

1950  
NEW ZEALAND

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# INTERNATIONAL LABOUR CONFERENCE

REPORT OF GOVERNMENT DELEGATES ON THE THIRTY-SECOND SESSION, HELD  
AT GENEVA, JUNE-JULY, 1949

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

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## INTRODUCTION

THE Conference was held in Geneva, Switzerland, from the 8th June, 1949, to the 2nd July, 1949, both days inclusive. Fifty countries were represented, the total number of delegates present being 187 (101 Government, 43 employers', and 43 workers'), while there were, in addition, 354 advisers, making a total of 541 delegates and advisers. In addition, there was a tripartite delegation of observers from Japan, accompanied by Mr. C. W. Hepler, the representative of the Supreme Commander for the Allied Powers in Japan. Representatives of the following international organizations were also present: United Nations, International Monetary Fund, Food and Agriculture Organization, International Refugee Organization, World Health Organization, and United Nations Educational, Scientific, and Cultural Organization.

The New Zealand delegation was :—

*Representing the Government—*

Delegates—

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

Mr. Harry Parsonage, Assistant Director of Employment, Department of Labour and Employment.

Advisers—

Mr. Darrell Thomas Cooper Brayshay, Senior Inspector of Factories, Department of Labour and Employment.

Miss Lena Purcell, Secretary, Auckland Shop Assistants' Union.

*Representing the Employers—*

Delegate—

Mr. John Roland Hanlon, Assistant Secretary, New Zealand Employers' Federation.

Adviser—

Mr. Stuart Ian McKenzie, Secretary, Manawatu-Wairarapa Employers' Association.

*Representing the Workers—*

Delegate—

Mr. Alexander Wellington Croskery, President, Federation of Labour.

Adviser—

Mr. Leonard Albert Hadley, Secretary, Wellington Iron and Brass Moulders' Industrial Union of Workers.

The Conference was a very arduous one, the volume of work done being unequalled in the I.L.O.'s thirty-year history. Three new International Labour Conventions were adopted and five others revised, three new Recommendations were approved and another revised, and resolutions passed charting I.L.O. policy in several fields.

The Conference also approved a Budget of \$5,983,526 to finance the Organization's operations in 1950, scrutinized the manner in which countries are applying the I.L.O. Conventions they have ratified, and debated at length a report on economic and social trends and on the work of the Organization that was presented by the Director-General.

The three new Conventions and the five revised Conventions approved by the session brought to 98 the total number of such international instruments adopted to date. The new and revised Recommendations voted by the meeting raised to 90 the total of these regulations.

Among the decisions the Conference embodied in resolutions was one authorizing the I.L.O.'s Governing Body to make any necessary arrangements to enable the Organization to initiate an expanded programme of technical assistance for the economic development of under-developed areas.

This expanded programme would be part of the co-operative programme among the United Nations and its associated Specialized Agencies that is under consideration by the United Nations Economic and Social Council and the appropriate organs of the Specialized Agencies.

Regarded by many delegates as the most important of the three new International Labour Conventions was one which will require ratifying countries to assure to workers the right to organize into trade-unions without interference and to bargain collectively.

This Convention complements the Convention on Freedom of Association and Protection of the Right to Organize which was adopted by the 1948 session of the Conference.

These two instruments constitute major parts of the programme of action in the field of trade-union rights and industrial relations upon which the Organization embarked two years ago.

The Conference also adopted new Conventions designed (1) to assure that workers employed in the execution of contracts entered into by public authorities shall have wages, hours of work, and working-conditions not less favourable than other workers doing similar labour; (2) to protect workers' wages by assuring that they are paid in cash, promptly, in full, and directly to the workers.

The revised Conventions approved by the session (1) established international minimum standards to protect persons migrating from one country to take employment in another (this replaced a Convention adopted in 1939); (2) provided for the gradual abolition or, alternatively, the regulation of employment agencies which charge fees and are operated with a view to profit (this replaced a Convention adopted in 1933); (3) established vacation holidays with pay for seafarers (this replaced a 1946 Convention); (4) set standards for the accommodation of crews on board ship (this replaced a 1946 Convention); (5) fixed minimum wages for seafarers, established maximum hours, and set requirements for the manning of ships (this also replaced a 1946 Convention).

The revision of these five Conventions was designed to meet objections to them which have impeded their ratification by Governments and the application of their provisions. The revision of the three Conventions setting maritime standards was only partial, and was decided upon to make more flexible and in this way to facilitate their ratification.

The new Recommendations adopted by the Conference (1) supplemented the Convention on Labour Clauses in Public Contracts, (2) supplemented the Convention on the Protection of Wages, and (3) recommended standards governing vocational guidance for young persons and employment counselling for adults.

The revised Recommendation approved by the Conference supplemented the revised Convention on Migration for Employment.

In addition to the decisions it took in the form of new and revised Conventions and Recommendations, the Conference approved resolutions which (1) requested the Governing Body to instruct the International Labour Office—the I.L.O.'s secretariat—to prepare reports on (a) laws and practices throughout the world governing paid annual holidays and on (b) physical and cultural recreation facilities for workers, and (2) requested the Governing Body (a) to consider instructing the Director-General to prepare without delay a report on the problem of unemployment and (b) to consider the desirability of placing the question of unemployment on the Agenda of an early session of the Conference.

The following paragraphs set out in detail the work of the Conference.

### AGENDA

The Agenda of the Conference comprised the following items :—

- I. Director-General's Report.
- II. Financial and Budgetary Questions.
- III. Reports on the Application of Conventions.
- IV. Application of the Principles of the Right to Organize and to Bargain Collectively (second discussion).
- V. Industrial Relations, Comprising Collective Agreements, Conciliation and Arbitration, and Co-operation Between Public Authorities and Employers' and Workers' Organizations (first discussion).
- VI. Labour Clauses in Public Contracts (second discussion).
- VII. Protection of Wages (second discussion).
- VIII. Wages : General Report.
- IX. Vocational Guidance (second discussion).
- X. Revision of the Fee-charging Employment Agencies Convention, 1933.
- XI. Migration for Employment : Revision of the Migration for Employment Convention, 1939, the Migration for Employment Recommendation, 1949, and the Migration for Employment (Co-operation Between States) Recommendation, 1939.
- XII. Partial revision of some of the 1946 Maritime Conventions.

The Conference was held under the presidency of Sir Guildhaume Myrddin-Evans, United Kingdom Government delegate, with Mr. P. Dupong, of Luxembourg, as Government Vice-President, Mr. P. E. M. Waline, of France, as Employers' Vice-President, and Mr. B. Ibanez, of Chile, as Workers' Vice-President.

### PLACE AND TIME OF NEXT CONFERENCE

The Governing Body decided that the next session of the Conference would be held in Geneva, Switzerland, in June, 1950.

### COMMITTEES AND NEW ZEALAND REPRESENTATION THEREON

Committees were set up to deal with the various items on the Agenda, New Zealand being represented on the following Committees :—

#### *Industrial Relations—*

- Mr. J. Thorn (Chairman).
- Mr. D. T. C. Brayshay.
- Mr. J. Hanlon (employers) ; substitute, Mr. S. I. McKenzie.
- Mr. A. W. Croskery (workers).

*Wages—*

Miss L. Purcell.

Mr. J. Hanlon (employers) ; substitute, Mr. S. I. McKenzie.

Mr. L. A. Hadley (workers).

*Employment Agencies—*

Mr. H. Parsonage.

Mr. J. Hanlon (employers) ; substitute, Mr. S. I. McKenzie.

*Migration for Employment—*

Mr. H. Parsonage.

*Vocational Guidance—*

Mr. J. Hanlon (employers) ; substitute, Mr. S. I. McKenzie.

*Finance Committee—*

Mr. H. Parsonage.

## DISCUSSION ON DIRECTOR-GENERAL'S REPORT

The Director-General's report is a comprehensive document covering, for the particular year, the world economic background, trends in social policy in the various countries, and the activities of the I.L.O. during the period. For 1948 it emphasized how expectations of rapid post-war reconstruction had not been fully realized, in spite of the fact that the rate of European industrial recovery still continued. The recovery in production and employment was still precarious, with balance of payment difficulties, particularly in the form of the "dollar shortage," a major and continuing element in this situation. The Director-General mentioned other aspects—political differences leading to expenditure on armaments, the still critical food shortage, and trends to economic regionalism. In the sphere of social policy he mentioned the man-power problem in various countries and outlined the steps being taken by such countries as regards employment service, migration policy, and vocational training. He showed how, throughout the world, measures for improving conditions of work were constantly being adopted. He outlined the present and proposed activities of the I.L.O. in these fields. He expressed concern at the fact that the rate of ratification of International Labour Conventions had slowed down appreciably as compared with pre-war years, and mentioned that experienced observers had suggested that certain Conventions were drawn up in too much detail, that the standards set were too high for the majority of States members, or that some instruments were drafted and adopted too hastily.

On the question of the future policy of the I.L.O., the most important feature of the report was his proposal that the work of the Organization be given a new emphasis on the executive side. While it should not neglect its legislative function in the creation of international labour standards, he proposed that it undertake greater activity in the field of "on-the-spot" technical assistance to member States.

The discussion on the report showed the deep concern of the delegates with the above-mentioned subjects. Ninety-five speakers took part in the debate, the greatest number on record for any Conference. Reasons for the slowing-up of the rate of ratifications were analysed by several speakers, particularly the South African Government delegate, and remedies proposed. Many delegates endorsed the suggested technical assistance policy and the projected United Nations expanded technical assistance programme. (N.B.—The Conference discussions on this question are set out in the next section.) Migration matters were emphasized, particularly by delegates from countries where underemployment is at present a problem. Several Eastern European delegates pressed for structural changes in the Constitution of the Organization, generally designed to lessen the representation of employers (see Resolutions section of this report). Some workers' representatives made allegations against their own and other Governments of persecution



of trade-unionists. Two members of the New Zealand delegation spoke in the discussion, Mr. J. Thorn, Government delegate, and Mr. A. W. Croskery, workers' delegate. The text of the New Zealand Government delegate's speech is appended to this report (Appendix No. 1).

The Director-General in his reply to the debate promised that attention would be given by the Office to all the points raised by the speakers. He outlined his conception of the present role of the I.L.O. in international affairs in the following words :—

Each and every one of us knows in his heart that we are drifting along a dangerous road : that if war comes again we will be reduced to barbarism ; that our differences must be resolved through a process of social improvement and co-operative restraint and understanding. We know this. Therefore I say let us go about doing it. In this phase the I.L.O. must play more effectively the role set out for it. That is why I stress participation in world reconstruction, technical assistance, freedom of association, regional activity. That is why I stress the need for human dignity, universality, elimination of unemployment, full and unreserved co-operation with the United Nations, executive action and a greater effort to have our work applied directly and more vigorously to the immediate as well as to the long-range needs of those we serve—who are, after all, the peoples of the world.

### TECHNICAL ASSISTANCE PROGRAMME

Following on the proposal in President Truman's inaugural address of 20th January, 1949, for a programme of international technical assistance to under-developed countries and subsequent action by the Economic and Social Council in considering a comprehensive plan for such assistance, arrangements were made for the co-operation of the various Specialized Agencies, including the I.L.O., in framing and carrying out such a plan. Accordingly the Director-General submitted tentative proposals for the participation of the I.L.O., which were embodied in a report on Technical Assistance for Economic Development to be submitted to the ECOSOC at its Ninth Session, July, 1949.

In view of the scope and magnitude of the proposed technical assistance programme and the desirability of ensuring that the I.L.O. should be in a position to play its full part in the programme from the outset, the Governing Body had decided to bring the subject to the attention of the Conference and to ask the authority of the Conference for the participation of the Organization in the programme.

The question was considered by a Technical Assistance Sub-committee of the Selection Committee, which submitted a report to the Conference containing the following main points :—

- (1) The programme should be essentially a co-operative undertaking in which the I.L.O. would work in the closest collaboration with the United Nations and with other Specialized Agencies.
- (2) The primary purpose of the programme should be to contribute to that increase in production and in opportunities for employment in the less-developed countries of the world which was essential to the raising of living standards in those countries and which would help at the same time to raise standards of living in the world as a whole.
- (3) It was vital to the success of the programme that such increased production should be used to raise steadily and progressively the level of consumption in the countries concerned. The wealth that would result from the development of natural resources through the mobilization of human intelligence and experience must be used to lift the conditions of life and labour of the masses of the people.
- (4) As an organization representative of the parties in industry as well as of Governments, the I.L.O. would have a special opportunity and responsibility both to direct its technical assistance activities towards the achievement of these ends and to promote a wider understanding of the need for increased production.

(5) As regards the I.L.O. contribution, high priorities should be given to technical assistance in the following fields :—

(a) Employment training and migration.

(b) Improvement of labour standards.

(c) Development of co-operation and of handicrafts and of employment, wages, and conditions of work in agriculture (because of the predominantly rural character of the economies of the less-developed countries).

(d) Labour statistics.

(6) The Governing Body to make a detailed scrutiny of the Director-General's proposals concerning the scope and nature of the contribution which the I.L.O. should make to the technical assistance programme.

(7) Whether the system of financing the scheme was through a single central fund or by separate Budgets of the agencies concerned, in the case of the I.L.O. the budgetary provision made for the expanded programme of technical assistance should be kept separate from the ordinary Budget of the Organization.

In the plenary session debate on the Committee's report it was evident that the programme had the joint support of the majority of the delegates, especially those from Middle Eastern and Asian countries. Government representatives of the Eastern European countries were not in favour of the programme. The Polish Government delegate stated that it would very likely result in the exploitation of the lesser-developed countries by United States capital. The report of the Committee was adopted by the Conference, together with a resolution empowering the Governing Body to make any necessary interim arrangements with United Nations (see Appendix No. 12 (a)).

## FINANCIAL AND BUDGETARY QUESTIONS

As usual, these questions were considered and a report submitted to the Conference by the Finance Committee of Government representatives. The need for a revision of the scale of contributions was discussed by the Committee, the majority favouring the adoption of a scale based on the United Nations scale—but there proved to be certain practical obstacles which prevented the adoption of such a scale at the present stage. In particular, the United States was unable to agree to the adoption of the United Nations scale. In 1949 the United States contributed 18·35 per cent. of the I.L.O. Budget and 39·89 per cent. of the United Nations Budget. The existing United States legislation imposes a monetary ceiling on the United States contributions to I.L.O. and to certain other organizations. Legislation had been introduced into Congress with a view to removing or raising the monetary ceiling, but a decision had not yet been taken. Also, the United States Government did not consider that it should pay as much to the Specialized Agencies as to the United Nations, in regard to which it had a special relationship and assumed special responsibilities. In these circumstances, the United States delegate could not vote for any increase in the United States contribution for 1950. However, he stated that his Government would acquiesce in an increase in its rate of contribution to 22 per cent.

For these reasons the Finance Committee abandoned the idea of a revision along the lines of the United Nations scale for the 1950 scale of contributions and put forward two resolutions which were adopted by Conference :—

(i) That the present scale should be retained for 1950, except for an increase in the United States contribution to 22 per cent. in place of 18·35 per cent., with a small corresponding reduction in the percentages of other countries.

(ii) That the Governing Body be requested to prepare a permanent scale which would take into account the principles underlying the scales of United Nations and other Specialized Agencies and all relevant considerations, and report to the next Conference.

Several members of the Committee drew attention to the difficulties of finding hard currency in which to pay their contributions, and the Committee proposed that this question be further explored by the Office and a report submitted to the Governing Body.

The Conference endorsed the Committee's recommendation and approved a Budget for 1950 of \$5,983,526, an increase of 15 per cent. on the expenditure authorized for the previous year. The need for this increase was explained by the Director-General as being due to—

- (1) Constant rise in prices of goods and services used by the I.L.O.
- (2) Normal annual increments on staff salary scales until appropriate maxima were reached and certain salary increases approved by the Governing Body.
- (3) Expansion of the I.L.O.'s work in the field of man-power, migration, and technical training.
- (4) Increasing necessity to implement effectively the I.L.O.'s work through regional conferences and industrial committees.

New Zealand's contribution for 1950, after the adjustments mentioned above, is assessed at \$53,166, representing 0.93 per cent. of the total, as compared with \$43,084 for 1949.

### APPLICATION OF CONVENTIONS

A supplementary report by the I.L.O. Committee of Experts on the Application of Conventions concerning more effective measures for enforcing Conventions was placed before the Conference Committee dealing with this item of the Agenda. The report referred in the following words to the reasons which led to such measures being considered :—

While, of course, the problem of default under Article 22 presents itself in its most striking form in relation to certain Governments which year after year fail entirely to present any of the reports required of them, there are many other cases where default under Article 22 seriously impedes the work of international supervision which is based upon that Article. There are a large number of cases, for example, where Governments supply some but not all of the reports due. There are many cases where some or all of the reports arrive long after the date by which they are requested and often too late to allow of their examination by the Committee. The reports submitted moreover, whether late or in time, exhibit extremely varying degrees of completeness and lucidity. Every year some countries submit very detailed reports, but, as the Committee has previously pointed out, in other cases the reports can be described only as wholly inadequate to serve the purpose of indicating even the extent of formal conformity between the terms of national legislation and the international Conventions, and as giving no indications whatever of the effectiveness of application in practice.

One suggestion was to subject the defaulter to some penalty as that laid down in the Constitution for financial defaulters—viz., prohibition from exercising any voting powers in the Organization. The Committee of Experts felt that this step would be too drastic. It would also involve amendment to the Constitution. Another suggestion was to exclude such defaulters from representation on the Governing Body. The suggestion approved was the submission of information concerning default of Governments in respecting their obligations to the Government representatives entitled to vote at the time of the triennial election to the Governing Body.

The Conference Committee endorsed the observations of the Committee of Experts that " Governments which fail to submit reports are able, by their unilateral action in defiance of their solemn international obligations frequently undertaken, to exempt themselves from the whole procedure of international supervision of the extent of conformity of their law and practice with the international Conventions which they have ratified. No means exist in such cases of determining whether ratification affords the measure of labour protection which should be its sole justification, or whether it is a mere pretence in order to obtain international credit for which there is no title in national labour conditions. In certain cases, moreover, such a procedure is grossly unfair to other Governments, which by submitting regular and detailed reports subject

their legislation and practice to international examination and themselves even on occasion to criticism from which Governments not furnishing reports are exempt." They also thought that the suggestion approved by the Committee of Experts concerning enforcement measures against defaulters deserved consideration.

The Committee had a full discussion on the slackening in the progress of ratifications. Some members considered this due to over-detailed texts, others to the drag of bureaucratic inertia in certain national Administrations. Without making any definite recommendations, the Committee expressed the hope that States members would devote full attention to this problem.

The question of the application of Conventions to non-metropolitan territories was also considered. The Committee commended the new procedure whereby ratifying States were required to furnish detailed reports on Conventions applied to their non-metropolitan territories along the lines of those submitted in respect of their metropolitan areas.

The Committee concluded its report to the Conference by addressing a renewed appeal to States members to comply scrupulously with their obligations.

The report of the Committee was adopted by the Conference.

## INDUSTRIAL RELATIONS

Mr. Thorn was elected Chairman of the Conference Committee set up to deal with this item.

The general discussion related particularly to the question whether the text of the International Regulations should take the form of a Convention or of a Recommendation.

The workers' members declared themselves to be in favour of a Convention. They stated that the principles to be laid down by this text are of fundamental importance to the workers, and have already been applied in many countries, and therefore should be recognized by means of a Convention, which alone imposes legal obligations upon Governments.

The employers opposed a Convention based on the prepared text, which they considered unsuitable for a Convention, a Convention being equivalent to an international treaty and subject to scrutiny and even reprimand from outside sources as regards its domestic implementation.

The Committee approved of the regulations taking the form of a Convention.

The first article of the Office text concerned the protection of workers against anti-union discrimination in respect of their employment, particularly making their employment subject to the condition that they should not join a union. The employers' members wished to include a clause giving the worker the right not to organize. The Australian, New Zealand, South African, British, and Swiss Government members opposed the insertion of this clause, emphasizing the fact that union security clauses were authorized by their national legislation. The employers' amendment was rejected.

Article 2 of the Office text was designed to prevent interference by employers in the functioning of workers' unions, including the establishment of employer-dominated unions. The Article was adopted by the Committee substantially in the same form as the Office text.

Article 3 of the Office text dealt with protection of employers and workers against acts of wrongful coercion. It was agreed to delete this provision, Article 11 of the Convention giving the necessary protection.

Article 4, designed to encourage collective bargaining by the setting-up of appropriate machinery, and Article 5, providing for machinery to ensure respect for the right to organize and bargain collectively, were approved after redrafting.

Article 6 of the Office text provided that public officials whose conditions of employment protected them from interference with the free exercise of the right to organize should be excluded from the Convention.

The discussion on this Article centred around the necessity of Governments safeguarding themselves as regards political activities by Government officials through trade-union membership. Eventually a text was agreed on which excluded public servants from the Convention, with special qualifications being made in the case of members of the Armed Forces and the Police.

Article 7, which provided that certain parts of a country's territory might be excluded from the operation of the Convention, was deleted.

The decisions of the Committee were adopted by Conference and are set out in Appendix No. 2.

The Conference also passed a resolution asking that the question of collective agreements, conciliation and arbitration, and co-operation between public authorities and employers' and workers' organizations be placed on next year's Agenda. The full text of the resolution is found in Appendix No. 12 (b).

## WAGES

The Committee dealing with this subject considered it under the sections—

Labour clauses in public contracts.

Protection of wages.

Wages : General.

### (a) LABOUR CLAUSES IN PUBLIC CONTRACTS

This question had already been discussed at the thirty-second session of the Conference. The Swiss Government member stated that his country was in favour of the regulations taking the form of a Recommendation, which would offer the advantages of being less rigid and of giving the Governments of countries with federal Constitutions wider latitude in respect of application of the regulations. Opposition to the proposal was expressed by many of the Government members and by the workers' members, and on the question being taken to a vote the proposal was rejected. It was decided to make the regulations in the form of a Convention amplified by a Recommendation. The Office texts submitted to the Committee were thoroughly considered. Several amendments were made, the most important being the introduction to a greater extent in the text of the rule that employers' and workers' organizations should be consulted prior to the determination of questions by Government. The texts finally approved by Conference are found in Appendices 3 and 4.

