

INTERNATIONAL LABOUR CONFERENCE

THIRTIETH SESSION
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RECORD OF PROCEEDINGS



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NINETEENTH SITTING

Friday, 11 July 1947, 9.45 a.m.

*President : Mr. Hambro*REPORT OF THE COMMITTEE
ON FREEDOM OF ASSOCIATION¹

Interpretation : The PRESIDENT — The meeting is called to order. The first item on the agenda this morning is the report of the Committee on freedom of association.

Interpretation : Mr. JOUHAUX (*Workers delegate, France ; Reporter of the Committee on freedom of association*) — I should like briefly to submit the report on the question of freedom of association and industrial relations. In asking you to accept it unanimously, we are not merely asking the Conference to confirm a principle which has been affirmed repeatedly and which is solemnly inscribed in Part XIII of the Treaty of Versailles, in the various Declarations which the International Labour Organisation has subsequently made during more than twenty years, and in the Declaration of Philadelphia, a principle moreover which has been more or less implicitly accepted in the Declarations of the United Nations at San Francisco and elsewhere ; if that were all, it would be a purely formal matter which would have very little result. What is important, however, in the report which is submitted to you is not merely what it contains but what is represented by the spirit which emerges from the text that has been adopted.

There can be no doubt that the International Labour Organisation cannot be static. It must follow from day to day the development of human life, because the whole of its activity is based on daily life and is intended to alter the conditions of living. It would be of little use for

us to declare that the International Labour Organisation is a democratic body and that it must serve democracy, if we do not mean to declare implicitly that if democracy is the best of the régimes it is because it is a régime which is constantly developing, expressing the necessities of human life in increased welfare and freedom, and giving effect to them in legislation which will ensure strict application and unity of interpretation.

The International Labour Organisation, at the international level, must obviously act in the same way. It is true that we must state today—as is mentioned in the report, and the Resolutions take account of the fact—that unfortunately in a certain number of countries the situation calls for criticism and for a demand that obligations should be observed. In a certain number of countries, to put it mildly, there is a slightly fanciful interpretation of what freedom of association means. There are countries in which freedom of association is interpreted solely in the light of the political attitude of the country in question. That is not a correct or logical interpretation, nor is it a democratic interpretation. When a freedom has been recognised and is applied, it should not be subject to any restraint because of political reasons. Provided that that liberty does not interfere with the general interests of the collectivity in which it exists, then freedom of association must—if I may be redundant—be free.

There can be no doubt that at the present time there are still too many Governments which tend to consider that they should grant freedom of association only very parsimoniously, and that, when freedom of association becomes dangerous

¹ See *Third Part : Appendix X*.

to certain interests, they have the right to stop it abruptly by suspending its application, or, what is still more serious, by throwing into jail the militant leaders of the workers who stand for that freedom.

That is a standpoint which the International Labour Organisation and the International Labour Conference cannot accept. Consequently, this Organisation must, by a decision of the Conference, point out that certain sanctions should exist to guarantee the enforcement of the liberty which has been granted. The Resolutions which are to be voted on must serve as a basis for the institution of an international labour Convention because we intend by that means to provide an international guarantee for the enforcement of this freedom. Moreover, we want it to be clearly understood that the States Members of this Organisation and the Governments which are applying for membership, undertake to respect the freedoms which are at the basis of this institution. They must not only apply those freedoms which are laid down in an international Convention because of the obligations to which they have become a party but, if you will permit the expression, they must feel themselves obliged to respect them by that international compulsion which will weigh upon their consciences.

It is essential to make some declaration to this effect now, when we find that since 1919 there have been several failures to carry out obligations which have been accepted. We have found that freedom of association has not been respected everywhere. We have been obliged to note that the interpretation of the obligations undertaken is sometimes of too political a nature and not sufficiently liberal. While it is necessary for men to be subject to certain restraints, it is also essential for Governments to feel that they are subject to certain restraints. It is for that reason that we decided there should be an international Convention and at the same time ask that the possibility of setting up a supervisory body to safeguard the enforcement of that particular Convention should be considered.

I should like here to submit an idea to you which some may think rather original or rather daring, but which to me seems to be something that is bound to come in the future. Men's actions must always anticipate the future, and I therefore feel myself bound to submit this idea to you.

It was the Economic and Social Council which transmitted to us the request made by the World Federation of Trade Unions. It was the Economic and Social Council which asked the Organisation to consider the question and to express an opinion. The question having come before it, the Organisation felt that it was desirable to go further than giving an opinion, and that it should provide a solution of

the question, not only of principle, but by the adoption of a text. It has indicated that it is prepared to draw up a Convention on this question. In referring back to the Economic and Social Council the decision of the Conference and the report which you are about to adopt, the International Labour Organisation has not finished with the question. It will continue to study it next year. But it is not impossible that in the meantime the report and decision of the Conference may be transmitted to the Assembly of the United Nations, which body will be called upon to give its opinion on the report and the Resolutions. If that could be done, we should have combined action by the International Labour Organisation and by the United Nations, not through any intermediary bodies, but by the sovereign bodies of the two Organisations. In that way the international Convention on freedom of association could be established on principles discussed and accepted by this Conference, and also accepted by the General Assembly of the United Nations. Therefore, quite apart from the incomplete universality of this Organisation and of the United Nations, there would be international obligations which would give the Convention much greater authority, and in consequence, additional safeguards.

I consider that such a procedure is perfectly possible and that it could be carried out without in any way infringing the independence of this Organisation and the sovereignty of the International Labour Conference and of the United Nations. When we speak of co-operation, we must think of establishing a groundwork for such co-operation, and I would point out that co-operation means joint action. For a determinate action, full co-operation between this Organisation and the United Nations can be achieved, and I think the procedure I have suggested should be considered and can be applied. I am all the more of this opinion from the point of view of the future of freedom of association, which already has been laid down in the Constitution of certain countries, and which is gradually evolving and being generally applied. This evolution depends on economic factors which are largely a matter for the United Nations. It is essential that on these points the United Nations should also be invited to co-operate with this Organisation. If that were done we should arrive at a unity of aims, and consequently a unity of action, the influence of which would be preponderant in guaranteeing freedom of association, the further development of the rights and responsibilities of trade unions and their members, and in the establishment of peace.

What we are doing today is merely a beginning. I would not say that we, the workers side are completely satisfied. It is certain that the wording included in this

report falls short of what exists in many of our countries. It is equally certain that in some countries the situation falls short of what is included in the text before you. It can not, however, be said that the International Labour Conference has repeated the old adage and that the mountain has given birth to a mouse. It has given birth to an incomplete text, which is not entirely in harmony with itself, because of the hesitations and reservations that were expressed within the Committee which were caused by the fact that we do not know how to see into the distant future, but only see our near surroundings, forgetting the distant future. We must remember that in the near future there must be a far greater and bolder expansion of the ideas to which we are giving expression today.

Nevertheless, the report as it stands gives us a certain satisfaction. It establishes once again the principle of freedom of association, but I think it also adds the idea of a certain penalty for those who in the future may consider themselves free to interpret their obligations as fancifully as they have in the past.

I hope in the text of the Convention we may get further progress and that we will get a greater unity of view within this Organisation. If, according to the procedure I have outlined, we can get agreement by the United Nations to the principles in question, then we shall have taken a great step forward. Might I venture to ask you to have rather bolder ideas than those which have so far guided us?

Freedom of association began to be acquired in the middle of the nineteenth century. Since that time the trade union organisations have struggled to secure respect for their freedom and to obtain its respect by Governments and by employers. That freedom of association now spreads over a wider field and is concerned not only with the defence of the interests of the workers, but with the defence of the general interests of the community and the general interest of peace, because of the responsibilities it imposes on the trade unions in the part they play in national and international economic life, that is, in the making of history.

We are advancing towards a new world. The new world cannot be born and grow unless freedom of association is its keystone.

Interpretation: Mr. CORNIL (*Employers' delegate, Belgium; Deputy Reporter of the Committee on freedom of association*) — After the brilliant speech you have just heard, I do not wish to take up too much of your time. As Deputy Reporter, however, I have the privilege of making one or two further comments, and I am too conscious of the importance of our conclusions to wish to give up this privilege.

The problem of freedom of association is absolutely fundamental for this Organisation. If there were not freedom of association, it could not survive. This is proved by the fact that it is precisely those nations which are farthest from respecting such liberty which are not associated with this Organisation, or doubt the value of being members of it. We need not be surprised, therefore, but should be gratified, to find that from the outset our Committee was unanimous in recognising the principle of freedom of association.

Unfortunately, freedom has no value unless it is opposed to constraint. In order to see it and appreciate its meaning, it must be placed in a frame; in the absence of certain conditions, it vanishes away like the air from a pricked balloon. Our task would be simple if it were merely to draw up texts which would guarantee complete freedom of association irrespective of any restraints. It would be simple, but it would be pointless, since the exercise of complete freedom of association can be justified only if there is respect for other equally essential freedoms.

In asking the International Labour Organisation to place this question on the agenda of the Conference, the Economic and Social Council of the United Nations fully understood that by its composition and the scope of its activities this Organisation was really the most qualified body to deal successfully with such a complex problem. It is therefore for us to define the framework within which freedom of association can be exercised without prejudicing the other essential liberties.

In my opinion the best definition of democracy would be to say that it is the form of government which establishes the best balance between individual and collective freedoms. It is of course possible to have very different opinions as to the relative value of these different freedoms. In this connection there were differences of views not only between the three groups in the Committee, but between the different countries. These divergences did not reflect any insoluble incompatibility, though they meant that in some cases we had to take what were inevitably compromise decisions. That, however, only means the establishment of that balance which is characteristic of any healthy democracy.

The Resolution and the report which you have before you represent an important step forward in clearing the ground, so that next year we may proceed to adopt a Convention which will contain the essential principles. Some of us are, however, still unduly dominated by the idea of class struggle or by the desire to protect our traditional privileges. Such a spirit can only interfere with the effectiveness of our work. It is gratifying that there is an increasing body of

opinion here which realises that we are all working for a common end and that we can have confidence in each other. Our duty is to reconcile the three different points of view, political, economic and human. It is perfectly possible to reconcile the three, and each of us is right in defending what it is our duty to defend, while respecting the just opinions of others.

I should not like to leave this rostrum without paying a tribute to the staff of the Office, who achieved a remarkable feat in letting us have all the necessary documents in a very short space of time. And if we can rejoice in the spirit which reigned in our Committee, that was due, as every one of us will agree, to the exceptional ability of our Chairman, the Hon. David A. Morse.

Mr. FUYKSCHOT (*Workers' adviser, Netherlands*) — There are probably but few countries in the world which during the years of the German oppression suffered more from lack of freedom of association than those of the West European Continent. My country, the Netherlands, was one of those countries. The German civil authorities meddled with the trade unions in such a way as to throttle them to death. A specialised office with a big staff under the auspices of the German Labour Front was set up to supervise the trade unions. At the start a number of the trade union officials were dismissed without any further remuneration and during the years of occupation numerous trade union officials were put into jail, shot, and placed in concentration or hostage camps, from which a number never returned. We actually know what it means not to possess freedom from arbitrary arrest, detention, search and seizure.

The initiative of the World Federation of Trade Unions and of the American Federation of Labor, resulting in the Report of the I.L.O. which is now before us, is therefore warmly applauded by the trade unions of my country and by myself. As is generally known, in my country there is a variety of organisations, differing according to religious belief, and as I am a representative of the Protestant Christian Labour movement of the Netherlands, you will doubtless understand that the draft resolution of the American Federation of Labor struck me particularly by its clear and appropriate wording:

"Genuine freedom means the right of association and organisation into various—into differing—educational, religious, economic, political and trade union organisations, without fear of direct or indirect control and compulsion by governmental or any other agencies."

In this spirit I studied the Office Report and the text of the proposed Resolution and I may say that I sincerely

hope that the Conference will adopt the report of the Committee. However, the inviolable right to establish and join organisations of our own choosing, and that genuine freedom as described in the draft resolution of the American Federation of Labor, is in my opinion incompatible with the provision contained in paragraph (2) of Article 9 of the proposed text. Whereas the first section of the Resolution, as well as the different points of the second section, give full security to the workers as to their right of choosing their own organisation, paragraph (2) of Article 9 excludes, under the conditions mentioned therein, a number of workers from this right. Under these conditions a minority may be forced into a union not of their own choosing. I do not refer to those workers who even now do not see their duty to join a trade union, but to those who honestly and in full conviction did choose an organisation which, for some reason or other, is not the first to conclude a collective agreement with an employer or with employers in a branch of industry, and who therefore do not receive the benefit of this freedom or organisation.

I know and I regret that I am the only one on the Workers' side in the Committee who has taken this stand. This may not surprise you, as hundreds of thousands of Christian workers in my country and elsewhere have joined a union which, though being in a minority, in their opinion is the only one acceptable for them, as it has been based on Christian principles. It may not surprise you to know that during the German occupation the vindication of this same right to join, establish and promote organisations of our own choosing—wholly and fully—brought us into German camps and prisons.

This year there is no Convention before us to decide upon. I hope this will be the case next year. I reserve the right to return to this matter at that time, as I deem it of the utmost importance for a genuine freedom of organisation.

With this reservation I am in complete accord with the report of the Committee.

Interpretation: Mr. TESSIER (*Workers' adviser, France*) — The Christian trade unionists, who have always held the opinion that freedom of association furnishes the best means of organising occupational relations in an equitable and peaceable way, in particular by collective labour agreements, are happy to see this great idea, the application of which constitutes for workers the exercise of an essential right, receive the guarantee provided by regulation on an international plane.

Nevertheless, we feel it incumbent upon us to affirm our categorical opposition to the clause which figures in paragraph (2) of Article 9 of the proposed Resolution. We feel indeed that this "closed shop"

formula is by its very nature absolutely contrary to freedom of association. It would therefore be utterly contrary to good sense to give it any kind of consecration on the international plane. Our efforts indeed should tend towards facilitating the full and effective achievement of free trade union organisation within the framework of organised occupations.

Mr. JOSHI (*Workers' delegate, India*) — The working classes can achieve their cherished goal only by their organisation, and therefore the right of freedom of association is of fundamental importance to them. If the International Labour Organisation succeeds in establishing this right on a clear and firm basis all over the world, it will have accomplished a great task. Its previous efforts in this direction were not crowned with success, but I hope this time they will succeed.

The practical need for an international regulation on the question of personal freedom of association is felt in varying degrees in different parts of the world. In those countries in which the working classes have secured adequate political influence, as in the United Kingdom, its practical need is not keenly felt, but in those regions where the workers are not sufficiently educated and organised, and where their political influence on the national Governments and national legislatures is weak, the establishment of an international law on the subject is of great practical usefulness.

In some of the national constitutions freedom of association is recognised as a fundamental right, though in some cases it is laid down in a qualified form, as being subject to national laws. I feel that a fundamental right, to be of practical value, should be laid down in unqualified terms. If it is qualified it becomes subject to varying practical usefulness. Even if a fundamental right is laid down in the Constitution in an unqualified form, the courts which are to interpret the Constitution, always see, as in the United States of America, that the right is not abused so as to become a danger to the community. But if a fundamental right is laid down as being subject to national laws, experience has shown that its value depends upon the strength of public opinion.

The Resolution before the Conference defines the principles involved in the practical use of the right of freedom of association, generally speaking, in an agreed form, but I would like to offer a few comments on one vital point. Article 2 in Part I, reads thus—“Employers' and workers' organisations should have the right to draw up their constitutions and rules, to organise their administration and activities and to formulate their programmes; there should be no interference on the part of the public authorities which

would restrict this right or impede the organisations in the lawful exercise of this right.”

