

1948  
NEW ZEALAND

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# INTERNATIONAL LABOUR CONFERENCE

REPORT OF GOVERNMENT DELEGATES ON THE THIRTY-FIRST SESSION, HELD AT  
SAN FRANCISCO, JUNE-JULY, 1948

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*To be Laid on the Table of the House of Representatives*

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## INTRODUCTION

THE International Labour Organization was established in 1919 as part of the machinery for international co-operation set up within the framework of the League of Nations following the First World War.

Its purposes are to raise world labour conditions through the fixing of international minimum standards, to equalize international competition, and, by promoting social justice in all countries, to help to secure universal and lasting peace.

The International Labour Organization is financed by member Governments, but it is democratically controlled by representatives of organized employers and organized workers of the member States as well as by representatives of Governments.

The machinery of the Organization consists of—

- (1) The International Labour Office, which is the Secretariat of the Organization, maintaining a permanent staff of international civil servants and providing a world centre for information, research, and advice on labour matters ;
- (2) The Governing Body, composed of sixteen Government representatives and eight employers' and eight workers' members, which acts as the executive council of the Organization, exercising supervision over the work of the Office and framing the annual budget of the I.L.O. ; and
- (3) The International Labour Conference.

The Conference, which normally meets once a year, is a world assembly for the consideration of labour and social questions. Each national delegation to the Conference comprises four delegates, two representing Government, one representing organized employers, and one representing organized workers. Each delegate may be accompanied by advisers, who shall not exceed two for each item on the Agenda. Each of these three sections speaks and votes independently of the others, so that all points of view find free expression.

At the Conference minimum standards are worked out in regard to hours of work, holidays with pay, protection of women and children in employment, prevention and compensation of industrial accidents and diseases, unemployment and social insurance, employment and vocational guidance services, and kindred subjects.

It is the object of the Organization that member nations, having agreed on desirable labour standards at the Conferences, will enact legislation to bring the agreement into effect. The principal decisions taken at the Conferences are embodied in the form of Conventions, the adoption of which requires a two-thirds majority of delegates present and voting. A Convention does not automatically become binding when it has been adopted by the Conference. A member nation is, however, obligated under the terms of the I.L.O. Constitution to give each Convention consideration with a view to the enactment of legislation, and if the Convention is ratified the nation is bound to comply with its provisions, and to report annually to the I.L.O. on the measures which it has taken in this respect.

Decisions of a less formal nature are embodied in the form of Recommendations, which impose a lesser obligation on member States. The Conference also adopts resolutions where this form of procedure is appropriate.

Until 1940 the headquarters of the I.L.O. were at Geneva, but when Germany invaded France and the Low Countries a decision was taken to move to Allied territory, and at the invitation of the Canadian Government the Office established itself at Montreal. Although on the cessation of hostilities the headquarters of the Office were re-established at Geneva, an office is still being maintained at Montreal.

Between the two world wars, twenty-five sessions of the International Labour Conference were held.

At a Special Conference held in New York in 1941 it was decided that the I.L.O. should play a part in the planning of the measures of post-war reconstruction. For a while there were no further Conferences, but the Office continued the work of collecting and disseminating information and providing technical assistance to Governments. Problems of post-war employment and social security formed the chief basis of discussion when regular annual meetings of the Conference were resumed with the Twenty-sixth Session, which met in Philadelphia in 1944, and also at the Twenty-seventh Session, which was held in Paris in 1945. Since then sessions have been held at Seattle in June, 1946 (this dealt entirely with maritime questions), at Montreal in October, 1946, and at Geneva in June, 1947. The San Francisco Conference, the subject of the present report, was thus the thirty-first since the inception of the I.L.O.

A question which arose as the I.L.O. resumed a full programme of activity was the position that it would occupy in the framework of post-war international organization. Following the emergence of the United Nations Organization as the successor to the League of Nations, it was determined that the I.L.O. should bear a relationship to the United Nations somewhat similar to that which it bore to the League. To this end, changes have been made in the Constitution of the I.L.O., and an agreement has been negotiated with the United Nations through the Economic and Social Council. This agreement, under which the I.L.O. acts as a specialized agency of the United Nations Organization, has been ratified by both organizations.

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## REPORT OF THE GOVERNMENT DELEGATION TO THE THIRTY-FIRST SESSION OF THE INTERNATIONAL LABOUR ORGANIZATION

The Conference was held in San Francisco, United States of America, from the 17th June, 1948, until the 10th July, 1948, both dates inclusive. It was the fifth Conference of the I.L.O. to be held in the United States. Fifty-one of the I.L.O.'s 59 member States were represented at the Conference, the total number of delegates present being 168 (91 Government, 38 employers, and 39 workers), while there were, in addition, 275 advisers, making a total of 443 delegates and advisers. Representatives of the following organizations were also present: United Nations (4), International Monetary Fund (1), United Nations Educational, Scientific, and Cultural Organization (1) and Pan-American Union (1).

The New Zealand delegation was :—

### *Representing the Government—*

#### Delegates—

Mr. James Thorn, High Commissioner for New Zealand in Canada.

Mr. Harry Parsonage, Divisional Director, Employment Division,  
Department of Labour and Employment.

#### Advisers—

Mr. Cecil Porter Smith, Registrar of Industrial Unions, Department  
of Labour and Employment.

Miss Ruby Thelma Skyring, Inspector of Factories, Department of  
Labour and Employment.

### *Representing the Employers—*

#### Delegate—

Mr. Harry Frank Butland, Secretary, Canterbury Employers'  
Association; Member of the Executive, New Zealand Employers'  
Federation.

#### Adviser—

Mr. Stuart Ian McKenzie, Secretary, Manawatu-Wairarapa Employers'  
Association; Member of the Executive, New Zealand Employers'  
Federation.

### *Representing the Workers—*

#### Delegate—

Mr. Harry Gordon Kilpatrick, Executive Member, New Zealand  
Freezing Workers' Federation; Secretary, Canterbury Freezing-  
works and Related Trades' Union; Deputy Workers' Repre-  
sentative, New Zealand Court of Arbitration.

#### Adviser—

Mr. John H. Thompson, Executive Member, New Zealand Federation  
of Labour; President, New Zealand Building Trades' Federation;  
Secretary, New Zealand Plumbers and Gasfitters' Union.

## AGENDA

The Agenda of the Conference comprised the following items:—

- I. Director-General's Report.
- II. Financial and Budgetary Questions.
- III. Report on the Application of Conventions.
- IV. Employment Service Organization (second discussion) and Revision of the Convention Concerning Fee-charging Employment Agencies, 1933.
- V. Vocational Guidance.
- VI. Wages—
  - (a) General Report.
  - (b) Fair Wages Clauses in Public Contracts.
  - (c) Protection of Wages.
- VII. Freedom of Association and Protection of the Right to Organize.
- VIII. Application of the Principles of the Right to Organize and to Bargain Collectively, Collective Agreements, Conciliation and Arbitration, and Co-operation between Public Authorities and Employers' and Workers' Organizations.
- IX. Partial Revision of the Night Work (Women) Convention, 1919, and of the Night Work (Women) Convention (Revised), 1934.
- X. Partial Revision of the Night Work of Young Persons (Industry) Convention, 1919.
- XI. Substitution for the Provisions of the Night Work (Women) Convention (Revised), 1934, and of the Night Work of Young Persons (Industry) Convention, 1919, Contained in the Schedule to the Labour Standards (Non-metropolitan Territories) Convention, 1947, of the Corresponding Provisions of the Revising Conventions proposed.
- XII. Privileges and Immunities of the International Labour Organization.
- XIII. Resolutions.
- XIV. Standing Orders.

For each of the items on the Agenda a report had been prepared by the International Labour Office for circulation to Governments and advance distribution to delegates. Unfortunately, copies of the Director-General's report did not reach New Zealand until the day before the delegation left for the Conference, and the general report on wages was not distributed to delegates until the day on which the Conference opened.

The Conference was held under the chairmanship of Mr. Justin Godart, French Government delegate and French Government representative on the Governing Body, with Mr. N. E. Sumer, of Turkey, as Government Vice-President, Mr. H. C. Oersted, of Denmark, as Employers' Vice-President, and Mr. P. Bengough, of Canada, as Workers' Vice-President. The session was opened by Dr. L. Alvarado, of Peru, in his capacity as Chairman of the Governing Body. In welcoming delegates to the Conference, Mr. D. A. Morse, Acting Secretary of Labour of the United States, read a message from President Truman, from which the following is an extract:—

It is with great pleasure and pride that the people of the United States welcome the Thirty-first Session of the International Labour Conference to this country. We are very much interested in the work of the International Labour Organization, and give it our whole-hearted support. We are impressed by the strength which the Organization has drawn from its tripartite character, under which employers, workers, and Government representatives work together for common objectives. As an old and tested international organization, the International Labour Organization is an important bulwark of our machinery for international co-operation. Its effectiveness in raising world living and working standards has served as an encouraging example, filling us with hope for the success of our co-operative endeavours in other fields.

Among the participants in the session were Karl Maisel, Austrian Minister of Social Affairs ; Evzen Erlean, Czechoslovak Minister of Social Affairs ; Francisco Aquirne, Cuban Minister of Labour ; Pedros Magsalin, Philippines Secretary of Labour ; George Isaacs, British Minister of Labour and National Service ; Alberto Zubiria, Uruguayan Minister of the Interior ; and Paul Leone, Venezuelan Minister of Labour.

The Conference admitted Ceylon to membership in the Organization, and during the session El Salvador and the Philippines became members by notifying the International Labour Organization of their acceptance of the obligations imposed by the Constitution. Burma, Pakistan, and Syria, which had become members since the previous session, were represented by delegations.

As a result of the decisions of the Conference, the total number of International Labour Conventions adopted by the Organization was brought to ninety (90) and the total of Recommendations to eighty-three (83).

### ELECTION OF GOVERNING BODY

The triennial election of the Governing Body took place during the Conference. Prior to the balloting, the Governing Body agreed that the United States, the United Kingdom, France, India, China, and Canada should retain the seats they hold by virtue of being among the eight countries of chief industrial importance. It was decided that Brazil should replace the Netherlands among these eight States, and that the list should be reviewed again before the next session of the Conference, Belgium to continue to occupy the eighth non-elective seat meantime.

In the election by Government delegates the following were chosen to occupy the eight elective Government seats on the thirty-two-member body : Argentine Republic, Australia, Cuba, Denmark, Italy, Peru, Poland, and Turkey.

Eight employer and eight worker members were elected respectively by the employer and worker delegates to the Conference, as follows :—

#### *Employers' Members—*

Mr. Chapa (Mexico).  
 Sir John Forbes Watson (United Kingdom).  
 Mr. Gemmell (Union of South Africa).  
 Mr. Mehta (India).  
 Mr. Oersted (Denmark).  
 Mr. Pons (Uruguay).  
 Mr. Waline (France).  
 Mr. Zellerbach (United States).

#### *Workers' Members—*

Mr. Aftale Ali (Pakistan).  
 Mr. Fenton (United States).  
 Mr. Finet (Belgium).  
 Mr. Ibanez (Chile).  
 Mr. Jouhaux (France).  
 Mr. Monk (Australia).  
 Mr. Nordahl (Norway).  
 Mr. Roberts (United Kingdom).

### APPOINTMENT OF DIRECTOR-GENERAL

During the Governing Body's One Hundred and Fifth Session, held concurrently with the Conference, Mr. David A. Morse, Acting Secretary of Labour of the United States, was elected to succeed Mr. Edward Phelan as Director-General of the International Labour Office, the Organization's permanent secretariat. Mr. Phelan reached the retiring age of sixty in July.

## DATE OF NEXT CONFERENCE

Among a number of other decisions concerning the Organization's programme and policies, the Governing Body decided that the next session of the Conference would be held at Geneva, Switzerland, beginning on the 8th June, 1949.

## PROCEDURE OF CONFERENCE AND REPRESENTATION ON COMMITTEES

After the opening formalities, the Conference proceeded to a debate on the Director-General's report, and concurrently with the debate in plenary session, Committees of the Conference considered the other items on the Agenda. The reports by such Committees were subsequently submitted to the Conference in plenary session for consideration and final decision.

Committees were set up to deal with each of the items on the agenda, New Zealand being represented on the following Committees:—

Freedom of Association and Industrial Relations—

Mr. J. Thorn (Chairman).

Mr. H. F. Butland (employers).

Mr. H. G. Kilpatrick (workers).

Employment Service Organization and Vocational Guidance—

Mr. H. Parsonage.

Wages—

Mr. C. P. Smith.

Mr. S. I. McKenzie (employers).

Mr. J. H. Thompson (workers).

Conventions Concerning Night Work of Women and Young Persons—

Miss R. T. Skyring.

Financial and Budgetary Questions (Government Representatives only)—

Mr. H. Parsonage.

## DISCUSSION ON DIRECTOR-GENERAL'S REPORT

In the introduction to his report, the Director-General briefly reviewed the international political situation. In the first section, under the heading of "Economic Background," he dealt with the progress made towards "full employment and the raising of standards of living" and with the action being taken to overcome the main obstacles to further progress in this direction. A second section dealt with trends in social policy, and in particular with the general employment situation, vocational training, migration, and social security. The report also contained a survey of the activities of the International Labour Office during the past year.

The discussion on the Director-General's report commenced on the 24th June and continued, subject to interruptions whilst other business was dealt with in plenary session, until the 6th July, 1948, when the Director-General replied. Eighty-seven speakers took part in the debate. Among the speakers were two members of the New Zealand delegation, Mr. J. Thorn, Government delegate, and Mr. H. G. Kilpatrick, workers' delegate. A notable contribution to the debate was the speech made by Mr. G. Isaacs, British Minister of Labour and National Service. The text of the New Zealand Government delegate's speech is appended to this report (Appendix No. 1).

## FINANCIAL AND BUDGETARY QUESTIONS

The Finance Committee of Government representatives considered and reported to the Conference on the audited accounts for the year 1947 and the Budget estimated for 1949, together with certain proposals of the Governing Body regarding financial questions.

In accordance with a desire expressed by the Finance Committee at the previous year's Conference, much fuller background material was available than in previous years. The original estimate as prepared by the Director-General had been reduced by the Governing Body by \$480,540, which indicated that there had been a careful examination and considerable pruning in arriving at the final estimate of \$5,185,539 provided for in the Budget placed before the Committee. This figure represented an increase of 11.46 per cent. on the expenditure authorized for the previous year.

The accounts for the year 1947 disclosed a surplus of \$662,545, which, under the Financial Regulations, had to be taken into account in determining the contributions by member States for the year 1949. This, coupled with the increase in membership of the Organization and the fact that some States have agreed to accept responsibility for a greater number of units of contribution than formerly, will result in New Zealand's contribution to the increased expenditure for 1949 being less than would otherwise have been required. Although New Zealand's contribution is still based on 8 units, the increased expenditure will, notwithstanding the considerations mentioned above, result in an increased contribution of \$43,084 for 1949, as compared with \$40,127 for 1948.

A summary of the Budget expenditure for 1949 is set out in Appendix No. 2.

During the debate on the Budget the Director-General, in stressing that the substantial increase in expenditure was due largely to the very considerable increase in prices, pointed out that whilst in 1938 salaries represented 67 per cent. of the Budget, in 1949 estimated salaries represented only 43 per cent. of the expenditure. Whilst it was agreed on all sides that it was necessary to provide the I.L.O. with the financial resources necessary to carry out its work, the need for exercising the utmost economy consistent with the efficient carrying-out of the Organization's activities was stressed. The view was taken that the time could not be far distant when attacks would be made on the Budgets of international agencies, and that the I.L.O. should be in a position to stand up to any critical examination of its Budget. It was urged that, having regard to the exigencies of the world economic situation, the period ahead should be devoted to consolidation rather than to expansion.