### (b) PROTECTION OF WAGES

The first contentious question before the Committee was that of exclusion from the provisions of the Convention. The proposed text provided that, in certain circumstances, national regulations might exclude categories of non-manual workers or domestic servants from coverage by the Convention. The proposed exclusion of domestic servants met with strenuous opposition from the workers' representatives on the Committee. However, the United Kingdom Government representatives referred to the resolution adopted at the Thirty-first Session concerning conditions of employment which requested the Governing Body to consider the advisability of placing the question of the status and employment of domestic workers on the Agenda of an early session of the Conference. He suggested that then would be the appropriate time to consider this question. The proposal by the workers' members that domestic servants should not be excluded from the present Convention was rejected by the Committee. However,

it was agreed that a clause should be inserted in the exclusions Article providing that Governments should consult workers' and employers' organizations before passing regulations providing for such exclusions.

The workers' representatives also obtained the insertion of a provision forbidding under any circumstances the payment of wages in the form of spirituous liquors and noxious drugs.

The general discussion on the proposed Convention was noteworthy for statements made by the Indian and Pakistan delegates that their respective countries would be unable to ratify a Convention on this subject because it set too high a standard for countries so vast, thickly populated, and poor as to be unable to provide the necessary inspection service. The Belgium Government representative, who was the Reporter of the Committee, in reply stated that the Convention established necessary principles in a very important field—that of wages—and the attempt to establish these principles should not be abandoned because of internal difficulties in certain countries, whose position was recognized by Article 17 of the Convention (whereby ratification of certain areas in a country might be exempted from the application of the Convention).

The texts of the Convention and Recommendation as approved by Conference are found in Appendices 5 and 6.

#### (c) WAGES : GENERAL

The Committee had before it the General Report on Wages and four proposed Resolutions: one on systems of payment by results, presented by the Belgian Government member; one on the dismissal wage, presented by the Indian workers' member; one on further studies in the field of wages, presented by the workers' members of the Committee; and one on the minimum wage, presented by the Cuban Government member. The second and fourth of these proposed Resolutions replaced the Resolutions on the same subjects which had been presented by their authors at the Thirty-first Session of the Conference and had been held over for consideration at the present session.

In view of the shortness of the time available after dealing with the two other items on its Agenda, the Committee felt it could not give the necessary full and detailed consideration to the extremely important problems raised in the General Report and in the Resolutions mentioned above.

The Committee accordingly submitted a Resolution to the Conference concerning future consideration of problems in the field of wages (see Appendix 12 (c)).

#### VOCATIONAL GUIDANCE

This question was examined for the first time at the Thirty-first Session of the Conference (see parliamentary paper A-7A, 1948, page 10), and was referred to the Thirty-second Session for final decision. In the Committee set up to deal with this question, two main points of view emerged. The employers' members maintained that the text of the Recommendation, in the form submitted to the Committee, contained such excessive detail as would make its application difficult in the various countries. The workers' and Government members, on the other hand, favoured the retention of the Office text without major alteration. The latter point of view prevailed.

The different general principles which had been approved during the course of debate as being suitable for inclusion in a preamble or in an introduction may be summarized as follows: (1) vocational guidance is a continuous process which starts during schooling, but the fundamental principles of which remain the same irrespective of the age of the individual seeking advice; (2) vocational guidance facilities and services can only be established and developed in progressive stages; and (3) systems of vocational guidance must be adapted to the needs of different countries.

The Committee considered it necessary to add to these points another principle which had been emphasized on several occasions in the course of discussion—namely, that vocational guidance must be based upon the free and voluntary choice of the individual, and must have as its primary object the development of his personality, and the aim that he should derive full satisfaction from his work.

It was, above all, the principle that vocational guidance is a continuous process, irrespective of age, which the Committee emphasized, notably in the adoption of new paragraphs defining the nature and the scope of vocational guidance, based on the idea of unity. The representative of UNESCO also emphasized this point when he stated :—

UNESCO is primarily interested in the welfare and development of the individual in relation to his general, as well as vocational, education. The I.L.O. aims at evolving techniques and methods of vocational guidance and employment counselling, the latter being designed largely for adults ; while UNESCO is concerned with these problems mainly in their relation to young persons at school. There is, however, no definite line of demarcation between the activities of our two Organizations in this field ; the difference is one of emphasis rather than of substance. Educators must often seek advice from experts on vocational guidance, and the latter in turn must co-operate with educators. Collaboration must therefore be established between the I.L.O. and UNESCO, for these two Organizations complement each other.

The fundamental principles upon which the Recommendation was based had the complete approval of the Committee, and the agreement was reached on many points in spite of certain differences of opinion expressed during the course of debate.

The text finally approved by Conference is found in Appendix No. 7.

## EMPLOYMENT AGENCIES

As mentioned in last year's report (see parliamentary paper 1948, A-7A, page 10), the question of the revision of the Fee-charging Employment Agencies Convention, 1933, had been deferred for consideration to the present session because of irreconcilable differences of opinion on the fundamental point whether profit-making agencies should be regulated or progressively abolished.

In the light of replies to a questionnaire to Governments, the Office submitted a revised text, recognizing both points of view, providing that members ratifying the Convention might accept either the provisions of Part II, relating to the progressive abolition of profit-making agencies and the regulation of other agencies, or the provisions of Part III, relating to the regulation of profit-making and non-profit-making fee-charging employment agencies.

The compromise Office text gained the general support of all groups—Government, employers', and workers'—as the most realistic method of meeting the position.

The discussion in the Conference Committee was on the basis of the Office text, and the resulting Convention embodied its principles. The main amendments approved by Conference were :—

- (1) That where fee-charging agencies, in accordance with Part II of the Convention, are to be subject to Government supervision prior to the abolition, such supervision should be directed to the elimination of abuses, and to this end the Government should consult the employers' and workers' organizations concerned.
- (2) That a paragraph in the Office text providing that all employment agencies and persons habitually engaged in placing be required to make a declaration to the Government stating whether or not their placement services are given gratuitously should be deleted.

The adopted text is given in Appendix No. 8.

## MIGRATION FOR EMPLOYMENT

The question of the revision of the 1939 Conventions and Recommendation on Migration for Employment had been placed on the Agenda for the following reasons:—

- (1) The question of migration for employment had become one of considerable importance in the post-war years.
- (2) The 1939 Convention had not been widely ratified, and it was discovered, on a reference to Governments, that many countries objected to many of its provisions.

Prior to consideration at the Conference, the subject received thorough preliminary attention at two sessions of the Permanent Migration Committee of the I.L.O. As a result of these discussions, revised texts were submitted to Governments which were to be a basis for discussion at the present Conference. However, an alternative basis was proposed by the United States Government delegation which was accepted by the Conference Committee set up to deal with the subject.

The proposal was made because the United States Government had come to the conclusion that the present organization of the Convention would defeat its own purpose and serve to hinder rather than facilitate satisfactory migration, since many countries represented at the Third Session of the Permanent Migration Committee expressed doubt as to the possibility of their ratifying the Convention even in its revised form. In contradistinction to the existing texts, which consisted of two Conventions, one divided into a series of Parts, concerning first the rights of migrants generally, then the problems arising from the recruitment, introduction, and placing of migrants, and then general articles dealing with the application of the Convention, and the other concerning personal effects and tools of migrants, the proposal provided for one general Convention applying to all migrants for employment. Attached to the general Convention were three Annexes, one covering the recruitment, introduction, and placing of individual migrants for employment, the second covering migrants for employment under Government-sponsored arrangements for group transfer, and the third dealing with the personal effects and tools of migrants. Governments which ratified the Convention could exclude any or all of the Annexes from the act of ratification. The material of the text largely incorporated that of the texts forwarded from the Third Session of the Permanent Migration Committee.

The drafts to be discussed were long and detailed, but thorough consideration was given to every clause. Various points of view were expressed, but in most cases, as a result of the helpful and co-operative attitude of all the groups, Government, employers', and workers', generally acceptable provisions were achieved. It was stressed by many speakers that the object was to frame a workable Convention which would achieve the widest possible range of ratification. In view of New Zealand's position as an immigration country, the New Zealand Government representative took an active part in the discussions. On behalf of New Zealand he objected to some of the proposed general provisions, which, being designed to apply to individual cases as well as to groups, appeared unduly restrictive.

The final forms in which the Convention and Recommendation were adopted by the Conference are set out in Appendices Nos. 9 and 10.

It is anticipated that the new revised Convention will be much more widely ratified by member States than the one it replaces and that the movement of migrants from countries with surplus man-power to those with a deficiency will thus be assisted, with adequate protection being given to migrants.



## REVISION OF MARITIME CONVENTIONS

The twenty-eighth (Maritime) Session of the Conference, held at Seattle in June, 1946, adopted nine Conventions covering many important aspects of seafarers' conditions of employment. In December, 1947, the Joint Maritime Commission of the I.L.O. noted that only one ratification of these Conventions had been registered, though ratification had been pressed on States members. Subsequently the Office requested Governments to report difficulties delaying ratification. On the basis of the replies received the Governing Body decided that revision of certain of these Conventions was desirable in some respects to secure wider ratification. Accordingly an item was placed on the Agenda of the present session proposing the partial revision of the following four Conventions in respect of the questions specified :—

- (1) Social Security (Seafarers) Convention, 1946 (No. 70), in respect of the amount and duration of allowances (Article 3, paragraph 2).
- (2) Paid Vacations (Seafarers) Convention, 1946 (No. 72), in respect of—
  - (a) Continuous service (Article 3, paragraph 1) :
  - (b) Subsistence allowances (Article 5, paragraph 2).
- (3) Accommodation of Crews Convention, 1946 (No. 75), in respect of—
  - (a) Variation of the provisions of the Convention concerning experimental ships (Article 1) :
  - (b) Ventilation of crew's quarters (Article 7, paragraph 3) :
  - (c) The maximum number of ratings in sleeping-rooms (Article 10, paragraph 10) :
  - (d) The arrangement of berths in tiers (Article 10, paragraph 14) :
  - (e) The application of the Convention to existing ships (Article 18).
- (4) Wages, Hours of Work, and Manning (Sea) Convention, 1946 (No. 76), in respect of—
  - (a) Consistent working of overtime (Article 18, paragraph 1) :
  - (b) The period for denunciation of the Convention (Article 27).

The Conference Committee set up to deal with this item adopted amendments in respect of all the matters listed above except—

Article 3, paragraph 2, of Convention No. 70 ; and

Article 3, paragraph 1, of Convention No. 72,—  
in regard to which the present text was retained.

The amendments as approved by Conference are set out in Appendix No. 11.

The Conventions as amended thus become :—

- (1) The Paid Vacations (Seafarers) Convention (Revised), 1949.
- (2) The Accommodation of Crews Convention (Revised), 1949.
- (3) The Wages, Hours of Work, and Manning (Sea) Convention (Revised), 1949.

## RESOLUTIONS

The two most important resolutions dealt with by the Conference were—

- (1) On Annual Holidays with Pay and Workers' Recreation :
- (2) On Unemployment,—

both submitted by the Czech delegation. These were agreed to in the form set out in Appendix 12 (d) and (e).

Another resolution submitted by the Polish delegation, designed to change the constitutional structure of the I.L.O. mainly by increasing worker representation, was rejected on the grounds that the whole matter had been decided after full debate as recently as 1946.

J. THORN.

H. PARSONAGE.

Appendix  
No.

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1. Text of Speech by Mr. J. Thorn, New Zealand Government Delegate, in Debate on Director's Report.
2. Text of Right to Organize and Collective Bargaining Convention, 1949.
3. Text of Labour Clauses (Public Contracts) Convention, 1949.
4. Text of Labour Clauses (Public Contracts) Recommendation, 1949.
5. Text of Protection of Wages Convention, 1949.
6. Text of Protection of Wages Recommendation, 1949.
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  - (d) On Annual Holidays with Pay and Workers' Recreation.
  - (e) On Unemployment.

## APPENDIX No. 1

Mr. THORN (*Government delegate, New Zealand*).—As we have now come to expect in the International Labour Organization as a matter of course, the report of the Director-General, which we are now debating, is one of high quality, both in the hopeful note it strikes and in its factual survey of economic and social progress. Like his able and devoted predecessors, Mr. Morse has spared no effort to present to us not only the commendable record of I.L.O. activities during the year, but a picture of our world as it is, with its achievements and inadequacies, its difficult problems and anxieties, and here and there its movements forward in the domain of enlightened and humanitarian legislation. To men and women who are good citizens, who are moved by public spirit and a sense of justice, and who want a world in which industry will serve peace and yield improving standards of life, this excellent report should be a guide to action, and those who read it should be inspired to make the effort necessary to overcome the shortcomings which stand between us and a better life. In the thirty years since the Treaty of Versailles brought it into being the International Labour Organization has worked for a world in which economic and social progress will be the rule, and poverty and injustice be regarded as abominations, and this report is only another evidence of the contribution it is making towards a civilization which will lift mankind above fear and want, greed, and the anarchy which has condemned too many of our fellow-citizens to ignorance and misery.

In New Zealand we believe that there are two approaches to the method of ensuring that social justice will prevail. One is very simple : it is to remove poverty and insecurity. A declaration of human rights is unnecessary to establish that human beings require food, clothes, education, proper housing, useful employment, and some means of culture if they are to live a civilized life. This is so obvious as not to need demonstration. Our New Zealand system of social security and economic and social legislation generally, and our effective implementation of full employment, have pretty well achieved these ends for us. The other is to remove misunderstanding between the workers and the employers, and to develop in both a sense of public responsibility. Each must understand the other's difficulties, and only by a partnership of interest, in which both regard industry as a servant of the community, will we have a proper setting for industrial peace. To the employers I would say that the workers' essential rights are not arguable ; they cannot

in reason be disputed. To the workers I would say that honest and sustained labour is inescapable, for only by the production of wealth and the provision of services can their right to a good life be maintained and expanded. In my country belief in such a partnership is growing, and we feel that this co-operation will develop under the voluntary sponsorship of employers, and workers, organizations. Accordingly the New Zealand Government strongly supports the action being taken to formulate international regulations on this important subject.

I wish to refer briefly to one or two matters in the introduction to the report. This is an admirable statement, and in principle there can be no disagreement with it. The Organization must continue to play a leading role in the field of labour and social legislation, and if it is to exercise a vital influence it must adapt itself to changing circumstances. My Government feels, however, that all new projects must be closely examined before they are embarked upon. There are dangers in a dispersal of I.L.O. resources over tasks involving broader and more direct executive and technical responsibilities, and safeguards must be devised to avoid any submergence of the Organization's primary objectives.

On the ratification of Conventions, the Director-General strikes a warning note, and rightly so, because there are powerful critics now ready to contend that indisposition to ratify is the evidence of the I.L.O.'s lack of authority and therefore of its futility. Governments represented here are thus under an obligation to expedite ratification wherever possible, and at least to legislate those sections of the Conventions which they find acceptable. Nevertheless, it must be pointed out that one reason for the decline in the rate of ratifications in recent years is that many of the Conventions are drawn up in too precise detail. It is conceivable that a truly progressive Government—and I hope the present Government of New Zealand is a truly progressive Government—may have difficulty in endorsing a Convention in its entirety because it contains an article or two which are inappropriate or unrealistic in the circumstances in which it has to legislate. The New Zealand Government submits that the establishment of international economic and social standards might be better achieved if Conventions were confined to general statements of principles, and if details of administration, which frequently obstruct ratification, were embodied in Recommendations. I repeat, however, that conditions are such at present as to make it desirable for a greater number of States to proceed to ratify, and more than this—and I emphasize this—to legislate and administer effectively the Conventions they endorse. Possibly an examination of this problem will reveal that many organizations here have failed to create the public opinion which would reinforce Governments anxious to carry out their responsibilities.

The New Zealand Government desires to ratify a number of Conventions with which its national legislation conforms except on minor points of detail. It has recently decided to ratify the Employment Service Convention of 1948, and the Labour Inspection Convention and the Convention concerning freedom of association and protection of the right to organize are at present receiving its attention in the hope that ratification will be possible in the near future.

Other matters dealt with by the report have been the subject of action in New Zealand during the past few years. As an agricultural and pastoral country, New Zealand feels a sense of special obligation, and in the past year or so, particularly, efforts have been made to effect a substantial increase in the production of meat and dairy commodities. In our secondary and manufacturing industries, apprenticeship training has been further developed and reorganized and the training of apprentices in technical schools and colleges during the employers' time in a number of trades has recently been introduced. Industrial medical officers and nurses, who work in close collaboration with the labour inspectorate, have been appointed in the main industrial centres. The Employment Service and the collection and compilation of employment information have also been further developed, and several additional groups of workers have been brought within the scope of industrial

safety legislation. The employment situation in New Zealand remains particularly buoyant, and notwithstanding the infusion of many new settlers in our country and the difficulties involved in absorbing large numbers of seasonal workers in the off season between the great summer activities of our primary industries, the number of registered unemployed during the past year in New Zealand has been as low as only 40 and has never exceeded the figure of 100.

In conclusion, let me say that New Zealand will continue to give firm support to the work of the International Labour Office. We believe the Office and the Organization together to be one of the principal agencies that will bring to the peoples of the world the happiness and prosperity to which they are entitled and which surely is their right.

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## APPENDIX No. 2.—CONVENTION CONCERNING THE APPLICATION OF THE PRINCIPLES OF THE RIGHT TO ORGANIZE AND TO BARGAIN COLLECTIVELY

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June, 1949, and

Having decided upon the adoption of certain proposals concerning the application of the principles of the right to organize and to bargain collectively, which is 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 1st day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Right to Organize and Collective Bargaining Convention, 1949 :

### *Article 1*

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to—

- (a) Make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership ;
- (b) Cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

### *Article 2*

1. Workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other or each others' agents or members in their establishment, functioning or administration.

2. In particular, acts which are designed to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to support workers' organizations by financial or other means, with the object of placing such organizations under the control of employers or employers' organizations, shall be deemed to constitute acts of interference within the meaning of this Article.

*Article 3*

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organize as defined in the preceding articles.

*Article 4*

Measures appropriate to national conditions shall be taken where necessary, to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

*Article 5*

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 6*

This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.

*Article 7*

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

*Article 8*

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 9*

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organization shall indicate—

- (a) The territories in respect of which the member concerned 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 pending further consideration of the position.

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 reservation made in its original declaration in virtue of subparagraph (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 11, 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 10*

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 or 5 of Article 35 of the Constitution of the International Labour Organization 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.

2. 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.

3. 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 11, 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 11*

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 12*

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 a 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 13*

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 14

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 15

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 11 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 16

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

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## APPENDIX No. 3.—CONVENTION CONCERNING LABOUR CLAUSES IN PUBLIC CONTRACTS

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June, 1949, and

Having decided upon the adoption of certain proposals concerning labour clauses in public contracts, which is the sixth item on the Agenda of the session, and

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

adopts this 29th day of June of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Labour Clauses (Public Contracts) Convention, 1949 :

### Article 1

1. This Convention applies to contracts which fulfill the following conditions :—

- (a) That one at least of the parties to the contracts is a public authority ;
- (b) That the execution of the contract involves—
  - (i) The expenditure of funds by a public authority ; and
  - (ii) The employment of workers by the other party to the contract ;
- (c) That the contract is a contract for—
  - (i) The construction, alteration, repair or demolition of public works ;
  - (ii) The manufacture, assembly, handling or shipment of materials, supplies or equipment ; or
  - (iii) The performance or supply of services ; or
- (d) That the contract is awarded by a central authority of a member of the International Labour Organization for which the Convention is in force.

2. The competent authority shall determine the extent to which and the manner in which the Convention shall be applied to contracts awarded by authorities other than central authorities.

3. This Convention applies to work carried out by subcontractors or assignees of contracts ; appropriate measures shall be taken by the competent authority to ensure such application.

4. Contracts involving the expenditure of public funds of an amount not exceeding a limit fixed by the competent authority after consultation with the organizations of employers and workers concerned, where such exist, may be exempted from the application of this Convention.

5. The competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, exclude from the application of this Convention persons occupying positions of management or of a technical, professional or scientific character, whose conditions of employment are not regulated by national laws or regulations, collective agreement or arbitration award and who do not ordinarily perform manual work.

### *Article 2*

1. Contracts to which this Convention applies shall include clauses ensuring to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on—

- (a) By collective agreement or other recognized machinery of negotiation between organizations of employers and workers representative respectively of substantial proportions of the employers and workers in the trade or industry concerned ; or
- (b) By arbitration award ; or
- (c) By national laws or regulations.

2. Where the conditions of labour referred to in the preceding paragraph are not regulated in a manner referred to therein in the district where the work is carried on, the clauses to be included in contracts shall ensure to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than—

- (a) Those established by collective agreement or other recognized machinery of negotiation, by arbitration, or by national laws or regulations, for work of the same character in the trade or industry concerned in the nearest appropriate district ; or
- (b) The general level observed in the trade or industry in which the contractor is engaged by employers whose general circumstances are similar.

3. The terms of the clauses to be included in contracts and any variations thereof shall be determined by the competent authority, in the manner considered most appropriate to the national conditions, after consultation with the organizations of employers and workers concerned, where such exist.

4. Appropriate measures shall be taken by the competent authority, by advertising specifications or otherwise, to ensure that persons tendering for contracts are aware of the terms of the clauses.

### *Article 3*

Where appropriate provisions relating to the health, safety and welfare of workers engaged in the execution of contracts are not already applicable in virtue of national laws or regulations, collective agreement or arbitration award, the competent authority shall take adequate measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned.