Instead of this draft, I would have preferred that proposed by the Office, where there is no reference to “lawful exercise”. I feel that the terms of the Resolution, by unnecessarily laying emphasis on the “lawful” nature of the exercise of the right of freedom of association, has weakened its value to those regions where laws are made without the working classes having sufficient influence on the national Governments and national legislatures, so that the laws which generally affect the right of freedom of association do not always remain within reasonable limits, and consequently the fundamental right itself is endangered. In saying this, I have no desire to suggest that the workers' organisations should be privileged and placed beyond the scope of the national laws, unreasonable though they may be. But I feel that the insertion of the adjective “lawful” in the terms of the Resolution unnecessarily lays one-sided emphasis on the possibility of unlawful exercise of the right of freedom of association by the workers and their organisations, and ignores the possibility of the laws themselves going beyond reasonable limits and thus endangering the practical exercise of the right of freedom of association given by an international regulation.

I maintain that this defect of the Resolution reduces its practical usefulness to the workers in regions where they have not attained adequate political influence on their national Governments, and on their national legislators. In my country, there are several laws which can hinder the exercise of the right of freedom of association. Some of these laws are old, and were passed to restrain the movements for the political freedom of the country but they were also used to restrain the right of freedom of association of the workers. Some of these laws were passed recently, the justification given for their enactment being that they are necessary to deal with what we call communal disturbances. But even these recent laws are wider in their practical application and constitute a hindrance to the exercise of the right of freedom of association.

Under these laws, citizens can be jailed and their movements can be otherwise restricted, without trial. Previous permission can be required for the holding of meetings and processions. Newspapers and public speakers can be restrained, without recourse to judicial courts, from writing and speaking, as a preventive measure. While such laws exist on the statute book of a country, there is at least as much possibility of freedom of association being hindered by public authorities as there is of the workers' organisations making an unlawful use of the right of freedom of association.

I therefore feel that the unnecessary and one-sided emphasis caused in the Resolution by the insertion of the word "lawful" has reduced its practical usefulness and should have been avoided. I hope that when a Convention on the subject of freedom of association is considered in the next session of the Conference, this defect will be removed.

Sir GUILDHAUME MYRDDIN-EVANS (*Government delegate, United Kingdom*) — The Conference will have heard with very great interest the suggestion made by Mr. Jouhaux that our work here should in some way be brought to the notice of the General Assembly of the United Nations, and not merely to the Economic and Social Council. I think—I believe I am right in thinking—that in fact this Organisation, like the other specialised agencies, has direct access to the General Assembly, and that there should be no difficulty in doing what Mr. Jouhaux has suggested. This Organisation has always shown by its words and by its actions the greatest possible desire to co-operate with all other organisations. We have always felt that the greater, the wider and the more universal adherence there is to the principles laid down by this Organisation, the better for the world at large.

I would only add one word of caution; although we have gone more than half way in our desire to co-operate with all other organisations, it must be remembered that this is still a sovereign body. Until agreements are reached to the contrary, or until the States which are Members of this Organisation take away that sovereignty, the Organisation retains that sovereignty; and I would only say that the acts and deeds of this Organisation do not require the concurrence of any other organisation whatsoever.

I think that this Organisation has done a fine piece of work in the past three weeks. We have made more progress in that short space of time than I believe would be possible to any other organisation in the world. Do not let us ignore the difficulties. They are many and they are great. But I believe that this Organisation this year has laid the foundations of an edifice of international legislation relating to freedom of association which will be a blessing to mankind.

I would just like to add one word relating to the proposal put forward by the Australian Government for the inclusion of an article in the Convention about freedom of association in non-metropolitan territories. I would repeat that there is no divergence of opinion on the part of anybody in this hall on the desirability of the principle embodied in that proposed addition. The only reason why the Conference, as I understand it, did not feel able to agree to the inclusion of that particular article

in the Convention in question was that in its terms as drawn it appeared to some of us to be unworkable and to give rise to all those difficulties and complications which will need much greater study before it will be possible to obtain words which will be proper for inclusion in a Convention. But the fact that the Conference did not feel able to agree to include that particular provision in the Convention in question does lay upon this Organisation an even greater responsibility to do its utmost to find words which will be capable of being put into a Convention and will embody the principle of the freedom of association and the right to organise which Mr. Ward put forward. In these further deliberations which the Organisation must undertake in order to try to find a sound and workable form of words, the United Kingdom Government will make its full contribution.

Mr. M. O'BRIEN (*Workers' adviser, Australia*) — I have listened very attentively to the excellent report that was made by the Reporter of the Committee, and he set out in detail the work that was undertaken by the Committee on freedom of association and industrial relations. From the outset of this Committee's work it was apparent to some of us that attempts were likely to be made to prevent a decision being reached on this particular occasion. The Workers' members of the Committee—to their credit, let me say—were insistent that, once this matter was referred to this body by the Economic and Social Council, some action should be taken to give effect to the questions that had been submitted to that body by the World Federation of Trade Unions.

This question of freedom of association has been the subject of discussion by the I.L.O. for over twenty years. Despite the fact that we have had considerable discussion on it, many countries are still refusing to recognise the rights of the trade unions to organise and to grant them freedom of association. Reports, even at this stage, that were submitted to the Workers' group on this particular Committee indicated to us that the intolerable conditions referred to by the World Federation of Trade Unions and in the report of the Committee still exist in many countries.

Well, the workers believe that, after having taken part and suffered severely in two world wars and in the greatest depression that this world has ever known, the time has arrived now when freedom of association and the right to organise shall become a practicable possibility and not merely a pious decision of this or any other body, because, as we mentioned during the course of our discussion, unless practical decisions are taken by this particular body, the workers of the world will turn elsewhere for assistance

to protect their rights. They have played their part in defeating the greatest menace the world has ever known, in fascism, and, while playing their part, they were promised a new world order. They desire that out of these international conferences shall come a new world order. They will not be satisfied with any patched-up old order. Consequently, those Governments and others who have the responsibility and who accept affiliation with this particular body have got to take note of any progressive decisions that are made, otherwise their affiliation can only be interpreted to mean that they are here to prevent and not to assist in progress.

Affiliation with this or any other body carries certain responsibilities and, in the view of the workers of this particular group of which I have the honour to be Chairman, if the decisions which we have arrived at, and which the Reporters have stated, were not completely satisfactory to us, they are at the present time our minimum requests, and unless we can have our minimum requests granted, then it must be obvious to us that when we place our major requests before this or any other body they will be rejected.

The list of points as set out in the report is most important. They are, as I say, minimum demands. To reach that list of points, many compromise decisions were taken with a view to having this question finalised as far as possible at this particular Session of the Conference, and I understand from the Standing Orders and procedure that in this Session we can only hope to go as far as to adopt the report of the Committee that has been set up.

There has been a tendency during the discussion on this particular matter to try to separate freedom of association and the right to organise. From the workers' point of view, we insist that freedom of association and the right to organise should go together. Freedom of association without the right to organise would be purely negative, and consequently that is why, even in the list of points, reference is made to the right to organise, while certain other questions have been stood over. I want to emphasise that point, because no doubt, at the 1948 Session of the Conference, further—and I suppose much more bitter—discussion will take place on these particular questions. So those who may represent their countries again will have to recognise that from the Workers' point of view we desire both freedom of association and the right to organise.

Should the I.L.O. fail in its obligations—and I have listened particularly, on many occasions, to Sir Guildhaume Myrddin-Evans, of the United Kingdom, referring to its responsibilities—should it fail to accept its responsibilities on this occasion, then no doubt the Economic

and Social Council and others will assist those who desire assistance to prevent the attacks which are being made on them.

I want to say also that I was astounded when listening to a discussion here yesterday, at the remarks of the representative of the South African workers. I was astounded to know that even in that country today there is discrimination against members of the working class because of their particular colour. No trade union—I want to emphasise that—in my view can discriminate against any member of the working class, because it is necessary for us to have unity if we intend to make progress. In that respect I want also to emphasise that the workers of the world will object to discrimination against them by anybody on the grounds of sex, colour, race, creed, nationality or political opinion. Any decision by this or any other body that does not recognise these objections by the organised working class of the world will be unacceptable to the workers.

I want to give my impressions, in conclusion, of the working of the I.L.O. I believe that the decisions made by this body are extremely valuable as a propaganda measure against those in authority who refuse to recognise progressive decisions made here. I believe also that, while there are three parties represented at this particular Conference, we are reaching a stage where at least certain people—and I must in fairness name those whom I mean—where the Employers' group is attending this Conference in a block for the purpose of preventing that progress which the workers hope to achieve by international co-operation. Consequently, it will be incumbent on them as well as on Governments to recognise the need for freedom of association and the right to organise. Unless they do that it will be necessary for the Governments in charge in the respective countries to see that they do.

We have always found—or it has been my experience, both personal, and from a long study of literature issued by outstanding members of the working-class movement—that when the workers do progress, as some people believe, too quickly, an immediate attack is made on them, because it is an accepted fact, so far as the world labour movement is recognised, that in some countries and under some systems unemployment or surplus labour is necessary if the continued progress of the workers is to be prevented.

A writer on 30 June 1945 in the financial columns of the *Sydney Morning Herald*, one of the leading journals of Australia, asked this question: Is a depression necessary? And he proceeded to answer that to prevent the continued demands of the workers for improved conditions something was necessary, and some method must be found by which

there would be a surplus army of workers in the various countries. Now, that statement was not made idly—it was made by a paper that has a worldwide circulation and, consequently, the workers of Australia are not unmindful of the threat made there.

In conclusion, therefore, I am going to ask this Plenary Sitting to endorse the minimum demands of the Committee on freedom of association as set out in the report, and to say that those Workers' delegates who attend the 1948 Session of the Conference will be determined, as far as possible, to see that the balance of the questions which have been referred to us are dealt with. And we shall not be looking for words for that purpose, we shall be looking for deeds.

It would be unfair if I were to conclude without paying, on behalf of the Workers' group, a tribute to the excellent work performed by the Chairman of the Committee, the Hon. David Morse, of the United States of America. The Workers' group had complete faith in his impartiality, and valued the assistance which he gave us in bringing about even our minimum demands.

Mr. FRASER (*Workers' adviser, United States of America*) — I want to speak for just a moment about Part II of the proposed Resolution, and to refer in particular to Article 9, up to the end of clause (1), and paragraph (2), in connection with a question which was raised about the inconsistency of paragraph (2).

Article 9 (1) and the succeeding subparagraph and clause read as follows :

" 9. (1) Where full and effective protection is not already afforded appropriate measures should be taken to enable guarantees to be provided for :

(a) the exercise of the right of freedom of association without fear of intimidation, coercion or restraint from any source with the object of :

(i) making the employment of the worker conditional on his not joining a trade union or on his withdrawing from a trade union of which he is a member ; "

In paragraph (2), which has reference to the subparagraph and clause I have just read and the following clauses, the statement is made that "It should be understood, however, that a provision in a freely concluded collective agreement making membership of a certain trade union a condition precedent to employment or a condition of continued employment does not fall within the terms of this Resolution ".

Someone who spoke from the platform raised the question of inconsistency with respect to the paragraph I have just read. I think there is a confusion

of thought about two essential elements in the employer-employee relationship. There is first, the right of freedom of association, and second, the right of freedom of contract, and they are separate and distinct things. I make this statement because of an acquaintance with the laws and practices which are in effect in the United States of America. We first give men the right to associate themselves together and to organise ; having accomplished that, we give them the right to bargain collectively for a contract or agreement.

A labour union must be responsible. Unless it is responsible in carrying out its part of the contract it would be of little avail for an employer to negotiate a contract with a labour union. So in connection with this very definite and very necessary responsibility on the part of the labour union, agreements are reached which provide for the union shop, or membership maintenance, or some other very necessary element in the carrying on of a labour union's functions. It costs money to operate a labour union. A labour union is of definite value to an employer, and I think there are many employers in this room—I know there are literally thousands of them in the United States—who would not attempt to operate their plant without some central body through which they can handle these very difficult personnel problems, that is, the labour union.

When we say, or when the Committee said—unfortunately I did not have any part in the discussion, but I have discussed this with the United States member of the Committee—that it should be understood that if there was a provision in a freely concluded collective agreement making membership of a certain trade union a condition precedent to employment or a condition of continued employment, that does not fall within this Resolution generally—we had this one thought in mind. I think this Conference should give very careful consideration to any discussion which attempts to remove that paragraph from the Resolution. It is of the highest importance that it be left in there because, as I said at the outset, the minute you leave clause (i) and the succeeding clauses without that proviso, you invade the field of collective bargaining and the freedom of contract, and you leave the field of the right of association.

Interpretation : Mr. HAUCK (*Government delegate, France*) — In bringing the support of the French Government to the report which is presented to the Conference by the Committee on freedom of association, I wish, in my turn, to render homage to those whose work has made its success possible, and more particularly to the Chairman of the Com-

mittee, the Hon. David Morse, whose unwearying good humour permitted the work to be successfully concluded; and also to the staff of the I.L.O. who worked under extremely difficult conditions to allow the Committee to reach its decisions.

I wish also to render homage to the Reporters; to the Deputy Reporter, Mr. Cornil, and even more particularly to my friend Léon Jouhaux. It is indeed symbolic that on this question, which was brought before the Economic and Social Council by the World Federation of Trade Unions, and referred by the Council to the International Labour Organisation, it is symbolic, I say, that the Conference should have chosen as Reporter one of the Vice-Presidents of the World Federation of Trade Unions. The I.L.O. wished thus to show that it remains in close contact with trade unionism and that it wishes, as has been said during the debates in this Conference, to establish with this great workers' organisation—which, throughout the world, embraces more than seventy million organised workers—relations of the most close and fraternal kind, inspired by complete confidence.

The French Government, from the very beginning of the discussions in the Committee—and certain delegates reproached us with some bitterness for it—declared that it was in entire agreement with the memorandum and the conclusions of the World Federation of Trade Unions, and it is precisely because the Resolutions which are submitted to you answer the questions brought before us that I wish to express my satisfaction with the results of our discussions.

This satisfaction has many solid bases. First of all, in spite of the fact that the problems set before us were difficult and in spite of the often animated character of the discussions, a spirit of conciliation and of mutual understanding prevailed in the Committee, and was shown by both the Workers' and the Employers' members. The result of this has been that we have proved once more the excellence of the tripartite formula on which the I.L.O. is based.

A second reason for my satisfaction—and several speakers have already said this before me—is that for the first time, on a large scale, we are entering into close co-operation with the United Nations, and this is being done through the Resolution which we are going to adopt and the work which we have done. This is the first example of effective collaboration, and I am certain that the whole Conference will subscribe to the wish which was expressed a few minutes ago by Mr. Jouhaux, and supported by Sir Guildhaume Myrddin-Evans, of seeing not only the Economic and Social Council, but the General Assembly of the United Nations itself, taking up the conclusions of our work.

In the third place, I wish to express my satisfaction because the Resolutions which are submitted to you answer, in a comprehensive way, all the questions which were raised by the World Federation of Trade Unions, and the Resolutions as prepared by the Office have been happily supplemented by the Resolution drawn up by the United Kingdom Government to set up international machinery for safeguarding the right of association. Everyone here is aware of the very numerous difficulties and the very complicated problems raised by the establishment of such an organisation, but the Conference, in adopting the British Resolution and in clearly indicating that it is indispensable to create such an agency, will show that it intends to give these Resolutions effective force for use against those who would wish to attack freedom of association.