Further discussion took place on the desirability of building up the Working Capital Fund in accordance with the resolution adopted by the Conference last year. It was noted with great satisfaction that the United States of America had undertaken to place \$312,917 to its credit in the Fund and that New Zealand had undertaken to increase its existing credit by \$3,200, thus bringing the total amount of the Working Capital Fund up to \$1,208,687.

The Finance Committee had before it an amendment proposed by the Australian delegate to delete from the Budget the proposed allocation of \$175,000 to the Reserve Fund and the proposed repayment to the Fund of \$98,321 withdrawn in 1947. After considerable discussion the amendment was withdrawn, on the understanding that the purposes served by the Working Capital Fund and the Reserve Fund would be re-examined by the Governing Body before the next session of the Conference.

After a lengthy discussion the Committee agreed that it would be desirable for the Governing Body to arrange, before the next session of the Conference, for a full review of the system of allocating the expenses of the I.L.O. among State members, and that in the light of such reviews the possibility of removing inequities should be examined.

Other questions considered by the Finance Committee were amendments to the Staff Pensions Regulations, contribution to and matters relating to the administration of the Staff Pensions Fund, and the appointment of a Judge and Deputy Judge of the Administrative Tribunal.

Arrears of contributions due by Hungary, Liberia, and Bulgaria were also considered, and recommendations made to the Conference as to measures which should be taken in order to settle the arrears.

## APPLICATION OF CONVENTIONS

A regular feature of International Labour Conferences is the consideration of annual reports from Governments on the way in which they are applying within their respective countries such Conventions as they have ratified.

The Committee on the Application of Conventions had before it a summary of the reports submitted by Governments, together with a report from the Committee of Experts which had carried out a detailed examination of the reports from Governments prior to the Conference, and also tables showing details of conventions ratified by member Governments. The Committee was required to decide whether the legislation of countries which have ratified Conventions is in conformity with such Conventions and whether the legislation is being effectively applied.

This supervision, which is carried out by a tripartite body where representatives of Government, employers, and workers collaborate on a footing of equality, constitutes one of the most important tasks of the Conference, and in future member States will be under an obligation to furnish much fuller reports as to the action taken to implement the provisions of the various Conventions and Recommendations adopted by the I.L.O.

Of the 763 reports which had been called for in relation to fifty-three of the Conventions in force, 630 had been received prior to the date of the Conference, leaving a balance of 133 reports outstanding. It was pointed out, however, that many of the reports had been received after the due date, and the Committee stressed the importance of ensuring that, in future, reports were submitted in sufficient time to enable these to be carefully studied prior to the annual Conference. Adverse comment was made by the Committee regarding the failure of certain countries—namely, Afghanistan, Colombia, Liberia, and Uruguay—to submit any reports for several years. Representatives of these countries were personally invited to attend and to explain to the Committee the position in their respective countries.

The Committee emphasized that there is only one kind of acceptable ratification—namely, that to which practical effect is given—and pointed out that a Convention is only fully applied when national legislation and practice are in absolute harmony with the terms of the Convention.

In this connection the following observations by the Committee are of particular interest:—

Many of the observations on individual reports which the Committee has felt it necessary to make draw attention to discrepancies between national legislation and the international Conventions which are of a relatively minor character, but in certain cases these observations have been repeated for a number of years without effect, and the Committee suggests that the attention of the Governments concerned should be drawn to the international obligation under which, in virtue of their membership of the International Labour Organization and their ratification of the Conventions in question, they have undertaken to bring about conformity, complete and in detail, between national legislation and practice on the one hand and ratified Conventions on the other.

Other observations relate to deficiencies which are of a more serious nature and amount even, in a few cases, to a complete absence of legislation in regard to the subject-matter of the Convention. The Committee expresses its view in the strongest terms that no ratification at all is infinitely preferable to a ratification to which effect is not given either by any necessary legislation or by practical application. An ineffective ratification not only fails to raise or stabilize basic conditions, but it undermines respect for international obligations solemnly undertaken, reduces respect for international good faith, is unfair to States which respect their obligations, and deters such States from undertaking further ratifications, thereby materially reducing social progress.

It was emphasized that the vitality of the I.L.O. and the authority it enjoys depend upon the degree of responsibility with which each State member fulfils its obligations, particularly those relating to the scrupulous application of the Conventions it has ratified.

The Committee devoted special attention to the application of Conventions to non-metropolitan territories, and strongly supported a suggestion made by the Committee of Experts that Governments responsible for the international relations of non-metropolitan territories should be requested to include in their reports for the period 1948-49,



and at five-yearly periods thereafter, precise information on the degree of responsibility of territories in regard to social legislation, on the extent to which Conventions are applied, and, in appropriate cases, reason for non-application.

During the general discussion on the Committee's report, which was adopted unanimously by the Conference, reference was made to the fact that some countries had not ratified any of the seventy-nine Conventions adopted between 1919 and 1946. It was also pointed out that, whilst the majority of Conventions adopted up until 1932 had been ratified by from twenty to thirty countries, of the forty-six Conventions adopted since 1932, ten had not been ratified by a single country, ten only by one country, and that only five of these forty-six Conventions have had the good fortune to reach double figures. It was suggested that this unsatisfactory position might be due to the tendency to set too high a standard in drafting Conventions.

Tables are appended showing :—

- (1) Conventions adopted during 1919-46—number ratified by each Government as on 30th June, 1948 (Appendix No. 3).
- (2) Details of Conventions adopted during 1919-46, with the number of ratifications of each Convention (Appendix No. 4).

### EMPLOYMENT SERVICE ORGANIZATION

This question was first discussed during the Thirtieth Session of the Conference at Geneva in 1947, when the economic and social importance of having in existence an efficient employment service organization was emphasized. The creation and development of such a service was considered to be of special significance in attaining the purposes stated by the I.L.O. in the Declaration of Philadelphia, and particularly in the achievement and maintenance of full employment.

As a basis for final discussion, the Committee had before it a report prepared by the International Labour Office containing texts of a proposed Convention and Recommendation which had been drafted after consideration of views which had been submitted by State members following the previous year's discussions.

The Committee's task this year was much lightened by the thorough discussion which took place last year on this subject, and, whilst considerable discussion ensued on some of the more important points and numerous amendments were considered, it was unanimously agreed that there should be a Convention setting out the main principles on which an employment service should be based and a Recommendation containing detailed guidance on the means for providing an efficient service.

The Committee endeavoured to ensure that, while safeguarding essential principles and leaving no doubt as to the precise obligations entailed, the Convention should be sufficiently flexible to meet the widely different administrative systems and stages of industrial development of the many countries involved.

There was considerable discussion on certain important questions of policy, particularly those concerning the referral of workers to employment in cases of industrial disputes, sub-standard wages or conditions, and unfair discrimination. Widely differing points of view were expressed, and the final decision, so far as the Convention was concerned, was that provision should be made to enable each country to decide its own policy on referral in such cases, but that representatives of employers and workers should be consulted before decisions were taken.

In the Recommendation, however, the Committee decided in favour of provision being made that the employment service should observe strict neutrality in the case of labour disputes, and should not refer workers to employment carrying sub-standard wages or conditions or in respect of which there is unfair discrimination against workers. There was general agreement on the principle of voluntary usage of the employment service by employers and workers.

The texts of the Employment Service Convention, 1948, and the Employment Service Recommendation as finally adopted by the Conference are contained in Appendix No. 5.

#### REVISION OF THE FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933

The question of the revision of this Convention was referred by the Conference to the Committee on Employment Service Organization and Vocational Guidance. The Fee-charging Employment Agencies Convention, 1933, provided for the abolition of fee-charging employment agencies conducted with a view to profit and for the regulation of such agencies not conducted with a view to profit.

The review had been decided upon at the previous Conference following a request by the Swedish Government, one of the few which has ratified the Convention, for certain amendments, and the International Labour Office had prepared a revised text as a basis for discussion.

As a result of a far-reaching amendment to the main clause of this Convention moved by the employers' members, the Committee found itself in the unusual position of not being able to arrive at any conclusion on the question of revision, and with no alternative but to recommend to the Conference that the matter be placed on the Agenda of the next Session of the Conference for further consideration.

The employers' amendment provided that fee-charging employment agencies should not be abolished, but should be permitted to continue under adequate Government control in order to avoid abuses. This amendment was adopted by the Committee by a small majority of 22 votes to 21. At this stage it was decided that the question of re-drafting the whole of the text, which had become necessary as a result of the adoption of the employers' amendment, should be referred to the Drafting Committee, and that only when the revised draft was available could a vote be taken on the revised text of the Convention as a whole.

When the revised text incorporating the employers' amendment with consequential amendments was put to the vote, it was rejected by 39 votes to 35, with 5 abstentions.

At this stage the matter could not be reopened, and on the Committee's recommendation the Conference subsequently decided to place the matter on the Agenda for the next session.

#### VOCATIONAL GUIDANCE

The question of vocational guidance, which was considered under the double-discussion procedure, was referred to the Committee on Employment Service Organization and Vocational Guidance for first discussion.

The Committee devoted seven sittings to examination of the subject, the first session taking the form of a general discussion in which the Government members of the Argentine Republic, Australia, France, India, Netherlands, New Zealand, Mexico, Poland, and the United Kingdom, and the Italian employers' member, the French workers' member, and the representative of the UNESCO participated.

It was evident from this general discussion, and from the subsequent discussions on the provisions of the draft text prepared by the Office, that vocational guidance and its associated psychological techniques are being studied carefully in all countries and developed as media designed to aid the maximum personal adjustment to the world of work, and, at the same time, improve the mechanics of placement. It was also apparent that the stage reached in the use and application of vocational guidance varies very considerably and that the administrative machinery employed has taken account of national circumstances.

In accordance with the usual practice, a draft text of a proposed Recommendation had been prepared by the Office on the basis of replies submitted by member States to a comprehensive questionnaire. During the Committee's deliberations, some seventy-two amendments to the draft text were dealt with, but, despite differences of opinion and of emphasis which arose during the discussions, the Committee reached unanimous conclusions which it considered would form the basis of a valuable Recommendation. These were submitted to the Conference as a basis for final discussion at the 1949 session of the Conference.

The main general considerations which emerged from the Committee's deliberations may be summarized as follows :—

- (1) The present techniques and methods used in vocational guidance are accepted as largely experimental.
- (2) Vocational guidance is a continuing process starting during schooling, and the fundamental principles of vocational guidance are the same, irrespective of the age of the individual being assisted.
- (3) Appropriate vocational guidance services should be available for those who wish to use them, on the basis of complete freedom for applicants to determine their own course of action.
- (4) A set of standards and general principles in relation to vocational guidance would be useful to member countries in developing their vocational guidance services.

These general considerations all pointed to the desirability of securing agreement on international regulations in the form of a recommendation indicating general principles of vocational guidance, certain technical methods of major significance, and appropriate administrative processes. There was general agreement that the text should avoid details wherever such were not really vital, and be sufficiently flexible to meet alternative national approaches without opening the door to such departures from accepted principle and method as would destroy the general objective.

In its report to the Conference the Committee suggested that, in view of the UNESCO's special interest in vocational-guidance questions, that Organization should be given an opportunity of commenting on the conclusions relating to vocational guidance adopted by the Conference, and that any such observations should be brought to the attention of the Conference at its next session.

## WAGES

### GENERAL REPORT

Preliminary discussion of a general report on wages formed the first of three parts of the item "Wages." The report, after referring to the nature of wages and objective of wage policy, dealt in detail in the earlier chapters with systems of wage payment, factors in wage determination, the general level of wages, relative wages in different occupations and industries (including differentials between men's and women's wages), wages and employment, wages and the price level, and international aspects of wages policy. Then came several chapters dealing with wage guarantees, followed by a final chapter on the past and possible future action by the International Labour Organization in the field of wages.

The subject covered by the report had been placed on the Agenda not with a view to the adoption of a Convention or Recommendation, but in order to enable the Conference to consider the whole field of wages policy in relation to economic and social policy in general. It was anticipated that the Conference would thus have an opportunity of formulating a programme for future action by the International Labour Organization in this important field, and of indicating which aspects of wages policy it may wish to consider in greater detail at future sessions.

The Committee considered this part of its Agenda in three stages. It dealt first with the question of equal remuneration for men and women workers for work of equal value, then with the question of a guaranteed wage. Finally, when it became clear that insufficient time remained for consideration of various other points which had been raised in the general report and on certain proposed resolutions relating to this part of its Agenda which had been submitted by members of the Committee, it considered what action should be taken to ensure that further consideration would be given by the Conference, at the earliest opportunity, to the programme for future action by the International Labour Organization in the field of wages.

Besides being raised in the general report, the first question had also been raised in a resolution on the principle of equal pay for equal work for men and women workers which had been adopted by the Economic and Social Council of the United Nations. This resolution invited the International Labour Organization "to proceed as rapidly as possible with the further consideration of this subject and to report to the Council on the action which it has taken." It also formed the subject of a proposed resolution submitted to the Conference and referred to the Committee on Wages, and a further proposed resolution submitted directly to the Committee by one of its members. The text of the latter proposal, while not differing fundamentally from the former, went further on certain points and was designed to ensure that effective action would be taken by the International Labour Organization. It was supported by the workers' members as an improvement on the text of the first proposed resolution, which was withdrawn.

The proposed resolution as finally adopted by the Committee—employers' members, with one exception, abstaining—draws the attention of States members to various statements on the principle of equal remuneration for work of equal value and the importance of taking appropriate measures to secure effective application of this principle. It invites the Governing Body (a) to request Industrial Committees, Regional Committees, and other bodies meeting under the auspices of the International Labour Organization to take this principle fully into account in dealing with questions concerning women and girls; (b) to instruct the International Labour Office to continue and develop its studies and inquiries on the subject; (c) to place the question on the Agenda of the earliest possible session of the Conference, preferably the next general session, with a view to the adoption of appropriate international regulations; and (d) to take such further action as may be appropriate to promote the solution of the various problems involved in its application.

The proposed resolution was adopted by the Conference, the employers' group again abstaining as a result of the defeat of two amendments designed to leave it to the Governing Body to consider the "desirability" of requesting Industrial Committees and the like to take the principle into account, and the "desirability" of placing the question on the Agenda of an "early" session of the Conference (Appendix No. 6).

The preamble to a resolution concerning the guaranteed wage which was adopted by the Conference refers to views expressed by the Iron and Steel Committee and the Metal Trade Committee on this subject, and expresses the view that it is of the utmost importance to provide, wherever and whenever possible, steady employment and income for wage-earners. The resolution falls into two parts: the first recognizes the desirability of extending the application of the principle of the guaranteed wage; the second suggests that the subject should be studied by appropriate Industrial Committees as to methods of application, and requests the Governing Body to consider the desirability of placing the subject on the Agenda of an early session of the Conference. It is thus left to the Governing Body to decide when the time is ripe to place the matter on the Agenda of the Conference (Appendix No. 7).

As a means of ensuring that further consideration would be given by the Conference to other aspects of wages raised in the general report, members of the Committee agreed that the following question: Wages—General Report, should be proposed to the Conference for inclusion on the Agenda of its next session. To be carried forward with the general report were two resolutions proposed by members of the Committee. The first dealt with the concept of a minimum wage, and the second with the dismissal wage. The Conference adopted the proposed resolution (Appendix No. 8).