*Article 4*

The laws, regulations or other instrument giving effect to the provisions of this Convention—

(a) Shall—

- (i) Be brought to the notice of all persons concerned :
  - (ii) Define the persons responsible for compliance therewith ; and
  - (iii) Require the posting of notices in conspicuous places at the establishments and workplaces concerned with a view to informing the workers of their conditions of work ; and
- (b) Shall, except where other arrangements are operating to ensure effective enforcement, provide for the maintenance of—
- (i) Adequate records of the time worked by, and the wages paid to, the workers concerned ; and
  - (ii) A system of inspection adequate to ensure effective enforcement.

*Article 5*

1. Adequate sanctions shall be applied, by the withholding of contracts or otherwise, for failure to observe and apply the provisions of labour clauses in public contracts.

2. Appropriate measures shall be taken, by the withholding of payments under the contract or otherwise, for the purpose of enabling the workers concerned to obtain the wages to which they are entitled.

*Article 6*

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organization full information concerning the measures by which effect is given to the provisions of this Convention.

*Article 7*

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, after consultation with the organizations of employers and workers concerned, where such exist, 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 this Article shall, at intervals not exceeding three years, reconsider in consultation with the organizations of employers and workers concerned, where such exist, the practicability of extending the application of the Convention to areas exempted in virtue of paragraph 1.

4. Each member having recourse to the provisions of this Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of this Article and any progress which may have been made with a view to the progressive application of the Convention in such areas.

*Article 8*

The operation of the provisions of this Convention may be temporarily suspended by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist, in cases of *force majeure* or in the event of emergency endangering the national welfare or safety.

*Article 9*

1. This Convention does not apply to contracts entered into before the coming into force of the Convention for the member concerned.

2. The denunciation of this Convention shall not affect the application thereof in respect of contracts entered into while the Convention was in force.

*Article 10*

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

*Article 11*

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 12*

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organization shall indicate --

- (a) The territories in respect of which the member concerned 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 pending further consideration of the position.

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 reservation made in its original declaration in virtue of subparagraph (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 14, 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. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 or 5 of Article 35 of the Constitution of the International Labour Organization 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.

2. 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.

3. 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 14, 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 14*

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 15*

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 16*

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 17*

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 18

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 14 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 19

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

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## APPENDIX No. 4.—RECOMMENDATION CONCERNING LABOUR CLAUSES IN PUBLIC CONTRACTS

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June, 1949, and

Having decided upon the adoption of certain proposals concerning labour clauses in public contracts, which is the sixth item on the Agenda of the session, and

Having decided that these proposals shall take the form of a Recommendation supplementing the Labour Clauses (Public Contracts) Convention, 1949,

adopts this 29th day of June of the year one thousand nine hundred and forty-nine the following Recommendation, which may be cited as the Labour Clauses (Public Contracts) Recommendation, 1949 :

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 :

1. In cases where private employers are granted subsidies or are licensed to operate a public utility, provisions substantially similar to those of the labour clauses in public contracts should be applied.

2. Labour clauses in public contracts should prescribe, either directly or by reference to appropriate provisions contained in laws or regulations, collective agreements, arbitration awards or other recognized arrangements—

- (a) The normal and overtime rate of wages (including allowances) to be paid to the various categories of workers concerned ;
- (b) The manner in which hours of work are to be regulated, including wherever appropriate—
  - (i) The number of hours that may be worked in any day, week or other specified period in respect of which normal rates of wages are to be paid ;
  - (ii) The average number of hours that may be worked by persons working in successive shifts on continuous processes ; and
  - (iii) Where hours of work are calculated as an average, the period of time over which this average may be calculated and the normal maximum number of hours that may be worked in any specified period ;
- (c) Holiday and sick leave provisions.

## APPENDIX No. 5.—CONVENTION CONCERNING THE PROTECTION OF WAGES

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June, 1949, and

Having decided upon the adoption of certain proposals concerning the protection of wages, which is the seventh item on the agenda of the session, and

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

adopts this 1st day of July of the year one thousand nine hundred and forty-nine the following Convention which may be cited as the Protection of Wages Convention, 1949 :

### *Article 1*

In this Convention, the term "wages" means remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered.

### *Article 2*

1. This Convention, applies to all persons to whom wages are paid or payable.

2. The competent authority may, after consultation with the organizations of employers and employed persons directly concerned, if such exist, exclude from the application of all or any of the provisions of the Convention categories of persons whose circumstances and conditions of employment are such that the application to them of all or any of the said provisions would be inappropriate and who are not employed in manual labour or are employed in domestic service or work similar thereto.

3. 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 categories of persons which it proposes to exclude from the application of all or any of the provisions of the Convention in accordance with the provisions of the preceding paragraph : no member shall, after the date of its first annual report, make exclusions except in respect of categories of persons so indicated.

4. Each member having indicated in its first annual report categories of persons which it proposes to exclude from the application of all or any of the provisions of the Convention, shall indicate in subsequent annual reports any categories of persons in respect of which it renounces the right to have recourse to the provisions of paragraph 2 of this Article, and any progress which may have been made with a view to the application of the Convention to such categories of persons.

### *Article 3*

1. Wages payable in money shall be paid only in legal tender, and payment in the form of promissory notes, vouchers or coupons, or in any other form alleged to represent legal tender, shall be prohibited.

2. The competent authority may permit or prescribe the payment of wages by bank cheque or postal cheque or money order in cases in which payment in this manner is customary or is necessary because of special circumstances, or where a collective agreement or arbitration award so provides, or, where not so provided, with the consent of the worker concerned.

*Article 4*

1. National laws or regulations, collective agreements or arbitration awards may authorize the partial payment of wages in the form of allowances in kind in industries or occupations in which payment in the form of such allowances is customary or desirable because of the nature of the industry or occupation concerned; the payment of wages in the form of spirituous liquors and liquor of high alcoholic content or of noxious drugs shall not be permitted in any circumstances.

2. In cases in which partial payment of wages in the form of allowances in kind is authorized, appropriate measures shall be taken to ensure that

(a) Such allowances are appropriate for the personal use and benefit of the worker and his family; and

(b) The value attributed to such allowances is fair and reasonable.

*Article 5*

Wages shall be paid directly to the worker concerned except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award or where the worker concerned has agreed to the contrary.

*Article 6*

Employers shall be prohibited from limiting in any manner the freedom of the worker to dispose of his wages.

*Article 7*

1. Where works stores for the sale of commodities to the workers are established or services are operated in connection with an undertaking, the workers concerned shall be free from any coercion to make use of such stores or services.

2. Where access to other stores or services is not possible, the competent authority shall take appropriate measures with the object of ensuring that goods are sold and services provided at fair and reasonable prices, or that stores established and services operated by the employer are not operated for the purpose of securing a profit but for the benefit of the workers concerned.

*Article 8*

1. Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Workers shall be informed, in the manner deemed most appropriate by the competent authority, of the conditions under which and the extent to which such deductions may be made.

*Article 9*

Any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as a labour contractor or recruiter), shall be prohibited.

*Article 10*

1. Wages may be attached or assigned only in a manner and within limits prescribed by national laws or regulations.

2. Wages shall be protected against attachment or assignment to the extent deemed necessary for the maintenance of the worker and his family.

### *Article 11*

1. In the event of the bankruptcy or judicial liquidation of an undertaking, the workers employed therein shall be treated as privileged creditors either as regards wages due to them for service rendered during such a period prior to the bankruptcy or judicial liquidation as may be prescribed by national laws or regulations, or as regards wages up to a prescribed amount as may be determined by national laws or regulations.

2. Wages constituting a privileged debt shall be paid in full before ordinary creditors may establish any claim to a share of the assets.

3. The relative priority of wages constituting a privileged debt and other privileged debts shall be determined by national laws or regulations.

### *Article 12*

1. Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

2. Upon the termination of a contract of employment, a final settlement of all wages due shall be effected in accordance with national laws or regulations, collective agreement or arbitration award or, in the absence of any applicable law, regulation, agreement or award, within a reasonable period of time having regard to the terms of the contract.

### *Article 13*

1. The payment of wages where made in cash shall be made on working days only and at or near the workplace, except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award, or where other arrangements known to the workers concerned are considered more appropriate.

2. Payment of wages in taverns or other similar establishments and, where necessary to prevent abuse, in shops or stores for the retail sale of merchandise and in places of amusement shall be prohibited except in the case of persons employed therein.

### *Article 14*

Where necessary, effective measures shall be taken to ensure that workers are informed in an appropriate and easily understandable manner—

- (a) Before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed ; and
- (b) At the time of each payment of wages, of the particulars of their wages for the pay period concerned, in so far as such particulars may be subject to change.

### *Article 15*

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

- (a) Be made available for the information of persons concerned ;
- (b) Define the persons responsible for compliance therewith ;
- (c) Prescribe adequate penalties or other appropriate remedies for any violation thereof ;
- (d) Provide for the maintenance, in all appropriate cases, of adequate records in an approved form and manner.

### *Article 16*

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organization full information concerning the measures by which effect is given to the provisions of this Convention.

*Article 17*

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, after consultation with the organizations of employers and workers concerned, where such exist, 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 this Article, shall at intervals not exceeding three years, reconsider in consultation with the organizations of employers and workers concerned, where such exist, the practicability of extending the application of the Convention to areas exempted in virtue of paragraph 1.

4. Each member having recourse to the provisions of this Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of this Article and any progress which may have been made with a view to the progressive application of the Convention in such areas.

*Article 18*

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

*Article 19*

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 20*

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organization shall indicate—

- (a) The territories in respect of which the member concerned 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 pending further consideration of the position.

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 reservation 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 22, 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 21*

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 or 5 of Article 35 of the Constitution of the International Labour Organization 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.

2. 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.

3. 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 22, 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 22*

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

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

#### *Article 23*

1. The Director-General of the International Labour Office shall notify all members of the International Labour 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 24*

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

*Article 25*

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 26*

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

(a) The ratification by a member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22 above, if and when the new revising Convention shall have come into force;

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

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

*Article 27*

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

## APPENDIX No. 6. RECOMMENDATION CONCERNING THE PROTECTION OF WAGES

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June, 1949, and

Having decided upon the adoption of certain proposals concerning the protection of wages, which is the seventh item on the Agenda of the session, and

Having decided that these proposals shall take the form of a Recommendation supplementing the Protection of Wages Convention, 1949,

adopts this 1st day of July of the year one thousand nine hundred and forty-nine the following Recommendation, which may be cited as the Protection of Wages Recommendation, 1949:

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. DEDUCTIONS FROM WAGES

1. All necessary measures should be taken to limit deductions from wages to the extent deemed to be necessary to safeguard the maintenance of the worker and his family.

2. (1) Deductions from wages for the reimbursement of loss of or damage to the products, goods or installations of the employer should be authorized only when loss or damage has been caused for which the worker concerned can be clearly shown to be responsible.

(2) The amount of such deductions should be fair and should not exceed the actual amount of the loss or damage.

(3) Before a decision to make such a deduction is taken, the worker concerned should be given a reasonable opportunity to show cause why the deduction should not be made.

3. Appropriate measures should be taken to limit deductions from wages in respect of tools, materials or equipment supplied by the employer to cases in which such deductions—

- (a) Are a recognized custom of the trade or occupation concerned ; or
- (b) Are provided for by collective agreement or arbitration award ; or
- (c) Are otherwise authorized by a procedure recognized by national laws or regulations.

## II. PERIODICITY OF WAGE PAYMENTS

4. The maximum intervals for the payment of wages should ensure that wages are paid—

- (a) Not less often than twice a month at intervals not exceeding sixteen days in the case of workers whose wages are calculated by the hour, day or week ; and
- (b) Not less often than once a month in the case of employed persons whose remuneration is fixed on a monthly or annual basis.

5. (1) In the case of workers whose wages are calculated on a piece-work or output basis, the maximum intervals for the payment of wages should, so far as possible, be so fixed as to ensure that wages are paid not less often than twice a month at intervals not exceeding sixteen days.

(2) In the case of workers employed to perform a task the completion of which requires more than a fortnight, and in respect of whom intervals for the payment of wages are not otherwise fixed by collective agreement or arbitration award, appropriate measures should be taken to ensure—

- (a) That payments are made on account, not less often than twice a month at intervals not exceeding sixteen days, in proportion to the amount of work completed ; and
- (b) That final settlement is made within a fortnight of the completion of the task.

## III. NOTIFICATION TO WORKERS OF WAGE CONDITIONS

6. The details of the wage conditions which should be brought to the knowledge of the workers should include, wherever appropriate, particulars concerning—

- (a) The rates of wages payable ;
- (b) The method of calculation ;
- (c) The periodicity of wage payments ;
- (d) The place of payment ; and
- (e) The conditions under which deductions may be made.

## IV. WAGES STATEMENTS AND PAYROLL RECORDS

7. In all appropriate cases, workers should be informed, with each payment of wages, of the following particulars relating to the pay period concerned, in so far as such particulars may be subject to change :—

- (a) The gross amount of wages earned ;
- (b) Any deduction which may have been made, including the reasons therefor and the amount thereof ; and
- (c) The net amount of wages due.

8. Employers should be required in appropriate cases to maintain records showing in respect of each worker employed, the particulars specified in the preceding paragraph.

#### V. ASSOCIATION OF WORKERS IN THE ADMINISTRATION OF WORKS STORES

9. Appropriate measures should be taken to encourage arrangements for the association of representatives of the workers concerned, and more particularly members of works welfare committees or similar bodies where such bodies exist, in the general administration of works stores or similar services established in connection with an undertaking for the sale of commodities or provision of services to the workers thereof.

### APPENDIX No. 7.—RECOMMENDATION CONCERNING VOCATIONAL GUIDANCE

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June, 1949, and

Having decided upon the adoption of certain proposals concerning vocational guidance which is the ninth item on the Agenda of the session, and

Having determined that the proposals shall take the form of a Recommendation, adopts this 1st day of July of the year one thousand nine hundred and forty-nine the following Recommendation, which may be cited as the Vocational Guidance Recommendation, 1949 :

#### I. GENERAL

1. For the purpose of this Recommendation the term "vocational guidance" means assistance given to an individual in solving problems related to occupational choice and progress with due regard for the individual's characteristics and their relation to occupational opportunity.

2. Vocational guidance is based on the free and voluntary choice of the individual : its primary object is to give him full opportunity for personal development and satisfaction from work, with due regard for the most effective use of national manpower resources.

3. Vocational guidance is a continuous process, the fundamental principles of which are the same irrespective of the age of the individuals being counselled. These principles have an immediate importance for the welfare of individuals everywhere and for the prosperity of all countries.

4. Facilities for vocational guidance should be adapted to the peculiar needs of each country and be adopted progressively. Their development within each country should proceed from a widespread understanding of the purpose of vocational guidance, the establishment of an adequate administrative structure, and the provision of technically qualified personnel.

#### II. SCOPE

5. To the maximum possible extent consistent with national and local policy and resources, public vocational guidance facilities should be provided for all persons requiring such assistance.

6. Special provision should be made for—

- (a) Programmes suitable for young persons, including those in school, who require counselling on problems related to entering occupations or planning careers, and
- (b) Programmes suitable for all other persons who require counselling on employment and related vocational problems : such persons are referred to hereafter in this Recommendation as adults.

### III. PRINCIPLES AND METHODS OF VOCATIONAL GUIDANCE FOR YOUNG PERSONS INCLUDING THOSE IN SCHOOL

7. (1) Vocational guidance policies and programmes should be determined through the co-operative efforts of the schools and other organizations and services concerned with young persons in the transition from school to work, and the representative organizations of employers and workers, to the end that each young person receiving vocational guidance may have the benefit of unified and co-ordinated assistance.

(2) These co-operative efforts should also include consultation and co-operation with the parents and guardians concerned and with associations of parents where such exist.

(3) In applying these general principles, due account should be taken of the principles of administrative organization set forth in Part V of this Recommendation.

8. (1) During the period of general education, preliminary vocational guidance should be included within the educational programme. Such guidance should be primarily designed to make the young person aware of his aptitudes, qualifications and interests and of the various occupations and careers so as to facilitate future vocational adjustment.

(2) The preliminary vocational guidance should receive increasing emphasis at those stages of schooling at which the young person may choose to enter special vocational courses or seeks other training or employment on leaving school.

(3) The preliminary vocational guidance should include—

(a) The provision, in suitable form, of comprehensive occupational and industrial information;

(b) Wherever possible in the national and local circumstances, visits, adequately supervised, to industrial and commercial establishments and other work places, and

(c) Counselling by means of personal interview supplemented by group discussions or talks.

9. The methods of vocational guidance for young persons set forth in paragraphs 10 to 15 should be given particular attention and their use encouraged to the widest practicable extent.

10. (1) Each young person seeking vocational guidance should be provided with adequate opportunity for a counselling interview with a vocational guidance officer, more particularly at the time he may be able to choose specific vocational courses, or to leave school for other occupational training (including apprenticeship) or for work.

(2) Methods of interview should be continuously adapted with a view to ensuring the most complete analysis possible of individual ability in relation to occupational opportunities and requirements.

11. Records of school progress, including, as desired and as appropriate in individual cases, an evaluation of capacity, educational attainments, aptitudes and personality, should be used as may be considered appropriate for vocational guidance with due respect to the confidential character of the information contained therein.

12. (1) The facilities for the medical examination of young persons should be utilized as appropriate and developed as necessary for purposes of vocational guidance.

(2) Advice for remedial action and such other help as may be possible and useful for the purposes of vocational adjustment should be provided as needed in each individual case.

13. (1) Where practicable, appropriate tests of capacity and aptitude, and, where so desired, other psychological tests should be made available for use in vocational guidance as appropriate to the needs of individual cases.

(2) Advice for remedial action and such other help as may be possible and useful for the purposes of vocational adjustment should be made available in individual cases.

14. (1) Suitable and reliable information regarding careers in the different occupations and industries and regarding employment and training opportunities should be made available to young persons through counselling interviews and otherwise, with due regard for the aptitudes, physical capacities, qualifications, preferences and personality of the young person concerned and the prospective needs of the economy.

(2) In this connection the competent authorities should maintain continuous co-operation with such other public and private bodies, including more particularly the representative organizations of employers and workers, as are able—

- (a) to provide information concerning probable future openings in each industry, trade or occupation, and
- (b) to assist with the preparation and conclusion of contracts of apprenticeship and to supervise their application.

15. Consideration should also be given to the desirability of ascertaining the aptitudes of young persons by providing opportunity for appropriate work experience and by other similar means.

16. Special attention should be given to the development, within the framework of the general vocational guidance services, of adequate and appropriate arrangements for the vocational guidance of young persons in rural areas.

17. Special attention should be given to the development, within the framework of the general vocational guidance services, and in co-operation with the appropriate rehabilitation services, of adequate and appropriate arrangements for the vocational guidance of young persons—

- (a) who have physical or mental handicaps or limitations, or
- (b) who manifest personality disorders of such a nature as to prevent or make specially difficult their vocational adjustment.

18. The competent national and local authorities should encourage full voluntary use of vocational guidance facilities, more particularly in the case of—

- (a) Young persons who may choose among several vocational courses within the school ;
- (b) Young persons who are near school-leaving age ;
- (c) Young persons who are entering the employment market for the first time ;
- (d) Young persons who are seeking admission to apprenticeship or other vocational training ;
- (e) Young persons who are unemployed, who are employed in declining industries or who are likely to become unemployed ;
- (f) Young persons who have physical or mental handicaps or limitations ; or
- (g) Young persons who manifest personality disorders of such a nature as to prevent or make specially difficult their vocational adjustment.

19. The competent authorities should take the necessary measures to facilitate the execution of the young persons' vocational plans wherever these are feasible ; where appropriate in individual cases suggestions should be made for carrying out these plans and assistance should be provided in making the necessary contacts with other services or persons also concerned with placing the young person in training or employment in the occupation chosen by him.

20. (1) The competent authorities should take measures to organize follow-up aimed primarily at assisting in so far as possible the young person to overcome any difficulties he may be experiencing in following his vocational plans and ascertaining whether the occupation selected is proving suitable.

(2) Wherever possible, methods of follow-up should include general inquiries on a sampling basis to measure the results of vocational guidance in individual cases and to evaluate vocational guidance policy and methods. Such inquiries should permit of securing medical information in co-operation, where possible, with the medical facilities existing at workplaces.

#### IV. PRINCIPLES AND METHODS OF VOCATIONAL GUIDANCE FOR ADULTS (EMPLOYMENT COUNSELLING)

21. (1) Appropriate arrangements for adults should be made within the framework of the public vocational guidance services to assist any person requiring aid in choosing an occupation or in changing his occupation.

(2) The process involved in rendering this assistance is referred to in this Recommendation as employment counselling.

22. The process of employment counselling should include, as far as practicable in the national circumstances and as appropriate in individual cases—

- (a) Interview with an employment counsellor ;
- (b) Examination of record of work experience ;
- (c) Examination of scholastic or other records relating to education or training received ;
- (d) Medical examination ;
- (e) Appropriate tests of capacity and aptitude, and, where so desired, other psychological tests ;
- (f) Ascertainment of aptitudes by appropriate work experience and by other similar means ;
- (g) Technical trade tests, either verbal or otherwise, in all cases where such seem necessary ;
- (h) Analysis of physical capacity in relation to occupational requirements ;
- (i) Provision of information concerning employment and training opportunities relating to the qualifications, physical capacities, aptitudes, preferences and experience of the person concerned and to the needs of the employment market ;
- (j) Follow-up, on a sampling basis, aimed at discovering whether satisfactory placement in employment, training or retraining has been achieved and at evaluating employment counselling policy and methods.

23. (1) The competent national and local bodies should take all necessary measures to encourage the extended use, on a voluntary basis, of employment counselling services in the case of—

- (a) Persons entering employment for the first time ;
- (b) Persons unemployed for a long period ;
- (c) Persons unemployed or likely to be unemployed, as a result of declining industries or changes in the technique, structure or location of industry ;
- (d) Persons living in rural areas who comprise surplus manpower in the light of current or prospective employment opportunity ;
- (e) Persons desirous of benefiting from public facilities for vocational training and readjustment.

(2) All necessary and practicable measures should be taken to develop, within the framework of the general vocational guidance facilities and with the co-operation of any appropriate rehabilitation services when the person requires such assistance, specialized employment counselling for physically disabled persons and those having personality disorders that hinder their vocational adjustment.