Finally, I must express my satisfaction because we have the hope of seeing, next year, the basic principles on which we are in agreement in this Conference incorporated in one or in several international Conventions which will constitute the international safeguard and the international guarantee of freedom of association. In this the International Labour Organisation is playing its most proper part. It must adopt Conventions, and more particularly a Convention on freedom of association. By the means which it has and will have at its disposal, thanks to this international agency the creation of which so many of us hope for, it will at last be able to create throughout the world a proper respect for the fundamental rights of workers.

By treating the question which it has taken up this year and which it will continue to study next year, the International Labour Organisation has shown itself to be in contact with the realities of today. Many of us would have preferred that the Committee should have had more time and should have been able to examine, for instance, Part V of the text of the Resolution presented by the Office, which raises the question of industrial relations—a question linked with that of the very structure of the modern world and with all the problems which confront workers' organisations in that modern world. Unfortunately we have not had the time, but I hope that we shall be able to tackle this question next year.

Certainly—Sir Guildhaume Myrddin-Evans was right to say it a few minutes ago—prudence is essential, and we must not draw up texts without due reflection and discussion. None the less, in the period in which we live prudence may be wisdom, but daring is still greater wisdom. Events march faster than men, and if an institution like ours is not in step with the march of events and with the evolution of nations, it risks being left behind

and failing to play a decisive part in the direction of human affairs. It seems to me that this year we have avoided the danger of too great prudence and that we have been wise in being courageous and daring. This is the right path to follow, and I hope that this Organisation, having once shown that it can take this path, will go forward on it in the years to come.

Mr. TAYLOR (*Employers' delegate, Canada*) — The employers, in approaching this very important subject of freedom of association and industrial relations, announced at the very outset that they accepted the principle of freedom of association. At the time we made the announcement, it was quite clear that there were, and perhaps would continue to be, differences of opinion with regard to the application or the definition of freedom of association. That was inevitable, but, as we understand the principle of freedom of association, we accepted it then and we accept it now. It was with that thought that we approached debate in committee, determined to do our full share in seeing to it that something would emerge from the Committee that would point the way for things to come.

The employers have, I think, exercised considerable restraint in debate. They have co-operated. They have not at any time tried to be obstructionists, and they have—and I think it is worth repeating—done their very best to present their point of view. A subject of this character is bound to create differences of opinion. Those differences were evident in committee. The employers—and I am speaking on behalf of the group—felt that we should not undertake too much at one time, that it would be far better to take a portion of the problem and do a good job than to take a larger portion and do a poor job.

It was for those reasons that we felt we ought not to go beyond certain parts in the text which was before us. However, in the course of debate we agreed to go further than we first thought was possible. Out of this has developed a Resolution—or, to be more precise, perhaps—two Resolutions. In some respects these Resolutions go farther than the employers would have liked, and in others they do not go far enough. We are aware of that fact. It is precisely because of that that we made our position clear, that we should not at this point discuss or present for immediate consideration the details which were involved in Article 8 (2) of the Office text and related sections.

The employers take the position—and feel they are justified in taking the position—that the acceptance of the principle of freedom of association should surely not be at the price of individual freedom. Individual freedom and freedom of association as such are equally important.

That is the position which we have taken throughout and which we re-affirm here. To be more precise, the question which has been introduced here in this debate by our colleagues from the Workers' group is that of the right not to belong to a trade union. The principle of the "closed shop" and compulsory unionism as such cannot be accepted by the employers, as we understand their application. Yet we have in committee accepted the Resolution in order that a discussion may be brought about at the appropriate time as outlined on those important matters. But we have repeatedly reminded the Committee—and we again remind the Conference—that our acceptance in those circumstances has clearly been without prejudice to the position which we may feel desirable at the appropriate time when the Convention itself is discussed.

We recognise the importance of having a unanimous decision from this Conference, and we do not feel that we wish to reintroduce debate here on those subjects, and so I am urging the Employers' group to accept the Resolution and the report, as you have them before you. However, I did feel it important, as was done in the case of my colleagues in the Workers' group, to make certain statements in order that the records of how we stand and how we stood in committee may be quite clear; but in spite of that we are going to support the Resolution, with that clear understanding.

The PRESIDENT — I will now adjourn the discussion and take the record votes as announced on today's agenda; but before we proceed to the record votes, Mr. Rappard, Government delegate, Switzerland, wishes to make a brief statement.

RATIFICATION BY SWITZERLAND OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION INSTRUMENT OF AMENDMENT, 1946

Interpretation: Mr. RAPPARD (*Government delegate, Switzerland*) — What I wish to say here is not a protest or a reservation, but good news.

A few days ago Mr. Troclet, the Minister of Labour of Belgium, told us that the Belgian Parliament had ratified the Instrument of Amendment of the Constitution of the International Labour Organisation. I am glad to be able to tell you today that the Swiss Government has also ratified this amendment. It had already been approved by our Parliament in March, but under our democratic Constitution we had to allow a period of three months for any possible protest to be made by public opinion. We call it a referendum. That period of three months has elapsed, no protest has been made, and we are now able to ratify this amendment.

Just think of it. Hundreds of millions of people living on or below a bare subsistence level and without the opportunity of doing anything better for themselves. Tens of thousands of new factories of all kinds waiting to be built and equipped to give them the opportunity of remunerative employment. Tens of thousands of miles of roads and railways waiting to be built to carry the traffic. Millions of houses wanted; millions of homes to be furnished and equipped. What a chance for the Trade and Labour Conference! What a chance for the I.L.O.! What a chance for the big industrial powers of the world to become arsenals of productive machinery, exporting to the ends of the earth not only the machinery and equipment, but the skill and experience of efficient industrial organisation and management instead of—or as well as, if you like—tearing the flesh from the bones of multilateral trade and biting each other in the process.

Are not these the directions in which world prosperity lies, for new countries and for the old, each country being encouraged to satisfy its own needs first—agriculturally and industrially—so far as that is possible, and then to draw from the outside world the maximum, not the minimum, of external goods, and to send forth to the world home-made commodities particularly suited to the country's production or the skill of its workpeople. And all the time the I.L.O. writing standards of safety and protection and a code of business and commercial standards of work and living.

I am very happy to be associated with the message which the President proposes to send.

The PRESIDENT — I presume there is no opposition to the proposal to authorise me to send a message to the Conference on Trade and Employment, and I consider that proposal adopted.

(The proposal is adopted.)

REPORT OF THE COMMITTEE ON FREEDOM OF ASSOCIATION (*contd.*)¹

The PRESIDENT — We will continue the discussion on the report of the Committee on freedom of association.

Mr. NANDA (*Government delegate, India*) — My esteemed friend Mr. Joshi chose this morning to bring into the discussions of the report of the Committee on freedom of association the issue of civil liberty in India, the relevance of which appears to me to be doubtful.

Mr. Joshi reiterated here his opposition to the insertion of the words "lawful exercise" in Article 2 of the Resolution submitted by the Committee. He was the only person in that Committee who could see the appropriateness of his stand in the matter, namely, that the exercise of freedom of association should not be subject to the usual legal limitations on the ground of apprehension that the laws of a country may in certain cases constitute a hindrance to this freedom. His remarks may create an erroneous impression that in India the labour movement is subjected, under the guise of lawful administration, to treatment of a depressing character. I gave an answer in the Committee, and repeat it now, that the peaceful exercise of the workers' right to organise and conduct the business of their organisation is not obstructed by law or in practice in any territory for which the present Government of India is responsible.

Mr. Joshi has mentioned certain old legal provisions that have been cancelled and some new enactments which, according to him, invest the administration with arbitrary powers curbing the freedom of individuals in organisation. He points to the use of these powers as depriving the labour leaders and citizens of their liberty, and suppressing the working class movement in the country. The fact is that there is not a single piece of legislation in the country which is designed or operated for restricting the activities of any labour organisation as such. I may still be questioned as to the many extraordinary legal proceedings which Mr. Joshi has brought to the notice of the Conference. My answer is that not one of them has any reference to labour.

It is the great misfortune of my country that they have had to resort to such powers and to cancel old laws and create some fresh enactments. My country is passing through a most difficult period in its history. In the process men, women and children have perished by hundreds of thousands from want of food. Our position in this respect is still precarious; there are still shortages of food, cloth, building materials, textiles and every commodity the people want. Prices are several times higher than before the war. This is the aftermath of the war. At the same time a violent political transition is in progress. The country is suffering the ravages of communal strife. Assaults, arson, murders in the streets, are taking a heavy toll of life and property from day to day.

What the Governments of India are faced with are not ordinary problems of law and order which can be dealt with in the normal way. They are encountering disorders on the scale of a civil war, which dislocates economic activity and paralyses the life of the community. This is a state of urgency comparable to

¹ See *Third Part: Appendix X.*

a war situation. What must happen in the circumstances in any country, even with the highest democratic tradition, can easily be realised. It explains fully the recourse to exceptional powers which under compulsion become at times unavoidable, but protect life and property. This emergency legislation will, I am sure, lapse or be done away with as soon as abnormal conditions cease to exist.

The point of the matter is that it would not be reasonable to lay down that the workers and their leaders should be immune from the operation of the laws of the land, framed according to democratic procedures, which are not aimed against the working class, nor would it be reasonable to single them out for exceptional treatment. The use of the words "lawful exercise" in the context in which they appear do not take anything away from the potency of the fundamental right so far as it relates to the workers' or employers' freedom to organise and to conduct their activities fully in keeping with the requirements of freedom of association.

I have a suspicion that in the very grave view which Mr. Joshi has taken of the proposal before the Conference, he was perhaps consciously or unconsciously influenced by certain words which are to be found in the Committee's report, at the end of the discussion on the amendment submitted by the Employers' members of the Committee to Article 1 of the Resolution. Those words are as follows: "After an exchange of views between the different groups in the Committee, the Employers' members withdrew their amendment, it being understood that freedom of association—like every other freedom—is bound by national laws, as is envisaged in the Constitution of the International Labour Organisation, which in Article 41, clause 2, cites among principles of special and urgent importance: 'the right of association for all lawful purposes by the employed as well as by the employers'".

I would add in conclusion that the labour policy and legislation in India are actually in full accord with the requirements of the proposals embodied in the Committee's report. I can give this assurance to the Conference, that India will not lag behind any country in the world in extending the fullest measure of protection to the workers in the exercise of their right of freedom of association.

Interpretation: Mr. RAPPARD (*Government delegate, Switzerland*) — I should like first of all, on behalf of a country which has not taken a large part in the discussions in the Committee, to express our very great gratitude to the Chairman of the Committee and to Sir Guildhaume Myrddin-Evans, who was the moving spirit and also the moderating spirit of our meetings.

All members of a Committee should be grateful for an impartial Chairman and for a wise and conscientious fellow member. A small country has, to some extent, to bow to the views of the larger countries, and we are very grateful to those important countries for the attitude that they take. I feel sure that the future historians of this Conference will not fail to pay a just tribute to the very important part played by the wisdom, impartiality and patience of Mr. Morse and to the ingenious spirit and moderation of Sir Guildhaume Myrddin-Evans. I would say in passing that it was the representatives of those two countries, the United States and the United Kingdom, and of the Netherlands to which the International Labour Organisation owes the opportunity to undertake this study and to draft these Resolutions.

With regard to the substance of this important discussion, I will confine myself to three comments. The Swiss Confederation will celebrate next year the centenary of the Constitution it adopted in 1848. It is the Constitution which still governs us, and it contains a provision concerning freedom of association which was included ninety-nine years ago. It says that citizens have the right to form associations provided that the purpose of those associations and the means that they employ involve nothing illegal or dangerous for the State.

Switzerland is much attached to freedom of association, just as it is to its other public liberties—freedom of speech, freedom of the Press, freedom of voting and freedom of asserting all the fundamental rights of humanity. It is indeed too much attached to freedom to permit any restriction to be imposed on any minority, whether occupational, religious, or political. That is why Switzerland—I can say this right at the outset—can never accept an international Convention the provisions of which would exclude freedom of minorities.

I was very much surprised to learn that the American Federation of Labor was a champion of the "closed shop", because at the beginning of the memorandum which it communicated to our Organisation it said that every human being has the right to carry on his activity in freedom and in dignity. Should we be respecting that freedom and dignity for the worker if we face him with the alternative of joining an association contrary to his convictions, or plunging his family into poverty? That is really the dilemma which too often results from the system of the "closed shop". In saying this, I am not speaking merely on behalf of the Government of my country, but on behalf of our whole delegation, and more particularly of the Workers' representatives.

In a recent publication of the *Correspondance syndicale suisse*, I find, under the title of "Closed Shop", the follow-

ing statement : " We must not lose sight of the fact that the establishment of any monopoly means the oppression of a minority. Consequently, trade unions must not attempt to have a monopoly. Where a majority exists the minority must still have freedom of expression, otherwise you have legal dictatorship. From the ideological point of view such a dictatorship may be justified, but it is contrary to the idea of liberty."

This leads me to my second point, which was suggested to me by certain remarks in the Committee, and particularly the statement made to the Committee—and repeated here in the Conference—by the venerable and sympathetic representative of the Indian workers, Mr. Joshi. As the Government representative of India has said, Mr. Joshi seems to be very much afraid of the law. There are two kinds of countries in this world. On the one hand, there are those in which the law is the free expression of the will of the majority. On the other hand, there are those in which the majority are subject to laws imposed either by a minority or by a single tyrant. In countries of the first kind one has a democracy, and under the democratic system the majority can expect the fullest assistance and have nothing to fear from the law. In a liberal democracy any revolt is a revolt against the general interest and is a negation of public liberty.

On the other hand, if you are living under a dictatorship the law does not protect you, and only revolution can serve the cause of liberty. Those who are subject to the law of a minority or of a single tyrant cannot hope to find in an international Convention any protection which is refused to them by national legislation. Do you think that totalitarian Governments would in good faith sign, ratify and apply a Convention by which the international community would have the right to require that they apply within their frontiers the rights which they refuse to their own citizens? I cannot conceive that that can be expected of regimes which do not apply a democratic system in their own countries. You can hardly expect them to bow to the will of an international community.

My third and last observation is this. Political freedom in our days and in our countries has two classes of enemies; on the one hand, those who deny it, who violate it, who trample on it, and on the other hand, those who take advantage of it in order to sacrifice the prosperity and even the life of their State.

Political freedom, if I may say so, speaking as a professor of long standing, is one of the most precious flowers, but one of the most delicate flowers, of civilisation. Its hereditary enemy is violence and disorder. It is always chaos and violence which uproot the flower of liberty from

the soil of free peoples, and it is only by disorder and violence that dictatorships succeed in depriving peoples of the right to govern themselves.

I am not talking about distant countries, I am talking only of Western Europe, which is our own Continent. If you go back to the origin of the Napoleonic dictatorship, one hundred and fifty years ago, or if you look at Italy at the beginning of the fascist period, or at Germany at the beginning of the nazi period, it was poverty and disorder that enabled ambitious people to get into power and to pose as the saviours of their countries. Too often it is people who claim to be respecting liberty who take advantage of it to lead their peoples astray and to destroy their liberty.

In conclusion, therefore, while I fully appreciate this discussion that we have had on freedom of association, I should like to express the hope that sooner or later we shall have an international Convention on the subject which will be designed not to flatter demagogues or to pave the way for those who want to destroy freedom, but to extend freedom of association throughout the world.

