APPENDIX XIV.

Resolutions adopted by the Conference.

(1) Resolution concerning responsibility of machine-builders, etc., as regards safety devices in the building industry, submitted by the Committee on safety in building.

Whereas the Draft Convention and Recommendations on safety provisions for workers in the building industry with reference to scaffolding and hoisting machinery do not provide for any obligations to be laid upon builders, dealers and erectors of hoisting appliances used in the building industry,

Whereas it is necessary to consider whether it is not desirable that the provisions of the Recommendation adopted by the Twelfth Session of the International Labour Conference in 1929 concerning responsibility for the protection of power-driven machinery should be reinforced by the adoption of an international Convention;

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Requests the Governing Body of the International Labour Office to have the necessary investigations undertaken and to place on the Agenda of one of the next Sessions of the Conference the question of the responsibility of machine builders, dealers and erectors as regards safety devices.

(2) Resolution concerning modifications of the Reduction of Hours of Work (Textiles) Convention, 1937, in the case of certain countries, submitted by the Committee on the textile industry.

The Conference,

Having regard to the obligation imposed upon it by Article 19 (3) of the Constitution of the Organisation, namely that "in framing any Recommendation or Draft Convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries";

Recognising that circumstances have made it difficult for the Conference to give adequate consideration to the question of introducing into the Draft Convention on the reduction of hours of work in the textile industry special provisions in pursuance of this Article of the Constitution.

Considering nevertheless that it is of the highest importance that hours of work in the textile industry should be regulated in accordance with an international Convention in all countries, including those in which it may not be practicable to apply without modification the provisions of the Draft Convention adopted by this Session of the Conference;

Requests the Governing Body of the International Labour Office to give immediate consideration to the question of the adoption of a special Draft Convention determining the modifications of the provisions of the Draft Convention on the reduction of hours of work in the textile industry for such countries with a view to the placing of this question on the Agenda of the Conference.

(3) Resolution concerning international co-operation with reference to public works, submitted by the Committee on public works.

Whereas the International Labour Conference has adopted a Recommendation on international co-operation concerning public works; and

See Proceedings, pp. 308, 562 and Appendix VIII.
Whereas it is desirable, in order to make such co-operation effective, to set up an international body for the purpose of ensuring the continuity of the co-operation and of determining the methods of applying it:

1. The Conference invites the Governing Body of the International Labour Office to appoint as soon as possible, and to convene without delay, an international public works committee, the duties of which should be more particularly:

(a) to prepare and periodically to revise the uniform plan referred to in paragraph 2 of the Recommendation on international co-operation concerning public works;

(b) to study every year the information gathered by the International Labour Office either as a result of the Recommendation referred to above or in any other way;

(c) to make reports on this subject to the Governing Body of the International Labour Office with a view to their transmission to the Members of the Organisation;

(d) to undertake any other duties relating to public works which may be entrusted to it;

2. Members which have declared themselves willing to give effect to the above-mentioned Recommendation should be invited to send representatives to the committee.

The committee should also include employers' and workers' representatives in equal numbers.

The Governing Body of the International Labour Office should invite representatives of the competent bodies of the League of Nations to participate in the work of the committee, and might, in so far as it thinks fit, attach to the committee representatives of international institutions or bodies concerned with this matter as well as national and international experts chosen for their special knowledge of the various aspects of the problem of public works.

(4) Resolution concerning annual returns of employed children under the school-leaving age, submitted by the Committee on minimum age 1.

Whereas the Conference in 1935 adopted a Recommendation concerning unemployment among young persons, paragraph 47 of which is as follows:

Until such time as the recommendation made in paragraph 1 is fully applied in the various countries, annual returns should be compiled showing the number of children still under the school-leaving age who during the year have been engaged in employment out of school hours. Such returns should be classified by sex, age group and occupation, and should give details of the days of the week and the seasons during which such employment was carried on, and the number and incidence of the hours of employment.

The Conference invites the Governing Body of the International Labour Office to request the Governments to furnish such returns to the International Labour Office in order that they may be published in one of the Office's publications.