(3) All necessary and practicable measures should be taken to develop, within the framework of the general vocational guidance facilities, specialized employment counselling for technicians, professional workers, salaried employees and executive staff.

24. Special attention should be given, in connection with employment counselling, to the development of appropriate methods for the technical selection of workers for particular occupations and industries.

## V. PRINCIPLES OF ADMINISTRATIVE ORGANIZATION

25. Vocational guidance and employment counselling should be organized and co-ordinated on the basis of a comprehensive general programme, established and developed in the light of regional and local conditions and adaptable to changes in such conditions.

26. In order to encourage the development of vocational guidance and employment counselling facilities, provision should be made by the central authorities (including, where appropriate, the central authorities of the federated units of federal States) for—

- (a) Adequate financing of such facilities ;
- (b) Appropriate technical assistance ; and
- (c) Development of methods and materials suitable for use on a nationwide basis.

27. All necessary and desirable measures should be taken by the competent authorities to secure effective co-operation, nationally and locally, between the public and private bodies engaged in vocational guidance or employment counselling activities.

### *A. Administrative Arrangements for Vocational Guidance for Young Persons, Including Those in School*

28. (1) The competent authorities should make appropriate arrangements for the co-ordination, nationally and locally, of policy and action in the field of vocational guidance, due regard being paid to the responsibility of the parents and to the appropriate functions of private vocational guidance bodies.

(2) These arrangements should be directed more particularly towards—

- (a) Maintaining effective public service to young persons, in co-operation with other interested agencies as appropriate without duplication of effort ; and
- (b) Facilitating, as may be desirable and with due respect for confidential data, the exchange of information concerning—

- (i) The extent and character of the need for vocational guidance services and of the facilities already available ;
- (ii) The young persons applying for vocational guidance ;
- (iii) Industries, trades and occupations ;
- (iv) Employment and training opportunities ; and
- (v) The preparation and use of vocational guidance materials including appropriate tests.

29. (1) National and local administrative responsibility for vocational guidance should be clearly defined.

(2) With due regard to this division of authority, primary responsibility should be entrusted either—

- (a) Jointly to the education and employment service authorities ; or
- (b) To one of these authorities working in close co-operation with the other.

30. (1) Appropriate arrangements should be made through advisory committees for the co-operation of representatives of employers and workers in the development of vocational guidance policy.



(2) Such committees should be maintained nationally and as far as possible locally and should normally include representatives of the public and private bodies concerned with education, training (including apprenticeship), vocational guidance and other questions directly affecting the vocational adjustment of young persons.

*B. Administrative Arrangements for Vocational Guidance for Adults  
(Employment Counselling)*

31. (1) Administrative responsibility for employment counselling should be entrusted primarily to the public employment service, with due regard to the administrative responsibility assigned by public authority to educational or other agencies.

(2) The offices of the public employment service should include at each administrative stage so far as practicable, specialized employment counselling units or officers.

(3) Administrative arrangements should be made to ensure, as may be necessary or desirable, co-operation by the public employment service with specialized employment counselling services maintained for special groups or persons.

32. Appropriate arrangements should be made, nationally and locally, to ensure that employment counselling is organized in close relation with—

- (a) All other activities of the employment service ;
- (b) Other vocational guidance services ;
- (c) Educational and training institutions ;
- (d) The administration of unemployment insurance and assistance schemes ;
- (e) The administration of training and retraining schemes and of other plans to promote occupational or geographical mobility of labour ;
- (f) The representative organizations of employers and workers ; and
- (g) Public and private organizations providing rehabilitation services to disabled persons.

## VI. TRAINING OF OFFICERS

33. (1) In order to secure the efficiency of the vocational guidance services, the competent authority should ensure the employment of an adequate number of officers with suitable training, experience, and other qualifications, and should organize, to the fullest possible extent and in co-operation where appropriate with other bodies concerned, specialized scientific and technical training for vocational guidance staff.

(2) The measures to be taken should include, for example—

- (a) The establishment by the competent authority of minimum qualifications for vocational guidance officers ;
- (b) The establishment by the competent authority of regulations for the selection of officers on the basis of such qualifications ;
- (c) The organization of specialized training courses for persons seeking to undertake the work of vocational guidance ;
- (d) The provision of supplementary training and refresher courses for all officers ; and
- (e) The maintenance by the competent authority of conditions of appointment and employment sufficiently attractive to provide an inducement to qualified persons to undertake and continue in such work.

(3) Consideration should be given to—

- (a) The interchange of vocational guidance officers among the different branches of the services with which they are respectively concerned ;
- (b) The publication of technical material suitable for developing the professional skill of officers.

(4) Where useful, the members should co-operate for the purposes of training staff, availing themselves of the help of the International Labour Office if they so desire.

## VII. RESEARCH AND PUBLICITY

34. (1) Special measures should be taken on a co-ordinated basis, to promote public and private research and experiment in methods of vocational guidance.

(2) The public employment service should co-operate in such research.

(3) Wherever appropriate in the circumstances such research should include examination of such questions as—

(a) Methods of interviewing ;

(b) The analysis of the requirements of the different occupations ;

(c) The provision of industrial and occupational information appropriate for vocational guidance ;

(d) Aptitude and other psychological testing ;

(e) The development of model vocational guidance forms ; and

(f) The measurement of the result of vocational guidance.

35. Systematic efforts should be made by the authorities responsible for vocational guidance in co-operation with employers' and workers' organizations and where appropriate with other bodies concerned, to promote wide public understanding of the purposes, principles, and methods of vocational guidance.

## APPENDIX No. 8.—CONVENTION CONCERNING FEE-CHARGING EMPLOYMENT AGENCIES (REVISED 1949)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June, 1949, and

Having decided upon the adoption of certain proposals with regard to the revision of the Fee-charging Employment Agencies Convention, 1933, adopted by the Conference at its Seventeenth Session, which is included in the tenth item on the Agenda of the session, and

Having resolved that these proposals shall take the form of an international Convention, complementary to the Employment Service Convention, 1948, which provides that each member for which the Convention is in force shall maintain or ensure the maintenance of a free public employment service, and

Considering that such a service should be available to all categories of workers, adopts this 1st day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Fee-charging Employment Agencies Convention (Revised), 1949 :

### PART I.—GENERAL PROVISIONS

#### *Article 1*

1. For the purpose of this Convention the expression "fee charging employment agency" means—

- (a) Employment agencies conducted with a view to profit, that is to say, any person, company, institution, agency, or other organization which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or worker ; the expression does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers ;

- (b) Employment agencies not conducted with a view to profit, that is to say, the placing services of any company, institution, agency, or other organization which, though not conducted with a view to deriving any pecuniary or other material advantage, levies from either employer or worker for the above services an entrance fee, a periodical contribution or any other charge.
- 2. This Convention does not apply to the placing of seamen.

#### *Article 2*

1. Each member ratifying this Convention shall indicate in its instrument of ratification whether it accepts the provisions of Part II of the Convention, providing for the progressive abolition of fee-charging employment agencies conducted with a view to profit and the regulation of other agencies, or the provisions of Part III, providing for the regulation of fee-charging employment agencies including agencies conducted with a view to profit.

2. Any member accepting the provisions of Part III of the Convention may subsequently notify the Director-General that it accepts the provisions of Part II; as from the date of the registration of such notification by the Director-General, the provisions of Part III of the Convention shall cease to be applicable to the member in question and the provisions of Part II shall apply to it.

### PART II.—PROGRESSIVE ABOLITION OF FEE-CHARGING EMPLOYMENT AGENCIES CONDUCTED WITH A VIEW TO PROFIT AND REGULATION OF OTHER AGENCIES

#### *Article 3*

1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of Article 1 shall be abolished within a limited period of time determined by the competent authority.

2. Such agencies shall not be abolished until a public employment service is established.

3. The competent authority may prescribe different periods for the abolition of agencies catering for different classes of persons.

#### *Article 4*

1. During the period preceding abolition, fee-charging employment agencies conducted with a view to profit—

- (a) Shall be subject to the supervision of the competent authority; and
- (b) Shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority.

2. Such supervision shall be directed more particularly towards the elimination of all abuses connected with the operations of fee-charging employment agencies conducted with a view to profit.

3. For this purpose, the competent authority shall consult, by appropriate methods, the employers' and workers' organizations concerned.

#### *Article 5*

1. Exceptions to the provisions of paragraph 1 of Article 3 of this Convention shall be allowed by the competent authority in exceptional cases in respect of categories of persons, exactly defined by national laws or regulations, for whom appropriate placing arrangements cannot conveniently be made within the framework of the public employment service, but only after consultation, by appropriate methods, with the organizations of employers and workers concerned.

2. Every fee-charging employment agency for which an exception is allowed under this Article—

- (a) Shall be subject to the supervision of the competent authority ;
- (b) Shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority ;
- (c) Shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority ;
- (d) Shall only place or recruit workers abroad if permitted to do so by the competent authority and under conditions determined by the laws or regulations in force.

#### *Article 6*

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 (b) of Article 1—

- (a) Shall be required to have an authorization from the competent authority and shall be subject to the supervision of the said authority ;
- (b) Shall not make any charge in excess of the scale of charges submitted to and approved by the competent authority or fixed by the said authority, with strict regard to the expenses incurred ; and
- (c) Shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

#### *Article 7*

The competent authority shall take the necessary steps to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously.

#### *Article 8*

Appropriate penalties, including the withdrawal when necessary of the licences and authorizations provided for by this Convention, shall be prescribed for any violation of the provisions of this part of the Convention or of any laws or regulations giving effect to them.

#### *Article 9*

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organization all necessary information concerning the exceptions allowed under Article 5, including more particularly information concerning the number of agencies for which such exceptions are allowed and the scope of their activities, the reasons for the exceptions, and the arrangements for supervision by the competent authority of the activities of the agencies concerned.

### PART III.—REGULATION OF FEE-CHARGING EMPLOYMENT AGENCIES

#### *Article 10*

Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of Article 1—

- (a) Shall be subject to the supervision of the competent authority ;
- (b) Shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority ;
- (c) Shall only charge fees and expenses on a scale submitted to and approved by the competent authority or fixed by the said authority ;
- (d) Shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

*Article 11*

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 (b) of Article 1—

- (a) Shall be required to have an authorization from the competent authority and shall be subject to the supervision of the said authority ;
- (b) Shall not make any charge in excess of the scale of charges submitted to and approved by the competent authority or fixed by the said authority with strict regard to the expenses incurred ; and
- (c) Shall only place or recruit workers abroad if permitted so to do by the competent authority and under conditions determined by the laws or regulations in force.

*Article 12*

The competent authority shall take the necessary steps to satisfy itself that non-fee-charging employment agencies carry on their operations gratuitously.

*Article 13*

Appropriate penalties, including the withdrawal when necessary of the licences and authorizations provided for by this Convention, shall be prescribed for any violation of the provisions of this Part of the Convention or of any laws or regulations given effect to them.

*Article 14*

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organization all necessary information concerning the arrangements for supervision by the competent authority of the activities of fee-charging employment agencies including more particularly agencies conducted with a view to profit.

**PART IV.—MISCELLANEOUS PROVISIONS***Article 15*

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.

## PART V. FINAL PROVISIONS

*Article 16*

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

*Article 17*

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 18*

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organization shall indicate—

- (a) The territories in respect of which the member concerned 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 pending further consideration of the position.

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 reservation made in its original declaration in virtue of subparagraph (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 20, 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 19*

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 or 5 of Article 35 of the Constitution of the International Labour Organization 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.

2. 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.

3. The member, members or international authority concerned may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 20, 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 20*

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 21*

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 22*

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 23*

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 24*

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 20 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 25*

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

APPENDIX No. 9.—CONVENTION CONCERNING MIGRATION FOR EMPLOYMENT (REVISED 1949)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8th June, 1949 and,

Having decided upon the adoption of certain proposals with regard to the revision of the Migration for Employment Convention, 1939, adopted by the Conference at its Twenty-fifth Session, which is included in the eleventh item on the Agenda of the session, and

Considering that these proposals must take the form of an international Convention,

adopts this 1st day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Migration for Employment Convention (Revised), 1949.

*Article 1*

Each member of the International Labour Organization for which this Convention is in force undertakes to make available on request to the International Labour Office and to other members—

- (a) Information on national policies, laws and regulations relating to emigration and immigration ;
- (b) Information on special provisions concerning migration for employment and the conditions of work and livelihood of migrants for employment ;
- (c) Information concerning general agreements and special arrangements on these questions concluded by the member.

*Article 2*

Each member for which this Convention is in force undertakes to maintain, or satisfy itself that there is maintained, an adequate and free service to assist migrants for employment, and in particular to provide them with accurate information.

*Article 3*

1. Each member for which this Convention is in force undertakes that it will, so far as national laws and regulations permit, take all appropriate steps against misleading propaganda relating to emigration and immigration.

2. For the purpose it will where appropriate act in co-operation with other members concerned.



*Article 4*

Measures shall be taken as appropriate by each member, within its jurisdiction, to facilitate the departure, journey, and reception of migrants for employment.

*Article 5*

Each member for which this Convention is in force undertakes to maintain, within its jurisdiction, appropriate medical services responsible for—

- (a) Ascertaining, where necessary, both at the time of departure and on arrival, that migrants for employment and the members of their families authorized to accompany or join them are in reasonable health ;
- (b) Ensuring that migrants for employment and members of their families enjoy adequate medical attention and good hygienic conditions at the time of departure, during the journey and on arrival in the territory of destination.

*Article 6*

1. Each member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters :—

- (a) In so far as such matters are regulated by law or regulations, or are subject to the control of administrative authorities—

- (i) Remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women's work and the work of young persons ;

- (ii) Membership of trade unions and enjoyment of the benefits of collective bargaining ;

- (iii) Accommodation ;

- (b) Social security (that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations :—

- (i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition,

- (ii) National laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension ;

- (c) Employment taxes, dues or contributions payable in respect of the person employed ; and
- (d) Legal proceedings relating to the matters referred to in this Convention.

2. In the case of a federal State the provisions of this Article shall apply in so far as the matters dealt with are regulated by federal law or regulations or are subject to the control of federal administrative authorities. The extent to which and manner in which these provisions shall be applied in respect of matters regulated by the law or regulations

of the constituent States, provinces or cantons, or subject to the control of the administrative authorities thereof, shall be determined by each member. The member shall indicate in its annual report upon the application of the Convention the extent to which the matters dealt with in this Article are regulated by federal law or regulations or are subject to the control of federal administrative authorities. In respect of matters which are regulated by the law or regulations of the constituent States, provinces or cantons, or are subject to the control of the administrative authorities thereof, the member shall take the steps provided for in paragraph 7 (b) of Article 19 of the Constitution of the International Labour Organization.

#### *Article 7*

1. Each member for which this Convention is in force undertakes that its employment service and other services connected with migration will co-operate in appropriate cases with the corresponding services of other members.

2. Each member for which this Convention is in force undertakes to ensure that the services rendered by its public employment service to migrants for employment are rendered free.

#### *Article 8*

1. A migrant for employment who has been admitted on a permanent basis and the members of his family who have been authorized to accompany or join him shall not be returned to their territory of origin or the territory from which they emigrated because the migrant is unable to follow his occupation by reason of illness contracted or injury sustained subsequent to entry, unless the person concerned so desires or an international agreement to which the member is a party so provides.

2. When migrants for employment are admitted on a permanent basis upon arrival in the country of immigration the competent authority of that country may determine that the provisions of paragraph 1 of this Article shall take effect only after a reasonable period which shall in no case exceed five years from the date of admission of such migrants.

#### *Article 9*

Each member for which this Convention is in force undertakes to permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of the migrant for employment as the migrant may desire.

#### *Article 10*

In cases where the number of migrants going from the territory of one member to that of another is sufficiently large, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

#### *Article 11*

1. For the purpose of this Convention the term “migrant for employment” means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment.

2. This Convention does not apply to—

- (a) Frontier workers ;
- (b) Short-term entry of members of the liberal professions and artistes ; and
- (c) Seamen.

#### *Article 12*

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

#### *Article 13*

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 14*

1. Each member ratifying this Convention may, by a declaration appended to its ratification, exclude from its ratification any or all of the Annexes to the Convention.

2. Subject to the terms of any such declaration the provisions of the Annexes shall have the same effect as the provisions of the Convention.

3. Any member which makes such a declaration may subsequently by a new declaration notify the Director-General that it accepts any or all of the Annexes mentioned in the declaration ; as from the date of the registration of such notification by the Director-General the provisions of such Annexes shall be applicable to the member in question.

4. While a declaration made under paragraph 1 of this Article remains in force in respect of any Annex, the member may declare its willingness to accept that Annex as having the force of a Recommendation.

#### *Article 15*

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organization shall indicate —

- (a) The territories in respect of which the member concerned undertakes that the provisions of the Convention and any or all of the Annexes shall be applied without modification ;
- (b) The territories in respect of which it undertakes that the provisions of the Convention and any or all of the Annexes shall be applied subject to modifications, together with details of the said modifications ;
- (c) The territories in respect of which the Convention and any or all of the Annexes, is inapplicable and in such cases the grounds on which they are inapplicable ; and
- (d) The territories in respect of which it reserves its decision pending further consideration of the position.

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 16*

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraphs 4 and 5 of Article 35 of the Constitution of the International Labour Organization shall indicate whether the provisions of this Convention and any or all of the Annexes will be applied in the territory concerned without modification or subject to modifications; and if the declaration indicates that the provisions of the Convention and any or all of the Annexes will be applied subject to modifications, it shall give details of the said modifications.

2. 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.

3. The member, members, or international authority concerned may, at any time at which this Convention or any or all of the Annexes 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 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.

3. At any time at which this Convention is subject to denunciation in accordance with the provisions of the preceding paragraphs any member which does not so denounce it may communicate to the Director-General a declaration denouncing separately any Annex to the Convention which is in force for that member.

4. The denunciation of this Convention of any or all of the Annexes shall not affect the rights granted thereunder to a migrant or to the members of his family if he immigrated while the Convention or the relevant Annex was in force in respect of the territory where the question of the continued validity of these rights arises.

#### *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, 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 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, declarations, 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*

1. The International Labour Conference may, at any session at which the matter is included in its Agenda, adopt by a two-thirds majority a revised text of any one or more of the Annexes to this Convention.

2. Each member for which this Convention is in force shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, submit any such revised text to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Any such revised text shall become effective for each member for which this Convention is in force on communication by that member to the Director-General of the International Labour Office of a declaration notifying its acceptance of the revised text.

4. As from the date of the adoption of the revised text of the Annex by the Conference, only the revised text shall be open to acceptance by members.

#### *Article 23*

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

ANNEX I.—RECRUITMENT, PLACING AND CONDITIONS OF LABOUR OF MIGRANTS  
FOR EMPLOYMENT RECRUITED OTHERWISE THAN UNDER GOVERNMENT-  
SPONSORED ARRANGEMENTS FOR GROUP TRANSFER

*Article 1*

This Annex applies to migrants for employment who are recruited otherwise than under Government-sponsored arrangements for group transfer.

*Article 2*

For the purpose of this Annex—

(a) The term “recruitment” means—

(i) The engagement of a person in one territory on behalf of an employer in another territory, or

(ii) The giving of an undertaking to a person in one territory to provide him with employment in another territory, together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants;

(b) The term “introduction” means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of paragraph (a) of this Article; and

(c) The term “placing” means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced within the meaning of paragraph (b) of this Article.

*Article 3*

1. Each member for which this Annex is in force, the laws and regulations of which permit the operations of recruitment, introduction and placing as defined in Article 2, shall regulate such of the said operations as are permitted by its laws and regulations in accordance with the provisions of this Article.

2. Subject to the provisions of the following paragraph, the right to engage in the operations of recruitment, introduction and placing shall be restricted to—

(a) Public employment offices or other public bodies of the territory in which the operations take place;

(b) Public bodies of a territory other than that in which the operations take place which are authorized to operate in that territory by agreement between the Governments concerned;

(c) Any body established in accordance with the terms of an international instrument.

3. In so far as national laws and regulations or a bilateral arrangement permit, the operations of recruitment, introduction and placing may be undertaken by—

(a) The prospective employer or a person in his service acting on his behalf, subject, if necessary in the interest of the migrant, to the approval and supervision of the competent authority;

(b) A private agency, if given prior authorization so to do by the competent authority of the territory where the said operations are to take place, in such cases and under such conditions as may be prescribed by—

(i) The laws and regulations of that territory, or

(ii) Agreement between the competent authority of the territory of emigration or any body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration.

4. The competent authority of the territory where the operations take place shall supervise the activities of bodies and persons to whom authorizations have been issued in pursuance of paragraph 3 (b), other than any body established in accordance with the terms of an international instrument, the position of which shall continue to be governed by the terms of the said instrument or by any agreement made between the body and the competent authority concerned.

5. Nothing in this Article shall be deemed to permit the acceptance of a migrant for employment for admission to the territory of any member by any person or body other than the competent authority of the territory of immigration.

#### *Article 4*

Each member for which this Annex is in force undertakes to ensure that the services rendered by its public employment service in connection with the recruitment, introduction or placing of migrants for employment are rendered free.

#### *Article 5*

1. Each member for which this Annex is in force which maintains a system of supervision of contracts of employment between an employer, or a person acting on his behalf, and a migrant for employment undertakes to require—

- (a) That a copy of the contract of employment shall be delivered to the migrant before departure or, if the Governments concerned so agree, in a reception centre on arrival in the territory of immigration ;
- (b) That the contract shall contain provisions indicating the conditions of work and particularly the remuneration offered to the migrant ;
- (c) That the migrant shall receive in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, information concerning the general conditions of life and work applicable to him in the territory of immigration.

2. Where a copy of the contract is to be delivered to the migrant on arrival in the territory of immigration, he shall be informed in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category for which he is engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The competent authority shall ensure that the provisions of the preceding paragraphs are enforced and that appropriate penalties are applied in respect of violations thereof.

