does not give him any special authority to interpret Conventions adopted by the International Labour Conference, the Director-General of the International Labour Office transmitted on 23 March 1964 to the Minister of Labour and Social Insurance of the Republic of Cyprus the following memorandum prepared by the International Labour Office:

MEMORANDUM BY THE INTERNATIONAL LABOUR OFFICE

1. The Minister of Labour and Social Insurance of the Republic of Cyprus, in a letter dated 3 March 1964 addressed to the Director-General of the International Labour Office, indicated that, in the course of the examination of the possibility of ratifying the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the question had arisen whether certain provisions of the national Constitution regarding distribution of posts in the public service between "Greeks" and "Turks", according to fixed percentages, were compatible with the Convention, and requested the Director-General's opinion on the matter.

2. The Minister of Labour and Social Insurance referred, in the first instance, to the general principles of non-discrimination embodied in article 28 of the Constitution of the Republic of Cyprus of 1960, which includes the following provisions:

   1. All persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby.

   2. Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution.

   3. The Minister referred, as cases of "express provision to the contrary in this Constitution" within the meaning of article 28, to articles 123, 129 and 130 of the Constitution, which contain the following provisions:

   **Article 123**

   1. The public service shall be composed as to seventy per centum of Greeks and as to thirty per centum of Turks.

   2. This quantitative distribution shall be applied, so far as this will be practically possible, in all grades of the hierarchy in the public service.

   3. In regions or localities where one of the two Communities is in a majority approaching one hundred per centum the public officers posted for, or entrusted with, duty in such regions or localities shall belong to that Community.
Article 129

1. The Republic shall have an army of two thousand men of whom sixty per centum shall be Greeks and forty per centum shall be Turks.

Article 130

2. The security forces of the Republic shall be composed as to seventy per centum of Greeks and as to thirty per centum of Turks.

4. The Minister indicated that articles 123, 129 and 130 were among the “basic articles” which, in accordance with article 182 of the Constitution, “cannot, in any way, be amended, whether by way of variation, addition or repeal”. It appears from the specific terms of this provision that the articles in question are the direct outcome of the Zürich Agreement of 11 February 1959 and are thus related to the settlement of other questions on which the International Labour Organisation is not called upon to intervene. In general, it would appear that any decision as to whether national legislation and practice permit the ratification of a particular Convention must rest with the government of the country concerned, having regard to all relevant legal and factual considerations, subject, in case of ratification, to the submission of all appropriate information to the bodies established by the International Labour Organisation for the examination of reports from member States on the application of Conventions. Moreover, the Constitution of the International Labour Organisation confers no special competence upon the International Labour Office to give interpretations of Conventions adopted by the Conference. In these circumstances, the International Labour Office must confine itself to providing such information in its possession as may be of assistance to the Government in pursuing its examination of the matter.

5. The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), provides, inter alia, as follows:

Article 1

1. For the purpose of this Convention the term “discrimination” includes—

(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice—

(e) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;

(d) to pursue the policy in respect of employment under the direct control of a national authority;

6. It appears that the basic obligation provided for by the Convention (Article 2) is generally to put into effect a national policy designed to promote equality of opportunity.
and treatment in respect of employment and occupation, with a view to eliminating any discrimination as defined in Article 1. Among the measures to be taken in pursuance of this national policy, Article 3 requires that it be applied in respect of public employment (clause (d)), and provides generally that any statutory or administrative measures inconsistent with this policy shall be repealed or modified (clause (c)). It should be noted that, in accordance with the terms of Article 2, as repeated in Article 3, the implementation of the national policy and of the particular measures provided for in these Articles is to be based on “methods appropriate to national conditions and practice”.

7. With respect to the specific problem under consideration the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation had occasion to make certain comments in the general conclusions which it submitted in its report of 1963 on the effect given by member States to the Convention (whether or not they had ratified it) and the supplementary Recommendation. The Committee of Experts indicated in this connection:

... the question arises as to whether distinctions or preferences resulting from arrangements made in countries made up of heterogeneous population groups to balance the numbers from the different groups in employment and in occupations constitute “discrimination” in the sense of the 1958 instruments, or whether, on the contrary, they can be deemed to be part of a policy to promote equality of opportunity and treatment of the type envisaged by the instruments. In some instances, for example, there are measures to provide that in principle a certain number of posts should be filled by members of special categories of the population, previously placed on a footing of inferiority, in order to further their employment prospects and social advancement; in suitable cases—and subject to periodic re-examination of their continued justification—these measures may in fact be considered essential elements in a policy designed to achieve true equality in this field. In other cases, to meet a situation where the population is made up of groups of differing race or national extraction, there are provisions fixing the percentage of posts which may be held by members of each community; arrangements of this kind, subject to individual examination in each case, may likewise be considered as not constituting discrimination in the sense of the Convention if their effect is, on the contrary, to secure an equilibrium between the different communities and ensure protection of minorities.