We all applauded this morning when Mr. Jouhaux, a veteran speaker in this Conference, declared that freedom was a condition of peace. I agree entirely with that statement, but we must not give freedom of association a definition which makes it synonymous with tyranny, and the rights which we demand in the name of freedom of association must not be demands which would lead our countries into disorder, chaos and, finally, dictatorship. In order to safeguard freedom of association we must put it under the protection of legislation which is freely accepted by free peoples, for it is only the nations which are truly free which will never become aggressive.

Interpretation: Mr. ALTMAN (*Government delegate, Poland*) — At this time, when the Conference has before it the report of the Committee on freedom of association, after three weeks of discussion in the Committee, I wish to make clear the attitude of my Government. It adheres to the principle of freedom of association, which is guaranteed by our Constitution and was recently re-affirmed in a Declaration of Rights of the citizen adopted by our Parliament last February, rights which are strictly applied in practice. We attach very particular importance to a guarantee, on the international level, of respect of freedom of association, which we consider a basic element of peace and collaboration among the nations of the world.

Two years after the end of the victorious war of the United Nations against fascism, which tried to stifle freedom, and in particular the freedom of association of the working classes, we observe with

anxiety the tendency which is showing itself in certain countries to destroy the bases of trade union legislation. The facts brought out in the memorandum submitted by the World Federation of Trade Unions to the Economic and Social Council, and some of the facts quoted in the appendices to the report of the Credentials Committee of our Conference, show that certain policies which were well known at the time of the fascist regimes continue to be applied in certain parts of the world against the trade union movement. This is all the more to be deplored at a time when in other countries which respect trade union freedom, the trade union movement is growing in extent and importance, and assuming an ever greater role in social and economic affairs.

In my own country, as in many others in Central and Western Europe, the trade unions, which are independent, are taking part to an ever greater extent in the general direction of the national economy and in the control of undertakings. Trade unions exercise a direct influence on the preparation of social legislation, and on its application, and conclude collective agreements, which are often extended to all workers in a given branch of industry. Such activities by the trade unions are having a great and beneficial influence on the reconstruction of my country.

The initiative of the World Federation of Trade Unions in attempting to ensure, at the international level, respect for freedom of association, was and is altogether appropriate and opportune. The decision of the Economic and Social Council to refer this question to the International Labour Organisation, with a view to having it placed on the agenda of the next session of the Conference, and to request the I.L.O. to send a report to the Economic and Social Council for its next meeting, gives the International Labour Organisation an exceptional opportunity to take decisions which will give effect to the principles of its Constitution and of the Declaration of Philadelphia, which recognise freedom of association as a basic condition of continued progress.

The long discussions in the Committee on freedom of association, and the results of these discussions as described in the report which is before us, show that unfortunately the I.L.O. has not taken full advantage of this exceptional opportunity to reinforce its authority with the working masses of the world organised in the World Federation of Trade Unions, which now has seventy million members. Notwithstanding my respect for the members of the Committee, especially its Chairman, Mr. Morse, and its Reporter, Mr. Jouhaux, I must point out that the problem has been side-tracked by using compromise texts and in some cases ambiguous legal terms. This is particu-

larly the case in the elimination, from the list of points which are to come before the Conference in 1948, of those setting out in more detail the provisions of the present Article 9 of the Resolution, which contains principles fundamental to the whole problem of freedom of association.

This solution is not satisfactory to my Government, which, as I pointed out during the discussion in the Committee, supports without any reservation whatsoever the memorandum of the World Federation of Trade Unions. Nevertheless, we shall vote in favour of the adoption of the report of the Committee, expressing the hope that the work to be done later by the International Labour Organisation to establish satisfactory international standards concerning freedom of association will follow more closely the commitments laid down in the Constitution and in the Declaration of Philadelphia.

The Employers' and Workers' delegations of Poland have asked me to inform the Conference that they associate themselves with my declaration.

(Sir John Forbes Watson takes the Chair.)

Interpretation : Mr. FERNÁNDEZ (*Workers' delegate, Cuba*) — The declaration made this morning by Mr. Taylor in the name of the Employers' group is a repetition of the standpoint maintained by the employers all through the discussion in the Committee on freedom of association. If you read the report carefully as submitted by the Committee, you will see that the opposition to Article 8 (2), which was put forward this morning in the form of a reservation, was defeated by a large majority in two successive votes in the Committee.

We workers have done all in our power to ensure that the foundations were laid this year so that next year's session of the Conference can adopt a Convention guaranteeing the principle of freedom of association all over the world. Because we wanted this session of the Conference not to fail, because we wanted it to have real definite results, and because, as the French workers' leader, Mr. Jouhaux, said this morning, we did not want the mountain of this Conference to bring a mouse into the world, we have done all we possibly could so that the report and Resolutions submitted by the Committee should express in the fullest sense the principle of freedom of association.

Although we are not fully satisfied with the report, because it does not cover completely all our aspirations, we accept it as a step forward to the end that freedom of association and collective bargaining—which are inseparably united—may be affirmed as a fundamental right which should be applied and respected in all the countries of the world. So, although

we did not agree with the compromise suggested by Sir Guildhaume Myrddin-Evans, we accepted it so that this session of the Conference shall not fail with regard to freedom of association. We accepted it and believed that the employers would also accept it unreservedly.

The workers of Latin America, where many Constitutions recognise the right of freedom of association, but where we have seen it very often attacked, believe it necessary to arrive as soon as possible at an international Convention giving greater force and effect to this fundamental principle for, without its practical enforcement, we can have no social progress and improvement. This explains the great interest of the workers in Cuba and in Latin America as a whole, and particularly of our continental trade union central organisation, the Confederation of Workers of Latin America, which has been struggling so tirelessly for freedom of association, constantly threatened despite the constitutional laws and the official declarations of representatives of many Governments, which speak of democracy for export but do not practise it inside their own countries.

The I.L.O., as a specialised agency of the United Nations, has received a charge from the Economic and Social Council to submit a report on freedom of association throughout the world. It has now a great opportunity of giving force and practical effect to this principle which appears in the Constitution of the I.L.O. and has been brought to our notice now by the World Federation of Trade Unions.

As a member of the Workers' group, I should like in closing to express my gratitude to Mr. Morse, Chairman of the Committee, to Comrade Jouhaux, the Reporter, and to Mr. O'Brien, the Vice-Chairman of the Committee for the Workers' group, for the way in which they did everything possible to enable the Committee to obtain concrete results.

The seventy million workers represented by the World Federation of Trade Unions legitimately hope that the I.L.O. will not disappoint their expectations and that next year we shall adopt an international Convention affirming and guaranteeing freedom of association throughout the world. Only thus will the I.L.O. show itself to be equal to its duties and responsibilities, and its social work during the twenty-eight years of its existence will not have been sterile or in vain if the general principle affirmed in 1918 can be carried into effect next year.

Interpretation: Mr. ALCOPA (*Workers' delegate, Bolivia*) — The Workers' delegation from Bolivia supports with enthusiasm the proposed Resolution drawn up with such pains by the Committee. Even though it does not completely satisfy the aim which the Committee had set before

itself—that of drafting a Convention for adoption next year, the workers believe, nevertheless, that with this Resolution we shall in the near future find a better solution to ensure the freedom of trade union organisation.

In my country, in spite of its industrial backwardness, we have full and unrestricted freedom of association for all intellectual and manual workers without political or other discrimination or interference on the part of the Government.

The coup d'Etat of a group of fascists in 1943 tried to limit this freedom and the Government openly interfered with the trade union organisations and thus repudiated the working class and public opinion generally, for, in addition to restricting trade union liberties, they restricted human liberties, wiping out all forms of freedom of speech and of the Press. The Government organised a typically fascist policy, and exiled or executed democratic people who would not collaborate with its fascist methods of administration. Nevertheless, the heroic people of Bolivia never ceased to fight for its liberty, and, on 21 July 1946, they succeeded in overthrowing the most powerful and ruthless Government of recent times. The greatest merit of this revolution was that it was carried out without arms, without money, without any political direction, although the forces of the Left took the most active part. The total losses on the people's side during the revolution were some 450 dead and 600 wounded; the President, Villaroel was executed in the public square, together with seven of his most fanatical servants, to satisfy the wrath of the people.

This hard lesson which the Bolivian people had to learn serves, we think, as a warning to all those Governments who wish to practise dictatorship and annul human liberties, particularly the liberties of the workers. Now, after a short-lived provisional Government, the destiny of my country is governed by a real democrat, Dr. Enrique Hertzog. Thus, the people and the working class of Bolivia have recovered their full liberty, and in this atmosphere the trade unions and federations have made a notable recovery. Even though this Conference is discussing questions which are already covered by Bolivian legislation and our Magna Charta, we support the decisions and ask for your approval of them, as we wish all the workers of the world to have the same liberties.

The social legislation enjoyed by workers in my country is of great importance. Bolivia is one of the countries which closely follows the technical decisions of the International Labour Office and is one which most fully carries out its recommendations. We have therefore incorporated in the political Constitution of the State a whole chapter on social

matters, which provides for the right of association and the right to strike, for protection and insurance, for "trade union immunity", so-called because it guarantees union officials freedom of action during their term of office and prohibits them from being dismissed or interfered with by the authorities.

On the basis of this experience I submitted a paragraph for Part II, Article 8, to the Committee, providing for the same guarantees for union officials in all countries. Unfortunately the draft was not fully understood and was not adopted.

In addition to these basic laws, the workers in my country are protected by subsidiary laws such as those providing compensation for years of service, benefit on compulsory or voluntary retirement, protection for working mothers, with sixty days' holiday with pay, maternity grant, annual bonuses, and the recognition of past service with retroactive effect, which is now being debated in Parliament.

Since the revolution of 21 July the workers have strengthened their organisations. Three national central bodies with some independent unions have a membership of 200,000 workers. The Trade Union Confederation of Bolivian workers, which is the largest and oldest central organisation, and is affiliated to the Federation of Latin-American Workers and to the World Federation of Trade Unions, has now held its third general meeting in the last eight years. Another Congress is already being prepared and it is hoped to bring about the unification of the three central bodies in one single body, so as to work for the most satisfactory conditions for the working classes in Bolivia.

In this modest way my country is moving along the path of social progress, and I may say that it is always one of the first to accept and apply the Conventions and Recommendations of the International Labour Organisation. Seeing that we are so backward in industry, while at the same time possessing vast unexplored and unexploited natural riches, our proletariat is still far too small in numbers. Though Bolivia is a mining country, it has no metal industries. As tin producers, we contribute something like 40 per cent. of the total world consumption. This percentage could be even higher but for the lack of capital, which would be well placed in Bolivia, as we have great agricultural and timber wealth as well as mineral wealth. Industrial initiative would have a great future, and we can say without exaggeration that our country is one of the greatest reserves of wealth for humanity.

I wish to say once more that I am in entire agreement with the proposed Resolution and respectfully ask you to approve it so that the working classes of the world

may enjoy, in the near future, the fullest freedom of association without odious discriminations based on race, colour, or political or religious belief.

I wish also to express my appreciation to the Chairman and Workers' Vice-Chairman of the Committee, Mr. Morse and Mr. O'Brien, who understood so well how to guide the work of the Committee and of the Workers' group.

Mr. V. CYRIL PHELAN (*Government adviser, Canada*) — The Canadian Government delegation proposes to vote in support of the report, but feels that its vote should not only be recorded but should be vocal, in the sense that a brief statement of our position in regard to the matter should be made.

The proposal made by our delegation is not only that we should vote for the report, but that in voting for it we should feel that the Committee and the Conference have really accomplished something by the report, and should feel that they are voting for a report which they agree with and strongly support in all particulars.

In Canada we are fortunate in being one of those countries where freedom of all sorts is traditional, and has been for generations. Our battles for freedom were won by our forefathers—perhaps abroad rather than at home—many years ago. One of the benefits today handed down by those earlier peoples is the feeling on the part of Government and on the part of the public that the workers and the employers of Canada, as elsewhere, have every right to organise within the law. And when I add the qualification "within the law" that is subject only to very general limitations as to public order.

The Chairman of the Committee has already been complimented by many speakers on his handling of the work of the Committee, and I wish to associate myself with the words already spoken in regard to Mr. Morse, as also indeed with the kindly and well-deserved references to Sir Guildhaume Myrddin-Evans, whose wisdom and sagacity saved the Committee a great deal of effort and certainly assisted the Chairman of the Committee in producing the report now before us.

We feel that the present report and the work of the Committee represents a very timely and very sound summing up of the attitude of the I.L.O. as previously expressed on the whole matter of freedom of association. At the same time we feel that the groundwork this year has been laid, and well laid, for a Convention next year, and for deliberations and further instruments in later years to modify and clarify the views held by I.L.O. Members in regard to this fundamental subject.

I would like to point out that many speakers have made reference to compromises effected during the course of the deliberations of the Committee. I think those representing Governments on the

Committee were perhaps in a position to gauge fairly well the sentiment in all quarters, and certainly it was my view that the compromises were not as to principle, but rather as to the wording or the expression to be given to those principles. It was heartening to see that there was no fundamental difference within the Committee on the general and over-all question of freedom of association. That, I submit, is as it should be in an I.L.O. gathering. The arguments centred mainly around details and the wording to be used in giving expression to the principles, and more particularly to the details.

I do suggest that with the follow-up work which will have to be carried out by the Governing Body and the Office, with the subsequent consideration to be given to this subject, the I.L.O. should in 1948 and in 1949 be able to effect, in a manner not previously attempted, a setting forth of its views on this fundamental subject, securing the agreement and concurrence of Governments for subsequent domestic legislation which has hitherto not been so easily possible.

The Committee was disturbed, as one of the Resolutions recites, by reports that in several countries at the present time freedom of association may not be receiving the recognition in practice that they feel it should. In some cases it was felt by many of us that laws may pay lip-service to the right to organise, though in practice that right is restricted by administrative prescription. Therefore the I.L.O. should—and does, I am sure—welcome the opportunity it has had this year to accomplish something substantial in opening the way to those nations which do not yet give full and practical recognition to the freedom of association, in the hope that its precept may result in benefit for all citizens.

In Canada, as in many other countries, we have found it necessary in late years to embody in law the right to organise, although previously that right was fairly generally recognised in practice. We have found that embodying this principle in laws, rules and regulations has had a beneficial influence, and certainly gives verbal effect to the widely held—I might say the unanimously held—view of our Governments and our people.

Interpretation: Mr. MOCHAUER (*Workers' adviser, Iran*) — I do not wish to repeat what has been said before, but I feel I must express my thanks to the Chairman of our Committee, and to our comrade Léon Jouhaux, with whom I have had the honour to collaborate for the first time in this Conference.

I should like to come immediately to one important problem. While agreeing entirely, in principle, with the report of the Committee on freedom of association,

the Workers' delegation of Iran thinks it necessary to make a few remarks which we consider of fundamental importance.

Mr. Léon Jouhaux, with his unparalleled eloquence, expounded the question of freedom of association in its historical and philosophical aspects. We have heard how the Economic and Social Council, at the request of the World Federation of Trade Unions, decided to refer the question of freedom of association to this Organisation, and at the same time referred part of the question to the Commission on Human Rights. If we try to examine the reasons for this procedure, we must conclude that in the view of the Economic and Social Council the individual liberty of every human being is linked up with his right freely to become a member of any trade union, or to withdraw from it at will. The Economic and Social Council, as far as can be seen, was considering the incorporation of this right in a declaration on human rights.