(5) Resolution concerning the protection of migrant persons insured or pensioned under social insurance schemes, submitted by Mr. Komarnicki, Polish Government Delegate 1.

1. Whereas it is more than ever essential, when a resumption of migratory movements may be expected, to secure to persons insured or pensioned under social insurance schemes who have to change their country of residence, and likewise to their families, the maintenance of their rights, in course of acquisition or acquired, under such schemes, especially schemes of invalidity, old-age, and widows' and orphans' insurance;

2. Whereas the bilateral treaties which have been entered into during the last ten years in regard to social insurance and which provide, as between the insurance schemes of the contracting countries, for the maintenance of pension rights, are intended to protect the vital interests of migrant insured persons and their families;

3. Whereas the effect of the Draft Convention adopted by the 1935 Session of the International Labour Conference concerning the establishment of an international scheme for the maintenance of rights under invalidity, old-age, and widows' and orphans' insurance will be to promote the general and early acceptance of those methods upon which the bilateral treaties are based, and to secure international recognition of the rights of migrant insured persons and pensioned persons;

Whereas it is moreover urgent, with a view to facilitating and expediting the putting into operation of the international scheme for the maintenance of rights under invalidity, old-age, and widows' and orphans' insurance, that a systematic collection and study should be made of the legal, technical and administrative rules laid down in the bilateral treaties and of the experience gained in their application,

The Conference requests the Governing Body to instruct the International Labour

1 See Proceedings, p. 458, and Appendix IV.
Office to prepare, with the help of expert advice, a collection of the international treaties and the texts of laws and regulations whose object is to provide for the protection of migrant persons insured or pensioned under social insurance schemes, which would contribute to the general adoption of the principle of the maintenance of rights under invalidity, old-age, and widows' and orphans' insurance.

(6) Resolution concerning indigenous workers, submitted by Mr. Sen, Indian Workers' Delegate 1.

The Twenty-third Session of the International Labour Conference:

Notes with satisfaction that the Governing Body of the International Labour Office has afforded the Conference an opportunity of continuing its work for the protection of Native labour by placing the question of "the regulation of contracts of employment of indigenous workers" on the Agenda of the Twenty-fourth Session;

But considering that, even after the adoption of a Draft Convention concerning the contracts of employment of indigenous workers, there will remain a number of special problems of the life and labour of these workers which should be dealt with by international regulations,

Requests the Governing Body to instruct the International Labour Office to study, in consultation with the Committee of Experts on Native Labour, those special problems that may appear suitable for international regulation and in particular the problems of wages (methods and periodicity of payment, advances, deferred pay, remittances to dependants, truck system, legal protection), housing (compounds, accommodation for families, provision of gardens for cultivation of food-stuffs), rations, and the protection of the health of the workers, with a view to the placing of an item dealing with these problems on the Agenda of a future Session of the Conference.

(7) Resolution concerning women workers, submitted by Mr. McGrady and Miss Abbott, Government Delegates of the United States of America 2.

Whereas, in view of the social and political changes of recent years and the fact that women workers have suffered from special forms of exploitation and discrimination in the past, there is need to re-examine their general position; and

Whereas it is for the best interests of society that, in addition to full political and civil rights and full opportunity for education, women should have full opportunity to work and should receive remuneration without discrimination because of sex, and be protected by legislative safeguards against physically harmful conditions of employment and economic exploitation, including the safeguarding of motherhood; and

Whereas it is necessary that women as well as men should be guaranteed freedom of association by Governments and should be protected by social and labour legislation which world experience has shown to be effective in abolishing special exploitation of women workers; therefore be it

Resolved, that the Twenty-third Session of the International Labour Conference, while recognising that some of these principles lie within the competence of other international bodies, believes them to be of the greatest importance to workers in general and especially to women workers; and therefore requests the Governing Body to draw them to the attention of all Governments with a view to their establishment in law and in custom by legislative and administrative action.