#### *Article 6*

The measures taken under Article 4 of the Convention shall, as appropriate, include—

- (a) The simplification of administrative formalities ;
- (b) The provision of interpretation services ;
- (c) Any necessary assistance during an initial period in the settlement of the migrants and members of their families authorized to accompany or join them ; and
- (d) The safeguarding of the welfare, during the journey and in particular on board ship, of migrants and members of their families authorized to accompany or join them.

*Article 7*

1. In cases where the number of migrants for employment going from the territory of one member to that of another is sufficiently large, the competent authorities of the territories concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Annex.

2. Where the members maintain a system of supervision over contracts of employment, such agreements shall indicate the methods by which the contractual obligations of the employers shall be enforced.

*Article 8*

Any person who promotes clandestine or illegal immigration shall be subject to appropriate penalties.

ANNEX II.—RECRUITMENT, PLACING AND CONDITIONS OF LABOUR OF MIGRANTS FOR EMPLOYMENT RECRUITED UNDER GOVERNMENT-SPONSORED ARRANGEMENTS FOR GROUP TRANSFER

*Article 1*

This Annex applies to migrants for employment who are recruited under Government-sponsored arrangements for group transfer.

*Article 2*

For the purpose of this Annex —

(a) The term “recruitment” means—

(i) The engagement of a person in one territory on behalf of an employer in another territory under a Government-sponsored arrangement for group transfer, or

(ii) The giving of an undertaking to a person in one territory to provide him with employment in another territory under a Government-sponsored arrangement for group transfer,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants ;

(b) The term “introduction” means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited under a Government-sponsored arrangement for group transfer within the meaning of subparagraph (a) of this paragraph ; and

(c) The term “placing” means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced under a Government-sponsored arrangement for group transfer within the meaning of subparagraph (b) of this paragraph.

*Article 3*

1. Each member for which this Annex is in force, the laws and regulations of which permit the operations of recruitment, introduction and placing as defined in Article 2, shall regulate such of the said operations as are permitted by its laws and regulations in accordance with the provisions of this Article.



2. Subject to the provisions of the following paragraph, the right to engage in the operations of recruitment, introduction and placing shall be restricted to—

- (a) Public employment offices or other public bodies of the territory in which the operations take place ;
- (b) Public bodies of a territory other than that in which the operations take place which are authorized to operate in that territory by agreement between the Governments concerned ;
- (c) Any body established in accordance with the terms of an international instrument.

3. In so far as national laws and regulations or a bilateral arrangement permit, and subject, if necessary in the interest of the migrant, to the approval and supervision of the competent authority, the operations of recruitment, introduction and placing may be undertaken by—

- (a) The prospective employer or a person in his service acting on his behalf ;
- (b) Private agencies.

4. The right to engage in the operations of recruitment, introduction and placing shall be subject to the prior authorization of the competent authority of the territory where the said operations are to take place in such cases and under such conditions as may be prescribed by—

- (i) The laws and regulations of that territory, or
- (ii) Agreement between the competent authority of the territory of emigration or any body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration.

5. The competent authority of the territory where the operations take place shall, in accordance with any agreements made between the competent authorities concerned, supervise the activities of bodies and persons to whom authorizations have been issued in pursuance of the preceding paragraph, other than any body established in accordance with the terms of an international instrument, the position of which shall continue to be governed by the terms of the said instrument or by any agreement made between the body and the competent authority concerned.

6. Before authorizing the introduction of migrants for employment the competent authority of the territory of immigration shall ascertain whether there is not a sufficient number of persons already available capable of doing the work in question.

7. Nothing in this Article shall be deemed to permit the acceptance of a migrant for employment for admission to the territory of any member by any person or body other than the competent authority of the territory of immigration.

#### *Article 4*

1. Each member for which this Annex is in force undertakes to ensure that the services rendered by its public employment service in connection with the recruitment, introduction or placing of migrants for employment are rendered free.

2. The administrative costs of recruitment, introduction and placing shall not be borne by the migrants.

#### *Article 5*

In the case of collective transport of migrants from one country to another necessitating passage in transit through a third country, the competent authority of the territory of transit shall take measures for expediting the passage, to avoid delays and administrative difficulties.

*Article 6*

1. Each member for which this Annex is in force which maintains a system of supervision of contracts of employment between an employer, or a person acting on his behalf, and a migrant for employment undertakes to require—

- (a) That a copy of the contract of employment shall be delivered to the migrant before departure or, if the Governments concerned so agree, in a reception centre on arrival in the territory of immigration ;
- (b) That the contract shall contain provisions indicating the conditions of work and particularly the remuneration offered to the migrant ;
- (c) That the migrant shall receive in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, information concerning the general conditions of life and work applicable to him in the territory of immigration.

2. Where a copy of the contract is to be delivered to the migrant on arrival in the territory of immigration, he shall be informed in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category for which he is engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The competent authority shall ensure that the provisions of the preceding paragraphs are enforced and that appropriate penalties are applied in respect of violations thereof.

*Article 7*

1. The measure taken under Article 4 of this Convention shall, as appropriate, include—

- (a) The simplification of administrative formalities ;
- (b) The provision of interpretation services ;
- (c) Any necessary assistance, during an initial period in the settlement of the migrants and members of their families authorized to accompany or join them ;
- (d) The safeguarding of the welfare, during the journey and in particular on board ship, of migrants and members of their families authorized to accompany or join them ; and
- (e) Permission for the liquidation and transfer of the property of migrants for employment admitted on a permanent basis.

*Article 8*

Appropriate measures shall be taken by the competent authority to assist migrants for employment, during an initial period, in regard to matters concerning their conditions of employment ; where appropriate, such measures may be taken in co-operation with approved voluntary organizations.

*Article 9*

If a migrant for employment introduced into the territory of a member in accordance with the provisions of Article 3 of this Annex fails, for a reason for which he is not responsible, to secure the employment for which he has been recruited or other suitable employment, the cost of his return and that of the members of his family who have been authorized to accompany or join him, including administrative fees, transport and maintenance charges to the final destination, and charges for the transport of household belongings, shall not fall upon the migrant.

*Article 10*

If the competent authority of the territory of immigration considers that the employment for which a migrant for employment was recruited under Article 3 of this Annex has been found to be unsuitable, it shall take appropriate measures to assist him in finding suitable employment which does not prejudice national workers and shall take such steps as will ensure his maintenance pending placing in such employment, or his return to the area of recruitment if the migrant is willing or agreed to such return at the time of his recruitment, or his resettlement elsewhere.

*Article 11*

If a migrant for employment who is a refugee or a displaced person and who has entered a territory of immigration in accordance with Article 3 of this Annex becomes redundant in any employment in that territory, the competent authority of that territory shall use its best endeavours to enable him to obtain suitable employment which does not prejudice national workers, and shall take such steps as will ensure his maintenance pending placing in suitable employment or his resettlement elsewhere.

*Article 12*

1. The competent authorities of the territories concerned shall enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Annex.

2. Where the members maintain a system of supervision over contracts of employment, such agreements shall indicate the methods by which the contractual obligations of the employer shall be enforced.

3. Such agreements shall provide, where appropriate, for co-operation between the competent authority of the territory of emigration or a body established in accordance with the terms of an international instrument and the competent authority of the territory of immigration, in respect of the assistance to be given to migrants concerning their conditions of employment in virtue of the provisions of Article 8.

*Article 13*

Any person who promotes clandestine or illegal immigration shall be subject to appropriate penalties.

ANNEX III.—IMPORTATION OF THE PERSONAL EFFECTS, TOOLS AND EQUIPMENT OF  
MIGRANTS FOR EMPLOYMENT

*Article 1*

1. Personal effects belonging to recruited migrants for employment and members of their families who have been authorized to accompany or join them shall be exempt from customs duties on arrival in the territory of immigration.

2. Portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades belonging to recruited migrants for employment and members of their families who have been authorized to accompany or join them shall be exempt from Customs duties on arrival in the territory of immigration if such tools and equipment can be shown at the time of importation to be in their actual ownership or possession, to have been in their possession and use for an appreciable time, and to be intended to be used by them in the course of their occupation.

*Article 2*

1. Personal effects belonging to migrants for employment and members of their families who have been authorized to accompany or join them shall be exempt from Customs duties on the return of the said persons to their country of origin if such persons have retained the nationality of that country at the time of their return there.

2. Portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades belonging to migrants for employment and members of their families who have been authorized to accompany or join them shall be exempt from Customs duties on return of the said persons to their country of origin if such persons have retained the nationality of that country at the time of their return there and if such tools and equipment can be shown at the time of importation to be in their actual ownership or possession, to have been in their possession and use for an appreciable time, and to be intended to be used by them in the course of their occupation.

#### APPENDIX No. 10.—RECOMMENDATION CONCERNING MIGRATION FOR EMPLOYMENT (REVISED 1949)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June, 1949, and

Having decided upon the adoption of certain proposals with regard to the revision of the Migration for Employment Recommendation, 1939, and the Migration for Employment (Co-operation between States) Recommendation, 1939, adopted by the Conference at its Twenty-fifth Session, which are included in the eleventh item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation, adopts this 1st day of July of the year one thousand nine hundred and forty nine the following Recommendation, which may be cited as the Migration for Employment Recommendation (Revised), 1949 :

The Conference,

Having adopted the Migration for Employment Convention (Revised), 1949, and

Desiring to supplement its provisions by a Recommendation ;

Recommends as follows :

1. For the purpose of this Recommendation—

(a) The term “ migrant for employment ” means a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment ;

(b) The term “ recruitment ” means —

(i) The engagement of a person in one territory on behalf of an employer in another territory, or

(ii) The giving of an undertaking to a person in one territory to provide him with employment in another territory,

together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants ;

- (c) the term "introduction" means any operations for ensuring or facilitating the arrival in or admission to a territory of persons who have been recruited within the meaning of subparagraph (b) ;
- (d) The term "placing" means any operations for the purpose of ensuring or facilitating the employment of persons who have been introduced within the meaning of subparagraph (c).

2. For the purpose of this Recommendation, references to the Government or competent authority of a territory of emigration should be interpreted as referring, in the case of migrants who are refugees or displaced persons, to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government.

3. This Recommendation does not apply to—

- (a) Frontier workers ;
- (b) Short-term entry of members of the liberal professions and artistes ; and
- (c) Seamen.

## II

4. (1) It should be the general policy of members to develop and utilize all possibilities of employment and for this purpose to facilitate the international distribution of manpower and in particular the movement of manpower from countries which have a surplus of manpower to those countries that have a deficiency.

(2) The measures taken by each member should have due regard to the manpower situation in the country and the Government should consult the appropriate organizations of employers and workers on all general questions concerning migration for employment.

## III

5. (1) The free service provided in each country to assist migrants and their families and in particular to provide them with accurate information should be conducted—

- (a) By public authorities ; or
- (b) By one or more voluntary organizations not conducted with a view to profit, approved for the purpose by the public authorities, and subject to the supervision of the said authorities ; or
- (c) Partly by the public authorities and partly by one or more voluntary organizations fulfilling the conditions stated in subparagraph (b) of this paragraph.

(2) The service should advise migrants and their families, in their languages or dialects or at least in a language which they can understand, on matters relating to emigration, immigration, employment, and living conditions, including health conditions in the place of destination, return to the country of origin or of emigration, and generally speaking any other question which may be of interest to them in their capacity as migrants.

(3) The service should provide facilities for migrants and their families with regard to the fulfilment of administrative formalities and other steps to be taken in connection with the return of the migrants to the country of origin or of emigration, should the case arise.

(4) With a view to facilitating the adaptation of migrants, preparatory courses should, where necessary, be organized to inform the migrants of the general conditions and the methods of work prevailing in the country of immigration, and to instruct them in the language of that country. The countries of emigration and immigration should mutually agree to organize such courses.

6. On request information should be made available by members to the International Labour Office and to other members concerning their emigration laws and regulations, including administrative provisions relating to restrictions on emigration and facilities granted to emigrants, and appropriate details concerning the categories of persons wishing to emigrate.

7. On request information should be made available by members to the International Labour Office and to other members concerning their immigration laws and regulations, including administrative provisions, entry permits where needed, number and occupational qualifications of immigrants desired, laws and regulations affecting admission of migrants to employment, and any special facilities granted to migrants and measures to facilitate their adaptation to the economic and social organization of the country of immigration.

8. There should, as far as possible, be a reasonable interval between the publication and the coming into force of any measure altering the conditions on which emigration or immigration or the employment of migrants is permitted in order that these conditions may be notified in good time to persons who are preparing to emigrate.

9. Provision should be made for adequate publicity to be given at appropriate stages to the principal measures referred to in the preceding paragraph, such publicity to be in the languages most commonly known to the migrants.

10. Migration should be facilitated by such measures as may be appropriate—

- (a) To ensure that migrants for employment are provided in case of necessity with adequate accommodation, food, and clothing on arrival in the country of immigration ;
- (b) To ensure, where necessary, vocational training so as to enable the migrants for employment to acquire the qualifications required in the country of immigration ;
- (c) To permit, taking into account the limits allowed by national laws and regulations concerning export and import of currency, the transfer of such part of the earnings and savings of migrants for employment as the migrants may desire ;
- (d) To arrange, in the case of permanent migration, for the transfer, where desired, to the country of immigration, of the capital of migrants for employment, within the limits allowed by national laws and regulations concerning export and import of currency ;
- (e) To provide access to schools for migrants and members of their families.

11. Migrants and the members of their families should be assisted in obtaining access to recreation and welfare facilities, and steps should be taken where necessary to ensure that special facilities are made available during the initial period of settlement in the country of immigration.

12. In the case of migrants under Government-sponsored arrangements for group transfer, medical assistance should be extended to such migrants in the same manner as provided for nationals.

## IV

13. (1) Where necessary in the interest of the migrant, members should require that any intermediary who undertakes the recruitment, introduction, or placing of migrants for employment on behalf of an employer must obtain a written warrant from the employer, or some other document proving that he is acting on the employer's behalf.

(2) This document should be drawn up in, or translated into, the official language of the country of emigration and should set forth all necessary particulars concerning the employer, concerning the nature and scope of the recruitment, introduction or placing which the intermediary is to undertake, and concerning the employment offered, including the remuneration.

14. (1) The technical selection of migrants for employment should be carried out in such a way as to restrict migration as little as possible while ensuring that the migrants are qualified to perform the required work.

(2) Responsibility for such selection should be entrusted—

(a) To official bodies ; or

(b) Where appropriate, to private bodies of the territory of immigration duly authorized and, where necessary in the interest of the migrant, supervised by the competent authority of the territory of emigration.

(3) The right to engage in selection should be subject to the prior authorization of the competent authority of the territory where the said operation takes place, in such cases and under such conditions as may be prescribed by the laws and regulations of that territory, or by agreement between the Government of the territory of emigration and the Government of the territory of immigration.

(4) As far as possible, intending migrants for employment should, before their departure from the territory of emigration, be examined for purposes of occupational and medical selection by a representative of the competent authority of the territory of immigration.

(5) If recruitment takes place on a sufficiently large scale there should be arrangements for close liaison and consultation between the competent authorities of the territories of emigration and immigration concerned.

(6) The operations referred to in the preceding subparagraphs of this paragraph should be carried out as near as possible to the place where the intending migrant is recruited.

15. (1) Provision should be made by agreement for authorization to be granted for a migrant for employment introduced on a permanent basis to be accompanied or joined by the members of his family.

(2) The movement of the members of the family of such a migrant authorized to accompany or join him should be specially facilitated by both the country of emigration and the country of immigration.

(3) For the purposes of this paragraph, the members of the family of a migrant for employment should include his wife and minor children ; favourable consideration should be given to requests for the inclusion of other members of the family dependent upon the migrant.

## V

16 (1) Migrants for employment authorized to reside in a territory and the members of their families authorized to accompany or join them should as far as possible be admitted to employment on the same conditions as nationals.

(2) In countries in which the employment of migrants is subject to restrictions, these restrictions should as far as possible—

- (a) Cease to be applied to migrants who have regularly resided in the country for a period, the length of which should not, as a rule, exceed five years; and
- (b) Cease to be applied to the wife and children of an age to work who have been authorized to accompany or join the migrant, at the same time as they cease to be applied to the migrant.

17. In countries where the number of migrants for employment is sufficiently large, the conditions of employment of such workers should be specially supervised, such supervision being undertaken according to circumstances either by a special inspection service or by labour inspectors or other officials specializing in this work.

## VI

18. (1) When a migrant for employment has been regularly admitted to the territory of a member, the said member should, as far as possible, refrain from removing such person or the members of his family from its territory on account of his lack of means or the state of the employment market, unless an agreement to this effect has been concluded between the competent authorities of the emigration and immigration territories concerned.

(2) Any such agreement should provide—

- (a) That the length of time the said migrant has been in the territory of immigration shall be taken into account and that in principle no migrant shall be removed who has been there for more than five years;
- (b) That the migrant must have exhausted his rights to unemployment insurance benefit;
- (c) That the migrant must have been given reasonable notice so as to give him time, more particularly to dispose of his property;
- (d) That suitable arrangements shall have been made for this transport and that of the members of his family;
- (e) That the necessary arrangements shall have been made to ensure that he and the members of his family are treated in a humane manner; and
- (f) That the costs of the return of the migrant and the members of his family and of the transport of their household belongings to their final destination shall not fall on him.

19. Appropriate steps should be taken by the authorities of the territories concerned to consult the employers' and workers' organizations concerning the operations of recruitment, introduction and placing of migrants for employment.

## VII

20. When migrants for employment or members of their families who have retained the nationality of their State of origin return there, that country should admit such persons to the benefit of any measures in force for the granting of poor relief and unemployment relief, and for promoting the re-employment of the unemployed, by exempting them from the obligation to comply with any conditions as to previous residence or employment in the country or place.

## VIII

21. (1) Members should in appropriate cases supplement the Migration for Employment Convention (Revised), 1949, and the preceding paragraphs of the present Recommendation by bilateral agreements, which should specify the methods of applying the principles set forth in the Convention and in the Recommendation.



(2) In concluding such agreements, members should take into account the provisions of the Model Agreement annexed to the present Recommendation in framing appropriate clauses for the organization of migration for employment and the regulation of the conditions of transfer and employment of migrants, including refugees and displaced persons.

ANNEX.—MODEL AGREEMENT ON TEMPORARY AND PERMANENT MIGRATION FOR EMPLOYMENT INCLUDING MIGRATION OF REFUGEES AND DISPLACED PERSONS<sup>1</sup>

ARTICLE I.—EXCHANGE OF INFORMATION

1. The competent authority of the territory of immigration shall periodically furnish appropriate information to the competent authority of the territory of emigration [or in the case of refugees and displaced persons, to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] concerning—

- (a) Legislative and administrative provisions relating to entry, employment, residence and *settlement of migrant and of their families* ;
- (b) The number, the categories and the occupational qualifications of the migrants desired ;
- (c) The conditions of life and work for the migrants and, in particular, cost of living and minimum wages according to occupational categories and regions of employment, supplementary allowances, if any, nature of employments available, bonus on engagement, if any, social security systems and medical assistance, provisions concerning transport of migrants and of their tools and belongings, housing conditions and provisions for the supply of food and clothing, measures relating to the transfer of the migrants' savings and other sums due in virtue of this agreement ;
- (d) Special facilities, if any, for migrants ;
- (e) Facilities for general education and vocational training for migrants ;
- (f) *Measures designed to promote rapid adaptation of migrants* ;
- (g) *Procedure and formalities required for naturalization.*

2. The competent authority of the territory of emigration [or in the case of refugees and displaced persons, any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] shall bring this information to the attention of persons or bodies interested.

3. The competent authority of the territory of emigration [or in the case of refugees and displaced persons any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] shall periodically furnish appropriate information to the competent authority of the territory of immigration concerning—

- (a) Legislative and administrative provisions relating to emigration ;
- (b) The number and occupational qualifications of intending emigrants, *as well as the composition of their families* ;
- (c) The social security system ;
- (d) Special facilities, if any, for migrants ;
- (e) *The environment and living conditions to which migrants are accustomed* ;
- (f) *The provisions in force regarding the export of capital.*

<sup>1</sup> The phrases and passages in italics refer primarily to permanent migration : those enclosed within square brackets refer solely to migration of refugees and displaced persons.

4. The competent authority of the territory of immigration shall bring this information to the attention of persons or bodies interested.

5. The information mentioned in paragraphs 1 to 4 above shall also be transmitted by the respective parties to the International Labour Office.

#### ARTICLE 2.—ACTION AGAINST MISLEADING PROPAGANDA

1. The parties agree, with regard to their respective territories, to take all practical steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.

2. For this purpose the parties will, where appropriate, act in co-operation with the competent authorities of other countries concerned.

#### ARTICLE 3.—ADMINISTRATIVE FORMALITIES

The parties agree to take measures with a view to accelerating and simplifying the carrying out of administrative formalities relating to departure, travel, entry, residence, and settlement of migrants and as far as possible for the members of their families. Such measures shall include the provision of an interpretation service, where necessary.

#### ARTICLE 4.—VALIDITY OF DOCUMENTS

1. The parties shall determine the conditions to be met for purposes of recognition in the territory of immigration of any document issued by the competent authority of the territory of emigration in respect of migrants *and members of their families* [or in the case of refugees and displaced persons, by any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] concerning (a) civil status, (b) legal status, (c) occupational qualifications, (d) general education and vocational training, and (e) participation in social security systems.

2. The parties shall also determine the application of such recognition.

[3. In the case of refugees and displaced persons, the competent authority of the territory of immigration shall recognize the validity of any travel document issued in lieu of a national passport by the competent authority of the territory of emigration and, in particular, of travel documents issued in accordance with the terms of an international Agreement (*e. g.*, the travel document established by the Agreement of 15 October 1946, and the Nansen passport.)]