After examining certain other situations, the Committee of Experts concluded:

As a general rule it is only possible to make a precise evaluation of measures of this type in relation to the 1958 instruments, in each individual case, on the basis of detailed information on the actual situation giving rise to them and their application in practice; it is necessary to consider, for example, whether they are designed to ensure access to employment and to occupations for members of the different groups reasonably in proportion to the relative size of these groups; whether there are appropriate conditions and guarantees to ensure that these measures are applied objectively (under the supervision of representatives of the different groups, for example, or in some other way); whether they are not excessively rigid, and so on. It is for the government concerned in the first instance to evaluate in good faith the nature and the effects of the measures in question, and where necessary to furnish to the supervisory bodies of the I.L.O. all information likely to assist in evaluating the justification for these measures and their application in practice.

8. In conclusion, it appears that any decision as to the compatibility with the Convention of the above-mentioned provisions of the Constitution of Cyprus should be taken, on the one hand, having regard to the general framework of the obligations provided for by the Convention and, on the other hand, in the light of an examination of factual considerations of the kind mentioned, by way of illustration, in the above comments of the Committee of Experts, which are primarily within the Government’s cognizance, subject, in the case of ratification of the Convention, to verification by the supervisory bodies established by the International Labour Organisation, on the basis of the reports which the Government would be required to submit in accordance with article 22 of the Constitution of the Organisation.


The Committee of Experts specifically referred in this connection to article 123 of the Constitution of Cyprus, mentioned above, in a footnote.
Equality of Treatment (Social Security) Convention, 1962 (No. 118)

The Labour Department of the Republic of Ghana requested from the International Labour Office certain information concerning the interpretation of the Equality of Treatment (Social Security) Convention, 1962 (No. 118) (Article 2 (6)).

With the usual reservation that the Constitution does not give him any special authority to interpret Conventions adopted by the International Labour Conference, the Director-General of the International Labour Office transmitted on 29 October 1963 to the Labour Department of the Republic of Ghana the following memorandum prepared by the International Labour Office:

MEMORANDUM BY THE INTERNATIONAL LABOUR OFFICE

1. The Labour Department of the Republic of Ghana has requested the International Labour Office to provide certain information regarding Article 2, paragraph 6, of the Equality of Treatment (Social Security) Convention, 1962 (No. 118). The Labour Department has indicated that the only form of social security legislation in force in Ghana is the Workmen's Compensation Ordinance (Cap. 94), and that there is no discrimination in the application of this Ordinance as between Ghanaians and non-Ghanaians provided they come within the coverage of the Ordinance. However, the Labour Department states, some doubt has been expressed that the provisions of Article 2, paragraph 6, of the Convention appear to have an effect which would make it impracticable for Ghana to ratify the Convention.

2. Article 2, paragraph 6, of the Convention reads as follows:

6. For the purpose of the application of this Convention, each Member accepting the obligations thereof in respect of any branch of social security which has legislation providing for benefits of the type indicated in clause (a) or (b) below shall communicate to the Director-General of the International Labour Office a statement indicating the benefits provided for by its legislation which it considers to be—

(a) benefits other than those the grant of which depends either on direct financial participation by the persons protected or their employer, or on a qualifying period of occupational activity; or

(b) benefits granted under transitional schemes.¹

3. As regards benefits of the kind referred to in this paragraph, subsequent provisions of the Convention permit certain limitations on or exceptions to the principle of equality of treatment. Such permissive limitations or exceptions are provided for in paragraph 2 of Article 4 and paragraph 2 of Article 5 in respect of the benefits referred to in clause (a) of the paragraph quoted above, and in paragraph 3 of Article 4 and paragraph 3 of Article 5 in respect of the benefits referred to in clause (b) of the said paragraph.

4. It appears from the text of the Convention, as well as from the preparatory work preceding its adoption², that the notification provided for by paragraph 6 of Article 2 is intended to permit an exact identification of any benefits in respect of which a Member might wish to invoke the limitations or exceptions allowed by the above-mentioned provisions of Articles 4 and 5.

5. It may be noted in this connection that the Ghana Workmen’s Compensation Ordinance (Cap. 94) provides for the payment of compensation by the employer. The

¹ According to Article 1, clause (c), of the Convention “ the term 'benefits granted under transitional schemes' means either benefits granted to persons who have exceeded a prescribed age at the date when the legislation applicable came into force, or benefits granted as a transitional measure in consideration of events occurring or periods completed outside the present boundaries of the territory of a Member.”

benefits provided for by this Ordinance would thus appear to be benefits the grant of which depends on "direct financial participation by . . . [the] employer" of the persons protected, and they would appear not to be benefits granted under "transitional schemes". Consequently, benefits under this Ordinance would not fall into either of the categories referred to in Article 2, paragraph 6, of the Convention, and there would thus appear to be no occasion for any notification under this paragraph in respect of the Ordinance.

ERRATUM

Vol. XLVII, No. 3, Supplement I, July 1964

On page 82 the footnote should read: "1 The Conference adopted on 24 June 1964 the report of the Standing Orders Committee without discussion."
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