The text which we are now discussing is not, in my opinion, sufficiently clear to meet the aims of the Economic and Social Council. There is still a certain confusion. We must choose clearly between the different conceptions of liberty, and decide which is the better, and we must state categorically who is the person who is to benefit by this freedom; is it the individual, or is it the trade union? If we grant freedom to the individual, then we are remaining faithful to the classic conception of liberty, according to which the individual is free to become a member of, or to withdraw from, an organisation at will; if, on the other hand, we say that freedom of association is something different, I think we must be perfectly clear on this point, because this may lead us to a sort of trade union monopoly, and a State-controlled or fascist kind of trade union such as was defended ten years ago on this rostrum by the Government delegate of Italy.

We who are true to the classical concept of freedom think that freedom of association is an attribute of the individual, who must, irrespective of race, colour, religion, political or other opinions, be absolutely free to join or not to join a trade union. If the amendment of the Workers' group were accepted, I think that most of these difficulties would be overcome. We must give some definition, and it must be a clear definition, of freedom of association; and we must fix the limits of that freedom because mere freedom as such might well lead us to anarchy. If liberty were taken to mean that every man could do exactly what he wished, that would result in chaos. Therefore we must define liberty and fix its limits; but in the proposed Resolution before us, these limits have not been fixed.

Another point which is not without importance is that we are going to

recognise freedom of association for all individuals without distinction as to nationality. The immediate consequence of that principle is that trade unions must have no political bias, because in many countries nationals and foreigners alike are admitted to employment, and consequently all these workers will be free to become members of trade unions. There are in fact trade unions the majority of whose members are nationals, but the remainder are foreigners. In our case, many of our workers are not of Iranian nationality, but come from India or Iraq; these have formed a trade union. If this trade union adopts a political tone, what happens? The members of this union have no political rights, any more than a foreign worker in France has the right to vote. How can a union, formed of individuals without political rights, adopt a political tone? If we are not very careful, I am afraid that, instead of granting freedom of association, we are going to destroy it, because in such cases it will no longer exist.

We desire freedom for the individual, without distinction of race or nationality; but what happens if a union, composed of individuals without political rights, is granted political rights, can take political action, and has a voice in national politics? Either the union represents its members, or it does not. In the first case, it can have no political rights. We must take a choice, and take a very definite stand on this question of principle. It would be a good thing if the Conference and the Office took note of this statement and made a clear definition of the fundamental principles on which freedom of association is based, and at the same time determined its limits, as was advocated by Professor Kelsen in his well-known book on democracy.

I should like to add just one word. In our country we have had a rather unfortunate experience. It is a very young country as far as the trade union movement is concerned. In 1942 trade union organisations were established, and very soon adopted the political views of an extremist party. This party, and the unions with it, fell out of favour, because it was in league with the separatist movement in Azerbaidjan. All the workers resigned and formed new trade unions. There is now in Iran a general federation of more than seventy-one unions with no political tone. It is this experience that has led me to make this statement. The workers of Iran do not, of course, claim to point out the way to workers in other countries. I am merely explaining what happened to them over a period of five years.

In conclusion, I would add that the principles to which I have drawn attention here are fundamental and condition the economic peace of the world. We

know that economic peace conditions social peace and political peace. Since the beginning of the last world war, economic peace has been profoundly disturbed, and the continuance of disorder adds to the risk of economic and consequently of political disputes, particularly in the East. If we are to establish and maintain peace, the first thing is to re-establish economic order on the basis of complete freedom of association. That is clearly a difficult task, but the risk which humanity is now running justifies the greatest efforts. It is our most ardent wish that the International Labour Organisation should have the honour of showing the world the way which will lead to peace and everlasting democracy.

(The President takes the Chair.)

The PRESIDENT — The report of the Committee on freedom of association, together with the Resolutions contained in the report, will now be put to the vote. The first Resolution concerns freedom of association and protection of the right to organise and to bargain collectively. If there are no objections, I shall consider it adopted.

(The Resolution is adopted.)

The PRESIDENT — A vote will now be taken on the recommended list of points which might form a basis of discussion by the Conference. If there are no objections, I shall consider the list adopted.

(The List of Points is adopted.)

The PRESIDENT — The third Resolution concerns international machinery for safeguarding freedom of association. If there are no objections, I shall consider it adopted, and, together with it, the report as a whole.

(The Resolution and the report as a whole are adopted.)

The PRESIDENT — I wish to express the thanks of the Conference to the Chairman and to the two Reporters of the Committee. Many speakers have already complimented them, but I consider that the thanks of the Conference should be conveyed officially now that we have adopted a report of such great importance.

CLOSING SPEECHES

Interpretation: Mr. SERRA ROJAS (*Government delegate, Mexico; Chairman of the Government group*) — In the name of the Government group it gives me great pleasure to express our pleasure at

APPENDIX X

Seventh Item on the Agenda : Freedom of Association and Industrial Relations

(1) Text of proposed Resolution concerning Freedom of Association and Industrial Relations, prepared by the International Labour Office.

Whereas the Preamble to the Constitution of the International Labour Organisation expressly declares "recognition of the principle of freedom of association" to be a means of improving conditions of labour and of establishing peace; and

Whereas the Declaration of Philadelphia reaffirms that "freedom of expression and of association are essential to sustained progress" and recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve, among other things: "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"; and

Whereas standards of living, normal functioning of national economy and social and economic stability depend to a considerable degree on a properly organised system of industrial relations founded on the recognition of freedom of association; and

Whereas, moreover, in many countries, employers' and workers' organisations have been associated with the preparation and application of economic and social measures; and

Whereas the General International Labour Conference, the regional conferences of the American States Members of the International Labour Organisation and the various industrial committees have, in numerous Resolutions, called the attention of the States Members of the Inter-

national Labour Organisation to the need for establishing an appropriate system of industrial relations founded on the guarantee of the principle of freedom of association,

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 Thirtieth Session on 19 June 1947,

adopts, this day of of the year one thousand nine hundred and forty-seven, the following Resolution:

I. FREEDOM OF ASSOCIATION

1. Employers and workers, public or private, without distinction as to occupation, sex, colour, race, creed or nationality, should have the inviolable right to establish organisations of their own choosing without previous authorisation.

2. Employers' and workers' organisations should have the right to draw up their constitutions and rules, to organise their administration and activities and to formulate their programmes without interference on the part of the public authorities.

3. Employers' and workers' organisations should not be liable to be dissolved by administrative authority.

4. Employers' and workers' organisations should have the right to establish federations and confederations as well as the right of affiliation with international organisations of employers and workers.

5. The guarantees defined in Paragraphs 1, 2 and 3 herein with regard to the establishment, functioning and dissolution of employers' and workers' organisations should apply to federations and confederations of such organisations.

6. The acquisition of special privileges by employers' and wage-earners' organisations (as, for example, the acquisition of legal personality) should not be made subject to conditions of such a character as to restrict freedom of association as hereinbefore defined.

II. PROTECTION OF THE RIGHT TO ORGANISE AND TO BARGAIN COLLECTIVELY

7. The central organisations of employers and workers should agree to recognise each other as the authorised representatives of the interests of employers and workers, and should undertake mutually to respect the exercise of the right of association.

8. (1) In the absence of agreement between the central organisations of employers and workers, appropriate regulations should be prescribed to guarantee —

(a) the exercise of the right of association by the workers by measures designed to prevent any acts on the part of the employer or of his agents with the object of —

- (i) making the employment of the worker conditional on his not joining a trade union or on his withdrawing from a trade union of which he is a member ;
- (ii) prejudicing a worker because he is a member or agent or official of a trade union ;
- (iii) dismissing a worker because he is a member or agent or official of a trade union ;

(b) the exercise of the right of association by workers' organisations should be guaranteed by measures designed to prevent any acts on the part of the employer or employers' organisations or their agents with the object of —

- (i) furthering the establishment of trade unions under the domination of the employer ;
- (ii) interfering with the formation or administration of a trade union or contributing financial or other support to it ;
- (iii) refusing to recognise trade unions or to bargain collectively with them for the purpose of concluding collective agreements.

(2) It should be understood, however, that a provision in a freely concluded collective agreement making compulsory membership of a certain trade union a condition precedent to employment or a condition of continued employment does not fall within the terms of this Resolution.

9. Appropriate agencies should be established for the purpose of ensuring the protection of the right of association as defined in Paragraph 8 herein.

III. COLLECTIVE AGREEMENTS

10. Employers' and workers' organisations, appreciating the great value of voluntary negotiation, should undertake to determine wages and other conditions of employment by collective agreements.

11. Appropriate agencies (as, for example, joint committees or labour relations boards) should be established, where necessary, to lend their good offices to employers' and workers' organisations to aid in the conclusion of collective agreements.

12. The provisions of a collective agreement should override the terms contained in individual contracts concluded between employers and workers bound by the collective agreement, except in so far as the said terms are more favourable to the workers than the provisions of the collective agreement.

13. The provisions of a collective agreement should apply to all the workers in the service of the employer or employers bound by the collective agreement, even though such workers may not be members of the workers' organisation party to such collective agreement.

14. (1) Where voluntarily concluded collective agreements bind the majority of the workers and the majority of the employers (who should also employ the majority of the workers) coming within their scope, appropriate measures should be taken to extend the application of such collective agreements to all the employers and workers whose activities are carried on within the industrial and territorial scope of the collective agreements.

(2) The employers and workers to whom the terms of a collective agreement are so made applicable should be authorised to submit their observations and objections beforehand to the competent authorities.

15. Disputes arising as to the interpretation or application of an existing collective agreement should be settled by a conciliation and arbitration procedure mutually agreed upon by the parties to the collective agreement.

16. Labour inspectors should be competent to supervise the application of collective agreements in all establishments included within the scope of such agreements.

IV. VOLUNTARY CONCILIATION AND ARBITRATION

Voluntary Conciliation

17. Regional and national conciliation bodies should be established to lend their assistance to the parties for the purpose of preventing or settling labour disputes.

18. The employers' and workers' organisations concerned in the disputes should

be associated with each stage in the procedure.

19. The conciliation procedure should be free and expeditious ; the time allowed for the appearance of the parties, the hearing of witnesses and production of proofs should be prescribed in advance and reduced to a minimum.

20. Recourse to conciliation procedure should be voluntary, but once a dispute has been referred to conciliation by the consent of all the parties concerned, the parties should be obliged to refrain from strike or lockout during the procedure of conciliation.

21. The parties should retain the right to accept or to reject the recommendations of conciliation bodies, but, once a recommendation has been accepted, it should become binding on the parties.

22. Agreements reached by the parties during the procedure, as well as such recommendations by the conciliation bodies as may be accepted by the parties, should have the same legal validity as voluntarily concluded collective agreements.

Voluntary Arbitration

23. Voluntary arbitration machinery should be established to which the parties may have recourse, either at the outset or after conciliation procedure has failed.

24. Recourse to arbitration should be voluntary, but, once a dispute has been referred to arbitration by the consent of all the parties concerned, the parties should be obliged to accept the award.

V. CO-OPERATION BETWEEN THE PUBLIC AUTHORITIES AND EMPLOYERS' AND WORKERS' ORGANISATIONS

25. In all public or private establishments where a given number of persons are employed, agencies representing the staff (as, for instance, works committees, production committees, staff delegates, etc.) should be set up, either by agreement between the parties or by legislation, for the purpose of co-operating with the management of such establishments in the progressive betterment of the working and living conditions of the staff and in the continuous improvement of productive efficiency.

26. In all branches of industry and commerce, joint committees of employers and workers should be established, either by agreement between the employers' and workers' organisations concerned or by legislation, for the purpose of co-operating in the solution of social, technical or economic problems affecting such industry or commerce.

27. The States Members of the International Labour Organisation should consider the desirability of establishing ma-

chinery for co-operation at the national level (such as national economic councils or national labour councils, etc.) for the purpose of giving advice to the competent authorities with regard to the preparation and application of economic and social measures.

(2) List of Points which might Form a Basis for Discussion by the Conference, prepared by the International Labour Office.

DESIRABILITY OF INTERNATIONAL REGULATION AND FORMS OF SUCH REGULATION

1. Desirability of adopting international regulations concerning :

- A. Freedom of association ;
 - B. Protection of the right to organise and to bargain collectively ;
 - C. Collective agreements ;
- in the form of a proposed Convention.

2. Desirability of drawing up proposed separate Conventions concerning :

- A. Freedom of association ;
- B. Protection of the right to organise and to bargain collectively ;
- C. Collective agreements.

3. Desirability of drawing up, in addition, one or several Recommendations concerning voluntary conciliation and arbitration.

A. FREEDOM OF ASSOCIATION

4. Need to provide that employers and workers, public or private, without distinction as to occupation, sex, colour, race, creed or nationality, should have the right to establish organisations of their own choosing without previous authorisation.

5. Need to provide that employers' and workers' organisations should have the right to draw up their constitutions and rules, to organise their administration and activities and to formulate their programmes without interference on the part of the public authorities.

6. Need to stipulate that employers' and workers' organisations should not be liable to be dissolved by administrative authority.

7. Need to recognise the right of employers' and workers' organisations to establish federations and confederations of such organisations and to affiliate with international organisations of employers and workers.

8. Need to stipulate that the guarantees defined by paragraphs 4, 5 and 6 with regard to the establishment, functioning and dissolution of employers' and workers' organisations should apply to federations and confederations of such organisations.

9. Need to stipulate that the acquisition of special privileges by employers' and workers' organisations (as, for example, the acquisition of legal personality) may not be made subject to conditions of such character as to restrict freedom of association as hereinbefore defined.

B. PROTECTION OF THE RIGHT TO ORGANISE AND TO BARGAIN COLLECTIVELY

10. Need to provide that the exercise of the right of association of the workers and of workers' organisations should be guaranteed, either by means of agreements between the central organisations of employers and workers or by appropriate legislation.

11. Need to provide that in the absence of agreement between the central organisations of employers and workers, appropriate regulations should be prescribed to guarantee —

(a) the exercise of the right of association by the workers by measures designed to prevent any acts on the part of the employer or of his agents with the object of —

1. making the employment of the worker conditional on his not joining a trade union or on his withdrawing from a trade union of which he is a member ;
2. prejudicing a worker because he is a member or agent or official of a trade union ;
3. dismissing a worker because he is a member or agent or official of a trade union ;

(b) the exercise of the right of association by workers' organisations by measures designed to prevent any acts on the part of the employer or employers' organisations or their agents with the object of —

1. furthering the establishment of trade unions under the domination of the employer ;
2. interfering with the formation or administration of a trade union or contributing financial or other support to it ;
3. refusing to recognise trade unions or to bargain collectively with them for the purpose of concluding collective agreements.

12. Desirability of providing that any provision in a collective agreement freely concluded between representative organisations of employers and workers making compulsory membership of a certain trade union a condition precedent to employment or a condition of continued employment does not fall within the terms of paragraph 11 above.

13. Desirability of providing that appropriate agencies should be established for the purpose of ensuring the protection of the right of association as defined above.

C. COLLECTIVE AGREEMENTS

14. Desirability of providing that appropriate agencies (as, for example, joint committees or labour relations boards) should be established to lend their good offices to employers' and workers' organisations to aid in the conclusion of collective agreements.

15. Need to define the collective agreement as being an agreement relating to conditions of employment concluded between one or several workers' organisations on the one hand, one or several employers' associations, or any other group of employers, or one or several employers individually, on the other hand.

16. Need to stipulate that the provisions of a collective agreement should override the terms contained in individual contracts concluded between employers and workers bound by the collective agreement, except in so far as the said terms are more favourable to the workers than the provisions of the collective agreement.

17. Need to stipulate that the provisions of a collective agreement should apply to all the workers in the service of the employer or employers bound by the collective agreement, even though such workers may not be members of the workers' organisation, party to such collective agreement.