#### ARTICLE 5.—CONDITIONS AND CRITERIA OF MIGRATION

1. The parties shall jointly determine—

- (a) The requirements for migrants *and members of their families*, as to age, physical aptitude and health, as well as the occupational qualifications for the various branches of economic activity and for the various occupational categories;
- (b) *The categories of the members of the migrants' families authorized to accompany or to join them.*

2. The parties shall also determine, in accordance with the provisions of Article 28 of this Agreement—

- (a) The numbers and occupational categories of migrants to be recruited in the course of a stated period;

- (b) The areas of recruitment and the areas of placing and settlement [except that in the case of refugees and displaced persons the determination of the areas of recruitment shall be reserved to any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government].

3. In order to recruit migrants required to meet the technical needs of the territory of immigration and who can adapt themselves easily to the conditions in the territory of immigration, the parties shall determine criteria to govern technical selection of the migrants.

4. In drawing up these criteria, the two parties shall take into consideration—

(a) With respect to medical selection—

(i) The nature of the medical examination which migrants shall undergo (general medical examination, x-ray examination, laboratory examination, &c.) ;

(ii) The drawing up of lists of diseases and physical defects which clearly constitute a disability for employment in certain occupations ;

(iii) Minimum health provisions prescribed by international health conventions and relating to movement of population from one country to another ;

(b) With respect to vocational selection—

(i) Qualifications required of migrants with respect to each occupation or groups of occupations ;

(ii) Enumeration of alternative occupations requiring similar qualifications or capacities on the part of the workers in order to fulfil the needs of specified occupations for which it is difficult to recruit a sufficient number of qualified workers ;

(iii) Development of psycho-technical testing ;

(c) With respect to selection based on the age of migrants, flexibility to be given to the application of age criteria in order to take into consideration on the one hand the requirements of various occupations and, on the other, the varying capacities of different individuals at a given age.

#### ARTICLE 6.—ORGANIZATION OF RECRUITMENT, INTRODUCTION, AND PLACING

1. The bodies or persons which engage in the operations of recruitment, introduction, and placing of migrants *and of members of their families* shall be named by the competent authorities of the respective territories [or in the case of refugees and displaced persons, by any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government on the one hand and the competent authority of the territory of immigration on the other] subject to the approval of both parties.

2. Subject to the provisions of the following paragraphs, the right to engage in the operations of recruitment, introduction, and placing shall be restricted to—

(a) Public employment offices or other public bodies of the territory in which the operations take place ;

(b) Public bodies of a territory other than that in which the operations take place which are authorized to operate in that territory by an agreement between the parties ;

(c) Any body established in accordance with the terms of an international instrument.

3. In addition, in so far as the national laws and regulations of the parties permit and subject to the approval and supervision of the competent authorities of the parties, the operations of recruitment, introduction, and placing may be undertaken by—

- (a) The prospective employer or a person in his service acting on his behalf; and
- (b) Private agencies.

4. The administrative costs of recruitment, introduction, and placing shall not be borne by the migrants.

#### ARTICLE 7.—SELECTION TESTING

1. An intending migrant shall undergo an appropriate examination in the territory of emigration; any such examination should inconvenience him as little as possible.

2. With respect to the organization of the selection of migrants, the parties shall agree on—

- (a) Recognition and composition of official agencies or private bodies authorized by the competent authority of the territory of immigration to carry out selection operations in the territory of emigration;
- (b) Organization of selection examinations, the centres where they are to be carried out, and allocation of expenses resulting from these examinations;
- (c) Co-operation of the competent authorities of the two parties and in particular of their employment services in organizing selection.

#### ARTICLE 8.—INFORMATION AND ASSISTANCE OF MIGRANTS

1. The migrant accepted after medical and occupational examination in the assembly or selection centre shall receive, in a language that he understands, all information he may still require as to the nature of the work for which he has been engaged, the region of employment, the undertaking to which he is assigned, travel arrangements, and the conditions of life and work including health and related matters in the country and region to which he is going.

2. On arrival in the country of destination, and at a reception centre if such exists, or at the place of residence, migrants *and the members of their families* shall receive all the documents which they need for their work, their residence, *and their settlement* in the country, as well as information, instruction, and advice regarding conditions of life and work, and any other assistance that they may need to adapt themselves to the conditions in the country of immigration.

#### ARTICLE 9.—EDUCATION AND VOCATIONAL TRAINING

The parties shall co-ordinate their activities concerning the organization of educational courses for migrants, which shall include general information on the country of immigration, instruction in the language of that country, and vocational training.

#### ARTICLE 10.—EXCHANGE OF TRAINEES

The parties agree to further the exchange of trainees, and to determine in a separate agreement the conditions governing such exchanges.

#### ARTICLE 11.—CONDITIONS OF TRANSPORT

1. During the journey from their place of residence to the assembly or selection centre, as well as during their stay in the said centre, migrants *and the members of their families* shall receive from the competent authority of the territory of emigration [or in the case of refugees and displaced persons, from any body established in accordance

with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] any assistance which they may require.

2. The competent authorities of the territories of emigration and immigration shall, each within its own jurisdiction, safeguard the health and welfare of, and render assistance to, migrants *and members of their families* during the journey from the assembly or selection centre to the place of their employment, as well as during their stay in a reception centre if such exists.

3. Migrants *and members of their families* shall be transported in a manner appropriate for human beings and in conformity with the laws and regulations in force.

4. The parties shall agree upon the terms and conditions for the application of the provisions of this Article

#### ARTICLE 12.—TRAVEL AND MAINTENANCE EXPENSES

The parties shall agree upon the methods for meeting the cost of travel of the migrants *and the members of their families* from the place of their residence to the place of their destination, and the cost of their maintenance while travelling, sick or hospitalized, as well as the cost of transport of their personal belongings.

#### ARTICLE 13.—TRANSFER OF FUNDS

1. The competent authority of the territory of emigration shall, as far as possible and in conformity with national laws and regulations concerning the import and export of foreign currency, authorize and provide facilities for migrants *and for members of their families* to withdraw from their country such sums as they may need for their initial settlement abroad.

2. The competent authority of the territory of immigration shall, as far as possible and in conformity with national laws and regulations concerning the import and export of foreign currency, authorize, and provide facilities for the periodical transfer to the territory of emigration of migrants' savings and of any other sums due in virtue of this Agreement.

3. The transfer of funds mentioned in paragraphs 1 and 2 above shall be made at the prevailing official rate of exchange.

4. The parties shall take all measures necessary for the simplification and acceleration of administrative formalities regarding the transfer of funds so that such funds may be available with the least possible delay to those entitled to them.

5. The parties shall determine if and under what conditions a migrant may be required to remit part of his wages for the maintenance of his family remaining in his country or in the territory from which he emigrated.

#### ARTICLE 14.—ADAPTATION AND NATURALIZATION

*The competent authority of the territory of immigration shall take measures to facilitate adaptation to national climatic, economic and social conditions and facilitate the procedure of naturalization of migrants and of members of their families.*

#### ARTICLE 15.—SUPERVISION OF LIVING AND WORKING CONDITIONS

1. Provision shall be made for the supervision by the competent authority or duly authorized bodies of the territory of immigration of the living and working conditions, including hygienic conditions, to which the migrants are subject.

2. With respect to temporary migrants, the parties shall provide, where appropriate for authorized representatives of the territory of emigration [or in the case of refugees and displaced persons, of any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] to co-operate with the competent authority or duly authorized bodies of the territory of immigration in carrying out this supervision.

3. During a fixed period, the duration of which shall be determined by the parties, migrants shall receive special assistance in regard to matters concerning their conditions of employment.

4. Assistance with respect to the employment and living conditions of the migrants may be given either through the regular labour inspection service of the territory of immigration or through a special service for migrants, in co-operation where appropriate with approved voluntary organizations.

5. Provision shall be made where appropriate for the co-operation of representatives of the territory of emigration [or in the case of refugees and displaced persons, of any body established in accordance with the terms of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government] with such services.

#### ARTICLE 16.—SETTLEMENT OF DISPUTES

1. In case of a dispute between a migrant and his employer, the migrant shall have access to the appropriate Courts or shall otherwise obtain redress for his grievances, in accordance with the laws and regulations of the territory of immigration.

2. The authorities shall establish such other machinery as is necessary to settle disputes arising out of the Agreement.

#### ARTICLE 17.—EQUALITY OF TREATMENT

1. The competent authority of the territory of immigration shall grant to migrants *and to members of their families* with respect to employment in which they are eligible to engage treatment no less favourable than that applicable to its own nationals in virtue of legal or administrative provisions or collective labour agreements.

2. Such equality of treatment shall apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within the territory of immigration in respect of the following matters :—

(a) In so far as such matters are regulated by laws or regulations or are subject to the control of administrative authorities—

(i) Remuneration, including family allowances where these form part of remuneration, hours of work, weekly rest days, overtime arrangements, holidays with pay and other regulations concerning employment, including limitations on home work, minimum age provisions, women's work, and the work of young persons ;

(ii) Membership of trade unions and enjoyment of the benefits of collective bargaining ;

(iii) Admission to schools, to apprenticeship and to courses or schools for vocational or technical training, provided that this does not prejudice nationals of the country of immigration ;

(iv) Recreation and welfare measures ;

- (b) Employment taxes, dues or contributions payable in respect of the persons employed ;
- (c) Hygiene, safety and medical assistance ;
- (d) Legal proceedings relating to the matters referred to in this Agreement.

#### ARTICLE 18.—ACCESS TO TRADES AND OCCUPATIONS AND THE RIGHT TO ACQUIRE PROPERTY

*Equality of treatment shall also apply to—*

- (a) *Access to trades and occupations to the extent permitted under national laws and regulations ;*
- (b) *Acquisition, possession and transmission of urban or rural property.*

#### ARTICLE 19.—SUPPLY OF FOOD

The treatment applied to migrants *and the members of their families* shall be the same as that applied to national workers in the same occupation as regards the supply of food.

#### ARTICLE 20.—HOUSING CONDITIONS

The competent authority of the territory of immigration shall ensure that migrants *and the members of their families* have hygienic and suitable housing, in so far as the necessary housing is available.

#### ARTICLE 21.—SOCIAL SECURITY

1. The two parties shall determine in a separate agreement the methods of applying a system of social security to migrants and their dependants.

2. *Such agreement shall provide that the competent authority of the territory of immigration shall take measures to ensure to the migrants and their dependants treatment not less favourable than that afforded by it to its nationals, except where particular residence qualifications apply to nationals.*

3. *The agreement shall embody appropriate arrangements for the maintenance of migrants' acquired rights and rights in course of acquisition framed with due regard to the principles of the Maintenance of Migrants' Pension Rights Convention, 1935, or of any revision of that Convention.*

4. The agreement shall provide that the competent authority of the territory of immigration shall take measures to grant to temporary migrants and their dependants treatment not less favourable than that afforded by it to its nationals, subject in the case of compulsory pension schemes to appropriate arrangements being made for the maintenance of migrants' acquired rights and rights in course of acquisition.

#### ARTICLE 22.—CONTRACTS OF EMPLOYMENT

1. In countries where a system of model contracts is used, the individual contract of employment for migrants shall be based on a model contract drawn up by the parties for the principal branches of economic activity.

2. The individual contract of employment shall set forth the general conditions of engagement and of employment provided in the relevant model contract and shall be translated into a language which the migrant understands. A copy of the contract shall

be delivered to the migrant before departure from the territory of emigration or, if it is agreed between the two parties concerned, in a reception centre on arrival in the territory of immigration. In the latter case before departure the migrant shall be informed in writing by a document which relates either to him individually or to a group of migrants of which he is a member, of the occupational category in which he is to be engaged and the other conditions of work, in particular the minimum wage which is guaranteed to him.

3. The individual contract of employment shall contain necessary information, such as—

- (a) The full name of the worker as well as the date and place of birth, his family status, his place of residence and of recruitment ;
- (b) The nature of the work, and the place where it is to be performed ;
- (c) The occupational category in which he is placed ;
- (d) Remuneration for ordinary hours of work, overtime, night work and holidays, and the medium for wage payment ;
- (e) Bonuses, indemnities and allowances, if any ;
- (f) Conditions under which and extent to which the employer may be authorized to make any deductions from remuneration ;
- (g) Conditions regarding food if food is to be provided by the employer ;
- (h) The duration of the contract as well as the conditions of renewal and denunciation of the contract ;
- (i) The conditions under which entry and residence in the territory of immigration are permitted ;
- (j) The method of meeting the expenses of the journey of the migrant *and the members of his family* ;
- (k) In case of temporary migration, the method of meeting the expenses of return to the home country or the territory of migration, as appropriate ;
- (l) The grounds on which a contract may be prematurely terminated.

#### ARTICLE 23.—CHANGE OF EMPLOYMENT

1. If the competent authority of the territory of immigration considers that the employment for which the migrant has been recruited does not correspond to his physical capacity or occupational qualifications, the said authority shall provide facilities for placing the said migrant in an employment corresponding to his capacity or qualifications, and in which he may be employed in accordance with national laws or regulations.

2. During periods of unemployment, if any, the method of maintaining the migrant *and the dependent members of his family authorized to accompany or join him* shall be determined by arrangements made under a separate agreement.

#### ARTICLE 24.—EMPLOYMENT STABILITY

1. If before the expiration of the period of his contract the migrant for employment becomes redundant in the undertaking or branch of economic activity for which he was engaged, the competent authority of the territory of immigration shall, subject to the provisions of the contract, facilitate the placing of the said migrant in other suitable employment in which he may be employed in accordance with national laws or regulations.

2. If the migrant is not entitled to benefits under an unemployment insurance or assistance scheme, his maintenance, *as well as that of dependent members of his family*, during any period in which he is unemployed shall be determined by a separate agreement in so far as this is not inconsistent with the terms of his contract.



3. The provisions of this article shall not affect the right of the migrant to benefit from any provisions that may be included in his contract in case it is prematurely terminated by the employer.

#### ARTICLE 25.—PROVISIONS CONCERNING COMPULSORY RETURN

1. The competent authority of the territory of immigration undertakes that a migrant *and the members of his family who have been authorized to accompany or join him* will not be returned to the territory from which he emigrated unless he so desires if, because of illness or injury, he is unable to follow his occupation.

2. The Government of the territory of immigration undertakes not to send refugees and displaced persons or migrants who do not wish to return to their country of origin for political reasons back to their territory of origin as distinct from the territory from which they were recruited, unless they formally express this desire by a request in writing addressed both to the competent authority of the territory of immigration and the representative of the body set up in accordance with the provisions of an international instrument which may be responsible for the protection of refugees and displaced persons who do not benefit from the protection of any Government.

#### ARTICLE 26.—RETURN JOURNEY

1. The cost of the return journey of a migrant introduced under a plan sponsored by the Government of the territory of immigration, who is obliged to leave his employment for reasons for which he is not responsible, and who cannot, in virtue of national laws and regulations, be placed in an employment for which he is eligible, shall be regulated as follows :—

- (a) The cost of the return journey of the migrant, and persons dependent upon him, shall in no case fall on the migrant himself ;
- (b) Supplementary bilateral agreements shall specify the method of meeting the cost of this return journey ;
- (c) In any case, even if no provision to this effect is included in a bilateral agreement, the information given to migrants at the time of their recruitment shall specify what person or agency is responsible for defraying the cost of return in the circumstances mentioned in this article.

2. In accordance with the methods of co-operation and consultation agreed upon under Article 28 of this Agreement, the two parties shall determine the measures necessary to organize the return home of the said persons and to assure to them in the course of the journey the conditions of health and welfare and the assistance which they enjoyed during the outward journey.

3. The competent authority of the territory of emigration shall exempt from Customs duties on their arrival—

- (a) Personal effects ; and
- (b) Portable hand-tools and portable equipment of the kind normally owned by workers for the carrying out of their particular trades, which have been in possession and use of the said persons for an appreciable time and which are intended to be used by them in the course of their occupation.

#### ARTICLE 27.—DOUBLE TAXATION

The two parties shall determine in a separate agreement the measures to be taken to avoid double taxation on the earnings of a migrant for employment.

## ARTICLE 28.—METHODS OF CO-OPERATION

1. The two parties shall agree on the methods of consultation and co-operation necessary to carry out the terms of the Agreement.

2. When so requested by the representatives of the two parties the International Labour Office shall be associated with such consultation and co-operation.

## ARTICLE 29.—FINAL PROVISIONS

1. The parties shall determine the duration of the Agreement as well as the period of notice for termination.

2. The parties shall determine those provisions of this Agreement which shall remain in operation after expiration of this Agreement.

## APPENDIX No. 2.—AMENDMENTS TO SEATTLE MARITIME CONVENTIONS

It is not proposed here to set out the full texts of the new Revised Maritime Conventions, as they are identical with the corresponding Seattle Conventions (for which see parliamentary paper A-7A, 1946), except with regard to the amendments mentioned in the report. There follows the texts of these amendments.

(a) *Article 5 of the Paid Vacations (Seafarers) Convention (Revised) 1949 (replaces Article 5 of Paid Vacations (Seafarers) Convention, 1946) :—*

1. Every person taking a vacation holiday in virtue of Article 3 of this Convention shall receive in respect of the full period of the vacation holiday his usual remuneration.

2. The usual remuneration payable in virtue of the preceding paragraph, which may include a suitable subsistence allowance, shall be calculated in a manner which shall be prescribed by national laws or regulations or fixed by collective agreement.

(b) *Article 1 of the Accommodation of Crews Convention (Revised), 1949 (replaces Article 1 of the Accommodation of Crews Convention, 1946) :—*

1. This Convention applies to every sea-going mechanically propelled vessel, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade and is registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when vessels are to be regarded as sea-going vessels for the purpose of this Convention.

3. This Convention does not apply to—

(a) Vessels of less than 500 tons ;

(b) Vessels primarily propelled by sail but having auxiliary engines ;

(c) Vessels engaged in fishing or in whaling or in similar pursuits ;

(d) Tugs.

4. Provided that the Convention shall be applied where reasonable and practicable to—

(a) Vessels between 200 and 500 tons ; and

(b) The accommodation of persons engaged in usual sea-going routine in vessels engaged in whaling or in similar pursuits.

5. Provided also that any of the requirements contained in Part III of this Convention may be varied in the case of any ship if the competent authority is satisfied, after consultation with the organization of shipowners and/or the shipowners and with the *bona fide* trade unions of seafarers, that the variations to be made provide corresponding advantages as a result of which the over-all conditions are not less favourable than those which would result from the full application of the provisions of the Convention; particulars of all such variations shall be communicated by the Member to the Director-General of the International Labour Office, who shall notify the Members of the International Labour Organization.

(c) *Article 7 of the Accommodation of Crews Convention (Revised), 1949 (replaces Article 7 of the Accommodation of Crews Convention, 1946) :—*

1. Sleeping rooms and mess rooms shall be adequately ventilated.

2. The system of ventilation shall be controlled so as to maintain the air in a satisfactory condition and to ensure a sufficiency of air movement in all conditions of weather and climate.

3. Ships regularly engaged on voyages in the tropics and the Persian Gulf shall be equipped with both mechanical means of ventilation and electric fans: Provided that one only of these means need be adopted in spaces where this ensures satisfactory ventilation.

4. Ships engaged outside the tropics shall be equipped with either mechanical means of ventilation or electric fans. The competent authority may exempt ships normally employed in the cold waters of the Northern or Southern Hemispheres from this requirement.

5. Power for the operation of the aids to ventilation required by paragraphs 3 and 4 shall, when practicable, be available at all times when the crew is living or working on board and conditions so require.

(d) *Paragraph 10 of Article 10 of the Accommodation of Crews Convention (Revised), 1949 (replaces Paragraph 10 of Article 10 of the Accommodation of Crews Convention, 1946) :—*

10. With a view to ensuring adequate and more comfortable accommodation the competent authority may, after consultation with the organizations of shipowners and/or the shipowners and the *bona fide* trade unions of seafarers, grant permission to accommodate up to ten ratings per sleeping room in the case of certain passenger ships.

(e) *Paragraph 14 of Article 10 of the Accommodation of Crews Convention (Revised), 1949 (replaces Paragraph 14 of Article 10 of the Accommodation of Crews Convention, 1946) :—*

14. Berths shall not be arranged in tiers of more than two; in the case of berths placed along the ship's side, there shall be only a single tier where a side light is situated above a berth.

(f) *Article 18 of the Accommodation of Crews Convention (Revised), 1949 (replaces Article 18 of the Accommodation of Crews Convention, 1946) :—*

1. Subject to the provisions of paragraphs 2, 3, and 4 of this Article, this Convention applies to ships the keels of which are laid down subsequent to the coming into force of the Convention for the territory of registration.

2. In the case of a ship which is fully complete on the date of the coming into force of this Convention for the territory or registration and which is below the standard set by Part III of this Convention, the competent authority may, after consultation with the organization of shipowners and/or the shipowners and with *bona fide* trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible, having regard to the practical problems involved, to be made when—

(a) The ship is re-registered ;

(b) Substantial structural alterations or major repairs are made to the vessel as a result of long-range plans and not as a result of an accident or emergency.

3. In the case of a ship in the process of building and/or reconversion on the date of the coming into force of this Convention for the territory of registration, the competent authority may, after consultation with the organizations of shipowners and/or the shipowners and with the *bona fide* trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved ; such alterations shall constitute final compliance with the terms of this Convention, unless and until the ship be re-registered.

4. In the case of a ship, other than such a ship as is referred to in paragraphs 2 and 3 of this Article or a ship to which the provisions of this Convention were applicable while she was under construction, being re-registered in a territory after the date of the coming into force of this Convention for that territory, the competent authority may, after consultation with the organizations of shipowners and/or the shipowners and with the *bona fide* trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems possible having regard to the practical problems involved ; such alterations shall constitute final compliance with the terms of this Convention unless and until the ship is again re-registered.

(g) *Article 18 of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (replaces Article 18 of the Wages, Hours of Work and Manning (Sea) Convention, 1946) :—*

1. The consistent working of overtime shall be avoided whenever possible.

2. Time spent in the following work shall not be included in normal hours of work or be regarded as overtime for the purpose of this Part of this Convention :—

(a) Work that the master deems to be necessary and urgent for the safety of the vessel, cargo or persons on board ;

(b) Work required by the master for the purpose of giving assistance to other vessels or persons in distress ;

(c) Musters, fire, lifeboat and similar drills of the kind prescribed by the International Convention for the Safety of Life at Sea for the time being in force ;

(d) Extra Work for the purposes of Customs or quarantine or other health formalities ;

- (e) Normal and necessary work by officers for the determination of the position of the ship and for making meteorological observations ;
- (f) Extra time required for the normal relieving of watches.