#### FAIR WAGES CLAUSE IN PUBLIC CONTRACTS

In the conclusions presented to and approved by the Conference for final discussion at the next session, it was proposed that international regulations concerning labour clauses in public contracts be adopted in the form of a Convention to be supplemented by a Recommendation on the subject. It was also proposed that the Convention should apply to certain specified public contracts which were defined, except where the expenditure of public funds involved was below a fixed limit.

Consideration is to be given to a provision covering the exclusion of persons occupying positions of management or of a technical, professional, or scientific character who do not ordinarily perform manual work and who are not covered by awards or the like. A provision for similar exclusion in the case of persons employed in an establishment undertaking a contract to which the Convention would apply but who were not directly engaged in the execution of such contract was deleted.

Employers' representatives were of the opinion that not only public contracts, but also public works, should be covered by the proposed Convention, and attention was drawn in the report to their reservation regarding its scope.

The proposals with regard to the provisions of labour clauses in public contracts provide that workers concerned shall enjoy wages, hours, and other conditions not less favourable than those established by collective agreements, national law, and the like for work of the same character in the district where the work is carried on. Alternative provision is made to cover cases where conditions are not so established.

There was considerable discussion on the proposed inclusion of a health, safety, and welfare provision, it being pointed out that these were questions ordinarily dealt with by general statutory provisions. Finally adopted (although the employers' members opposed it on the ground that questions of health, safety, and welfare were out of place, and the proposed Convention should be confined to wages, though they were prepared to accept appropriate provisions concerning those questions in the form of a Recommendation) was a paragraph providing that adequate measures be taken by the competent authorities to ensure that conditions of health, safety, and welfare of the workers engaged in carrying out the contract were fair and reasonable in cases where such matters were not provided for in collective agreements or national law. Enforcement measures include the posting of notices, maintenance of adequate records, and a system of inspection, except where other arrangements operate for that purpose, and also authority for the withholding of contracts and of payments under a contract.

The proposed conclusions relating to a Recommendation on labour clauses in public contracts provide that such clauses shall prescribe, either directly, or by reference, the normal and overtime rates of wages, the manner in which the hours are to be regulated, and holiday- and sick-leave payments. There was considerable discussion on the addition proposed by the United States Government member of a new paragraph envisaging, among other things, the possibility of defining the regular work week as forty hours, after which overtime rate of time and one-half would be applicable. Much opposition was expressed to this amendment, which was rejected, it being pointed out that the proposal could not be accepted by countries facing severe problems of post-war reconstruction or those in which industrial development was at an early stage, and that it raised important questions which went beyond the competence of the Committee.

## PROTECTION OF WAGES

It was also proposed in the conclusions presented to the Conference under this heading that international regulations be adopted in the form of one Convention supplemented by a Recommendation. A very wide definition was given to the term "wages," but reference was made to the desirability of the exclusion by the competent authority of categories of persons whose conditions of employment were such that the provisions of the Convention may be inappropriate or inapplicable to them. Several paragraphs dealt with the medium of wage payment, the principal points being the payment of wages only in legal tender, though the competent authority could permit payment by bank cheque or postal cheque or money-order in certain circumstances; partial payment in the form of allowances in kind to be authorized in collective agreements or national laws in industries in which payment in such form was customary or desirable, provided certain safeguards were provided; payment in general to be made directly to the worker concerned, whose freedom to dispose of his wages was not to be limited in any manner; freedom from any coercion to make use of works stores, and protection as to price where access to other than works stores was not possible because of the location of the work.

The addition of a specific provision prohibiting the payment of wages in the form of alcoholic drinks or noxious drugs, even with the consent of the worker concerned, was sought by the workers' members. The employers' members, while sharing the view that wages should not be in the form of alcoholic drinks or noxious drugs, considered that such a provision would be inappropriate for inclusion in the proposed convention and also unnecessary in view of the other proposed limitations. Consequent upon the rejection of their amendment, the workers' members reserved the right to bring this question up again at a later stage.

Deductions from wages are to be permitted only to the extent prescribed by national laws, and workers are to be informed of the conditions under which, and the extent to which, such deductions may be made. Any deduction in the form of a payment by a worker to any employer or his representative for the purpose of obtaining employment is prohibited. A special exemption in the Office text to meet the case of employment agencies authorized by national laws to charge fees was deleted as the result of an amendment submitted by the workers' members, who were opposed in principle to fee-charging employment agencies.

Protection in the case of attachment of wages and bankruptcy or judicial limitation of an undertaking was included in the proposals, as also were provisions requiring wages to be paid regularly on working-days only and at or near the work place, and prohibiting payment in taverns, except in the case of persons employed in such establishments. Notification of wage conditions is to be given to the workers, and provision is made for enforcement measures.

The proposed conclusions relating to a Recommendation concerning the protection of wages deals in some detail with wage deductions, periodicity of wage payments, and notification to workers of wage conditions and wage payments.

In the Committee the employers' members voted against the adoption of the text of the proposed Recommendation, since they considered certain of its provisions to be unsound. However, the employers' group voted in favour of the adoption of the resolution by the Conference, though they reserved their position as to the proposed recommendation.

## FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANIZE

As stated in the report of the Government delegation to the Thirtieth Session of the I.L.O. which was held at Geneva in 1947, this subject was first considered at that session under the double-discussion procedure, following the request of the Economic and Social Council of the United Nations, which, on representation from the World Federation of Trade Unions and the American Federation of Labour, had been called

upon to consider the question "of guarantees for the exercise and development of trade-union rights." At that session the Conference decided to place the question of freedom of association and protection of the right to organize on the Agenda of the Thirty-first Session with a view to the adoption of one or more Conventions at that session. In accordance with the usual procedure, a questionnaire based on a list of points approved at the Geneva Conference had been distributed to Governments, and on the basis of the replies received the International Labour Office had prepared a report and draft Convention which were placed before the Conference for final discussion and decision.

The Committee set up by the Conference to deal with these subjects consisted of eighty members (forty Government, twenty employers, and twenty workers). In accordance with the Standing Orders, each Government member had one vote, and each employers' and workers' member had two votes. Mr. J. Thorn, senior Government delegate for New Zealand, was unanimously elected Chairman of this Committee.

This Committee was responsible for considering the following items :—

- (1) The proposed Convention concerning freedom of association and protection of the right to organize.
- (2) A report by the Governing Body on the effect to be given to a resolution concerning international machinery for safeguarding freedom of association adopted by the Geneva Conference.
- (3) First discussion of certain proposals contained in a report prepared by the Office regarding industrial relations.

The Committee, in dealing with the first item, took as a basis for its discussion the text submitted by the Office, which it considered article by article.

On the basis of the conclusions reached at the Geneva Conference, the proposed Convention had been drafted to give effect to the following important principles :—

- (1) That employers and workers should have the right to establish and join organizations of their own choosing, without prior authorization.
- (2) That employers' and workers' organizations should have the right to draw up their constitution and rules, to organize their administration and activities, and to formulate their programmes.
- (3) That public authorities should refrain from any interference which would restrict this right or impede the organizations in the lawful exercise of this right.
- (4) That employers' and workers' organizations may not be dissolved or suspended by administrative authority.
- (5) Recognition of the right of employers' and workers' organizations to establish federations and confederations of such organizations and to affiliate with international organizations of employers and workers.
- (6) That the acquisition of legal personality by employers' and workers' organizations should not be made subject to conditions of such a character as to restrict freedom of association.
- (7) That the acquisition and exercise of the rights as outlined should not exempt employers' and workers' organizations from their full share of responsibilities and obligations.

It was evident from the outset that members of all delegations, Government, employers', and workers', were keenly interested in this important subject. Several of the clauses in the preamble were the object of a number of amendments, and as these had an important bearing on the substance of the Convention a prolonged discussion ensued before the text of the preamble to the Convention was finally settled.

Numerous amendments and sub-amendments to the individual articles were also discussed at considerable length, many of the amendments being designed to extend or restrict the provisions of the particular article concerned.

Members of the New Zealand delegation were concerned that the provisions of the Industrial Conciliation and Arbitration Act regarding the registration of industrial unions might not be in conformity with Article 2 of the Convention, and consideration was given to the question of submitting an amendment designed to ensure that adequate provision might be made by national legislation to preclude the possibility of multiplicity of industrial unions.

However, assurances were obtained from the Director-General's representative attached to the Committee and from the Organization's Legal Officer that the purpose of this article was to ensure that workers and employers would have the right to establish and join organizations of their own choosing without Government interference, and that any rules of such organizations, or national legislation designed to strengthen such organizations by avoiding multiplicity, would not be in conflict with the Convention.

It was also pointed out during the discussion on a number of amendments to Article 3 that the Convention was not intended to be a "code of regulations" for the right to organize, but rather a concise statement of certain fundamental principles, and that States would remain free to provide such formalities in their legislation as appeared appropriate to ensure the normal functioning of industrial organizations. It followed, therefore, that formalities provided for by national legislation concerning the constitution and operation of workers' and employers' organizations were in conformity with the provisions of the Convention, provided that such legislation did not impair the guarantees granted by the Convention.

The Convention Concerning Freedom of Association and Protection of the Right to Organize as approved by the Committee, and subsequently adopted by the Conference, is set out in Appendix No. 9.

#### INTERNATIONAL MACHINERY FOR SAFEGUARDING FREEDOM OF ASSOCIATION

When the report of the Governing Body on the question of international machinery for the safeguarding of freedom of association came before the Committee, it was generally agreed that the Governing Body should be requested to enter into consultations with the competent organs of the United Nations, for the purpose of examining what developments to existing international machinery may be necessary to ensure the safeguarding of freedom of association. The text of a resolution submitted to and adopted by the Conference in relation to this matter is contained in Appendix No. 10.

#### APPLICATION OF THE PRINCIPLES OF THE RIGHT TO ORGANIZE AND TO BARGAIN COLLECTIVELY

As indicated earlier in this report, the Committee set up to deal with freedom of association and protection of the right to organize was also responsible for examining the problem of industrial relations, which was the eighth item on the Agenda of the Conference. This item comprised the following questions: application of the principles of the right to organize and to bargain collectively, collective agreements, conciliation and arbitration, and co-operation between public authorities and employers, and workers' organizations. The Committee found it impossible to study all these questions in the time available. It therefore limited itself to the examination of the problem of the application of the principles of the right to organize and to bargain collectively, and referred the three other questions to the next session.



The Committee took as the basis of discussion the proposed conclusions drafted by the Office, and in the general discussion employers' members observed that freedom of association should be guaranteed in its negative aspect—freedom not to join—as well as in the positive aspect—freedom to establish organizations and to join them. They considered that the regulations should state clearly that no employer or worker should be forced to join an industrial organization against his will.

The United Kingdom Government, in opposing this view, pointed out that the proposal would raise several difficult issues of vital importance to Governments, no less than to workers and employers. If the intention was to give protection by law to an individual's right not to join any organization, it seemed to follow that collective agreements providing for the closed or union shop would have to be made illegal. He asked whether the effect of the employers' proposal would be to require all strikes to be made illegal where union members refused to work with individual workers who were not prepared to join a union, and pointed out that, if so, few Governments could accept a Convention which required any such action to be taken.

The workers' members maintained that the right to organize and the right not to organize could not be placed on a footing of equality, and opposed any inclusion in the international regulations of a clause specially guaranteeing the right not to join. It was emphasized that the regulations were intended primarily to make the principle of freedom of association effective by guaranteeing to those concerned the right to establish organizations freely, and allowing them to function freely, an essential condition of collective bargaining.

After the general discussion, the Committee proceeded to an examination of the detailed provisions, and decided to postpone until next year the decision as to whether the international regulations should take the form of a Convention or a Recommendation.

The conclusions arrived at as a basis for final discussion and decision at the next session were as follows:—

- (1) International regulations concerning the application of the principles of the right to organize and to bargain collectively to be adopted in the form of a Convention or a Recommendation.
- (2) The workers to be accorded adequate protection against any acts of anti-union discrimination in respect of their employment, and especially against acts designed to—
  - (a) Make the employment of a worker dependent on the condition that he shall not join a union or shall withdraw from one to which he belongs :
  - (b) Cause the dismissal of or otherwise prejudice a worker by reason of his membership in a union or because of his participation in union activities outside working-hours or, with the consent of his employer, within working-hours.
- (3) (a) Workers' organizations to be accorded adequate protection against any acts of interference, on the part of employers' organizations or their agents, in their establishment, functioning, or administration.
  - (b) In particular, acts which are designed to—
    - (i) Effect the establishment of workers' organizations under the domination of employers :
    - (ii) Support workers' organizations by financial or other means with the object of placing such organizations under the control of employers—shall be deemed to constitute wrongful interference.
- (4) Employers and workers to be accorded adequate protection against acts of wrongful coercion designed to interfere with the free exercise of their right to organize.

- (5) Appropriate measures to be taken to induce employers and employers' organizations on the one hand, and workers' organizations on the other, to enter into negotiations with a view to regulating conditions of employment by means of collective agreements.
- (6) Appropriate machinery to be established, where necessary, for the purpose of ensuring respect for the right to organize and to bargain collectively as defined in points (2), (3), (4), and (5) above.

The final resolution submitted by the Committee to and adopted by the Conference is contained in Appendix No. 11.

## REVISION OF CONVENTIONS CONCERNING THE NIGHT WORK OF WOMEN AND YOUNG PERSONS

The Conventions which were the subject of consideration were the Night Work (Women) Convention, 1919, the Night Work (Women) Convention (Revised), 1934, and the Night Work of Young Persons (Industry) Convention.

These Conventions contain provisions prohibiting the employment of women and young persons during certain hours ("barred period") in specified industries.

The main points covered by the proposed revisions were:—

- (a) Definition of "industrial undertaking" and the categories of employment included in the scope of the Conventions.
- (b) Definition of the term "night" in the Conventions relating to women to allow more flexibility in the interval of prohibited employment ("barred period") so as to facilitate the development of double day-shift systems, and in the case of the Convention relating to young persons to provide for a longer consecutive rest period, as well as for greater flexibility in the arrangement of the "barred period."
- (c) Addition of a provision in the Convention relating to women to permit of the prohibition on the employment of women being suspended when in cases of serious emergency the national interest makes this necessary.
- (d) Extension of the exception applying to women in managerial positions to include women in responsible technical and professional positions.
- (e) Revision of the exceptions provided for in respect of young persons of sixteen years of age and over employed in continuous work in specified industries.
- (f) Reconsideration of the exceptions provided for in respect of young persons employed in coal and lignite mines and in the baking industry.

The Committee set up to consider these matters devoted sixteen sessions to its task, but in spite of divergent opinions and the prolonged discussions on many of the points at issue, satisfactory solutions were found in almost every case. Consideration was given to the question of including transport industries in the Conventions, but after a prolonged discussion it was decided to refer the matter to the Governing Body for examination.

With regard to Article 2 of the Convention, relating to the employment of young persons, the Committee agreed upon a text which provided that the "barred period" in the case of young persons under sixteen years of age should include the interval between 7 o'clock in the evening and 6 o'clock in the morning. However, when a Government amendment was moved in plenary session proposing to substitute the words "10 o'clock" for "7 o'clock," the workers' group, which in Committee had strongly opposed any such alteration, signified that it would support the amendment rather than run the risk of not obtaining the two-thirds majority vote required for the adoption of the revised Convention.

On the Committee's recommendation, the Conference adopted a resolution, the text of which is contained in Appendix No. 12, relating to suspensions of night work regulations for young persons in the case of serious emergency.

The revised Conventions as finally adopted by the Conference are contained in Appendices No. 13 and No. 14.

Resolutions relating to the substitution of the revised provisions in the Schedule to the Labour Standards (Non-Metropolitan Territories) Convention, 1947, are set out in Appendix No. 15.

## PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL LABOUR ORGANIZATION

At its Second Session in September and November, 1947, the General Assembly of the United Nations approved a Convention on the privileges and immunities of the specialized agencies.

This Convention is divided into two separate parts :—

- (a) A part of a general nature, defining the standard privileges and immunities applicable to all the specialized agencies.
- (b) Draft annexes relating to each of the existing specialized agencies. The object of the annexes is to adapt the standard clauses to each of the specialized agencies and to define the extent to which they apply to the specialized agencies concerned.

The two parts of the Convention form a complete body of provisions, but, whereas the standard clauses constitute a definitive text, the annexes contained in the second part of the Convention are Recommendations addressed to each of the specialized agencies. The Conference was therefore called upon to consider and adopt the annex relating to the International Labour Organization.

The Standing Orders Committee, which considered this matter, recommended three modifications of the draft annex approved by the General Assembly of the United Nations, and the appropriate resolution, together with the texts of the standard clauses and of the annex relating to the International Labour Organization, as adopted by the Conference, are set out in Appendix No. 16.

## STANDING ORDERS

Other matters dealt with by the Committee on Standing Orders were :—

- (1) Procedure to be followed in any case in which it might be thought desirable to transfer to another international organization all or part of the responsibilities of the International Labour Organization under a Recommendation.
- (2) Standing Orders governing the procedure for the admission of States to membership of the International Labour Organization.
- (3) Rules concerning the powers, functions, and procedure of regional conferences.
- (4) Relations between the International Labour Organization and non-governmental organizations.

## RESOLUTIONS

Important resolutions adopted by the Conference in relation to matters not dealt with elsewhere in this report are set out in Appendix No. 17.

J. THORN.

H. PARSONAGE.

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## APPENDIX No. 1

Mr. THORN (*Government delegate, New Zealand*).—Speaking for the New Zealand Government, I wish at the outset to express my pleasure at the selection of this great City of San Francisco for this session of the International Labour Conference. Here it is appropriate for a New Zealander to pay his respects to the people of the United States of America. During the war, many of the citizens of this great nation served with its Armed Forces in New Zealand, and at a dark stage in the struggle, when we felt that our country was threatened with invasion, they brought to us a feeling of safety, strength, and hope. We treated them as friends and comrades, and we will never forget the sacrifices they made to protect us from our enemies. We trust that the friendships then engendered will be continued, and that they will further express themselves in the joint effort now being made in the International Labour Organization and the United Nations to bring a happy and generous life to the peoples of the world.

I am pleased to convey to the Director-General the New Zealand delegation's warm congratulations on the report which we are now discussing. This report is in keeping with the high standards of the pronouncements made by the International Labour Organization since its inception. It is factual and objective, yet it is informed with the spirit of economic and social progress. No one can read its survey of world conditions without gaining a deep knowledge of the problems with which the world is faced, without being encouraged by the advance made, and without realizing how essential are patient work and co-operation if our difficulties are to be overcome.

In New Zealand, for more than fifty years, our legislative record in the domain of industrial and social life has been such as to have attached us in a sympathetic relationship from the very beginning with the International Labour Organization. We have always looked on this Organization with confidence, and one of our reasons for doing so has been the competence and humanity with which its successive Directors-General have carried their responsibilities and given leadership to the world.

Mr. Phelan followed Mr. Butler and the late John Winant, two devoted servants of the human race. And now that he is leaving us, we wish to express to him our sincerest thanks for the manifold services he has rendered to this Organization and the noble purposes for which it was established.

Many years ago, New Zealand won for itself a world-wide reputation for economic and social experiment, and since the early 1890's the aim of several Governments has been to encourage the formation of trade-unions, to establish minimum conditions in industry below which no worker could fall, to safeguard against poverty all citizens who suffer hazards of life such as old age, chronic invalidity, maternity, widowhood, orphanhood, sickness, and unemployment, and to provide the best medical and hospital treatment for all who require it.

These ends have been served by legal process. The first two have been met by our Industrial Conciliation and Arbitration Act and our minimum-wage law, and the last two by our Social Security Act. Our Industrial Conciliation and Arbitration Act was passed in 1893. It is still on our statute-books, and all but three of our trade-unions are registered under it. The Act provides conciliation procedures, and arbitration by a Court if these fail. After hearing evidence from the parties to the dispute, the Court makes awards fixing wages and conditions, and its awards are the law of the land. In the original Act, a Preamble stated that one of its purposes was to "foster and encourage the formation of trade-unions," and in 1936 it was amended to make trade-union membership compulsory in all industries covered by Arbitration Court awards. The Act has not had a perfect result, but it is nevertheless true to-day that the overwhelming majority of trade-unions and their members were never more convinced that it supplies a civilized means of settling industrial disputes. Indeed, its aim is that of law and order in the industrial and commercial life of New Zealand.

With such a legislative achievement, it does appear to the Government I represent that there is a certain appropriateness in the Agenda for this Conference, covering as it does such subjects as wages, the conditions of night work for women, and young persons vocational guidance, and, in particular, freedom of association, the workers' right to organize, and industrial relations—to all of which very considerable enlightened attention has been paid by the people of my country. We are gratified, too, to observe in the replies of Governments to the questionnaires on freedom of association and industrial relations that there is so wide a consensus of agreement as to encourage the hope that the preparation of Conventions will be accomplished with little difficulty.

As to freedom of association and industrial relations, the New Zealand Government is strongly of the opinion that the decision of the Economic and Social Council and of the General Assembly of the United Nations to avail themselves of the experience of the International Labour Organization was right and proper. When the question was raised at the Economic and Social Council by memoranda from the World Federation of Trade Unions and the American Federation of Labour, the attitude of the New Zealand delegation was that it would be meaningless to refrain from utilizing the services of an agency which had specialized on these very questions and whose work had always been of the most competent character. The course taken was a commendable example of co-operative effort within the United Nations. Two non-governmental organizations made proposals to the Economic and Social Council. The Council decided to make use of the appropriate specialized agency. This agency, at its annual Conference, reached

certain conclusions which were presented to the following session of the Council, where they were approved and referred to the General Assembly. The General Assembly also adopted them and sent them here with a recommendation of the action we are about to take.

Now, this is an orderly and fruitful proceeding. For myself, I stated at the General Assembly that there was a far better prospect of Governments accepting a Convention agreed on by the International Labour Organization with its tripartite representation than there would be if proposals reached them from any other organization whatsoever. And this is the view of the New Zealand Government.

But I must add here that the mere adoption of a Convention by the International Labour Organization is inadequate. The Convention must be honestly accepted by Governments of member States and be properly administered. This involves the creation of an active, informed, and favourable public opinion, and in this connection every well-disposed citizen of the nations represented here must accept some responsibility. Governments exercise great power, but in the last resort the people possess the power and it depends on how they think and act as to whether or not Conventions become realities in industrial and social life. More than the Convention, even, is the popular will, and to ensure that the Convention will yield its best effect, that will must be public-spirited and enlightened.

I now come to a section of the Director-General's report which I think has some pertinence to what I have just said. It is the section headed "Inflation, Wages, and Output." Its general argument is wisdom itself, and it will be accepted by all Governments that seek stability and the general welfare of their fellow-citizens. It may well be pondered by both workers and employers. What it suggests is that in such a world as now exists, in which war and post-war dislocations have handicapped the production of goods and services, it is as urgent to increase the goods and services as it is to effect their equitable distribution. After all, standards of life depend on the wealth available. If the production of this wealth is hampered or diminished because industry is looked upon as a battlefield in which those engaged in it fight for self-advantage, it is as certain as anything can be that improving standards of life will be impossible.

For economic and social progress in the sense that all participate increasingly in the benefits of production, it is inescapable in the present state of human affairs that understanding and co-operation between the interests concerned are absolutely essential. What is needed is a new conception of the purpose of industry. It should be regarded as a public service, and primarily as a means by which a more abundant life may be given to the community. Acceptance of this view will involve modification of attitudes which have prevailed until now with both employers and employees, not to speak of Governments, and it will require patience, forbearance, and good-will, but to the extent that this conception becomes the rule it will bring its reward not only in material benefit, but in moral satisfaction.

A principal objective of the International Labour Organization is to break down the barriers that divide us and to increase understanding, so that we might unite in the practice of a common helpfulness. Two of its recent activities are typical of the work the International Labour Organization is doing. One is the reconstitution of the Correspondence Committee on Social Insurance, and in this New Zealand will play an active part. The other is the Preparatory Asian Regional Conference, held in Delhi last year, which a full delegation from New Zealand attended. This Conference was an outward sign of the anxiety of the International Labour Organization to assist the peoples of Asia and the Far East, who make up one-half of the human family, and who live under frightful disadvantages.

In the International Labour Organization the representatives of the Asiatic nations enjoy equality, and through this Organization, in which things are decided by free discussion and the exercise of reason, not only can they be assisted by more favoured

nations, but they can make their contribution to the solution of problems that concern us all. If, together, by wise measures forged in the International Labour Organization, these peoples can be released from their present sufferings and their living-conditions can be transformed, a great advance towards a prosperous world and a brotherly society will have been achieved.

It was affirmed in the Atlantic Charter that an aim of the recent war was the abolition of fear and want. To accomplish this no organization is more eminently fitted than the International Labour Organization. Indeed, that was the task given it when it was formed. The present outlook is not inviting and the task will not be easy, but this is all the more a reason why we should pursue it with energy and devotion. Let us resolve to succeed in building up a just and peaceful world, and then our children will rise up and call us blessed.

## APPENDIX No. 2.—PROPOSED EXPENDITURE BUDGET FOR 1949

### PART I.—Ordinary Budget :—

<i>Section I</i> (Ordinary Expenditure)—			
Chapter I.—Sessions of the Conference and the Governing Body and other Conferences .. .. .	Estimates for 1949. U.S. Dollars.	Budget for 1948 U.S. Dollars.	Expenditure, 1947. U.S. Dollars.
.. .. .	423,156	380,724	363,739·91
Chapter II.—General Services of the International Labour Office ..	4,039,990	3,448,989	2,796,361·67
Chapter III.—Profit and Loss on Exchange .. .. .	..	..	Profit 293·58
Chapter IV.—Permanent Equipment, &c. .. .. .	63,083	58,411	40,586·70
<i>Section II</i> (Capital Expenditure)—			
Chapter V.—Capital Expenditure ..	100	234	..
<i>Section III</i> (Unforeseen Expenditure)—			
Chapter VI.—Unforeseen Expenditure .. .. .	55,000	58,411	58,221·98
<i>Section IV</i> :			
Chapter VII.—Reserve Fund—			
Allocation, 1949 .. .. .	175,000	175,234	175,233·65
Refund of Withdrawal, 1947 .. .. .	98,321	..	..
Total .. .. .	4,854,650	4,122,003	3,433,850·33
<i>Deduct—</i>			
Supplementary Receipts .. .. .	30,000	23,365	62,231·61
Net Total of Part I .. .. .	4,824,650	4,098,638	3,371,618·72
PART II.—Staff Pensions Fund .. .. .	135,027	109,706	164,406·55
PART III.—Staff Retirement and Provident Fund .. .. .	225,862	217,586	122,404·67
PART IV.—Restoration to Working Capital Fund .. .. .	..	..	..
Total .. .. .	5,185,539	4,425,930	3,658,429·94
Expenditure charged to 1947 Supplementary Credits .. .. .			
.. .. .	..	..	98,321·05

## APPENDIX No. 3

Conventions, 1919-46—Total adopted: 79<sup>1</sup>  
Position of Ratifications as on 30 June, 1948

Population : Latest Available Estimate <sup>2</sup> , (Millions).	Country.	Conventions Ratified <sup>3</sup> .	Conventions not Ratified.		Remarks (Membership).
			Total.	Number of these Con- ventions which were Adopted by the Conference at Sessions Outside Period of Participation in Organization.	
(1)	(2)	(3)	(4)	(5)	(6)
(a) NON-FEDERAL STATES					
(1) 41.0	France .. ..	37	42	..	..
(2) 49.7	United Kingdom .. ..	35	44	..	..
(3) 5.4	Chile .. ..	34	45	..	..
(4) 27.5	Spain .. ..	34	45	12	Withdrew 1941.
(5) 8.4	Belgium .. ..	33	46	..	..
(6) 1.8	New Zealand .. ..	30	49	..	..
(7) 1.1	Nicaragua .. ..	30	49	17	Withdrew 1938; re- admission pending.
(8) 2.3	Uruguay .. ..	30	49	..	..
(9) 7.0	Bulgaria .. ..	29	50	..	Joined 1920.
(10) 3.0	Ireland .. ..	29	50	4	Joined 1923.
(11) 9.6	Netherlands .. ..	28	51	..	..
(12) 0.3	Luxembourg .. ..	27	52	..	Joined 1920.
(13) 5.1	Cuba .. ..	26	53	..	..
(14) 6.7	Sweden .. ..	26	53	..	..
(15) 45.5	Italy .. ..	25	54	4	Withdrew 1939. Re- joined 1945.
(16) 10.5	Colombia .. ..	24	55	..	..
(17) 3.1	Norway .. ..	23	56	..	..
(18) 23.9	Poland .. ..	23	56	..	..
(19) 1.1 (1934)	Estonia .. ..	22	57	23	Joined 1921.
(20) 3.9	Finland .. ..	21	58	5	Joined 1920.
(21) 9.4	Hungary .. ..	20	59	7	Joined 1922.
(22) 6.9	Austria .. ..	19	60	19	Withdrew 1938. Re- joined 1947.
(23) 4.1	Denmark .. ..	19	60	..	..
(24) 4.3	Venezuela .. ..	18	61	..	..
(25) 65.9	Germany .. ..	17	62	35	Withdrew 1935.
(26) 7.5	Greece .. ..	17	62	..	..
(27) 2.0 (1939)	Latvia .. ..	17	62	14	Joined 1921.
(28) 16.5	Rumania .. ..	17	62	12	Withdrew 1942.
(29) 12.2	Czechoslovakia .. ..	15	64	..	..
(30) 78.0	Japan .. ..	14	65	12	Withdrew 1940.
(31) 461.0	China .. ..	13	66	..	..
(32) 7.1	Peru .. ..	11	68	..	..
(33) 8.3	Portugal .. ..	9	70	..	..
(34) 11.4	Union of South Africa .. ..	8	71	..	..
(35) 2.4	Lithuania .. ..	7	72	24	Joined 1921.
(36) 7.0 (1939)	Afghanistan .. ..	5	74	40	Joined 1934.
(37) 3.7 (1939)	Iraq .. ..	5	74	31	Joined 1932.
(38) 1.1	Albania .. ..	4	75	7	Joined 1920.
(39) 2.2	Dominican Republic .. ..	4	75	12	Joined 1924.
(40) 19.1	Egypt .. ..	4	75	50	Joined 1936.
(41) 17.9 (1940)	Turkey .. ..	4	75	32	Joined 1932.