(8) Resolution concerning the uniformity of the protection of workers in China, submitted by Mr. Mertens, Belgian Workers' Delegate, Mr. Chu Hsueh-Fan, Chinese Workers' Delegate, Mr. Koizumi, Japanese Workers' Delegate, and Mr. Sen, Indian Workers' Delegate 1.

Whereas the International Labour Conference at its First Session in 1919 dealt with the difficulties with which China was faced owing to the existence within its territory of industrial undertakings enjoying extraterritoriality;

Whereas even then the Commission on Special Countries reached the unanimous conclusion that a satisfactory solution ought to be found, in the interests both of the Chinese Government and of the workers, who are unquestionably the persons most closely concerned;

Whereas in its report that Commission made the following suggestions:

"In view of the special difficulties which the Chinese Government may experience from the existence, within the area of China, of foreign settlements and leased territories, the Commission suggests that the Conference should make the necessary representations to the Governments concerned (that is, to those Governments which at present exercise jurisdiction in these settlements and territories under treaties and engagements with China)
to enforce in their territories within China the same restrictions as the Chinese Government has accepted; or, in the alternative, to decree that labour legislation adopted by the Government of China shall be enforced by that Government within those foreign settlements and territories where extraterritorial jurisdiction exists at present;”

Whereas the report was adopted by the Conference;

Whereas since that time the International Labour Office has never ceased to interest itself in the question in an attempt to reach a satisfactory solution;

Whereas unfortunately its efforts have proved fruitless;

Whereas actually the position has to some extent grown worse, as was shown by the declarations and statements made by the Chinese Delegates at the Technical Tripartite Conference on the textile industry, held at Washington from 2 to 17 April 1987;

Whereas it is desirable that the International Labour Organisation should continue its efforts with a view to finding a remedy for a state of affairs which was denounced in 1919 by the First Session of the International Labour Conference;

Whereas it is essential and indispensable that a State should possess complete administrative integrity as regards labour questions in order to enable it to fulfil its obligations as a Member of the International Labour Organisation;

Whereas it is impossible for a State to apply its labour legislation satisfactorily within its territory if the industrial and commercial undertakings in the country which are managed by certain foreigners are not subject to the application of such legislation by the State, whilst other industrial and commercial undertakings are subject thereto;

Whereas the industrial and commercial undertakings in the country managed by certain foreigners, who are not subject either as regards themselves or their undertakings to the application of labour legislation, nevertheless employ large numbers of the nationals of the country in question, whom they thus deprive of the legitimate protection of the national legislation applied by their own Government,

The Conference, considering that the International Labour Office should renew its efforts to bring about a settlement which would ensure that working conditions should be regulated on similar lines in the International Settlement and in the rest of China, in order that factories on Chinese territory and within the Settlement should not derive an unfair competitive advantage by availing themselves of the absence of labour standards, which might lead to an effective solution of this urgent problem by direct agreement between the various authorities concerned or, failing such an agreement, by an international Convention, with a view to ensuring the application of a uniform system of protection for the workers in all undertakings situated on Chinese territory, irrespective of whether they are or are not situated in the foreign settlements or whether they do or do not enjoy extraterritoriality.

(9) Resolution concerning the obligations of Members of the International Labour Organisation, submitted by Mr. Kuipers, Netherlands Workers’ Delegate 1.

Whereas paragraph 5 of Article 19 of the Constitution lays strict obligations on the Members of the Organisation;

Whereas there are nevertheless doubts as to the fulfilment of those obligations by certain Members,

The Conference invites the Governing Body to examine the methods by which the fulfilment of those obligations by all the Members may be secured.

(10) Resolution concerning the collaboration of Burma with the International Labour Organisation, submitted by Mr. Sen, Indian Workers’ Delegate 2.