3. Nothing in this Convention shall be deemed to impair the right and duty of the master of a vessel to require, or the duty of an officer or rating to perform, any work deemed by the master to be necessary for the safe and efficient operation of the vessel.

(h) *Article 27 of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (replaces Article 27 of the Wages, Hours of Work and Manning (Sea) Convention, 1946) :—*

1. A member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention 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 five years mentioned in the preceding paragraph exercise the right of denunciation provided for in this Article will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

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## APPENDIX No. 12.—RESOLUTIONS

### (a) RESOLUTION CONCERNING THE ARRANGEMENTS TO BE MADE FOR I.L.O. PARTICIPATION IN THE EXPANDED CO-OPERATIVE PROGRAMME OF TECHNICAL ASSISTANCE FOR ECONOMIC DEVELOPMENT

The Conference authorizes the Governing Body, in the event of its being possible to initiate an expanded programme of technical assistance for economic development before the Thirty-third Session of the Conference and pending the submission of more detailed proposals to the Conference at that session, to make, in consultation with States members and with the United Nations, and particularly with the Economic and Social Council, and with other Specialized Agencies, such interim arrangements as may be appropriate to permit the I.L.O. to initiate such an expanded programme as part of the co-operative programme contemplated by the Economic and Social Council, and to obtain and to expend the necessary funds therefor.

### (b) RESOLUTION ON INDUSTRIAL RELATIONS

The Conference expresses the desire that the question of industrial relations comprising collective agreements, conciliation and arbitration and co-operation between public authorities and employers' and workers' organizations should be put on next year's Agenda.

It requests the Governing Body to review the Agenda of the 1950 Conference with a view to determining whether it would be desirable to modify this Agenda by postponing one of the other items thereon.

(c) RESOLUTION CONCERNING FUTURE CONSIDERATION OF PROBLEMS IN THE FIELD OF WAGES

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June, 1949, adopts this second day of July, 1949, the following Resolution :

The Conference invites the Governing Body to take note of the problems referred to in the General Report on Wages and in the proposed Resolutions on systems of payment by results, the dismissal wage, further studies in the field of wages and the minimum wage, which were submitted to the Conference, with a view to deciding which of these problems should be studied further, and to consider from time to time in the light of the circumstances which of them might appropriately be placed on the Agenda of future sessions of the Conference or of other meetings under the auspices of the Organization.

(d) RESOLUTION CONCERNING ANNUAL HOLIDAYS WITH PAY AND RECREATION

Whereas annual holidays with pay and adequate recreation for workers are basic needs of working people ;

Whereas the Declaration of Philadelphia recognizes the solemn obligation of the International Labour Organization to further among the nations of the world programmes which will achieve the provision of adequate facilities for recreation and culture ;

Whereas the Convention concerning annual holidays with pay has been ratified so far by only a small number of countries and the information available on the number of workers having holidays with pay in countries which have not ratified the Convention is incomplete ;

Whereas it is desirable that the Convention should now be further considered in the light of the developments in regard to holidays with pay which have taken place in many countries since its adoption ;

Whereas it would be desirable to have further information on the relation between holidays with pay and production costs,

The Conference—

Requests the Governing Body to instruct the International Labour Office as soon as practicable

(a) To prepare, with a view to early consideration of the matter by the Conference and such other action by the Organization as may be appropriate, a report indicating how the existing legislation, collective agreements or practice of States members ensure annual holidays with pay to various categories of workers, including workers not covered by the existing Convention, according to occupation, age, and duration of service, and the length of the holidays provided for ;

(b) To prepare a report containing practical information concerning methods of providing facilities enabling workers who wish to use them to take full advantage of their annual holidays with pay, of their weekly rest period and of their leisure in general for physical and cultural recreation and for raising their cultural level and standard of living and concerning the way in which the State, the social insurance system, workers' organizations, employers, &c., contribute towards facilitating workers' recreation.

## (e) RESOLUTION CONCERNING UNEMPLOYMENT

The Committee decided without opposition to recommend that the Conference should adopt the following Resolution submitted by the Czechoslovak delegation and amended as a result of discussion between the Committee and the representative of the Czechoslovak Government ;

“ Whereas the Preamble to the Constitution of the International Labour Organization lays down as one of the main aims of the I.L.O. the prevention of unemployment ;

“ Whereas the Declaration of Philadelphia recognizes the solemn obligation of the I.L.O. to further among the nations of the world programmes which will achieve full employment and the raising of the standard of living ;

“ Whereas the I.L.O. has been carrying on a number of activities of a practical nature which seek to diminish unemployment and to enhance the opportunities for effective employment, notably assistance to various States in—

“ (a) The improvement of employment services ;

“ (b) The development of vocational guidance and vocational training both for young persons and adults ;

“ (c) The implementation of migration programmes among both countries of emigration and countries of immigration ; and

“ (d) The improvement of social security services ;

“ Whereas nevertheless in a number of countries unemployment has recently been increasing to a considerable extent ;

“ Whereas unemployment undermines the standard of living not only of the unemployed, the partially employed and their dependents but also of employed persons ;

“ Whereas some systems of unemployment insurance or assistance are inadequate as to scope, the level of benefit or allowance and the period of eligibility for benefit or allowance ;

“ Whereas a comprehensive survey of the present situation is desirable as a basis for the discussion of any concrete measures which may appear necessary,

“ The Conference requests the Governing Body—

“ 1. To give consideration to instructing the Director-General to prepare, without delay, a comprehensive report on the problem of unemployment, including, so far as possible, information relating to—

“ (a) The situation and trend of employment, unemployment and partial unemployment in the different countries ;

“ (b) The effects of unemployment and partial unemployment upon the standard of living of those directly concerned and their dependants and of all wage earners ;

“ (c) Measures taken—

“ (i) To alleviate the effects of unemployment and partial unemployment ;

“ (ii) To raise the level of employment, more particularly by the expansion of international trade, the development of basic industries and other measures directed towards increasing the volume of employment opportunities,

“ 2. To consider the desirability of placing on the Agenda of an early session of the Conference the question of unemployment, with a view to achieving fuller and more effective use of manpower, both within each nation and internationally.

“ 3. To instruct the International Labour Office, in connection with its manpower programme—

“ (a) To continue to follow questions of employment and unemployment with the closest attention ;

“ (b) To co-operate with the United Nations and the Specialized Agencies directly concerned in the reporting and analysis of employment and unemployment and in the formulation of recommendations to combat unemployment.”

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1950  
NEW ZEALAND

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# INTERNATIONAL LABOUR CONFERENCE

REPORT OF GOVERNMENT DELEGATES ON THE THIRTY-THIRD SESSION,  
HELD AT GENEVA, JUNE-JULY, 1950

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

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## REPRESENTATION

THE thirty-third session of the International Labour Conference opened at Geneva on 7th June, 1950. The New Zealand representation comprised :—

### *Government Delegates—*

Mr. H. L. Bockett, Secretary of Labour.

Mr. T. P. Davin, First Secretary, New Zealand Legation, Paris.

*Adviser* : Mr. N. S. Woods, Chief Research Officer, Department of Labour and Employment.

### *Employers' Delegate—*

Mr. V. Duff, Secretary, Taranaki Employers' Association.

*Adviser* : Mr. F. W. McCullough, Secretary, Otago Employers' Association.

### *Workers' Delegate—*

Mr. K. McL. Baxter, Secretary, New Zealand Federation of Labour.

*Adviser* : Mr. W. A. Fox, Secretary, Federated Cooks and Stewards Union of New Zealand.

Mrs. I. P. Banks, of the Office of the New Zealand High Commissioner in London, acted as Secretary-Stenographer to the New Zealand delegation.

There were 52 States members represented at this session and 42 of these had complete delegations. Delegations comprised :—

Government delegates	..	..	..	..	99
Government substitute delegates and advisers	..	..	..	..	146
Employers' delegates	..	..	..	..	43
Employers' substitute delegates and advisers	..	..	..	..	88
Workers' delegates	..	..	..	..	43
Workers' substitute delegates and advisers	..	..	..	..	92

Ten delegations had no advisers—namely, Afghanistan, Bolivia, Burma, Cuba, Czechoslovakia, Ecuador, Guatemala, Hungary, Iraq, and Thailand. Six of these were also without employers' and workers' delegates.

It should be noted at this point that in its first report to the Conference, the Credentials Committee of the Conference drew attention to the provisions of the Constitution regarding representation and to the number of occasions on which the Conference had reminded the Governments of States members of the need to send complete delegations.

The report stated :—

The Committee urges the Conference to make strong representations to States members to the effect that the Governments concerned should in future take effective measures to send to the Conference complete delegations such as are indispensable to the normal functioning of the organization.

The Conference elected the Hon. Jagjivan Ram, Minister for Labour, India, as President of the Conference, and the following as its Vice-Presidents :—

Mr. Nakhai (Government, Iran).

Mr. McCormick (Employers, United States of America).

Mr. Finet (Workers, Belgium).

Of the various Committees of the Conference New Zealand had representation on the following :—

*Selection Committee—*

Mr. Baxter (workers).

*Committee on Industrial Relations—*

Mr. Bockett (Government).

Mr. Baxter (workers).

*Committee on Equal Remuneration—*

Mr. Davin (Government).

Mr. Fox (workers).

*Committee on Agricultural Labour—*

Mr. Duff (employers).

*Committee on Vocational Training—*

Mr. Woods (Government).

Mr. McCullough (employers).

*Finance Committee of Government Representatives—*

Mr. Bockett.

## MEMBERSHIP MATTERS

Two new States members were admitted to membership of the I.L.O. These were :—

The United States of Indonesia.

The State of Viet-Nam.

The Polish Government delegate used the motion to elect a President as the opportunity to object to the presence at the Conference of a delegation from the Kuomintang Government of China, and to state that the Polish delegation could not remain in the hall so long as the Chinese delegation was present. The Polish Government delegate added that he would not agree that the matter should be handled by the Credentials Committee and asked for a summary expulsion of the Chinese delegation by the plenary session. Government delegates for Czechoslovakia and Hungary spoke in support of the Polish delegate. The Chairman of the Governing Body then stated that, as provided for in the Constitution, the objections raised would be referred to the Credentials Committee, whereupon the delegations from the three countries walked out of the Conference.

The Credentials Committee in due course reported to the Conference. Its report summarized the current position in China as it related to the question of membership, pointed out that two Governments were still contending for authority there and that the Governments of States members had not adopted any uniform attitude on the subject, and recommended that under the circumstances the only solution was to recognize that the Government of the Chinese Republic had validly nominated representatives to the

present session of the Conference. The report was adopted. The delegations of the three countries referred to above departed from Geneva without taking any further part in Conference proceedings.

### AGENDA

The present (thirty-third) session of the International Labour Conference had the following items on its Agenda :—

- Director-General's Report.
- Financial and Budgetary Questions.
- Information and Reports on the Application of Conventions and Recommendations.
- Industrial Relations.
- Equal Remuneration for Men and Women Workers for Work of Equal Value.
- Agricultural Labour : General Report.
- Minimum Wage Regulation in Agriculture.
- Vocational Training of Adults, Including Disabled Persons.

As regards taking part in discussions on the Agenda it should be noted at this point that the Conference works through Committees where the detail of reports and of proposed texts, resolutions, &c., is studied and brought into final shape. A country which is unable to have a representative on a particular Committee of the Conference is thus at a severe disadvantage if it desires the text being worked out by that Committee to take due cognizance of that country's views and situation. Generally speaking, modifications of the texts of proposed Conventions and Recommendations can only be achieved by full participation in the Committee stages of the discussion. The New Zealand Government, with three Government representatives at the Conference, was able to be represented fully on three Committees, with partial attendance at meetings of the Finance Committee. From New Zealand's point of view regarding discussions on proposed Conventions and Recommendations, the fourth, fifth, and eighth topics on the agenda were of greatest importance and, accordingly, New Zealand had one Government representative on each of these. New Zealand could not be represented by a Government representative on the Committee on Minimum Wage Regulation in Agriculture although, from an international point of view, this was a matter on which New Zealand practice was of interest.

### REPORT OF THE DIRECTOR-GENERAL

The Director-General of the International Labour Office annually presents a report reviewing world conditions and current problems in the fields of social and industrial welfare, and the discussion of this report affords members attending the Conference an opportunity of bringing to notice problems and achievements in their own countries as well as of making general comment on the report itself. The following were amongst the speakers in this year's debate on the Director-General's Report :—

- Mr. K. Maisel, Minister of Social Affairs, Austria.
- Mr. J. Kjaerboel, Minister of Housing and Labour, Denmark.
- Mr. P. Bacon, Minister of Labour and Social Security, France.
- Mr. D. Morrissey, Minister for Industry and Commerce, Ireland.
- Mr. A. Mazzara, Minister of Labour and Social Welfare, Italy.
- Dr. A. M. Joekes, Minister of Social Affairs, Netherlands.
- Mr. E. J. Harrison, Australian Resident Minister in the United Kingdom.
- Mr. G. Isaacs, Minister of Labour and National Service, United Kingdom.
- Mr. M. Tobin, Secretary of Labour, United States.

The report of the Director-General of the I.L.O. to the Conference, after a comprehensive review of the economic, social, and industrial conditions and problems in many countries, went on to direct attention to two matters—the maintenance of high levels of

employment and action against unemployment (unemployment had risen to considerable proportions in some countries); and the need to increase the productivity of labour. Employment and unemployment were dealt with extensively, not only in the report but also in a special report on the matter prepared by the I.L.O., while a United Nations report on the same topic was also referred to. Measures to increase productivity were, however, the most strongly stressed elements in the Director-General's report. This emphasis corresponded with the predominance on the Conference's Agenda of measures related to productivity—training of workers, industrial relations, remuneration, and farm labour. Practically all speakers in the discussion on the Director-General's report referred particularly to the problems associated with the increasing of productivity and to the importance of I.L.O. studies, reports, and activities in this field.

Brief notes on some of the main points of interest touched on by speakers are appended to this report, as also is the text of the New Zealand Government delegate's speech.

### FINANCIAL AND BUDGETARY QUESTIONS

The estimates of expenditure of the I.L.O. for 1951 adopted by the Conference provided for a gross expenditure of 6,219,506 dollars, this representing an increase of 235,980 dollars on the 1950 Budget. The estimates of net expenditure, however, were 9,737 dollars less than the 1950 Budget (5,973,789 dollars for 1951).

The main discussion centred upon revision of the scales of contribution. A general scheme based on the United Nations scale of contributions formed the basis of discussion. The New Zealand Government representative on the Finance Committee of Government representatives pointed out that by reason of New Zealand's geographical situation this country was involved in very heavy expenditure in sending delegations to I.L.O. Conferences and that these expenses had materially increased as a result of devaluation. The Committee was informed that because of these factors New Zealand would find it increasingly difficult to send complete delegations to Conferences, but that a reduction in contribution would materially assist the New Zealand Government to send complete delegations.

In the adjustments finally made to the scale of contributions for 1951 it is most satisfactory to record that New Zealand's rate of contribution for 1951 will be 0.68 per cent. instead of the 0.93 per cent in 1950—i.e., approximately 26.88 per cent. less than the rate of contribution for 1950. This will provide for a very substantial reduction in the contribution which New Zealand would otherwise have made to the I.L.O. Budget. The New Zealand net contribution for 1951 is 37,552.31 dollars as compared with 53,166.33 dollars for 1950.

It should be noted that the scale adopted for 1951 is a temporary scale only and that the matter will be subject to further examination before the 1952 contributions are considered at the next Conference.

There was very little discussion of the various Budget items, members being generally satisfied with the reports in support of the various items submitted by the Director-General.

### INFORMATION AND REPORTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

Member Governments are required to report each year in considerable detail on their activities in relation to international Conventions and Recommendations. These reports are subject to scrutiny, and the representatives of Governments concerned may be called before the Committee on the application of Conventions and Recommendations to give information and to answer questions. It is satisfactory to be able to note that New Zealand continues to have a good record as regards fulfilment of her obligations, and that the only points on which appearance was required were of a minor and merely technical nature.

## INDUSTRIAL RELATIONS

The Committee on Industrial Relations had before it a series of proposed conclusions on the matter prepared by the I.L.O. on the basis of replies of Governments to an earlier questionnaire. The task of the Committee was to arrive at conclusions to be the basis of a second discussion at the 1951 Conference.

The proposals before the Committee were in five parts as follows :—

- A. Collective Agreements.
- B. Voluntary Conciliation and Arbitration.
- C. Co-operation at the Level of the Undertaking.
- D. Co-operation at the Level of the Industry.
- E. Co-operation at the National Level.

The Committee was able to deal only with the first two and recommended that the remaining three should come up for first discussion at the 1951 Conference.

While there was from the start general agreement that international regulations on collective agreements and voluntary conciliation and arbitration were desirable, there was a sharp division of opinion on whether these Regulations should take the form of a Convention or a Recommendation. The workers' group in the Committee favoured a Convention, the employers' group a Recommendation, while the Governments were fairly evenly divided. The proposal for a Convention was lost by 52 votes to 50, and the Committee proceeded to deal with the two topics on the basis of a Recommendation. The discussion presented many difficulties throughout and was complicated by the wide difference in practice between various countries. New Zealand's position in the discussions was difficult in that the whole of the proposed conclusions prepared by the I.L.O. in respect of collective agreements and voluntary conciliation and arbitration were based on what is the normal practice in most countries—namely, the fixation of wages and conditions of employment by collective bargaining. The New Zealand delegate on the Committee considered it inappropriate, therefore, to endeavour to have the Office text amended to meet the position existing in New Zealand as such amendments would obviously not have been consistent with the approach of the Committee as a whole.

The conclusions of the Committee as adopted by the Conference are appended. It will be seen that they are couched in very broad terms and appear to contain nothing which New Zealand could not support in general terms. Nevertheless, these conclusions will require very careful examination before the 1951 Conference.

The Committee also put forward and the Conference adopted a resolution on the Protection of the Property of Employers' and Workers' Organizations and a resolution on the Termination of Individual Contracts of Employment.

## EQUAL REMUNERATION FOR MEN AND WOMEN WORKERS FOR WORK OF EQUAL VALUE

The decision to place the item "Equal Remuneration for Men and Women Workers for Work of Equal Value" on the Agenda of the 1950 Conference was taken by the Governing Body in December, 1948, in recognition of the growing importance of the problem, particularly since the last world war. The Office had previously prepared a report on the subject together with a questionnaire. This had been submitted to Governments and, on the basis of the replies received, the Office prepared a further report summarizing the replies and submitting to the Conference as a basis for discussion a series of points relating to the form the proposed international regulations might take, the nature of the general principles, and the methods of their application. This subject is being considered under the double discussion procedure, and the discussions at the 1950 Conference represent the first stage. The conclusions reached, copies of which are appended, are to constitute the basis for the preparation by the Office of draft texts to be submitted to Governments for consideration with a view to enabling a subsequent session to take final decisions on the subject.

The question as to the form the proposed international regulations might take occasioned a good deal of debate. The workers' group favoured a Convention as regards the general principles. A number of Government delegates, however (including the New Zealand representative), were opposed to this and preferred a Recommendation on the grounds that this permitted more flexibility in the timing of measures of application of a principle which for many countries has important social, economic, and financial repercussions. The employers' group as a whole did not favour the adoption of any international regulations on the subject at present on account of difficulties of definition and application, but preferred a Recommendation to a Convention. The decision eventually taken (on the proposal of the workers' group which had doubts as to whether there was a majority for a Convention) was to postpone the final decision regarding the form of the regulations until the next Conference. The Office is to prepare draft alternative texts presenting Part II in the form of a Convention and of a Recommendation and Part III in the form of a Recommendation for consideration by Governments in the interval.

The general principles gave rise to considerable discussion particularly as to the meaning of equal remuneration in this connection. The Office draft had given preference to the idea of "job content" in fixing rates of remuneration, but the Committee decided that the regulations should in the first place state that equal remuneration for men and women workers for work of equal value should be regarded as meaning that rates of remuneration are to be established without discrimination based on sex. It was then provided that, when necessary and appropriate for this purpose, measures are to be taken to promote objective appraisal of jobs on the basis of job content: or, if more suitable, on any other basis as decided upon by the competent authorities or bodies responsible for fixing rates of remuneration, or, in the case of collective agreements, the parties to such agreements.

The obligation regarding application of this principle also gave rise to much discussion, as in many countries wage-rates are settled by bargaining between employers' and workers' organizations without the intervention of the State, and those States were not prepared to accept an obligation to intervene and ensure application of the principle. Other States had the necessary machinery for application if agreement could be reached on the definition and the timing of measures of application. The Committee finally decided on a combined text which would oblige members to take all practicable measures by means appropriate to the methods of determining rates of remuneration which are in force in the country, to further, and, in so far as this is in conformity with these methods, to ensure the application of the principle.

A United Kingdom proposal, supported by the New Zealand Government delegate, that action on the general principle should be decided in the light of the development of social policy and the financial and economic circumstances of the country concerned was defeated.

The discussion on the methods of application did not give rise to any serious difficulties although a number of points had to be settled by vote. A fair measure of agreement was reached on the text eventually adopted concerning application.

As stated above the final form and content of the proposed regulations will be decided at the next Conference.

#### AGRICULTURAL LABOUR (GENERAL REPORT) AND MINIMUM WAGE REGULATION IN AGRICULTURE

The New Zealand Government was not represented on the Committee dealing with the above topics, Mr. Duff (employers) being the only New Zealand member of the Committee.

The Committee dealt first with the question of minimum wage regulation, this being a first discussion with a view to considering draft regulations at the 1951 Conference. The discussion was based on a report prepared by the International Labour Office from comments by Governments furnished in response to an earlier questionnaire.