APPENDIX No. 3—*continued*

Population : Latest Available Estimate <sup>2</sup> . (Millions).	Country.	Conventions Ratified <sup>3</sup> .	Conventions not Ratified.		Remarks (Membership).
			Total.	Number of these Con- ventions which were Adopted by the Conference at Sessions Outside Period of Participation in Organization.	
(1)	(2)	(3)	(4)	(5)	(6)
<i>(a) NON-FEDERAL STATES—continued</i>					
(42) 2.5 (1939)	Liberia .. ..	1	78	..	..
(43) 3.9	Bolivia .. ..	..	79	..	..
(44) 0.8	Costa Rica .. ..	..	79	56	Joined 1920; with- drew 1926; re- joined 1944.
(45) 3.3	Ecuador .. ..	..	79	44	Joined 1934.
(46) 5.5 (1939)	Ethiopia .. ..	..	79	39	Joined 1923.
(47) 3.6	Guatemala .. ..	..	79	5	Withdrew 1938; re- joined 1945.
(48) 2.6 (1939)	Haiti .. ..	..	79	..	..
(49) 1.2	Honduras .. ..	..	79	..	..
(50) 0.1	Iceland .. ..	..	79	67	Joined 1945.
(51) 15.0 (1939)	Iran .. ..	..	79	..	..
(52) 0.6	Panama .. ..	..	79	..	..
(53) 1.2	Paraguay .. ..	..	79	..	..
(54) 2.0	Salvador .. ..	..	79	16	Withdrew 1939; re- admission pending.
(55) 18.1	Siam .. ..	..	79	..	..
<i>(b) FEDERAL STATES</i>					
(1) 23.4	Mexico .. ..	30	49	14	Joined 1931.
(2) 14.8	Yugoslavia .. ..	22	57	..	Gave notice of with- drawal 1947.
(3) 16.1	Argentine Republic .. ..	16	63	..	..
(4) 310.6	India .. ..	16	63	..	..
(5) 4.5	Switzerland .. ..	16	63	..	..
(6) 7.6	Australia .. ..	12	67	..	..
(7) 46.7	Brazil .. ..	12	67	..	..
(8) 12.6	Canada .. ..	11	68	..	..
(9) 144.0	United States of America	5	74	44	Joined 1934.
(10) 170.5 (1939)	U.S.S.R. .. ..	..	79	56	Joined 1934; with- drew 1940.
	Total .. ..	954	4,181	701	

<sup>1</sup> Convention No. 80 (Final Articles Revision) is a procedural Convention and as such is not included in the tables.<sup>2</sup> Except where otherwise indicated, the figures given refer to the year 1946 or 1947.<sup>3</sup> All ratifications registered up to 30th June, 1948, are listed, since the Office is not in a position to evaluate the effect of political and military events upon the status of countries which have ratified.

# APPENDIX No. 4.—LIST OF CONVENTIONS GIVING NUMBER OF RATIFICATIONS OF EACH CONVENTION

No. of Convention.	Short Title.				No. of Ratifications.
1.	Hours of Work (Industry) (1919)	..	..	..	25
2.	Unemployment (1919) ..	..	..	..	32
3.	Maternity Protection (1919) ..	..	..	..	17
4.	Night Work (Women) (1919) ..	..	..	..	32
5.	Minimum Age (Industry) (1919) ..	..	..	..	30
6.	Night Work of Young Persons (Industry) (1919)	..	..	..	31
7.	Minimum Age (Sea) (1921) ..	..	..	..	33
8.	Unemployment Indemnity (Shipwreck) (1921)	..	..	..	28
9.	Placing of Seamen (1921) ..	..	..	..	28
10.	Minimum Age (Agriculture) (1921) ..	..	..	..	21
11.	Right of Association (Agriculture) (1921) ..	..	..	..	34
12.	Workmen's Compensation (Agriculture) (1921)	..	..	..	23
13.	White Lead (Painting) (1921) ..	..	..	..	27
14.	Weekly Rest (Industry) (1921) ..	..	..	..	35
15.	Minimum Age (Trimmers and Stokers) (1921)	..	..	..	32
16.	Medical Examination of Young Persons (Sea) (1921)	..	..	..	33
17.	Workmen's Compensation (Accidents) (1925) ..	..	..	..	20
18.	Workmen's Compensation (Occupational Diseases) (1925)	..	..	..	30
19.	Equality of Treatment (Accident Compensation) (1925)	..	..	..	38
20.	Night Work (Bakeries) (1925) ..	..	..	..	12
21.	Inspection of Emigrants (1926) ..	..	..	..	22
22.	Seamen's Articles of Agreement (1926) ..	..	..	..	27
23.	Repatriation of Seamen (1926) ..	..	..	..	18
24.	Sickness Insurance (Industry, &c.) (1927) ..	..	..	..	18
25.	Sickness Insurance (Agriculture) (1927) ..	..	..	..	11
26.	Minimum Wage-Fixing Machinery (1928) ..	..	..	..	24
27.	Marking of Weight (Packages Transported by Vessels) (1929) ..	..	..	..	35
28.	Protection against Accidents (Dockers) (1929) ..	..	..	..	28
29.	Forced Labour (1930) ..	..	..	..	22
30.	Hours of Work (Commerce and Officers) (1930) ..	..	..	..	10
31.	Hours of Work (Coal Mines) (1931) ..	..	..	..	1
32.	Protection against Accidents (Dockers) (Revised) (1932)	..	..	..	11
33.	Minimum Age (Non-Industrial Employment) (1932)	..	..	..	7
34.	Fee-charging Employment Agencies (1933)	..	..	..	6
35.	Old-age Insurance (Industry, &c.) (1933) ..	..	..	..	5
36.	Old-age Insurance (Agriculture) (1933) ..	..	..	..	4
37.	Invalidity Insurance (Industry, &c.) (1933)	..	..	..	5
38.	Invalidity Insurance (Agriculture) (1933) ..	..	..	..	4
39.	Survivors' Insurance (Industry, &c.) (1933)	..	..	..	2
40.	Survivors' Insurance (Agriculture) (1933) ..	..	..	..	1
41.	Night Work (Women) (Revised) (1934) ..	..	..	..	18
42.	Workmen's Compensation (Occupational Diseases) (Revised) (1934)	..	..	..	16
43.	Sheet-glass Works (1934) ..	..	..	..	7
44.	Unemployment Provision (1934) ..	..	..	..	4
45.	Underground Work (Women) (1935) ..	..	..	..	26
46.	Hours of Work (Coal Mines) (Revised) (1935)	..	..	..	2
47.	Forty-Hour Week (1935) ..	..	..	..	1
48.	Maintenance of Migrants' Pension Rights (1935) ..	..	..	..	5
49.	Reduction of Hours of Work (Glass-Bottle Works) (1935)	..	..	..	6

APPENDIX No. 4—*continued*

No. of Convention.	Short Title.	No. of Ratifications.
50. Recruiting of Indigenous Workers (1936) .. .. .		4
51. Reduction of Hours of Work (Public Works) (1936) .. .. .		1
52. Holidays with Pay (1936) .. .. .		4
53. Officers' Competency Certificates (1936) .. .. .		11
54. Holidays with Pay (Sea) (1936) .. .. .		4
55. Shipowners' Liability (Sick and Injured Seamen) (1936) .. .. .		4
56. Sickness Insurance (Sea) (1936) .. .. .		1
57. Hours of Work and Manning (Sea) (1936) .. .. .		4
58. Minimum Age (Sea) (Revised) (1936) .. .. .		8
59. Minimum Age (Industry) (Revised) (1937) .. .. .		3
60. Minimum Age (Non-Industrial Employment) (Revised) (1937) .. .. .		1
61. Reduction of Hours of Work (Textiles) (1937) .. .. .		1
62. Safety Provisions (Building) (1937) .. .. .		3
63. Statistics of Wages and Hours of Work (1938) .. .. .		14
64. Contracts of Employment (Indigenous Workers) (1939) .. .. .		2
65. Penal Sanctions (Indigenous Workers) (1939) .. .. .		2
66. Migration for Employment (1939) .. .. .		0
67. Hours of Work and Rest Periods (Road Transport) (1939) .. .. .		0
68. Food and Catering (Ships' Crews) (1946) .. .. .		0
69. Certification of Ships' Cooks (1946) .. .. .		0
70. Social Security (Seafarers) (1946) .. .. .		0
71. Seafarers' Pensions (1946) .. .. .		0
72. Paid Vacations (Seafarers) (1946) .. .. .		0
73. Medical Examination (Seafarers) (1946) .. .. .		0
74. Certification of Able Seamen (1946) .. .. .		0
75. Accommodation of Crews (1946) .. .. .		1
76. Wages, Hours of Work and Manning (Sea) (1946) .. .. .		0
77. Medical Examination of Young Persons (Industry) (1946) .. .. .		1
78. Medical Examination of Young Persons (Non-Industrial Occupations) (1946) .. .. .		1
79. Night Work of Young Persons (Non-Industrial Occupations) (1946) .. .. .		1
TOTAL: 978 Ratifications <sup>1</sup>		

<sup>1</sup> Convention No. 80 had received 24 ratifications.

## APPENDIX No. 5.—CONVENTION CONCERNING THE ORGANIZATION OF THE EMPLOYMENT SERVICE

The General Conference of the International Labour Organization,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June, 1948, and

Having decided upon the adoption of certain proposals concerning the organization of the employment service, which is included in the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this 9th day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Employment Service Convention, 1948 :

*Article 1*

1. Each member of the International Labour Organization for which this Convention is in force shall maintain or ensure the maintenance of a free public employment service.

2. The essential duty of the employment service shall be to ensure, in co-operation where necessary with other public and private bodies concerned, the best possible organization of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.

*Article 2*

The employment service shall consist of a national system of employment offices under the direction of a national authority.

*Article 3*

1. The system shall comprise a network of local, and where appropriate regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers.

2. The organization of the network shall—

(a) Be reviewed—

(i) Whenever significant changes occur in the distribution of economic activity and of the working population, and

(ii) Whenever the competent authority considers a review desirable to assess the experience gained during a period of experimental operation ; and

(b) Be revised whenever such review shows revision to be necessary.

*Article 4*

1. Suitable arrangements shall be made through advisory committees for the co-operation of representatives of employers and workers in the organization and operation of the employment service and in the development of employment service policy.

2. These arrangements shall provide for one or more national advisory committees and where necessary for regional and local committees.

3. The representatives of employers and workers on these committees shall be appointed in equal numbers after consultation with representative organizations of employers and workers, where such organizations exist.

*Article 5*

The general policy of the employment service in regard to referral of workers to available employment shall be developed after consultation of representatives of employers and workers through the advisory committees provided for in Article 4.

*Article 6*

The employment service shall be so organized as to ensure effective recruitment and placement, and for this purpose shall—

(a) Assist workers to find suitable employment and assist employers to find suitable workers, and more particularly shall, in accordance with rules framed on a national basis—

(i) Register applicants for employment, take note of their occupational qualifications, experience and desires, interview them for employment, evaluate if necessary their physical and vocational capacity, and assist them where appropriate to obtain vocational guidance or vocational training or retraining,

(ii) Obtain from employers precise information on vacancies notified by them to the service and the requirements to be met by the workers whom they are seeking,

(iii) Refer to available employment applicants with suitable skills and physical capacity,

(iv) Refer applicants and vacancies from one employment office to another, in cases in which the applicants cannot be suitably placed or the vacancies suitably filled by the original office or in which other circumstances warrant such action ;

(b) Take appropriate measures to—

(i) Facilitate occupational mobility with a view to adjusting the supply of labour to employment opportunities in the various occupations,

(ii) Facilitate geographical mobility with a view to assisting the movement of workers to areas with suitable employment opportunities,

(iii) Facilitate temporary transfers of workers from one area to another as a means of meeting temporary local maladjustments in the supply of or the demand for workers,

(iv) Facilitate any movement of workers from one country to another which may have been approved by the governments concerned ;

(c) Collect and analyse, in co-operation where appropriate with other authorities and with management and trade-unions, the fullest available information on the situation of the employment market and its probable evolution, both in the country as a whole and in the different industries, occupations and areas, and make such information available systematically and promptly to the public authorities, the employers' and workers' organizations concerned, and the general public ;

(d) Co-operate in the administration of unemployment insurance and assistance and of other measures for the relief of the unemployed ; and

(e) Assist, as necessary, other public and private bodies in social and economic planning calculated to ensure a favourable employment situation.

#### *Article 7*

Measures shall be taken—

(a) To facilitate within the various employment offices specialization by occupations and by industries, such as agriculture and any other branch of activity in which such specialization may be useful ; and

(b) To meet adequately the needs of particular categories of applicants for employment, such as disabled persons.

#### *Article 8*

Special arrangements for juveniles shall be initiated and developed within the framework of the employment and vocational guidance services.

#### *Article 9*

1. The staff of the employment service shall be composed of public officials whose status and conditions of service are such that they are independent of changes of Government and of improper external influences and, subject to the needs of the service, are assured of stability of employment.

2. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, the staff of the employment service shall be recruited with sole regard to their qualifications for the performance of their duties.

3. The means of ascertaining such qualifications shall be determined by the competent authority.

4. The staff of the employment service shall be adequately trained for the performance of their duties.

#### *Article 10*

The employment service and other public authorities where appropriate shall, in co-operation with employers' and workers' organizations and other interested bodies, take all possible measures to encourage full use of employment service facilities by employers and workers on a voluntary basis.

#### *Article 11*

The competent authorities shall take the necessary measures to secure effective co-operation between the public employment service and private employment agencies not conducted with a view to profit.

#### *Article 12*

1. In the case of a member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organization any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no member shall, after the date of its first annual report, have recourse to the provisions of the present article except in respect of areas so indicated.

3. Each member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

#### *Article 13*

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organization as amended by the Constitution of the International Labour Organization Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each member of the Organization which ratifies this Convention shall communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating—

- (a) The territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
- (b) The territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) The territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) The territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c), or (d) of paragraph 1 of this Article.

4. Any member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 17, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

#### *Article 14*

1. Where the subject-matter of this Convention is within the self-governing powers of any non-metropolitan territory, the member responsible for the international relations of that territory may, in agreement with the government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

(a) By two or more members of the Organization in respect of any territory which is under their joint authority : or

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

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications : when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.

4. The member, members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The member, members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 17, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

#### *Article 15*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 16*

1. This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

*Article 17*

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

*Article 18*

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the members of the Organization.

2. When notifying the members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the members of the Organization to the date upon which the Convention will come into force.

*Article 19*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

*Article 20*

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

*Article 21*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) The ratification by a member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force ;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the members.

2. This Convention shall in any case remain in force in its actual form and content for those members which have ratified it but have not ratified the revising Convention.



*Article 22*

The English and French versions of the text of this Convention are equally authoritative.

# RECOMMENDATION CONCERNING THE ORGANIZATION OF THE EMPLOYMENT SERVICE

The General Conference of the International Labour Organization,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June, 1948, and

Having decided upon the adoption of certain proposals with regard to the organization of the employment service, which is included in the fourth item on the Agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Employment Service Recommendation, 1944, and the Employment Service Convention 1948,

adopts this 9th day of July of the year one thousand nine hundred and forty-eight the following Recommendation, which may be cited as the Employment Service Recommendation, 1948 :

Whereas the Employment Service Recommendation, 1944, and the Employment Service Convention, 1948, provide for the organization of employment services, and it is desirable to supplement the provisions thereof by further recommendations ;

The Conference recommends that each member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

## I. GENERAL ORGANIZATION

1. The free public employment service should comprise a central headquarters, local offices and, where necessary, regional offices.

2. In order to promote development of the employment service, and to secure unified and co-ordinated national administration, provision should be made for—

- (a) The issue by the headquarters of national administrative instructions ;
- (b) The formulation of minimum national standards concerning the staffing and material arrangements of the employment offices ;
- (c) Adequate financing of the service by the Government ;
- (d) Periodical reports from lower to higher administrative levels ;
- (e) National inspection of regional and local offices ; and
- (f) Periodical conferences among central, regional and local officers, including inspection staff.

3. Appropriate arrangements should be made by the employment service for such co-operation as may be necessary with management, workers' representatives, and bodies set up with a view to studying the special employment problems of particular areas, undertakings, industries, or groups of industries.