18. Desirability of providing that voluntarily concluded collective agreements, binding the majority of the workers and the majority of the employers (who should also employ the majority of the workers) may be extended to apply to all the employers and workers whose activities are carried on within the industrial and territorial scope of the collective agreement as determined by the contracting parties.

19. Desirability of providing that the employers and workers to whom the terms of a collective agreement are so made applicable should be authorised to submit their observations and objections beforehand to the competent authorities.

20. Desirability of providing that disputes arising as to the interpretation or application of a collective agreement should be referred to a procedure for settlement mutually agreed upon by the parties to the collective agreement and, in the event of the failure of this procedure, should be referred to a system of compulsory arbitration or to an appropriate judicial procedure.

21. Desirability of providing that labour inspectors should be competent to supervise the application of collective agreements in all establishments included within the field of application of such agreements.

D. CONCILIATION AND ARBITRATION

Voluntary Conciliation

22. Desirability of recommending the establishment of regional and national conciliation bodies to lend their assistance to the parties for the purpose of preventing or settling labour disputes.

23. Desirability of providing that employers' and workers' organisations concerned in the disputes should be associated with each stage in the procedure.

24. Desirability of providing that the conciliation procedure should be free and expeditious and that, accordingly, the time allowed for the appearance of the parties, the hearing of witnesses and the production of proofs should be prescribed in advance and reduced to a minimum.

25. Desirability of providing that recourse to conciliation procedure should be voluntary; but that once a dispute has been referred to conciliation by the consent of all the parties concerned, the parties should be obliged to refrain from strike or lockout during the procedure of conciliation.

26. Desirability of providing that the parties should retain the right to accept or to reject the recommendations of conciliation bodies; but that, once a recommendation has been accepted, it should become binding on the parties.

27. Desirability of providing that agreements reached by the parties during the procedure, as well as the recommendations of the conciliation bodies which are accepted by the parties, should have the same legal validity as voluntarily concluded collective agreements.

Voluntary Arbitration

28. Desirability of recommending the establishment of a system of voluntary arbitration to which the parties might have recourse, either at the outset or after conciliation procedure has failed.

29. Desirability of providing that recourse to arbitration should be voluntary, but that, once a dispute has been referred to arbitration by the consent of all the parties concerned, the parties should be obliged to accept the award.

E. FEDERAL STATES

30. Desirability of including in the Conventions concerning freedom of association, protection of the right to organise

and to bargain collectively, and collective agreements, appropriate provisions to facilitate the adherence to such Conventions of federal States.

(3) Report of the Committee on Freedom of Association.¹

The Committee on freedom of association and industrial relations, appointed by the Conference at its Fourth Sitting, on 23 June 1947, was composed of 88 members (44 Government members, 22 Employers' members, 22 Workers' members). The Committee held fifteen sittings.

The Officers of the Committee were appointed as follows :

Chairman: Mr. Morse, Government member, United States of America ;

Vice-Chairmen: Mr. Taylor, Employers' member, Canada, and Mr. O'Brien, Workers' member, Australia.

Reporter: Mr. Jouhaux, Workers' member, France ; *Deputy Reporter*: Mr. Cornil, Employers' member, Belgium.

Representative of the Secretary-General: Mr. Rens, assisted by Mr. Bessling, Mr. Price and Mr. Herz.

Mr. Stanczyk, representing the United Nations, attended the meetings of the Committee.

The *Drafting Committee* of the Committee consisted, in addition to the Officers of the Committee, of Sir Guildhaume Myrddin-Evans, United Kingdom Government member, Mr. Finet, Belgian Workers' member, assisted by Mr. Bravo, Venezuelan Workers' member, and Mr. O'Brien, Irish Employers' member.

The Riddell system of voting was applied, that is to say, each Government member had one vote and each Workers' member and each Employers' member had two votes.

The Conference will remember that it was at the request of the Economic and Social Council of the United Nations that the problem of freedom of association and industrial relations came before the International Labour Organisation. The Economic and Social Council took this decision in accordance with the terms of the Agreement concluded between the United Nations and the International Labour Organisation, which was formally ratified both by the Assembly of the United Nations and by the International Labour Conference.

Article III of that Agreement provides that "Subject to such preliminary consultation as may be necessary, the International Labour Organisation shall include on the agenda of the Governing Body items proposed to it by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council

¹ See *Second Part*, pp. 299 and 322.

shall include on their agenda items proposed by the International Labour Organisation”.

In view of the fact that this was the first time that the Agreement had become applicable, it is important to recall briefly the circumstances under which the problem of freedom of association was first brought before the Economic and Social Council and then transmitted to the International Labour Organisation.

It was at its Fourth Session (February-March 1947) that the Economic and Social Council of the United Nations had been called upon to consider the question of “guarantees for the exercise and development of trade union rights” which had been placed before it by the World Federation of Trade Unions. The American Federation of Labor, also, had submitted to the Economic and Social Council a memorandum on the same question. These two documents, which the Office took fully into account when preparing the texts which it submitted to the Conference, were set forth in full as an Appendix to the Report prepared by the Office.

It is desirable, however, to recall very shortly the actual circumstances which gave rise to such a procedure on the part of the American Federation of Labor and the World Federation of Trade Unions. The World Federation of Trade Unions itself refers to them in the memorandum which it submitted to the Economic and Social Council. It declares that :

Ever since the end of the Second World War one notes that certain interventions tend, in various countries, to destroy the very foundations of trade union rights. The means employed to hinder the progress of the trade union movement are principally as follows: the large-scale dismissal of trade unionist workers, the arrest of active trade unionist and trade union leaders, the occupation of trade union premises, the revocation by the Government of bodies democratically chosen by the trade unions, the nomination of trade union leaders by the Government, the prohibition of all coloured or native workers against forming occupational organisations, the prohibition on occupational organisations against forming any federal occupational or inter-occupational organisations, whether locally, nationally, or internationally, etc.

Such attacks on trade union rights can demonstrate the persistence in certain countries of nefarious ideologies which have placed the world in deadly peril. The respect for trade union rights as an element of peace and co-operation between the peoples should be assured on the international level.

Thus, the World Federation of Trade Unions, like the American Federation of Labor, had referred to the Economic and Social Council a concrete problem which required a solution on the international level.

By setting in motion the machinery of international regulation which is appropriate to it—that is to say, by adopting an international labour Convention on freedom of association and industrial relations—the International Labour Or-

ganisation is without doubt best able to offer to the workers this safeguard of an international character. In fact, countries which had ratified a Convention on freedom of association could no longer question this right by means of amendments to their internal legislation. An international Convention is well understood as being nothing less than a veritable international treaty binding on all the parties.

The Resolution adopted by the Economic and Social Council reads as follows :

The Economic and Social Council,

Having taken note of the items regarding trade union rights placed on its agenda at the request of the World Federation of Trade Unions, and the memoranda submitted by the World Federation of Trade Unions and the American Federation of Labor,

Resolves to transmit these documents to the International Labour Organisation with a request that the question may be placed upon the agenda of its next session and that a report be sent to the Economic and Social Council for its consideration at the next meeting of the Council,

The Economic and Social Council,

Further resolves to transmit the documents to the Commission on Human Rights in order that it may consider those aspects of the subject which might appropriately form part of the Bill or Declaration on Human Rights.

Following the communication of this Resolution, the Governing Body of the International Labour Office, having been consulted by telegraph by the Director-General, decided to place the question of freedom of association and industrial relations on the agenda of the 30th Session of the Conference.

In the short time available to it, the Office prepared a report on the general question of freedom of association and industrial relations.

The first part of the report relates to the history of the problem of freedom of association and industrial relations before the International Labour Organisation. The report begins by recalling that the Constitution of the International Labour Organisation clearly underlines its competence in this matter. Indeed, the preamble to the Constitution of the International Labour Organisation expressly declares “recognition of the principle of freedom of association” to be one of the means of improving the conditions of the workers and of securing peace, and Article 41, paragraph 2, includes among the principles of special and urgent importance “the right of association for all lawful purposes by the employed as well as by the employers”.

The Declaration of Philadelphia reaffirms these same principles with particular emphasis. It specifies in its first article, as one of the fundamental principles on which the International Labour Organisation is based, that “freedom of expression and of association are essential to sustained progress”. And among the programmes which it is the solemn obligation of the International Labour Organ-

isation to further, the Declaration refers, in Article III, paragraph (e), to "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".

The report goes on to refer to the action taken in the interval between the two world wars by the International Labour Organisation to secure the international regulation of the right of occupational association. The report notes in this connection that if, in spite of all these efforts, it has not been possible to reach agreement in the period between the two world wars, this has been due solely to political reasons which, as the Director of the International Labour Office declared in 1927, have paralysed the action of the Governing Body and of the International Labour Conference.

The second part of the report contains a survey of legislation and practice with reference to freedom of association, the protection of the right to organise and to bargain collectively, collective agreements, conciliation and arbitration, and co-operation between the public authorities and employers' and workers' organisations at the level of the undertaking, at the level of the industry and at the national level.

By adopting this broad conception of the problem of association as a whole, the Office intended to call the attention of the Conference to the fact that, by reason of the structural changes which have come about in a number of countries, occupational associations have no longer merely to defend material interests, but have also to assume their share of responsibility in the direction of national economy. And it is this wider conception of the part to be played by the organised movements which has inspired the texts submitted by the Office to the Conference, the scope of which was analysed in the third part of the report.

These texts included not only a proposed Resolution concerning: (1) freedom of association, (2) protection of the right to organise and to bargain collectively, (3) collective agreements, (4) conciliation and arbitration, (5) co-operation between the public authorities and employers' and workers' organisations, but also a List of Points covering the first four heads mentioned above.

I

QUESTIONS OF PRINCIPLE CONSIDERED BY THE COMMITTEE

In the course of the discussions certain questions of principle which are of fundamental importance emerged, on which

members of the Committee stated their views. These questions were dealt with in the order below.

1. *Competence of the International Labour Organisation*

When opening the discussion, the Chairman of the Committee indicated to a certain extent the general lines of the discussions which were to be developed by the representatives of the three groups. He began by calling the attention of the members of the Committee to the great responsibility with which they had been charged and to the great opportunity which had been presented to them.

The International Labour Organisation, he declared, was one of the essential parts of the machinery of the United Nations, created after the end of the Second World War for the purpose of ensuring international co-operation in every field. It had been the first specialised agency to enter into relationship with the United Nations for the co-operative attainment of the objectives set forth in the Declaration of Philadelphia, as it had also been the first agency to which the Economic and Social Council had referred a problem for consideration and decision.

The problem of freedom of association and industrial relations was not only within the competence of the International Labour Organisation, but the latter, by reason of its tripartite character, was particularly well fitted to find an appropriate solution for this problem. Indeed, the three parties associated in the work of the International Labour Organisation—Governments, employers and workers—were most particularly concerned in giving a definition to the principles which must form the very basis of their activities, both on the national and on the international levels.

The United Kingdom Government member expressed satisfaction that the question of freedom of association and industrial relations—"a question which was perhaps the most important which the Conference had ever considered"—had been submitted to the International Labour Organisation.

Referring to the circumstances under which this question had been raised, first before the Economic and Social Council, the speaker declared that the whole future of the International Labour Organisation and its relative status with regard to the Economic and Social Council might be seriously affected by them. He emphasised, in this connection, the fact that the International Labour Organisation was the only international agency which, by virtue of its Constitution, was able to draw up international instruments—international labour Conventions—which laid solemn and specific obligations on the States which ratified them, and

in the drawing up of which representatives of employers and workers, together with representatives of Governments, could take an active part and so help to determine international labour law not merely by their speeches, but by their votes.

The speaker addressed an urgent request to the representatives of the different groups not to neglect such a privilege and not to sacrifice the independence and autonomy of the International Labour Organisation in a field which was properly its own. The International Labour Organisation alone, and not some other body, should deal with this question and prove that it was capable of finding an appropriate solution for it.

For his part, the French Workers' member reminded the Committee that the Economic and Social Council, by referring this question to the International Labour Organisation in pursuance of the Agreement concluded between the United Nations and the International Labour Organisation, had itself formally recognised the competence of the International Labour Organisation. The task of the International Labour Organisation, therefore, was to draw up international labour Conventions on the principles contained in the proposed Resolution and the List of Points. If the Committee contented itself with submitting a report to the Economic and Social Council, it would be surrendering jurisdiction on a question which was directly within its competence.

The Economic and Social Council could not adopt Conventions of this kind; and, even if it attempted to do so, it did not possess the necessary machinery for supervision to ensure the application of such a Convention. On the other hand, the International Labour Organisation, by its very Constitution, did possess such machinery for supervision and was, for that very reason, able to ensure the effective application of international labour Conventions.

Finally, the Canadian Employers' member, speaking on behalf of all the Employers' members of the Committee, declared that the International Labour Organisation was fully competent to deal with the problem of the right of occupational association (to the exclusion of the problem of the general right of association considered as a fundamental right of mankind) and the related problems of labour-management relations.

The Committee recognised that the International Labour Organisation was fully competent to deal with the questions of freedom of association and industrial relations.

The Czechoslovak Government member emphasised the need for full and complete collaboration between the International Labour Organisation and the United Nations.

2. International Regulation

The second question of principle on which the Committee had to take a decision was that of determining what effect should be given to the proposals laid before it by the Office.

The Workers' members of the Committee particularly urged the necessity for prompt international regulation, both as regards the problem of freedom of association in the strict sense of the term and as regards industrial relations. They pointed out to the Committee the fact that in several countries there still existed restrictions on freedom of association which could be removed only by international regulation.

They proposed, therefore, that the Committee should not confine itself to the adoption of the proposed Resolution, but should also adopt the List of Points, in order that the 1948 Conference should be able to adopt Conventions and Recommendations on all those questions which appeared to it to be suitable for immediate international regulation.

The position first taken up by the Employers' members was that it was expedient to adopt a Resolution based on the discussion of the Preamble and of Part I of the proposed Resolution, and to place the question of freedom of association on the agenda of the 1948 Conference for a first discussion, with a view to the adoption of a Convention at the following session of the Conference. The other parts of the proposed Resolution might, so far as time permitted, form the subject of a general discussion and report.

The Government members of the United States, France, the United Kingdom, Argentina, Belgium, Colombia, India, etc., all declared themselves to be in favour of the international regulation of the question of freedom of association and of certain aspects of the problem of industrial relations. While a satisfactory solution of the question of industrial relations did not, *ipso facto*, imply industrial peace and social justice, as the Indian Government member declared, the failure to find such a solution, on the other hand, would constitute a permanent threat to economic and social stability.

The United Kingdom Government member thought, for his part, that it was desirable first of all to reach agreement on certain basic principles and then to decide whether those principles should take the form of a Resolution or of a report, or a combination of both.

Finally, it would be necessary to decide whether these principles might be included in the texts of one or several Conventions and, if so, which of those texts might be suitable to be included in a Convention to be adopted next year, and which could more appropriately be considered for Conventions to be adopted in future years.

The Committee reached agreement on a common programme of international

regulation the extent of which will be explained in the Conclusions.

3. *International Machinery for Supervising Freedom of Association*

The Government members of France, Poland and Czechoslovakia, declaring themselves to be in complete agreement with the proposal submitted to the Economic and Social Council by the World Federation of Trade Unions, particularly called the attention of the members of the Committee to the suggestion made in the Federation's Resolution, which proposed the establishment of a Committee for Trade Union Rights, with the task of exercising permanent supervision over respect for trade union rights.