Whereas Burma, which has hitherto enjoyed full membership of the International Labour Organisation as part of India, ceased to be a part of India on 1 April 1937;

Whereas the Government Delegate of the United Kingdom has indicated the steps which the Governments of the United Kingdom and of Burma propose to take to ensure the continuation of effective Burmese collaboration with the Organisation;

The Conference:

(a) expresses its cordial appreciation of the statement made by the Government Delegate of the United Kingdom on behalf of the Government of Burma that Burma recognises that the international labour Conventions ratified by India while Burma was part of India remain binding upon Burma and that Burma proposes to submit her annual report thereon through the Government of the United Kingdom; and

(b) invites the Governing Body to consider whether it is desirable that there should be included in future Conventions

1 See Proceedings, p. 488 and Appendix IV.
2 See Proceedings, p. 490 and Appendix IV.
3 See Appendix IV, p. 570.
some provision permitting accession there-to by fully self-governing colonies, protectorates and possessions which are not separate Members of the Organisation.

(11) Resolution concerning the calling of an Advisory Tripartite Labour Conference of Asiatic Countries and the establishment of an Asiatic Committee, submitted by Mr. Chu Hsueh-Fan, Chinese Workers' Delegate, Mr. Sen, Indian Workers' Delegate, and Mr. Koizumi, Japanese Workers' Delegate.

Whereas it is urgently necessary, both in the interest of the workers directly concerned and as a contribution to the economic prosperity of the world as a whole, to promote far-reaching improvements in conditions of life and labour in Asiatic countries; and

Whereas the urgency of such action has once again been emphasised by the resolution adopted by the Asiatic Labour Congress held in Tokyo in May 1937, urging that the attention of the International Labour Conference be drawn once more to the importance of establishing a Tripartite Asiatic Committee to promote this end,

The Conference:

(1) Notes with satisfaction that the resolution adopted in 1936 for the convocation of an Advisory Tripartite Labour Conference of Asiatic Countries and for the establishment of an Asiatic Committee has been examined by the Governing Body, and that efforts are being made to give effect to this resolution;

(2) Notes that the resolution adopted by the Asiatic Labour Congress is further evidence of the widespread approval which the proposal to establish a Tripartite Asiatic Committee has obtained, urges the Governing Body to redouble its efforts for the realisation of this object, and is confident that the Members concerned will give the Governing Body full support.

(12) Resolution concerning the generalisation of the reduction of hours of work, submitted by Mr. Mertens, Belgian Workers' Delegate, and Mr. Jouhaux, French Workers' Delegate.

The Twenty-third Session of the International Labour Conference, examining the efforts made since 1931 by the International Labour Organisation to reduce as far as possible the disastrous effect of the world depression on the economic system of all countries in general and on the working classes in particular;

Considering that, of the measures advocated, the reduction of hours of work is of outstanding importance and has above all others engaged the attention of the International Labour Organisation;

Considering that, at the Eighteenth Session in 1934, the attempts to prepare and adopt a general Convention with a view to introducing the 40-hour week in all countries and in all industries were unsuccessful;

Considering that at that time it appeared that more tangible results could be obtained if the question of the reduction of the working week were considered separately for each industry;

Considering that for that purpose a procedure was put into operation with a view to the adoption of Conventions covering several industries, for example the iron and steel industry, the building industry, the coal-mining industry, glass-bottle works, public works, the textile industry, etc.;

Considering that only two Conventions have been adopted, namely those concerning public works and glass-bottle works;

That, on the other hand, the attempts to arrive at the adoption of Conventions concerning the coal-mining industry, the iron and steel industry and the building industry were unsuccessful;

Considering that such a procedure entails more risks than tangible results and will require an incautious number of years before a satisfactory solution is achieved;

Considering that the economic situation and the attempts which have been made to deal with the question show clearly that efforts should be directed towards the adoption of a general Convention;

But considering that the procedure already set in motion concerning the industries included in the Agenda of the 1937 and 1938 Sessions should follow its course,

Requests the Governing Body to examine the situation and to consider placing on the Agenda of the next Session of the Conference the question of the generalisation of the reduction of hours of work in all economic activities which are not covered by the Conventions already adopted and those to be adopted by the Twenty-third Session of the Conference.