4. Measures should be taken in appropriate cases to develop, within the general framework of the employment services—

- (a) Separate employment offices specializing in meeting the needs of employers and workers belonging to particular industries or occupations such as port transport, merchant marine, building and civil engineering, agriculture and forestry and domestic service, wherever the character or importance of the industry or occupation or other special factors justify the maintenance of such separate offices ;

- (b) Special arrangements for the placement of—
  - (i) Juveniles ;
  - (ii) Disabled persons ; and
  - (iii) Technicians, professional workers, salaried employees and executive staff ;
- (c) Adequate arrangements for the placement of women on the basis of their occupational skill and physical capacity.

## II. EMPLOYMENT MARKET INFORMATION

5. The employment service should collect employment market information, including material pertaining to—

- (a) Current and prospective labour requirements (including the number and type of workers needed, classified on an industrial, occupational or area basis) ;
- (b) Current and prospective labour supply (including details of the number, age and sex, skills, occupations, industries and areas of residence of the workers and of the number, location and characteristics of applicants for employment).

6. The employment service should make continuous or special studies on such questions as—

- (a) The causes and incidence of unemployment, including technological unemployment ;
- (b) The placement of particular groups of applicants for employment such as the disabled or juveniles ;
- (c) Factors affecting the level and character of employment ;
- (d) The regularization of employment ;
- (e) Vocational guidance in relation to placement ;
- (f) Occupation and job analysis ; and
- (g) Other aspects of the organization of the employment market.

7. This information should be collected by suitably trained and qualified staff, in co-operation where necessary with other official bodies and with employers' and workers' organizations.

8. The methods used for the collection and analysis of the information should include, as may be found practicable and appropriate—

- (a) Direct inquiries from the bodies with special knowledge of the subjects in question, such as other public bodies, employers' and workers' organizations, public and private undertakings, and joint committees ;
- (b) Co-operation with labour inspection and unemployment insurance and assistance services ;
- (c) Periodical reports on questions having a special bearing on the employment market ; and
- (d) Investigations of particular questions, research projects and analyses carried out by the employment service.

## III. MAN-POWER BUDGET

9. In order to facilitate the best possible organization of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources, an annual national manpower budget should be drawn up, as soon as practicable, as part of a general economic survey.

10. The man-power budget should be drawn up by the employment service in co-operation with other public authorities where appropriate.

11. The man-power budget should include detailed material concerning the anticipated volume and distribution of the labour supply and demand.

#### IV. REFERRAL OF WORKERS

12. The employment service should—

- (a) Observe strict neutrality in the case of employment available in an establishment where there is a labour dispute affecting such employment ;
- (b) Not refer workers to employment in respect of which the wages or conditions of work fall below the standard defined by law or regulation, collective agreement or prevailing practice ;
- (c) Not, in referring workers to employment, itself discriminate against applicants on grounds of race, colour, sex or belief.

13. The employment service should be responsible for providing applicants for employment with all relevant information about the jobs to which such applicants are referred, including information on the matters dealt with in the preceding paragraph.

#### V. MOBILITY OF LABOUR

14. For the purpose of facilitating the mobility of labour necessary to achieve and maintain maximum production and employment, the employment service should take the measures indicated in paragraphs 15 to 20 below.

15. The fullest and most reliable information concerning employment opportunities and working conditions in other occupations and areas and concerning living-conditions (including the availability of suitable housing accommodation) in such areas should be collected and disseminated.

16. Workers should be furnished with appropriate information and advice designed to eliminate objections to changing their occupation or residence.

17. (1) The employment service should remove economic obstacles to geographical transfers which it considers necessary by such means as financial assistance.

(2) Such assistance should be granted, in cases authorized by the service, in respect of transfers made through or approved by the service, particularly where no other arrangements exist for the payment other than by the worker of the extra expense involved in the transfers.

(3) The amount of the assistance should be determined according to national and individual circumstances.

18. The employment service should assist the unemployment insurance and assistance authorities in defining and interpreting the conditions in which available employment which is in an occupation other than the usual occupation of an unemployed person or which requires him to change his residence should be regarded as suitable for him.

19. The employment service should assist the competent authorities in establishing and developing the programmes of training or retraining courses (including apprenticeship, supplementary training and upgrading courses), selecting persons for such courses and placing in employment persons who have completed them.

## VI. MISCELLANEOUS PROVISIONS

20. (1) The employment service should co-operate with other public and private bodies concerned with employment problems.

(2) For this purpose the service should be consulted and its views taken into account by any co-ordinating machinery concerned with the formation and application of policy relating to such questions as—

- (a) The distribution of industry ;
- (b) Public works and public investment ;
- (c) Technological progress in relation to production and employment ;
- (d) Migration ;
- (e) Housing ;
- (f) The provision of social amenities such as health care, schools and recreational facilities ; and
- (g) General community organization and planning affecting the availability of employment.

21. In order to promote use of employment service facilities and enable the service to perform its tasks efficiently, the service should take the measures indicated in paragraphs 22 to 25 below.

22. (1) Continuous efforts should be made to encourage full voluntary use of employment service information and facilities by persons seeking employment or workers.

(2) These efforts should include the use of films, radio and all other methods of public information and relations with a view to making better known and appreciated, particularly among employers and workers and their organizations, the basic work of the service in employment organization and the advantages accruing to the workers, employers and the nation from the fullest use of the employment service.

23. Workers applying for unemployment benefit or allowances, and so far as possible persons completing courses of vocational training under public or government-subsidized training programmes, should be required to register for employment with the employment service.

24. Special efforts should be made to encourage juveniles, and so far as possible all persons entering employment for the first time, to register for employment and to attend for an employment interview.

25. Employers, including the management of public or semi-public undertakings, should be encouraged to notify the service of vacancies for employment.

26. Systematic efforts should be made to develop the efficiency of the employment service in such manner as to obviate the need for private employment agencies in all occupations except those in which the competent authority considers that for special reasons the existence of private agencies is desirable or essential.

## VII. INTERNATIONAL CO-OPERATION AMONG EMPLOYMENT SERVICES

27. (1) International co-operation among employment services should include, as may be appropriate and practicable, and with the help where desired of the International Labour Office—

- (a) The systematic exchange of information and experience on employment service policy and methods, either on a bilateral, regional or multilateral basis ; and
- (b) The organization of bilateral, regional or multilateral technical conferences on employment service questions.

(2) To facilitate any movements of workers approved in accordance with Article 6 (b) (iv) of the Convention, the employment service, on the request of the national authority directing it and in co-operation where desired with the International Labour Office, should—

- (a) Collect in co-operation, as appropriate, with other bodies and organizations, information relating to the applications for work and the vacancies which cannot be filled nationally, in order to promote the immigration or emigration of workers able to satisfy as far as possible such applications and vacancies ;
- (b) Co-operate with other competent authorities, national or foreign, in preparing and applying inter-governmental bilateral, regional, or multilateral agreements relating to migration.

#### APPENDIX No. 6.—RESOLUTION CONCERNING EQUAL REMUNERATION FOR WORK OF EQUAL VALUE

The General Conference of the International Labour Organization,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June, 1948, and

Having considered the Resolution concerning the principle of equal pay for equal work for men and women workers adopted on 10 March, 1948, by the United Nations Economic and Social Council, and transmitted to the International Labour Organization together with the memorandum on this subject submitted by the World Federation of Trade Unions to the Council, and

Recalling that the Constitution of the International Labour Organization affirms that an improvement of conditions of labour is urgently required and directs attention to the recognition of the principle of equal remuneration for work of equal value as one of the means of improvement,

adopts this 7th day of July, 1948, the following Resolutions :—

1. The Conference draws the attention of States Members of the International Labour Organization to—

- (a) The statements on the principle of equal remuneration for work of equal value contained in the Constitution of the International Labour Organization, in the Minimum Wage-fixing Machinery Recommendation, 1928, and in resolutions adopted at several sessions of the Conference and at Regional Conferences and Meetings of the International Labour Organization ;
- (b) The importance of taking appropriate measures to secure the effective application of this principle in the case of men and women workers, including in particular measures to extend the opportunities for employment available to women workers, and the provision of adequate facilities for vocational and technical training of women.

2. The Conference invites the Governing Body to request the Industrial Committees, Regional Conferences and other bodies meeting under the auspices of the International Labour Organization to take fully into account, in dealing with questions concerning the employment of women and girls, the need to secure the recognition of the principle of equal remuneration for work of equal value and the need for action to promote the application of this principle.

3. The Conference invites the Governing Body to instruct the International Labour Office to continue and develop its studies and inquiries on the subject with a view to facilitating the consideration by the Conference, by the Industrial Committees and by

other bodies of the International Labour Organization of the most effective methods of securing the application in the case of men and women workers of the principle of equal remuneration for work of equal value.

4. The Conference invites the Governing Body to place on the Agenda of the earliest possible session of the Conference, preferably the next general session, with a view to the adoption of appropriate international regulations, the question of equal remuneration for men and women workers for work of equal value.

5. The Conference requests the Governing Body to take such further action as may be appropriate to promote the solution of the various problems involved in the application in the case of men and women workers, of the principle of equal remuneration for work of equal value, with a view to securing a more widespread and effective application of this principle.

#### APPENDIX No. 7.—RESOLUTION CONCERNING THE GUARANTEED WAGE

The General Conference of the International Labour Organization,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June, 1948, and

Noting the views on the subject of wage guarantees as a contribution to minimum income security expressed by the Iron and Steel Committee and the Metal Trades Committee at their Second Sessions, and

Believing that it is of the utmost importance to provide, wherever and whenever possible, steady employment and income for wage-earners, adopts this 9th day of July, 1948, the following Resolution:—

1. The Conference draws attention to the desirability of progressively extending, by means of collective agreements, awards or national laws as appropriate, the application of the principle of a guaranteed wage to wage-earners who are subject to temporary lay-off.

2. The Conference requests the Governing Body to arrange for consideration by appropriate industrial committees of the International Labour Organization of methods of facilitating the progressive application in their respective industries of the principle of a guaranteed wage, including methods of eliminating temporary stoppages or fluctuations in plant operations and in employment.

3. The Conference requests the Governing Body to consider the desirability of placing the subject of the guaranteed wage on the Agenda of an early session of the Conference.

#### APPENDIX No. 8.—RESOLUTION CONCERNING THE PLACING ON THE AGENDA OF THE NEXT GENERAL SESSION OF THE CONFERENCE OF THE QUESTION: WAGES—GENERAL REPORT

The Conference,

Having considered certain of the points raised in the general report on wages (item VI (a) of its Agenda), but

Having been unable to complete its consideration of this question at its present session, and

Desiring to consider further at the earliest opportunity the programme for future action by the International Labour Organization in the field of wages, decides to place on the Agenda of its next general session the following question: Wages—General Report.

## APPENDIX No. 9.—CONVENTION CONCERNING FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANIZE

The General Conference of the International Labour Organization,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June, 1948 ;

Having decided to adopt, in the form of a Convention, certain proposals concerning freedom of association and protection of the right to organize, which is the seventh item on the Agenda of the session ;

Considering that the Preamble to the Constitution of the International Labour Organization declares “ recognition of the principle of freedom of association ” to be a means of improving conditions of labour and of establishing peace ;

Considering that the Declaration of Philadelphia reaffirms that “ freedom of expression and of association are essential to sustained progress ” ;

Considering that the International Labour Conference, at its Thirtieth Session, unanimously adopted the principles which should form the basis for international regulation ;

Considering that the General Assembly of the United Nations, at its Second Session, endorsed these principles and requested the International Labour Organization to continue every effort in order that it may be possible to adopt one or several international Conventions ;

adopts this 9th day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Freedom of Association and Protection of the Right to Organize Convention, 1948 :—

### PART I.—FREEDOM OF ASSOCIATION

#### *Article 1*

Each member of the International Labour Organization for which this Convention is in force undertakes to give effect to the following provisions.

#### *Article 2*

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.

#### *Article 3*

1. Workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

#### *Article 4*

Workers' and employers' organizations shall not be liable to be dissolved or suspended by administrative authority.

#### *Article 5*

Workers' and employers' organizations shall have the right to establish and join federations and confederations and any such organization, federation or confederation shall have the right to affiliate with international organizations of workers and employers.

*Article 6*

The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers, and employers' organizations.

*Article 7*

The acquisition of legal personality by workers' and employers' organizations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.

*Article 8*

1. In exercising the rights provided for in this Convention workers and employers and their respective organizations, like other persons or organized collectivities, shall respect the law of the land.

2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

*Article 9*

1. The extent to which the guarantees provided for in this Convention shall apply to the Armed Forces and the police shall be determined by national laws or regulations.

2. In accordance with the principle set forth in paragraph 8 of Article 19 of the Constitution of the International Labour Organization the ratification of this Convention by any member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the Armed Forces or the police enjoy any right guaranteed by this Convention.

*Article 10*

In this Convention the term "organization" means any organization of workers or of employers for furthering and defending the interests of workers or of employers.

## PART II.—PROTECTION OF THE RIGHT TO ORGANIZE

*Article 11*

Each member of the International Labour Organization for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organize.

## PART III.—MISCELLANEOUS PROVISIONS

*Article 12*

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organization as amended by the Constitution of the International Labour Organization Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each member of the organization which ratifies this Convention shall communicate to the Director-General of the International Labour Office with or as soon as possible after its ratification a declaration stating—

- (a) The territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification ;
- (b) The territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;
- (c) The territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;
- (d) The territories in respect of which it reserves its decision.



2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any member may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

#### *Article 13*

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

- (a) By two or more members of the organization in respect of any territory which is under their joint authority; or
- (b) By any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The member, members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The member, members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General of the International Labour Office a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

### PART IV.—FINAL PROVISIONS

#### *Article 14*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 15*

1. This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

*Article 16*

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

*Article 17*

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organization of the registration of all ratifications, declarations and denunciations communicated to him by the members of the Organization.

2. When notifying the members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the members of the Organization to the date upon which the Convention will come into force.

*Article 18*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

*Article 19*

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

*Article 20*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) The ratification by a member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the members.

2. This Convention shall in any case remain in force in its actual form and content for those members which have ratified it but have not ratified the revising Convention.

*Article 21*

The English and French versions of the text of this Convention are equally authoritative.

# APPENDIX No. 10.—RESOLUTION CONCERNING INTERNATIONAL MACHINERY FOR SAFEGUARDING FREEDOM OF ASSOCIATION

The Conference,

Recalling the Resolution concerning international machinery for safeguarding freedom of association adopted by the Conference at its Thirtieth Session (July, 1947), requesting the Governing Body to examine this question in all its aspects and to report back to the Conference at its Thirty-first Session, Having taken note of the report presented by the Governing Body in conformity with the above-mentioned Resolution,

Having taken note also of the Resolution adopted by the Economic and Social Council of the United Nations at its Fifth Session (August, 1947), requesting the Secretary-General of the United Nations to arrange for co-operation between the International Labour Organization and the Commission on Human Rights on the question of enforcement of trade-union rights,

Having taken note also of the Resolution adopted by the Assembly of the United Nations at its Second Session (September-November, 1947), recommending to the International Labour Organization that it pursue urgently, in collaboration with the United Nations and in conformity with the Resolution of the International Labour Conference, the study of the control of the application of trade-union rights,

Considering that the Constitution of the International Labour Organization provides adequate guarantees for the application of international labour Conventions in general,

Recognizing, however, that the exercise of the right of the freedom of association as provided for in the Convention might be endangered by interference with other fundamental rights, the safeguarding of which lies outside the competence of the International Labour Organization but within the competence of the United Nations, especially that of the Commission on Human Rights,

Considering that additional international machinery for safeguarding freedom of association in all its aspects, established in collaboration with the United Nations, may be necessary effectively to complete the guarantees provided by the Constitution of the International Labour Organization, guarantees which may be neither abrogated nor suspended,

requests the Governing Body, accordingly, to enter into consultations with the competent organs of the United Nations, for the purpose of examining what developments to existing international machinery may be necessary to ensure the safeguarding of freedom of association, and to report back to the Conference at an early session.