The Belgian Government member, while approving this proposal, thought nevertheless that any committee set up to supervise respect for trade union rights should come directly under the International Labour Organisation. On the other hand, the Polish and Czechoslovak Government members expressed the view that such a body would be able to act with greater efficiency if it was attached to the Economic and Social Council.

The United Kingdom Government member pointed out to the Committee the practical difficulties which would be encountered by a committee of this kind by reason of the fact that States, as experience had shown, were hardly inclined to surrender part of their national sovereignty.

In order to give effect to the proposal made by the World Federation of Trade Unions, the Workers' members had proposed the inclusion in the proposed Resolution on freedom of association of a new clause in the following terms :

Adequate permanent international machinery should be set up to safeguard respect for freedom of association.

After a long exchange of views, the Committee unanimously adopted a Resolution submitted by the United Kingdom Government member inviting the Governing Body of the International Labour Office to consider the question of the establishment of international machinery for supervising freedom of association under all its aspects and to report to the Conference at its 31st Session in 1948.

The text of this Resolution is contained in the chapter on Conclusions.

II

DISCUSSION OF THE PROPOSED RESOLUTION AND LIST OF POINTS

Proposed Resolution Preamble

The Office text of the Preamble was as follows :

Whereas the Preamble to the Constitution of the International Labour Organisation expressly

declares " recognition of the principle of freedom of association " to be a means of improving conditions of labour and of establishing peace ; and

Whereas the Declaration of Philadelphia reaffirms that " freedom of expression and of association are essential to sustained progress " and recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve, among other things : " 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 " ; and

Whereas standards of living, normal functioning of national economy and social and economic stability depend to a considerable degree on a properly organised system of industrial relations founded on the recognition of freedom of association ; and

Whereas, moreover, in many countries, employers' and workers' organisations have been associated with the preparation and application of economic and social measures ; and

Whereas the General Labour Conference, the Regional Conferences of the American States Members of the International Labour Organisation and the various Industrial Committees have, in numerous Resolutions, called the attention of the States Members of the International Labour Organisation to the need for establishing an appropriate system of industrial relations founded on the guarantee of the principle of freedom of association,

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 Thirtieth Session on 19 June 1947,

adopts, this day of of the year one thousand nine hundred and forty-seven, the following Resolution :

The Employers' members submitted the three following amendments to the Preamble : (1) to substitute the word " develop " for the word " organise " in the third paragraph ; (2) to substitute the word " developing " for the word " establishing " in the fifth paragraph ; (3) to add the following passage from the Declaration of Philadelphia at the end of the second paragraph :

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

The first two amendments were withdrawn.

With regard to the third amendment, the South African Employers' member considered that it was an essential addition to the Resolution, which might otherwise appear to be applicable only to those countries which had reached a fair stage of development in industrial relations. The South African Government member also supported the amendment, since it would enable his Government to apply the principles of the Declaration progress-

ively, that being the only possibility for a country in the unique position of the Union. The United Kingdom Workers' member stated that the Workers' members would not oppose the amendment, but would reserve the right to direct their endeavours to seeing that the text of the Resolution, rather than the Preamble, should be applied.

The amendment, and the Preamble as a whole, as amended, were adopted.

Proposed Resolution. I. Freedom of Association

1. *Right to establish Organisations.*

Paragraph 1. of the proposed Office text reads as follows :

Employers and workers, public or private, without distinction as to occupation, sex, colour, race, creed or nationality, should have the inviolable right to establish organisations of their own choosing without previous authorisation.

This paragraph, which had the object of ensuring freedom of association to all social classes without distinction, was the subject of several amendments relating in particular to : (a) the field of application of regulations ; (b) the objects of organisations ; and (c) the right to join or not to join organisations.

(a) *Field of application of regulations.* The Committee considered on the one hand an amendment submitted by the Workers' members proposing to insert the words " or political opinion " after the word " nationality ", and on the other hand an amendment submitted by the United Kingdom Government member proposing : (1) to delete the words " public or private " ; and (2) to replace the phrase " as to occupation, sex, colour, race, creed or nationality " by the word " whatsoever ".

After an exchange of views, the Committee adopted the proposal of the United Kingdom member. It was clear to the Committee that this proposal, far from limiting the number of persons to whom trade union rights might apply, would, on the contrary, express more adequately the universality of the principle of freedom of association. In order to leave no doubt of the real significance of this article, it was understood that the report of the Committee would stress the fact that according to the terms of Paragraph 1 freedom of association was to be guaranteed not only to employers and workers in private industry, but also to public employees, and without distinction or discrimination of any kind as to occupation, sex, colour, race, creed, nationality or political opinion.

The Mexican Workers' member opposed the adoption of this formula, which he considered was not only contrary to the spirit of the United Nations Charter and of the Declaration of Philadelphia, but

was also susceptible of restrictive interpretation on the part of States.

The Indian Government member had submitted an amendment proposing to replace the words " public or private " by the words " private or public except the armed forces and the police ". In his opinion the armed forces and the police could not be included in the field of application of freedom of association, because they were not authorised to take part in collective negotiations and had not the right to strike.

Several Government members drew the attention of the Committee to the fact that, in certain countries, the members of the police force and of the public services were organised in the same way as workers in private undertakings ; in other countries their organisations were either forbidden or merely tolerated ; it was also pointed out that in some countries the armed forces have the right to organise.

The French Workers' member warned the Committee against the adoption of a text which did not recognise the principle of trade union organisation in force in the most advanced countries. A restrictive Convention could not serve as a model for less advanced countries. Public employees should enjoy full freedom of association, including members of the police force under municipal authorities not directly under the State.

The amendment was rejected by 1 vote to 57. The Government members of Belgium, Peru, and Portugal, as well as the Employers' members, abstained from voting.

(b) *Objects of organisations.* The Employers' members submitted an amendment proposing to insert between the word " establish " and the word " organisations " the following words : " for purposes of regulating relations between employers and employees and all other purposes not contrary to the general laws ".

Several members of the Committee observed that this amendment was unnecessary and dangerous. It was unnecessary because trade unions, in common with other organisations and with ordinary citizens, had to be conducted according to general laws which were imposed on the whole population. The amendment was dangerous because it could enable a Government to declare illegal a trade union object which in itself was perfectly legitimate.

After an exchange of views between the different groups in the Committee, the Employers' members withdrew their amendment, it being understood that freedom of association—like every other freedom—is bound by national laws, as is envisaged in the Constitution of the International Labour Organisation, which in Article 41, clause 2, cites among principles of special and urgent importance :

"the right of association for all lawful purposes by the employed as well as by the employers".

(c) *Right to join or not to join organisations.*
An amendment submitted by the Workers' members to add the words "or join" after the word "establish" was intended to complete paragraph 1 by assuring to employers and workers not only the right to establish organisations but also the right to join the same.

The Employers' members proposed a sub-amendment by which the words "or not to join" were to be added.

After a short discussion the Employers' members' sub-amendment was rejected by 41 votes to 50.

The Workers' members' amendment was adopted without opposition, and the paragraph, as amended, was adopted.

2. *Autonomy of Organisations.*

Paragraph 2 of the Office text read as follows :

Employers' and workers' organisations should have the right to draw up their constitutions and rules, to organise their administration and activities and to formulate their programmes without interference on the part of the public authorities.

This paragraph had the effect of completing the first article by guaranteeing to organisations freedom to organise their activities without fear of State interference.

The Employers' members proposed an amendment by which the word "public" would be replaced by the word "administrative". In their opinion organisations could not be exempted from intervention by the legislative or judicial authorities, and in consequence it was necessary to limit the protection of trade union autonomy against interference by administrative authorities only.

The Workers' members were opposed to this amendment principally on the basis of the three following points :

(1) It was necessary to protect trade unions against interference by political authority. Under totalitarian régimes, political authority entirely dominated all other types of authority.

(2) The value of a guarantee would be lessened if legislation could authorise a Government to interfere with the activities of trade unions.

(3) The intervention of tribunals, especially by means of injunctions—as was the practice in the United States—would be not less dangerous for trade unions than intervention on the part of administrative authorities.

While admitting complete trade union autonomy, several Government members observed that the State could not abstain from all intervention, if only for the pur-

pose of ensuring that the trade unions carried on their activities within the limits of the law.

In order to make their intentions clearer, the Employers' members proposed a sub-amendment to their first amendment: delete the words "on the part of the public authorities" and add after the words "without interference" the words "except by due process of law".

The sub-amendment was rejected by 44 votes to 61 and the original amendment by 44 votes to 63.

An amendment submitted by the Cuban Government member proposed adding to the end of Paragraph 2 the words "provided that the effective exercise of such rights shall be subject to compliance with the formalities decreed by law".

Several Government members stated that in practice organisations had to observe certain rules laid down by legislation such as, for example, provisions concerning the registration or depositing of rules.

The Workers' members, however, considered that the text if thus modified would be susceptible of a wide interpretation by certain Governments which would permit them to control the organisations.

In order, on the one hand, to safeguard respect for the legal position and on the other hand, to ensure full recognition of trade union rights, the United Kingdom Government member proposed to retain the first part of the Office text, but to replace the words "without interference on the part of the public authorities" by the following words :

there should be no interference on the part of the public authorities which would restrict this right or impede the organisations in the lawful exercise of this right.

The Peruvian Government member proposed to add to this amendment the following words : "provided that in every case the general provisions of a legal character are fulfilled".

The Committee rejected this sub-amendment by 39 votes to 54, and adopted with three dissenting votes the amendment proposed by the United Kingdom Government member.

After this vote the Cuban Government member withdrew his amendment. Similarly, the Indian Government member withdrew an amendment which he had submitted proposing to add at the end of Paragraph 2 the words "except to the extent necessary to protect the interests of the members of the organisation".

Paragraph 2 was adopted, as amended.

3. *Dissolution of Organisations.*

The Office text of Paragraph 3 reads as follows :

Employers' and workers' organisations should not be liable to be dissolved by administrative authority.

This provision was intended to exclude the possibility of the dissolution of an organisation by administrative authority. It did not cover, on the other hand, the case of dissolution by judicial process.

The Workers' members proposed to add after the word "dissolved" the words "or have their activities suspended".

The Committee adopted this amendment without discussion, and the paragraph, as amended, was adopted.

4. *Federations and Confederations.*

Paragraph 4 of the Office text read as follows :

Employers' and workers' organisations should have the right to establish federations and confederations as well as the right of affiliation with international organisations of employers and workers.

An amendment presented by the Employers' members, proposing to insert the words "for lawful purposes" was withdrawn under the same conditions as the similar amendment presented under Paragraph 1.

An amendment submitted by the Turkish Government member, indicating the terms under which affiliation of a trade union to an international organisation should be subject to previous governmental authorisation where national legislation provided that this was necessary, was also withdrawn.

The paragraph was adopted without change.

5. *Guarantees relating to Federations and Confederations.*

The Office text of Paragraph 5 was as follows :

The guarantees defined in Paragraphs 1, 2 and 3 herein with regard to the establishment, functioning and dissolution of employers' and workers' organisations should apply to federations and confederations of such organisations.

This paragraph did not give rise to any discussion and was adopted unanimously.

6. *Legal Personality of Organisations.*

Paragraph 6 of the Office text read as follows :

The acquisition of special privileges by employers' and wage-earners' organisations (as, for example, the acquisition of legal personality) should not be made subject to conditions of such a character as to restrict freedom of association as hereinbefore defined.

The Workers' members asked the Committee to adopt this paragraph in the following form :

The acquisition or granting of civil and legal personality or of any other rights to employers' and workers' organisations should not be made subject to conditions of such a character as to restrict freedom of association.

Following discussion, the Committee adopted the paragraph with the following text :

The acquisition of legal personality by employers' and workers' organisations should not be made subject to conditions of such a character as to restrict freedom of association as hereinbefore defined.

7. *Responsibilities of Organisations.*

The Employers' members proposed that the following new paragraph should be added to the Office text :

The acquisition and exercise of the rights as outlined in this Part should not exempt the organisations from their full share of responsibilities and obligations.

The Workers' members considered that such a provision was too general and lacked precision. The Committee adopted the new paragraph by 54 votes to 51, and it became Paragraph 7 of the Committee's text.

List of Points : A. Freedom of Association

Immediately after the adoption of Part I of the Resolution concerning freedom of association and industrial relations, the Committee decided to examine the corresponding part of the list of points.

The Committee adopted, unanimously and without discussion, the list of points relating to freedom of association in the text as revised in conformity with the decisions taken by the Committee.

Proposed Resolution. II. Protection of the Right to Organise and to Bargain Collectively.

Part II of the proposed Resolution completes the guarantee of freedom of association.

In its form as presented by the Office, the text included three principal parts : the first was intended to ensure the protection of the right of association by means of mutual agreement between organisations ; the second provided, in the absence of agreement between the organisations concerned, for legal guarantees of the right to organise and to bargain collectively, and the third provided for the establishment of appropriate agencies if necessary for the purpose of ensuring the exercise of the right of association.

The Canadian Government member proposed that the Office text should be replaced by a single paragraph in the following terms :

As a corollary of the rights of employers and workers to organise, the right of organisations of employers and workers to bargain collectively should be recognised fully, and should be assisted by mutual, as well as governmental, recognition and respect of the exercise of the right of association, and by the elimination of penalties designed to curtail the right of the individual worker, in respect of joining an organisation of his own.

choosing; it being understood, however, that collective agreements entered into freely, specifying membership in a certain trade union as a condition precedent to employment, do not constitute violation of the principles herein set forth.

The author of this amendment explained that the right of collective bargaining which gives substance to the right of association was at present recognised in many countries, but the methods of collective bargaining might give rise to differences of opinion. It was, therefore, not necessary to enter into detail, but to simplify the text of the Resolution.

Several Government members, as well as the Workers' members, opposed this amendment which they considered, in view of its lack of adequate preciseness of detail, could not serve as the basis for a future international Convention.

The amendment was withdrawn.

1. *Mutual Recognition of Organisations.*

Paragraph 7, as proposed by the Office, was as follows :

The central organisations of employers and workers should agree to recognise each other as the authorised representatives of the interests of employers and workers, and should undertake mutually to respect the exercise of the right of association.

The French Government member proposed that after the words "of employers and workers" the words "of a representative character" should be inserted.

In order to make this paragraph of general application without any restriction, the United Kingdom Government member proposed that the following text should replace the text of Paragraph 7 :

There should be agreement between organised employers and workers mutually to respect the exercise of the right of association.

The Committee adopted this amendment and the amendment of the French Government member was withdrawn. Paragraph 7 was adopted in the amended text form, and became Paragraph 8 of the Committee's text.

2. *Legal Guarantee of the Right to Organise and to Bargain Collectively.*

Paragraph 8, as proposed by the Office, was as follows :

(1) In the absence of agreement between the central organisations of employers and workers, appropriate regulations should be prescribed to guarantee—

(a) the exercise of the right of association by the workers by measures designed to prevent any acts on the part of the employer or of his agents with the object of—

- (i) making the employment of the worker conditional on his not joining a trade union or on his withdrawing from a trade union of which he is a member;
- (ii) prejudicing a worker because he is a member or agent or official of a trade union;

(iii) dismissing a worker because he is a member or agent or official of a trade union.

(b) the exercise of the right of association by workers' organisations by measures designed to prevent any acts on the part of the employer or employers' organisations or their agents with the object of—

- (i) furthering the establishment of trade unions under the domination of the employer;
- (ii) interfering with the formation or administration of a trade union or contributing financial or other support to it;
- (iii) refusing to recognise trade unions or to bargain collectively with them for the purpose of concluding collective agreements.