# APPENDIX No. 11.—RESOLUTION CONCERNING THE APPLICATION OF THE PRINCIPLES OF THE RIGHT TO ORGANIZE AND TO BARGAIN COLLECTIVELY

The Conference,

Having before it the eighth item of its Agenda, consisting of the following points; application of the principles of the right to organize and to bargain collectively, collective agreements, conciliation and arbitration, and co-operation between public authorities and employers' and workers' organizations;

Having realized that it was materially impossible to study the whole of this item during its next session;

Having decided consequently to limit its deliberations to the question of the application of the principles of the right to organize and to bargain collectively ;

Having approved the report of the Committee appointed to consider the eighth item on its Agenda :

Decides—

1. To put on the Agenda of its next general session the question of the application of the principles of the right to organize and to bargain collectively with a view to the adoption of a Convention or a Recommendation at that session ;
2. To put on the Agenda of its next general session for a first discussion an item dealing with industrial relations comprising collective agreements, conciliation and arbitration, and co-operation between public authorities and employers' and workers' organizations.

#### APPENDIX No. 12.—RESOLUTION REGARDING CONSULTATION WITH EMPLOYERS' AND WORKERS' ORGANIZATIONS PRIOR TO SUSPENSION OF NIGHT WORK REGULATIONS IN CASE OF SERIOUS EMERGENCY

The Conference invites the Governing Body to draw to the attention of Governments of States members the provisions in the Night Work (Women) Convention (Revised), 1948 (Article 5), for consultation with employers' and workers' organizations concerned prior to suspension of night work regulations when in case of serious emergency the national interest demands it, with the recommendation that similar arrangements should be made as regards such suspensions of night work regulations for young persons.

#### APPENDIX No. 13.—CONVENTION CONCERNING NIGHT WORK OF WOMEN EMPLOYED IN INDUSTRY (REVISED 1948)

The General Conference of the International Labour Organization—

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June, 1948, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Night Work (Women) Convention, 1919, adopted by the Conference at its First Session, and the Night Work (Women) Convention (Revised), 1934, adopted by the Conference at its Eighteenth Session, which is the ninth item on the Agenda of the session, and

Considering that these proposals must take the form of an international Convention, adopts this 9th day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Night Work (Women) Convention (Revised), 1948 :

##### PART I.—GENERAL PROVISIONS

##### *Article 1*

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly—

- (a) Mines, quarries, and other works for the extraction of minerals from the earth ;
- (b) Undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind ;

(c) Undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work.

2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

#### Article 2

For the purpose of this Convention the term "night" signifies a period of at least eleven consecutive hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organizations concerned before prescribing an interval beginning after eleven o'clock in the evening.

#### Article 3

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

#### Article 4

Article 3 shall not apply—

- (a) In cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character;
- (b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration when such night work is necessary to preserve the said materials from certain loss.

#### Article 5

1. The prohibition of night work for women may be suspended by the Government, after consultation with the employers' and workers' organizations concerned, when in case of serious emergency the national interest demands it.

2. Such suspension shall be notified by the Government concerned to the Director-General of the International Labour Office in its annual report on the application of the Convention.

#### Article 6

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

#### Article 7

In countries where the climate renders work by day particularly trying, the night period may be shorter than that prescribed in the above Articles if compensatory rest is accorded during the day.

#### Article 8

This Convention does not apply to—

- (a) Women holding responsible positions of a managerial or technical character; and
- (b) Women employed in health and welfare services who are not ordinarily engaged in manual work.

## PART II.—SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

*Article 9*

In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term “night” may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o’clock in the evening and seven o’clock in the morning.

*Article 10*

1. The provisions of this Convention shall apply to India subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

3. The term “industrial undertaking” shall include—

- (a) Factories as defined in the Indian Factories Act; and
- (b) Mines to which the Indian Mines Act applies.

*Article 11*

1. The provisions of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Pakistan Legislature has jurisdiction to apply them.

3. The term “industrial undertaking” shall include—

- (a) Factories as defined in the Factories Act;
- (b) Mines to which the Mines Act applies.

*Article 12*

1. The International Labour Conference may, at any session at which the matter is included in its Agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding articles of Part II of this Convention.

2. Any such draft amendment shall state the member or members to which it applies, and shall, within the period of one year, or, in exceptional circumstances, of eighteen months from the closing of the session of the Conference, be submitted by the member or members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the member or members to which it applies.

## PART III.—FINAL PROVISIONS

*Article 13*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

*Article 14*

1. This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

#### Article 15

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### Article 16

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the members of the Organization.

2. When notifying the members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the members of the Organization to the date upon which the Convention will come into force.

#### Article 17

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### Article 18

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

#### Article 19

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) The ratification by a member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 15 above, if and when the new revising Convention shall have come into force ;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the members.

2. This Convention shall in any case remain in force in its actual form and content for those members which have ratified it but have not ratified the revising Convention.

#### Article 20

The English and French versions of the text of this Convention are equally authoritative.

# APPENDIX No. 14.—CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY (REVISED 1948)

The General Conference of the International Labour Organization,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June, 1948, and  
Having decided upon the adoption of certain proposals with regard to the partial revision of the Night Work of Young Persons (Industry) Convention, 1919, adopted by the Conference at its First Session, which is the tenth item on the Agenda of the session, and

Considering that these proposals must take the form of an international Convention, adopts this 10th day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Night Work of Young Persons (Industry) Convention (Revised), 1948 :—

## PART I.—GENERAL PROVISIONS

### *Article 1*

1. For the purpose of this Convention, the term “ industrial undertaking ” includes particularly—

- (a) Mines, quarries, and other works for the extraction of minerals from the earth ;
- (b) Undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind ;
- (c) Undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work ;
- (d) Undertakings engaged in the transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, warehouses or airports.

2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

3. National laws or regulations may exempt from the application of this Convention employment on work which is not deemed to be harmful, prejudicial, or dangerous to children or young persons in family undertakings in which only parents and their children or wards are employed.

### *Article 2*

1. For the purpose of this Convention the term “ night ” signifies a period of at least twelve consecutive hours.

2. In the case of young persons under sixteen years of age, this period shall include the interval between ten o'clock in the evening and six o'clock in the morning.

3. In the case of young persons who have attained the age of sixteen years but are under the age of eighteen years, this period shall include an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning ; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organizations concerned before prescribing an interval beginning after eleven o'clock in the evening.



*Article 3*

1. Young persons under eighteen years of age shall not be employed or work during the night in any public or private industrial undertaking or in any branch thereof except as hereinafter provided for.

2. For purposes of apprenticeship or vocational training in specified industries or occupations which are required to be carried on continuously, the competent authority may, after consultation with the employers' and workers' organizations concerned, authorize the employment in night work of young persons who have attained the age of sixteen years but are under the age of eighteen years.

3. Young persons employed in night work in virtue of the preceding paragraph shall be granted a rest period of at least thirteen consecutive hours between two working periods.

4. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may, for purposes of apprenticeship or vocational training of young persons who have attained the age of sixteen years, be substituted by the competent authority for the interval of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning prescribed by the authority in virtue of paragraph 3 of Article 2.

*Article 4*

1. In countries where the climate renders work by day particularly trying, the night period and barred interval may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

2. The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

*Article 5*

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

*Article 6*

1. The laws or regulations giving effect to the provisions of this Convention shall

- (a) Make appropriate provision for ensuring that they are known to the persons concerned ;
- (b) Define the persons responsible for compliance therewith ;
- (c) Prescribe adequate penalties for any violation thereof ;
- (d) Provide for the maintenance of a system of inspection adequate to ensure effective enforcement ; and
- (e) Require every employer in a public or private industrial undertaking to keep a register, or to keep available official records, showing the names and dates of birth of all persons under eighteen years of age employed by him and such other pertinent information as may be required by the competent authority.

2. The annual reports submitted by members under Article 22 of the Constitution of the International Labour Organization shall contain full information concerning such laws and regulations and a general survey of the results of the inspections made in accordance therewith.

## PART II.—SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

*Article 7*

1. Any member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had laws or regulations restricting the night work of children in industry which provide for an age-limit lower than eighteen years may, by a declaration accompanying its ratification, substitute an age-limit lower than eighteen years, but in no case lower than sixteen years, for the age-limit prescribed in paragraph 1 of Article 3.

2. Any member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

*Article 8*

1. The provisions of Part I of this Convention shall apply to India subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

3. The term “ industrial undertaking ” shall include—

(a) Factories as defined in the Indian Factories Act ;

(b) Mines to which the Indian Mines Act applies ;

(c) Railways and ports.

4. Article 2, paragraph 2, shall apply to young persons who have attained the age of thirteen years but are under the age of fifteen years.

5. Article 2, paragraph 3, shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

6. Article 3, paragraph 1, and Article 4, paragraph 1, shall apply to young persons under the age of seventeen years.

7. Article 3, paragraphs 2, 3, and 4, Article 4, paragraph 2, and Article 5 shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

8. Article 6, paragraph 1 (e), shall apply to young persons under the age of seventeen years.

*Article 9*

1. The provisions of Part I of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Pakistan Legislature has jurisdiction to apply them.

3. The term “ industrial undertaking ” shall include—

(a) Factories as defined in the Factories Act ;

(b) Mines to which the Mines Act applies ;

(c) Railway and ports.

4. Article 2, paragraph 2, shall apply to young persons who have attained the age of thirteen years but are under the age of fifteen years.

5. Article 2, paragraph 3, shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

6. Article 3, paragraph 1, and Article 4, paragraph 1, shall apply to young persons under the age of seventeen years.

7. Article 3, paragraphs 2, 3, and 4, Article 4, paragraph 2, and Article 5 shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

8. Article 6, paragraph 1 (c), shall apply to young persons under the age of seventeen years.

#### *Article 10*

1. The International Labour Conference may, at any session at which the matter is included in its Agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding articles of Part II of this Convention.

2. Any such draft amendment shall state the member or members to which it applies and shall, within the period of one year or, in exceptional circumstances, of eighteen months from the closing of the session of the Conference, be submitted by the member or members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the member or members to which it applies.

### PART III.—FINAL PROVISIONS

#### *Article 11*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 12*

1. This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

#### *Article 13*

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 14*

1. The Director-General of the International Labour Office shall notify all members of the International Labour Organization of the registration of all ratifications, declarations and denunciations communicated to him by the members of the Organization.

2. When notifying the members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the members of the Organization to the date upon which the Convention will come into force.

#### Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### Article 16

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) The ratification by a member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the members.

2. This Convention shall in any case remain in force in its actual form and content for those members which have ratified it but have not ratified the revising Convention.

#### Article 18

The English and French versions of the text of this Convention are equally authoritative.

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### APPENDIX No. 15 (a).—RESOLUTION CONCERNING THE LABOUR STANDARDS (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

The Conference instructs its Drafting Committee to insert in the text of the proposed instrument for the amendment of the Schedule to the Labour Standards (Non-metropolitan Territories) Convention, 1947, the provisions of Articles 1 to 9 of the proposed text of the Convention concerning night work of women employed in industry (revised 1948).

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### APPENDIX No. 15 (b).—RESOLUTION CONCERNING THE LABOUR STANDARDS (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947

The Conference instructs its Drafting Committee to insert in the text of the proposed Instrument for the amendment of the Schedule to the Labour Standards (Non-metropolitan Territories) Convention, 1947, the provisions of Articles 1 to 7 of the proposed text of the Convention concerning the night work of young persons employed in industry (revised 1948).

## APPENDIX No. 16.—RESOLUTION CONCERNING THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL LABOUR ORGANIZATION

*Resolution*

Whereas the Constitution of the International Labour Organization, as amended by the 1946 Instrument of Amendment, provides that the International Labour Organization shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfilment of its purposes and that delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization; and

Whereas the General Assembly of the United Nations adopted on 13 February, 1946, a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and the various specialized agencies; and

Whereas consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies, including the International Labour Organization; and

Whereas by a resolution adopted on 21 November, 1947, the General Assembly of the United Nations approved a Convention on the privileges and immunities of the specialized agencies which is submitted to the specialized agencies for acceptance and to every member of the United Nations and every other State member of one or more of the specialized agencies for accession; and

Whereas the Convention on the privileges and immunities of the specialized agencies approved by the General Assembly of the United Nations consists of standard clauses applicable to all specialized agencies and of draft annexes relating to each of the agencies; and

Whereas this Convention becomes applicable to each specialized agency only when the final text of the annex relating to that agency has been adopted by it and transmitted to the Secretary-General of the United Nations; and

Whereas this Convention in no way limits or prejudices the privileges and immunities which have been or may hereafter be accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices;

The General Conference of the International Labour Organization,

Desiring to define the privileges and immunities of the International Labour Organization within the meaning of paragraph 3 of Article 40 of the Constitution of the Organization,

Accepts on behalf of the International Labour Organization the standard clauses of the privileges and immunities of the specialized agencies as modified by the annex relating to the International Labour Organization attached to the present Resolution;

Authorizes the Director-General of the International Labour Office to transmit to the Secretary-General of the United Nations the said annex and to inform him that the International Labour Organization accepts the standard clauses as modified by the said annex and undertakes to give effect to the provisions indicated in Section 37 of the standard clauses in accordance with the terms thereof;

Invites the States members of the International Labour Organization to accede to the Convention on the privileges and immunities of the specialized agencies and to undertake to apply the provisions thereof to the International Labour Organization; and

Authorizes the Director-General to communicate the text of the Convention on the privileges and immunities of the specialized agencies, including the annex relating to the International Labour Organization, to those of the members of the International Labour Organization which are not members of the United Nations and to invite them to accede thereto in accordance with the terms of Article 42 of the Convention.

## STANDARD CLAUSES OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES

Whereas the General Assembly of the United Nations adopted on 13 February, 1946, a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialized agencies; and

Whereas consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies;

Consequently, by a resolution adopted on 21 November, 1947, the General Assembly has approved the following Convention, which is submitted to the specialized agencies for acceptance and to every member of the United Nations and to every other State member of one or more of the specialized agencies for accession.

## ARTICLE I.—DEFINITIONS AND SCOPE

*Section 1*

In this Convention :

(i) The words "standard clauses" refer to the provisions of Articles II to IX.

(ii) The words "specialized agencies" mean—

- (a) The International Labour Organization;
- (b) The Food and Agriculture Organization of the United Nations;
- (c) The United Nations Educational, Scientific and Cultural Organization;
- (d) The International Civil Aviation Organization;
- (e) The International Monetary Fund;
- (f) The International Bank for Reconstruction and Development;
- (g) The World Health Organization;
- (h) The Universal Postal Union;
- (i) The International Telecommunication Union; and
- (j) Any other agency in relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.

(iii) The word "Convention" means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with Sections 36 and 38.

(iv) For the purposes of Article III, the words "property and assets" shall also include property and funds administered by a specialized agency in furtherance of its constitutional functions.

(v) For the purposes of Articles V and VII, the expression "representatives of members" shall be deemed to include all delegates, alternates, advisers, technical experts and secretaries of delegations.

(vi) In Sections 13, 14, 15 and 25, the expression "meetings convened by a specialized agency" means meetings of (1) its Assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution, (3) of any international conference convened by it, and (4) of any committees of any of these bodies.

(vii) The term "Executive Head" means the principal executive official of the specialized agency in question, whether designated "Director-General" or otherwise.

*Section 2*

Each State party to this Convention in respect of any specialized agency to which this Convention has become applicable in accordance with Section 37 shall accord to, or in connection with, that agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that agency and transmitted in accordance with Sections 36 and 38.

## ARTICLE II.—JURIDICAL PERSONALITY

*Section 3*

The specialized agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.

## ARTICLE III.—PROPERTY, FUNDS, AND ASSETS

*Section 4*

The specialized agencies, their property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

*Section 5*

The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

*Section 6*

The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable wherever located.

*Section 7*

Without being restricted by financial controls, regulations or moratoria of any kind:—

- (a) The specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) The specialized agencies shall be free to transfer their funds, gold or currency from one country to another or within any country and to convert any currency held by them into any other currency.

*Section 8*

Each specialized agency shall, in exercising its rights under Section 7 above, pay due regard to any representations made by the Government of any State party to this Convention in so far as it is considered that effect can be given to such representations without detriment to interests of the agency.

*Section 9*

The specialized agencies, their assets, income and other property shall be—

- (a) Exempt from all direct taxes; it is understood, however, that the specialized agencies will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) Exempt from Customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialized agencies for their official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;
- (c) Exempt from Customs duties and prohibitions and restrictions on imports and exports in respect of their publications.

*Section 10*

While the specialized agencies will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the specialized agencies are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

## ARTICLE IV.—FACILITIES IN RESPECT OF COMMUNICATIONS

*Section 11*

Each specialized agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications treatment not less favourable than that accorded by the Government of such State to any other Government including its diplomatic mission in the matter of priority, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

*Section 12*

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.

The specialized agencies shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this Section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency.

## ARTICLE V.—REPRESENTATIVES OF MEMBERS

*Section 13*

Representatives of members at meetings convened by a specialized agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities :—

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind ;
- (b) Inviolability for all papers and documents ;
- (c) The right to use codes and to receive papers or correspondence by courier or in sealed bags ;
- (d) Exemption in respect of themselves, and their spouses, from immigration restrictions, aliens' registration or national service obligations in the State they are visiting or through which they are passing in the exercise of their functions ;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions ;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

*Section 14*

In order to secure for the representatives of members of the specialized agencies at meetings convened by them complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

*Section 15*

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialized agencies at meetings convened by them are present in a State for the discharge of their duties shall not be considered as periods of residence.

*Section 16*

Privileges and immunities are accorded to the representatives of members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the specialized agencies. Consequently, a member not only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

*Section 17*

The provisions of Sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or which he is or has been a representative.

## ARTICLE VI.—OFFICIALS

*Section 18*

Each specialized agency will specify the categories of officials to which the provisions of this Article and of Article VIII shall apply. It shall communicate them to the Governments of all States parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned Governments.

*Section 19*

Officials of the specialized agencies shall :—

- (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity ;
- (b) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agency and on the same conditions as are enjoyed by officials of the United Nations ;
- (c) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration ;
- (d) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic mission ;



- (e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
- (f) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

#### *Section 20*

The officials of the specialized agencies shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the Executive Head of the specialized agency and approved by the State concerned.

Should other officials of specialized agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

#### *Section 21*

In addition to the immunities and privileges specified in Sections 19 and 20, the Executive Head of each specialized agency including any official acting on his behalf during his absence from duty shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

#### *Section 22*

Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for the personal benefit of the individuals themselves. Each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.

#### *Section 23*

Each specialized agency shall co-operate at all times with the appropriate authorities of members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this Article.

### ARTICLE VII.—ABUSES OF PRIVILEGES

#### *Section 24*

If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialized agency concerned to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the specialized agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with Section 32. If the International Court of Justice finds that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right after notification to the specialized agency in question to withhold from, or in connection with, the specialized agency concerned the benefits of the privilege or immunity so abused.

#### *Section 25*

1. Representatives of members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of Section 18 shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of the abuse of privileges of residence by any such person committed by activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:

2. (a) A representative of a member or a person who is entitled to diplomatic immunity under Section 21 shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

(b) In the case of an official to whom Section 21 is not applicable no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question and such approval shall only be given after consultation with the Executive Head of the specialized agency concerned; and if expulsion proceedings are taken against an official, the Executive Head of the agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

## ARTICLE VIII.—LAISSEZ-PASSER

## Section 26

Officials of the specialized agencies shall be entitled to use the United Nations *laissez-passer* in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies to which agencies special powers to issue *laissez-passer* may be delegated. The Secretary-General of the United Nations shall notify each State party to this Convention of each administrative arrangement so concluded.

## Section 27

States parties to this Convention shall recognize and accept the United Nations *laissez-passer* issued to officials of the specialized agencies as valid travel documents.

## Section 28

Application for visas, where required, from officials of specialized agencies holding United Nations *laissez-passer*, when accompanied by a certificate that they are travelling on the business of a specialized agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

## Section 29

Similar facilities to those specified in Section 28 shall be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer*, have a certificate that they are travelling on the business of a specialized agency.

## Section 30

The Executive Heads, Assistant Executive Heads, heads of departments and other officials of a rank not lower than head of department of the specialized agencies travelling on United Nations *laissez-passer* on the business of the specialized agencies shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

## ARTICLE IX.—SETTLEMENT OF DISPUTES

## Section 31

Each specialized agency shall make provision for appropriate modes of settlement of—

- (a) Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party;
- (b) Disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Section 22.

## Section 32

All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between one of the specialized agencies on the one hand, and a member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.

## ARTICLE X.—ANNEXES AND APPLICATION TO INDIVIDUAL SPECIALIZED AGENCIES

## Section 33

In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that agency, as provided in Sections 36 and 38.

## Section 34

The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instruments.

## Section 35

Draft annexes 1 to 9 are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in Section 1, the Secretary-General of the United Nations shall transmit to the agency a draft annex recommended by the Economic and Social Council.

*Section 36*

The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be transmitted by the agency in question to the Secretary-General of the United Nations and shall thereupon replace the draft referred to in Section 35.

*Section 37*

The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex and undertakes to give effect to Sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of Section 32 which may be made in the final text of the annex, to the extent necessary to accord with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all members of the United Nations and other States members of the specialized agencies certified copies of all annexes transmitted to him under this Section and of revised annexes transmitted under Section 38.

*Section 38*

If, after the transmission of a final annex under Section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General of the United Nations.

*Section 39*

1. The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been or may hereafter be accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices.

2. This Convention shall not be deemed to prevent the conclusion between any State party thereto and any specialized agency of supplemental agreement adjusting the provisions of this Convention or extending or curtailing the privileges and immunities thereby granted.

*Section 40*

It is understood that the standard clauses as modified by the final text of an annex sent by a specialized agency to the Secretary-General of the United Nations under Section 36 (or any revised annex sent under Section 38) will be consistent with the provisions of the constitutional instrument then in force of the agency in question, and that if any amendment to that instrument is necessary for the purpose of making the constitutional instrument so consistent, such amendment will have been brought into force in accordance with the constitutional procedure of that agency before the final (or revised) annex is transmitted.

The Convention shall not itself operate so as to abrogate, or derogate from, any provisions of the constitutional instrument of any specialized agency or any rights or obligations which the agency may otherwise have or acquire.

## ARTICLE XI.—FINAL PROVISIONS

*Section 41*

Accession to this Convention by a member of the United Nations and (subject to Section 42) by any State member of a specialized agency shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations, which shall take effect on the date of its deposit.

*Section 42*

Each specialized agency shall communicate the text of this Convention together with the relevant annexes to those of its members which are not members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to this Convention in respect thereof either with the Secretary-General of the United Nations or with the Executive Head of the specialized agency.

*Section 43*

Each State party to this Convention shall indicate in its instrument of accession the specialized agency or agencies in respect of which it undertakes to apply the provisions of this Convention. Each State party to this Convention may by a subsequent written notification to the Secretary-General of the United Nations undertake to apply the provisions of this Convention to one or more further specialized agencies. This notification shall take effect on the date of its receipt by the Secretary-General.

*Section 44*

This Convention shall enter into force for each State party to this Convention in respect of a specialized agency when it has become applicable to that agency in accordance with Section 37 and the State party has undertaken to apply the provisions of the Convention to that agency in accordance with Section 43.

*Section 45*

The Secretary-General of the United Nations shall inform all members of the United Nations, as well as all members of the specialized agencies, and Executive Heads of the specialized agencies of the deposit of each instrument of accession received under Section 41 and of subsequent notifications received under Section 43. The Executive Head of a specialized agency shall inform the Secretary-General of the United Nations and the members of the agency concerned of the deposit of any instrument of accession deposited with him under Section 42.

*Section 46*

It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any State, this State will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.

*Section 47*

1. Subject to the provisions of paragraphs 2 and 3 of this Section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification, until such time as a revised Convention or annex shall have become applicable to that agency and the said State shall have accepted the revised Convention or annex. In the case of a revised annex the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations which shall take effect on the date of its receipt by the Secretary-General.

2. Each State party to this Convention, however, which is not or has ceased to be a member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the Executive Head of the agency concerned to the effect that it intends to withhold from that agency the benefits of this Convention as from a specified date which shall not be earlier than three months from the date of receipt of the notification.

3. Each State party to this Convention may withhold the benefit of this Convention to any specialized agency which ceases to be in relationship with the United Nations.

4. The Secretary-General of the United Nations shall inform all States parties to this Convention of any notification transmitted to him under the provisions of this Section.

*Section 48*

At the request of one-third of the States parties to this Convention, the Secretary-General of the United Nations will convene a Conference with the view of its revision.

*Section 49*

The Secretary-General of the United Nations shall transmit copies of this Convention to each specialized agency and to the Government of each member of the United Nations.

## ANNEX TO THE CONVENTION RELATING TO THE INTERNATIONAL LABOUR ORGANIZATION

In their application to the International Labour Organization the standard clauses shall operate subject to the following provisions :—

1. Article V (other than paragraph (c) of Section 13) and Section 25 paragraphs 1 and 2 (a) of Article VII shall extend to the employers' and workers' members and deputy members of the Governing Body of the International Labour Office and their substitutes: except that any waiver of the immunity of any such person member under Section 16 shall be by the Governing Body.

2. The privileges, immunities, exemptions and facilities referred to in Section 21 of the standard clauses shall also be accorded to any Deputy Director-General of the International Labour Office and any Assistant Director-General of the International Labour Office.

3. (i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions :—

(a) Immunity from personal arrest or seizure of their personal baggage ;

(b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization ;

- (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions ;
  - (d) Inviolability of their papers and documents relating to the work on which they are engaged for, the Organization.
- (ii) In connection with (d) of 3 (i) above, the principle contained in the last sentence of Section 12 of the standard clauses shall be applicable.
- (iii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.

#### APPENDIX No. 17 (a).—RESOLUTION CONCERNING VOCATIONAL GUIDANCE

The Conference,

Having approved the report of the Committee appointed to examine item V on its Agenda, and

Having in particular approved, as general conclusions, with a view to the consultation of Governments, proposals for a Recommendation concerning vocational guidance,

decides to place on the Agenda of its next general session the question of vocational guidance with a view to final decision on a Recommendation on the subject.

#### APPENDIX No. 17 (b).—RESOLUTION CONCERNING THE CONDITIONS OF EMPLOYMENT OF DOMESTIC WORKERS

Whereas in 1936 the Committee dealing with holidays with pay passed a Resolution calling upon the Governing Body to place on the Agenda, for discussion at an early session of the Conference, the question of the conditions of employment of domestic workers, and

Whereas in 1946 at Montreal the Convention concerning the restriction of night work of children and young workers in non-industrial occupations excluded from its provisions private domestic workers,

The Conference is of the opinion that the time has now arrived for a full discussion upon this important subject, and

Therefore requests the Governing Body to consider the advisability of placing on the Agenda of an early session of the Conference, preferably the 1950 session, the whole question of the status and employment of domestic workers.

#### APPENDIX No. 17 (c).—RESOLUTION CONCERNING WORKING CONDITIONS IN THE GLASS INDUSTRY

Whereas technical progress in the glass industry calls for a detailed examination of the legislative standards applicable to labour conditions therein in order to adapt them, where necessary, to present circumstances, and

Whereas the Conference in 1934 and 1935 adopted two Conventions relating to different branches of this industry which both came into force in 1938 and which have received to date seven and six ratifications respectively,

The Conference requests the Governing Body—

- (a) To instruct the International Labour Office to make a further study of working conditions in all branches of the glass industry ;
- (b) To undertake the ten-yearly review of these Conventions for the purpose of considering whether their revision is necessary.

## APPENDIX No. 17 (d).—RESOLUTION ON JAPAN

The Conference,

Having taken note of the Resolution concerning labour standards in Japan, adopted by the Preparatory Asian Regional Conference held in New Delhi in 1947,

In the spirit of that Resolution and as an immediate practical step, extends an invitation to the Supreme Commander Allied Powers to send an observer delegation to this session of the International Labour Conference,

Suggests that the observer delegation should reflect the tripartite character of this Organization, and

requests the Governing Body to consider the desirability of inviting the Supreme Commander Allied Powers to send similar observer delegations to future sessions of the Conference and industrial committees which are particularly concerned with Japanese labour standards.

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## APPENDIX No. 17 (e).—RESOLUTION CONCERNING WORKING CONDITIONS OF AIRCRAFT PERSONNEL

In view of the exceptional complexity of all operations connected with the transportation of passengers and goods by air and the importance of aviation as a rapid and easy means of transportation,

The Conference considers that the working conditions of those employed therein merit special attention and study and therefore requests the Governing Body to instruct the International Labour Office, in consultation, as appropriate with the International Civil Aviation Organization, to undertake studies on the working conditions of persons employed on aircraft engaged in the transportation of passengers and goods with a view to taking what further action is necessary.

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## APPENDIX No. 17 (f).—RESOLUTION CONCERNING THE UNITED NATIONS APPEAL FOR CHILDREN

Whereas the International Labour Organization has, from its inception, sought to advance the best interests of children and young workers, as particularly expressed in the Philadelphia Declaration of 1944 and at the Paris Conference of 1945 ; and

Whereas expressed policies have little meaning unless children are first given an opportunity to have the food, clothing and shelter necessary for life ; and

Whereas the United Nations Appeal for Children, with the support of workers', employers' and other non-governmental organizations, is successfully mobilizing the people of the world to bring relief to millions upon millions of sick, half-starved children ; and

Whereas this great humanitarian effort will save countless lives of children who will be the citizens of tomorrow, and, in addition, help to build world peace ; therefore,

Be it resolved, that the International Labour Conference, assembled in the City of San Francisco of the United States of America, endorses the aims of the United Nations Appeal for Children, and expresses the hope that this great endeavour be continued until such time as the children of the world will no longer suffer from lack of the first necessities of life.

## APPENDIX No. 17 (g).—RESOLUTION CONCERNING NON-MANUAL WORKERS

Whereas the living and working conditions of salaried employees, including those engaged in professional and intellectual pursuits, have been greatly affected by economic conditions prevailing during and since the war, and particularly by the rise in living costs in relation to salaries,

Whereas the Governing Body of the International Labour Office has set up a single Committee to deal with matters relating to salaried employees and professional workers and thereby recognized the importance of the problems relating to such workers,

The Conference requests the Governing Body

- (a) To consider the advisability of convening that Committee at an early date ;  
and
- (b) To invite the suggestions of that Committee on the further action in this field to be taken by the Organization.

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