(2) It should be understood, however, that a provision in a freely concluded collective agreement making compulsory membership of a certain trade union a condition precedent to employment or a condition of continued employment does not fall within the terms of this Resolution.

In order to safeguard, so far as possible, the right to organise and to bargain collectively, the United Kingdom Government member proposed that sub-paragraph (1) of Paragraph 8 should be replaced by the following text :

Where full and effective protection is not already afforded, appropriate measures should be taken to enable guarantees to be provided for—

The Committee adopted this amendment by 101 votes to 0.

The Employers' members proposed that clause (a) of sub-paragraph (1) should be replaced by the following text :

the exercise of the right of freedom of association without fear of intimidation, coercion or restraint from any source with the object of—

The amendment was adopted by 86 votes to 22.

Several amendments submitted by the Turkish Government member on the one hand, and by the Employers' members on the other hand, suggested putting on an equal footing both the guarantee of the right to join and the guarantee of the right to refrain from joining an organisation.

The Turkish Government member, in this connection, proposed to add to Paragraph 8 the following provision :

Each employer and each worker should be free to join or to withdraw from an organisation.

This amendment was rejected by 53 votes to 57.

Following this vote, the Employers' members withdrew the amendments of a similar nature which they had submitted, on the clear understanding that the withdrawal did not prejudice their right to raise the questions involved in these amendments at such a time as a Convention should be under discussion.

The Colombian and Venezuelan Government members proposed that the following new sub-clause (iv) should be inserted :

(iv) to guarantee the stability of employment of the substantive and substitute members of executive committees of trade union organisa-

tions during their statutory period of office, in the sense that they shall not be dismissed on grounds other than those for which there is legal sanction or which are authorised by competent judicial or administrative authorities.

The Employers' members were opposed to this amendment. The Workers' members expressed themselves as satisfied with the protection assured by Paragraph 8 (1) (a), in the form adopted by the Committee.

The amendment was withdrawn.

The Employers' members proposed that clause (b) of sub-paragraph (1) should be replaced by the following :

it should be recognised that the exercise of the right of association by workers' organisations precludes any acts on the part of the employer or employers' organisations or their agents with the object of—

After an exchange of views this amendment was withdrawn.

The French Government member proposed that in sub-clause (i) of clause (b) the words "of the employer" should be deleted: the words "direct or indirect" should be inserted before the word "domination": the word "employers" should be substituted for the word "employer".

After a short discussion the French Government member withdrew his amendment on the understanding that the words "the employer" would be replaced in the final text by the word "employers".

The Employers' members proposed that sub-clause (iii) of clause (b) should be deleted. In their opinion such a provision would be better placed in that part of the text relating to collective agreements rather than to freedom of association.

The Workers' members were opposed to this amendment. They considered that the right to associate would become null and void if recognition of trade unions and their right to negotiate did not figure in the text of the Resolution.

Several Government members directed the attention of the Committee to the necessity of guaranteeing the right of negotiation exclusively to representative organisations, but they did not insist on this point in view of the previous decision taken by the Committee on this subject.

On the proposal of the United Kingdom Government member, the Committee adopted the following text in substitution for sub-paragraph (1) (b) (iii) of the Office text :

refusing to give practical effect to the principles of trade union recognition and collective bargaining.

The Employers' members withdrew their amendment.

An amendment submitted by the Turkish Government member suggested that sub-paragraph (2) should be deleted. In the opinion of this member, no worker

should be obliged to belong to any given trade union in order to obtain or continue in employment. The majority of the Workers' members were opposed to this amendment. They emphasised the necessity of ensuring to trade unions the right to maintain and enter into collective agreements which include such a provision. The view was also expressed that it would be unfair to protect a worker who wished to enjoy all the advantages obtained by the trade unions but who refused to join the union. Some countries possessed legislation providing for compulsory trade union membership and the position would be seriously prejudiced if the amendment were carried.

The Employers' members, in supporting the amendment, urged that this was not a fit subject for discussion at this juncture, nor was it opportune to prejudge what a future Convention might contain. They further stressed the point that the principle involved was one of freedom and the liberty of the individual was directly involved.

The amendment was rejected by 53 votes to 57. On the taking of a record vote, at the request of the Employers' members, the amendment was rejected by 51 votes to 64.

After the rejection of this amendment, an amendment to the same effect, presented by the Employers' members, was declared by the Chairman to be unacceptable.

The United Kingdom Government member proposed that in the same sub-paragraph the word "compulsory" should be deleted. The Australian Workers' member observed that the deletion of this word should not be interpreted to mean that joining a trade union should not necessarily be compulsory.

The amendment was adopted on this understanding.

Paragraph 8, with the amendments, was adopted as a whole, and became Paragraph 9 of the Committee's text.

3. *Establishment of Appropriate Agencies for the Purpose of ensuring the Protection of the Right of Association.*

Paragraph 9 of the Office text read as follows :

Appropriate agencies should be established for the purpose of ensuring the protection of the right of association as defined in Paragraph 8 herein.

The Employers' members proposed the deletion of this paragraph, but withdrew their amendment after the English text had been corrected so that the words "if necessary" were included, after the word "established", as in the French text.

With this correction Paragraph 9 was adopted, and became Paragraph 10 of the Committee's text.

List of Points : B. Protection of the Right to Organise

The Committee limited itself to inserting in Section B of the list of points the principles included in Paragraphs 7 and 9 of Part II of the Resolution (Paragraphs 8 and 10 of the Committee's text) and the principles of Paragraph 8 (Paragraph 9 of the Committee's text). It considered that Paragraph 8 was incomplete from several points of view, and that later discussions would be necessary. Consequently, the detailed clauses of that paragraph of the Resolution were not suitable for inclusion in a proposed Convention to be discussed by the Conference in 1948.

III

CONCLUSIONS AND DECISIONS OF THE COMMITTEE

The Committee included 44 Government members and thus included representatives of the very great majority of the Governments attending the Conference. It also included 22 Employers' members and 22 Workers' members, as well as a considerable number of substitute members. The Committee was therefore of a truly representative character and its decisions, which are set forth below, are a clear reflection of the opinions of the majority of the Committee.

PROPOSED RESOLUTION CONCERNING FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE AND TO BARGAIN COLLECTIVELY

Whereas the Preamble to the Constitution of the International Labour Organisation expressly declares "recognition of the principle of freedom of association" to be a means of improving conditions of labour and of establishing peace ; and

Whereas the Declaration of Philadelphia reaffirms that "freedom of expression and of association are essential to sustained progress" and recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve, among other things : "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" ; and

Whereas it also affirms that "the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard

to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world"¹ ; and

Whereas standards of living, normal functioning of national economy and social and economic stability depend to a considerable degree on a properly organised system of industrial relations founded on the recognition of freedom of association ; and

Whereas, moreover, in many countries, employers' and workers' organisations have been associated with the preparation and application of economic and social measures ; and

Whereas the International Labour Conference, the regional conferences of the American States Members of the International Labour Organisation and the various industrial committees have, in numerous Resolutions, called the attention of the States Members of the International Labour Organisation to the need for establishing an appropriate system of industrial relations founded on the guarantee of the principle of freedom of association.

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 Thirtieth Session on 19 June 1947,

adopts this day of of the year one thousand nine hundred and forty-seven, the following Resolution :

I. FREEDOM OF ASSOCIATION

1. Employers and workers, without distinction whatsoever, should have the inviolable right to establish or join organisations of their own choosing without previous authorisation.

2. Employers' and workers' organisations should have the right to draw up their constitutions and rules, to organise their administration and activities and to formulate their programmes ; there should be no interference on the part of the public authorities which would restrict this right or impede the organisations in the lawful exercise of this right.

3. Employers' and workers' organisations should not be liable to be dissolved or have their activities suspended by administrative authority.

4. Employers' and workers' organisations should have the right to establish federations and confederations as well as

¹ This paragraph was inserted as the result of an amendment submitted by the South African Employers' member on behalf of the Employers' members of the Committee.

the right of affiliation with international organisations of employers and workers.

5. The guarantees defined in Paragraphs 1, 2 and 3 herein with regard to the establishment, functioning, dissolution and suspension of employers' and workers' organisations should apply to federations and confederations of such organisations.

6. The acquisition of legal personality by employers' and workers' organisations should not be made subject to conditions of such a character as to restrict freedom of association as hereinbefore defined.

7. The acquisition and exercise of the rights as outlined in this part should not exempt the employers' and workers' organisations from their full share of responsibilities and obligations.

II. PROTECTION OF THE RIGHT TO ORGANISE AND TO BARGAIN COLLECTIVELY

8. There should be agreement between organised employers and workers mutually to respect the exercise of the right of association.

9. (1) Where full and effective protection is not already afforded appropriate measures should be taken to enable guarantees to be provided for—

(a) the exercise of the right of freedom of association without fear of intimidation, coercion or restraint from any source with the object of—

- (i) making the employment of the worker conditional on his not joining a trade union or on his withdrawing from a trade union of which he is a member ;
- (ii) prejudicing a worker because he is a member or agent or official of a trade union ;
- (iii) dismissing a worker because he is a member or agent or official of a trade union ;

(b) the exercise of the right of association by workers' organisations in such a way as to prevent any acts on the part of the employer or employers' organisations or their agents with the object of—

- (i) furthering the establishment of trade unions under the domination of employers ;
- (ii) interfering with the formation or administration of a trade union or contributing financial or other support to it ;
- (iii) refusing to give practical effect to the principles of trade union recognition and collective bargaining.

(2) It should be understood, however, that a provision in a freely concluded collective agreement making membership of a certain trade union a condition precedent to employment or a condition

of continued employment does not fall within the terms of this Resolution.

10. Appropriate agencies should be established, if necessary, for the purpose of ensuring the protection of the right of association as defined in paragraph 9 herein.

LIST OF POINTS WHICH MIGHT FORM A BASIS OF DISCUSSION BY THE CONFERENCE

The Committee, considering that certain questions were already suitable to form the subject of one or several international Conventions in 1948, adopted the two following lists of points and recommended their adoption by the Conference :

A. FREEDOM OF ASSOCIATION

1. Desirability of drawing up a proposed international Convention concerning freedom of association.

2. Need to provide that employers and workers, without distinction whatsoever, should have the inviolable right to establish or join organisations of their own choosing without previous authorisation.

3. (1) Need to provide that employers' and workers' organisations should have the right to draw up their constitutions and rules, to organise their administration and activities and to formulate their programmes.

(2) Need to provide further that the public authorities should refrain from any interference which would restrict this right or impede the organisations in the lawful exercise of this right.

4. Need to provide that employers' and workers' organisations may not be dissolved or suspended by administrative authority.

5. Need to recognise the right of employers' and workers' organisations to establish federations and confederations of such organisations and to affiliate with international organisations of employers and workers.

6. Need to provide that the guarantees defined in paragraphs 2, 3 and 4 with regard to the establishment, functioning, dissolution and suspension of employers' and workers' organisations should apply to federations and confederations of such organisations.

7. Need to provide that the acquisition of legal personality by employers' and workers' organisations should not be made subject to conditions of such a character as to restrict freedom of association as hereinbefore defined.

8. Desirability of providing that the acquisition and exercise of the rights as

outlined in this Part should not exempt employers' and workers' organisations from their full share of responsibilities and obligations.

B. PROTECTION OF THE RIGHT TO ORGANISE

1. Desirability of drawing up a proposed Convention concerning the protection of the right to organise.

2. Need to provide that where full and effective protection is not already afforded appropriate measures should be taken to enable guarantees to be provided for the exercise of the right of freedom of association without fear of intimidation, coercion or restraint from any source.

3. Desirability of making such provision as may be necessary for the establishment of appropriate agencies for the purpose of ensuring the protection of the right of association.

PROPOSED RESOLUTION CONCERNING THE AGENDA OF THE NEXT SESSION OF THE CONFERENCE

It was agreed that the questions included in the list of points should be placed on the agenda of the Conference of 1948 for the adoption of a Convention under the procedure of a single discussion.

It was recognised, however, that the questions of detail contained in Paragraph 9 of the Committee's text of the Resolution were not appropriate for inclusion in a Convention in 1948 since they would require much fuller consideration and would need to be amplified and extended. It was accordingly decided that they should form the subject of a first discussion in 1948. It was also decided to place the parts concerning collective agreements, conciliation and arbitration and co-operation between the public authorities and employers' and workers' organisations on the agenda of the 1948 Session of the Conference for first discussion.

Consequently, the Committee submits to the Conference the following proposed Resolution :

The Conference,

Having approved the report of the Committee appointed to consider the seventh item on its agenda,

Decides :

(1) to place on the agenda of its next general session, the question of freedom of association and of the protection of the right to organise with a view to the adoption of one or several Conventions at that session, and

(2) to place on the agenda of its next general session, as one item for first

discussion : the application of the principles of the right to organise and to bargain collectively, collective agreements, conciliation and arbitration, and co-operation between the public authorities and employers' and workers' organisations.

PROPOSED RESOLUTION CONCERNING INTERNATIONAL MACHINERY FOR SAFEGUARDING FREEDOM OF ASSOCIATION

The Committee submits the following text for approval by the Conference :

The Conference,

(1) Recalling the references to freedom of association in the Declaration of Philadelphia and the Constitution of the International Labour Organisation, reaffirms belief in and attachment to the principle of freedom of association in all countries as an essential element in those wider personal freedoms which are the foundation of peace, prosperity and happiness ;

(2) Is concerned at the widespread reports that conditions may exist prejudicial to freedom of association in many countries ;

(3) Feels that steps should be taken to encourage, expand and universally establish freedom of association both by reminding Governments of all States, whether Members of the International Labour Organisation or not, of their obligations in this respect under the Constitution of the International Labour Organisation and/or the Charter of the United Nations, and by other practicable means ;

(4) In this connection has noted with interest the proposals made by the World Federation of Trade Unions and the American Federation of Labor for the establishment of international machinery for safeguarding freedom of association and feels that these proposals deserve close and careful examination.

(5) Recognises that the proposals raise issues of great complexity and difficulty including for example—

- (i) questions involving the sovereignty of States ;
- (ii) the relationship of any such machinery to the proposals under examination by the United Nations for giving effect to a Bill of Rights and establishing machinery for safeguarding the exercise of other fundamental freedoms, including freedom of speech, of information and of lawful assembly ;
- (iii) the composition, scope, powers (including powers of enquiry and investigation) and procedure of the proposed machinery ;

(iv) the authority under which the proposed machinery would act.

(6) Considers it essential to give to such questions, which may involve changes in the inter-relationship of States, the detailed examination and careful preparation which they merit and without which any international action would be bound to fail and likely to leave the situation worse than it is at present.

(7) Recognises however that the establishment in consultation with the United Nations of permanent international machinery may be an indispensable condition for the full observance of freedom of association throughout the world and that any such machinery should, if established, operate under the guarantees provided by the tripartite Constitution of the International Labour Organisation.

(8) Accordingly requests the Governing Body to examine this question in all

its aspects and to report back to the Conference at the 31st Session in 1948.

The mere enumeration of the decisions taken shows that the Committee has accomplished a considerable amount of work, since the machinery for international regulation has been set in motion with regard to all the questions submitted to it for consideration.

The Committee has afforded once more proof of the excellence of the method of tripartite collaboration which is the essential characteristic of the International Labour Organisation.

Geneva, 9 July 1947.

(Signed) DAVID A. MORSE,
Chairman.

LÉON JOUHAUX,
Reporter,

LOUIS E. CORNIL,
Deputy Reporter.