The Committee, by 56 votes to 41, rejected a proposal made by the employers' group on the Committee that the matter should be discussed on the basis of reaching a Recommendation only and not a Convention. It was finally agreed that the 1951 discussion should be on the basis of a Convention covering certain aspects of the matter and a Recommendation covering certain other aspects. The conclusions of the Committee adopted by the Conference as to the points which a Convention and a recommendation should respectively cover are appended, and the 1951 Conference will be asked to consider the text of International Regulations to cover these points.

It may be noted here, however, that the proposals regarding a Convention appear to contain nothing which the New Zealand Government could not support fully. Similarly the proposals in regard to a Recommendation appear to be fully acceptable from a New Zealand standpoint. The texts to be drafted from these proposals will, however, require examination when they become available and before the 1951 Conference.

In its second report, which arose out of a general report on agricultural labour prepared by the I.L.O., the Committee on Agricultural Labour endorsed the general report and presented a resolution which the Conference adopted. This resolution calls upon the Governing Body at some time in the future to open up studies and discussions on the revision of international regulations related to agriculture, vocational training in agriculture, man-power and employment problems in agriculture, safety and hygiene, and various special problems.

### VOCATIONAL TRAINING OF ADULTS

The Committee on the Vocational Training of Adults was asked to study the text of a proposed international Recommendation on the vocational training of adults including disabled persons. The text was submitted by the International Labour Office having regard to the comments of Governments on an earlier questionnaire and to a draft text prepared by a preparatory Conference held in January, 1950, on the basis of those comments.

From the outset it was obvious that there was no division of opinion regarding the desirability of an international Recommendation and the acceptability of the broad principles embodied in the text. There were, however, many proposed amendments on points of detail throughout the forty-one clauses of the text.

Of the points thus brought under discussion New Zealand had a particular interest in some points in the text and certain proposed amendments which appeared to throw on to Governments responsibilities for the provision of facilities for training and remuneration during training, and for the development and co-ordination of training which went beyond the desirable limits of direct Government action and which took insufficient cognizance of the position of private enterprises in the matter. The view maintained by the New Zealand Government member of this Committee was that direct Government responsibility in the provision of facilities, financing of them, setting of standards, and co-ordination of programmes should be generally limited to training centres or institutions established or subsidized by Government itself, that in admitting persons to training in Government centres or institutions the Government concerned should be able to exercise discretion, and that in the field of private enterprise the function of Government should be to encourage adequate provision of facilities, adequate standards of training, and adequate co-ordination. It is satisfactory to be able to record that the text as finally adopted was sufficiently flexible to meet the New Zealand point of view and to allow of acceptance. The text as finally adopted by the Conference is appended.

## OTHER MATTERS DEALT WITH

A number of matters other than the topics already discussed were dealt with by the Conference. Amongst these the following deserve special note.

*(a)* FACT-FINDING AND CONCILIATION COMMISSION

The Government of South Africa placed before the Conference a resolution concerning the Fact-finding and Conciliation Commission on Freedom of Association. The Governing Body of the I.L.O. had set up this Commission in agreement with United Nations and following discussion of the matter in the thirty-first session of the Conference in conjunction with the resolution on freedom of association. That session of the Conference had enjoined the Governing Body to pursue its negotiations with United Nations on the matter of setting up such a Commission. The South African Government's resolution suggested that the Governing Body had received no final direction or authority from the Conference, that the Governing Body had no power to take such action on its own initiative, and that the Conference itself, under the terms of its Constitution, had no power to authorize the Governing Body to set up such a Commission. The report of the Selection Committee, which was adopted by the Conference, approved and confirmed the decisions of the Governing Body in setting up the Commission. The matter was of particular interest to New Zealand, one of the nine Judges appointed to the Commission being Mr. Justice Tyndall, C.M.G., Judge of the New Zealand Court of Arbitration.

*(b)* ACTION AGAINST UNEMPLOYMENT

Arising out of an initiative taken by Mr. Roberts, workers' member, United Kingdom, a resolution was placed before the Conference drawing the attention of international organizations, Governments, employers, and workers to certain measures against unemployment. These measures included : systems of unemployment benefits providing at least a socially acceptable minimum standard of living ; adequate statistics of employment, unemployment, and under-employment ; and various aspects of Government policy bearing upon the maintenance of a level of aggregate demand conducive to the maintenance of full employment. There was a division of opinion on this resolution. Government members generally supported it. The employers' group opposed it on the grounds that it envisaged a planned economy which, they feared, would encourage an undue measure of Government interference in industry. The Government members for both the United Kingdom and the United States, however, put forward the view that the resolution covered no activities beyond those already being undertaken by their Governments and did no more than invite Governments to give consideration to the various measures mentioned. The resolution was adopted.

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## APPENDIX No. 1—POINTS OF INTEREST FROM SPEECHES MADE AT THE CONFERENCE

Mr. George Isaacs, Minister of Labour, United Kingdom, was the first speaker on the report and the following points from his speech are noted as possibly of special interest. After referring to the importance of the extension of I.L.O. activities on a regional basis he stated that during the past year the British Government, after full consultation with the Governments of the British non-metropolitan territories, had ratified the five Conventions concerning non-metropolitan territories, adopted at the 1947 session of the Conference. It was, moreover, the aim of every colonial Government to facilitate and develop in every possible way the exercise of the rights to organize and to bargain collectively. Speaking of employment and unemployment he laid particular stress on the need for statistical information appropriate for day-to-day action, and also for the need for international statistics to be comparable as between different countries if they were to be of practical value. On the question of equal remuneration for men and women workers for work of equal value he took the view that the matter had to be considered against general social background. It was not a subject to be dealt with as a separate issue, but one which had to be regarded as only one constituent element of the wage and salary structure.

Mr. Delaney, workers' delegate, United States of America, stated that American workers believed in high productivity and were not opposed to higher profits for employers so long as their own standard of living rose proportionately. High productivity had given them higher wages and shorter hours. American trade unions had in general taken a realistic view of the introduction of labour-saving machinery. Coal-miners, for instance, had welcomed the introduction of machinery and had co-operated in boosting productivity with the result that to-day they were the most highly paid and most productive coal-miners in the world. Unions had on occasions followed up wage increases by active co-operation with employers in reducing expenses, eliminating waste, and increasing output. While every group in America had gained in income as a result of increased productivity, the lowest paid three-fifths of the population had increased their incomes more than twice as much as the highest fifth. Mr. Delaney finally stressed that these results had been achieved within the framework of a democracy and without the sacrifice of basic liberties.

Mr. Harrison, Government delegate, Australia, stated Australia's full support for any reasonable proposals which would assist in raising living standards in the less-developed countries and especially those of South-east Asia. He also referred to the number of Conferences and other meetings held by the I.L.O. and expressed the view that the frequency of these should be kept under careful review lest the I.L.O. dissipate its resources. The Conference should not delude itself that effectiveness of the organization could be measured by the number rather than by the quality of meetings.

The Government delegate for India, Mr. Sinha, referred to the various Conferences held in Asian countries in the last three years and declared that the Asian countries would continue to require every possible assistance which the I.L.O. was capable of rendering.

Mr. Tobin, United States Secretary of Labour, referring to economic conditions in 1949, said that the significant fact about the decline in economic activity which then occurred was that it did not spiral in a cumulative fashion throughout the whole of the economy. The general approach of the United States Government to a full-employment policy was to adapt current governmental activities and programmes to the changing needs of the national economy. The test was whether the Government's policies and regularly continuous programmes contributed to the stability and growth of the whole economy.

Mr. O'Connor, Government delegate for the United States, stressed the high levels of productivity achieved there. Mere exhortations to workers to put forth their best efforts, or even competitions among workers to raise output, had undesirable results unless accompanied by such aids to productivity as improved general education and vocational training, better organization of the labour market, better factory lay-out and organization, better use of natural resources, fuel and power, and specialized tools designed for each particular job. From 1919 to 1939 output per man-hour in manufacturing industries in the United States had more than doubled as also had average hourly earnings. Accident rates in the United States fell 27 per cent. between 1926 and 1939 and were to-day a further 22 per cent. lower than the 1939 level.

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#### APPENDIX No. 2—SPEECH BY MR. H. L. BOCKETT, NEW ZEALAND GOVERNMENT DELEGATE, IN THE DEBATE ON THE REPORT OF THE DIRECTOR-GENERAL

*Mr. President.*—With others I would like to compliment the Director-General on his report to this thirty-third session of the International Labour Conference. It is a most comprehensive document in its review of the wide range of matters which bear upon the activities of the Conference. Yet, at the same time, it is a well integrated narrative in the way in which it relates these matters to two main themes, employment and productivity. I would like to make some comment on these two matters in the light of New Zealand experience.

In New Zealand there continues to be no unemployment problem. In a population of almost two million, the figure for registered unemployment ranged from 207 in July 1949 (the winter peak) to 21 persons in March, 1950. As all workers contribute social security tax and are entitled to claim unemployment benefit consequent on registration, it can safely be assumed that figures for registered unemployed cover all cases where there is involuntary unemployment. New Zealand is a farming country with consequently a considerable seasonal surge in employment in industries connected with primary production, but the prevailing strong demand for labour in other industries together with the effective operation of the National Employment Service have resulted in the satisfactory placement of seasonal workers between seasons.

Because New Zealand has no current problem of unemployment, it should not be thought, however, that she has no interest in the problem generally. The New Zealand economy is largely based on primary exports and, while New Zealand has built up equalization funds and taken other measures as a buffer against adverse trends in export prices, her economy nevertheless remains sensitive to such trends. New Zealand is vitally interested in the prevention of adverse conditions of trade in other countries which would inevitably transmit into the New Zealand economy to at least some extent. The interest of the International Labour Organization in the maintenance of high levels of employment and its continuing exploration of the problems of unemployment are encouraging and commendable.

With no unemployment problem and a strong unsatisfied demand for labour, New Zealand is naturally interested in the question of productivity of labour. Special attention has more recently been given to various aspects of this question, including industrial relations, incentives, industrial hygiene, accident prevention in industry, and other related matters.

In the first place it has to be recalled that during the war New Zealand established a system of economic and man-power controls which were remarkably effective in sustaining wartime production, despite the withdrawal of a relatively large proportion of man-power for service in the Armed Forces. While those controls were most effective for their wartime purposes, many of them necessarily restricted industrial initiative in other than war-production fields. Owing to shortages in materials, accommodation, transport, power, labour, and in other directions in the years immediately following the war, it was regarded as injudicious to remove a number of the wartime controls until conditions became more nearly normal. This applied particularly to controls designed to prevent inflationary spiralling of prices and wages under conditions of strong effective demand coupled with acute shortages of goods and services. There has, nevertheless, been evidence throughout the post-war years of some conflict between the effect of these stabilization measures on the one hand and the desire to promote higher levels of productivity on the other. In some quarters it has been increasingly stressed that employers and workers had to be freed of at least the more stringent applications of stabilization policy in order to give them the incentives to production which would enable them to achieve the much-needed increases. Over the last few months the New Zealand Government has taken several steps towards modifying the stabilization policy. Some price ceilings have been removed and others raised. Wage ceilings have been removed.

While the Government hopes that increased productivity will result from such measures, other matters affecting production are also receiving attention. For some years, for instance, it has been widely urged that improvements in industrial relations could be achieved, despite the fact that in actual time lost through industrial disputes New Zealand has a relatively satisfactory record. The desirability of further reducing the loss of production due to actual strikes or lockouts is, of course, obvious, and in recent years this has received very close attention. The particularly low record of days lost in recent years is partly attributable to measures taken to bring parties in dispute together quickly and to provide them with acceptable means of adjudication where appropriate. The Industrial Relations Act of 1949 included a provision empowering any Conciliation Commissioner to bring the parties together where there is a dispute or possibility of a dispute and where there is otherwise no appropriate machinery to bring them together.

The Industrial Relations Act in its objects, however, went beyond the mere reduction of lost time when disputes occur. It took a preventive view by providing for an Industrial Advisory Council and subsidiary organizations to bring employers and workers together on matters other than disputes—matters in which they would have a common interest and through which they could steadily enlarge the area of common understanding between them. The Act itself is no more than an enabling measure which makes the opportunity for the sides to get together but which leaves the initiative mainly to them as to the directions in which they work. Nevertheless the Act indicates that Works Committees, incentive-payment schemes, and safety in workshops should, for example, be among the matters taken up by the Council.

Many observers have pointed out that one of the problems of maintaining a high level of employment is the problem of maintaining at the same time a high level of productivity. The problem is particularly important under conditions of acute labour shortage such as exist in New Zealand. With an unduly strong demand for labour there are many factors which work against maximum *per capita* production. Shortages of labour lead to shortages or unevenness in the supply of materials and, consequently,

to inefficiencies in the flow of production. Competition for labour under such conditions, moreover, leads to higher rates of labour turnover and this, too, results in consequential inefficiencies. It is anticipated that these difficulties will considerably diminish in importance in New Zealand as the present acute labour shortage is relieved, and that this reduction can be achieved over the next few years through natural increase and immigration without departing from a policy of full employment. Nevertheless, so long as there remains a reasonably close balance between labour available and demand for labour (and the present New Zealand Government like its predecessor has announced its intention of holding to such a policy) there will be a problem to solve from the productivity angle. The solution of this problem lies in the greater efficiency and skill of management and supervisors, in the better training and handling of workers, in improved conditions at work and adequate living and social standards, and also in improved relationships between workers and management at all levels of contact.

New Zealand considers that important contributions towards industrial harmony and thereby towards increased productivity can be made through the development of areas of common interest and common understanding between management and workers on matters such as improvements in selection, training and placement techniques, and in the handling of personnel matters within workshops; the joint study by management and workers of problems of safety and welfare; and attention to various other matters which affect the incentives to produce and the morale of the production team as a whole.

It is the view of the New Zealand Government, however, that progress in such directions should preferably be achieved by spontaneous and voluntary action on the part of management and workers and that Government intervention should be limited to providing reports and other information likely to prompt and assist such voluntary action, and to providing the opportunity for voluntary action and any appropriate expert advice or other assistance at the point at which industry desires it and cannot reasonably provide or obtain such advice or assistance itself.

Some brief examples of what is being done in New Zealand will, no doubt, be of interest, particularly as one or two of them have a bearing on matters on the present Agenda.

Approximately three years ago the New Zealand Government sponsored the introduction of the Training Within Industry (T.W.I.) system of training foremen and supervisory staffs. Two qualified instructors were initially trained and attached to the Department of Labour and Employment where they were available to industry. Larger undertakings wishing to adopt the T.W.I. technique were expected to arrange with the Department to have one or more of their own staff trained as trainers. In small undertakings the Department's trainers would themselves do the training of foremen and supervisors, charging a small fee for the service rendered. Additional trainers are being trained as the work expands.

Over the same three years considerable changes have been made in the system of apprenticeship training, including the acceptance by a number of industries of the principle of paid attendance at vocational schools during ordinary working-hours. Training of disabled workers has also been receiving attention, though study of this particular problem has not yet reached the point at which New Zealand is ready to make major changes in existing methods. From New Zealand's point of view the deliberations of the I.L.O. on this matter are most opportune.

Interest in industrial hygiene has also increased during the post-war years. After the war the New Zealand Department of Health set up an Industrial Hygiene Division with district officers in the four main industrial centres. These officers, who are medical personnel specially qualified for their work in industrial hygiene, are accommodated in the offices of the Department of Labour and Employment and have a close association with that Department's factory inspectorate.

The New Zealand Factories Act was also completely revised after the war and steps were at the same time taken to further improve the training of factory inspectors and to develop various aspects of the work of the Department of Labour, including the establishment of a Personnel Advisory Division.

These various things all reflect the emphasis which has been placed on those aspects of labour administration which have influences on productivity through their promotion of the effective use of the labour force.

It may be of interest also to note that the trend in New Zealand administratively has been towards a unifying or co-ordinating of all agencies, and all aspects of administrative activity which centre upon people at work. I have instanced the close link between the Industrial Hygiene Division of the Department of Health and the factory inspection activities of the Department of Labour and Employment.

In this connection, however, it should be remarked that a smaller country such as New Zealand has to meet somewhat different conditions from those existing in the larger industrial countries. Thus, on the point of advisory committees, a network which would appear quite appropriate against the background of a large industrial population would be quite ridiculous in the smaller communities with which we have to deal.

Hence it has been necessary for New Zealand from time to time to suggest modifications in provisions relating to advisory committees and co-ordinating machinery.

In conclusion, I would like to state that New Zealand has just recently ratified the Holidays with Pay Convention, 1936, and the Night Work (Women) Convention (Revised), 1948. At the present time, moreover, three more Conventions are under examination with a view to early ratification. These are the Labour Inspection Convention, 1947, the Freedom of Association and Protection of the Right to Organize Convention, 1948, and the Migration for Employment Convention (Revised), 1949.

## APPENDIX No. 3—CONCLUSIONS OF INDUSTRIAL RELATIONS COMMITTEE AS ADOPTED BY THE CONFERENCE

### COLLECTIVE AGREEMENTS

#### I

#### FORM OF THE INTERNATIONAL REGULATIONS

International regulations concerning collective agreements to be adopted in the form of a Recommendation.

#### II

### CONCLUSIONS RELATING TO A RECOMMENDATION CONCERNING COLLECTIVE AGREEMENTS

#### *I. Collective Bargaining Machinery*

1. (a) Machinery appropriate to each country to be established, if necessary, by means of legislation or agreement, to negotiate, conclude, revise and renew collective agreements, or to be available to assist the parties in the negotiation, conclusion, revision and renewal of collective agreements.

(b) The organization, methods of operation and functions of such machinery to be determined by national regulations or agreements between the parties.

#### *II. Definition of Collective Agreements*

2. (a) For the purpose of applying the international regulations, "collective agreements" to be understood to mean all written agreements regarding working conditions and terms of employment (including such social measures as are considered proper for collective bargaining by the parties to the agreement) concluded between an employer, a group of employers or an employers' organization, on the one hand, and one or more workers' organizations, on the other.

(b) Nothing in the present text to be interpreted as favouring the recognition of any association of workers established, dominated or financed by employers or their representatives.

### *III. Effects of Collective Agreements*

3. (a) A collective agreement to be binding on the signatories thereto and on those of their members on whose behalf the agreement is concluded. Employers and workers bound by a collective agreement not to be able to agree to include in contracts of employment stipulations contrary to those contained in the collective agreement.

(b) Stipulations in contracts of employment which are contrary to the collective agreement to be regarded as null and void and automatically replaced by the corresponding stipulations of the collective agreement.

(c) However, stipulations in contracts of employment which are more favourable to the workers than those prescribed by a collective agreement not to be regarded as contrary to the collective agreement.

4. The stipulations of a collective agreement concluded between an employer, a group of employers or an employers' organization, on the one hand, and one or more workers' organizations, on the other hand, to apply to all the workers of the classes concerned and employed in the undertakings covered by the agreement unless the said agreement specifically provides to the contrary.

### *IV. Extension of Collective Agreements*

5. (a) Where appropriate, measures, to be determined by national regulations and suited to the conditions peculiar to each country, to be taken, if necessary, to extend the application of all or certain stipulations of a collective agreement to all the employers and workers included within the industrial and territorial scope of the agreement.

(b) National regulations concerning the extension of a collective agreement may contain, among other things, the following conditions :—

- (i) The collective agreement should already cover such a number of the employers and workers affected as, in the opinion of the competent authority, is representative ;
- (ii) As a general rule, the requests for extension of the collective agreement should be made by one or more organizations of workers or employers who are parties to the collective agreement ;
- (iii) Prior to the extension of the collective agreement, the employers and workers to whom the collective agreement would be rendered applicable should be invited to present their observations.

### *V. Interpretation of Collective Agreements*

6. Disputes arising out of the interpretation or application of a collective agreement to be submitted to a procedure for settlement agreed to by the parties and, if such procedure is not agreed upon or breaks down, to be referred to appropriate machinery determined by agreement between the parties or by legislation.

### *VI. Supervision of Application of Collective Agreements*

7. (a) Employers' and workers' organizations parties to collective agreements to ensure supervision of the application of such collective agreements.

(b) In the absence of adequate supervision by the organizations concerned, the supervision of the application of collective agreements to be entrusted to the bodies existing in each country for this purpose or to institutions established *ad hoc*.

## VOLUNTARY CONCILIATION AND VOLUNTARY ARBITRATION

## I

## FORM OF THE INTERNATIONAL REGULATIONS

International regulations concerning voluntary conciliation and arbitration to be adopted in the form of a Recommendation.

## II

## CONCLUSIONS RELATING TO A RECOMMENDATION CONCERNING VOLUNTARY CONCILIATION AND ARBITRATION

*I. Voluntary Conciliation*

1. Voluntary conciliation machinery, having regard to the particular conditions existing in each country, to be available to assist in the prevention and settlement of industrial disputes between employers and workers.

2. (a) Voluntary conciliation machinery, where constituted on a joint basis, to include equal representation of employers and workers.

(b) The employers and workers concerned in a dispute to be represented at all stages of the procedure.

3. (a) The procedure to be free of charge and expeditious; where periods for examination of the dispute are prescribed by the national regulations they should be fixed in advance and kept to a minimum.

(b) The procedure to be set in motion, either *ex officio* by the voluntary conciliation authority, or on the initiative of any of the parties to the dispute.

4. If a dispute has been submitted to conciliation procedure with the consent of all the parties concerned, the latter to be encouraged to abstain from strikes and lockouts while conciliation is in progress.

5. Collective agreements which the parties may reach, either during conciliation procedure or as a result thereof, to be drawn up in writing and to be treated as having been concluded in the usual manner.

*II. Voluntary Arbitration*

6. If a dispute has been submitted to arbitration for final settlement with the consent of all parties concerned, the latter to abstain from strikes and lockouts while the arbitration is in progress and to accept the arbitration award.

## RESOLUTIONS

## I. RESOLUTION CONCERNING THE AGENDA OF THE NEXT SESSION OF THE CONFERENCE

The Conference,

Having before it the fourth item of its Agenda dealing with industrial relations, comprising collective agreements, voluntary conciliation and voluntary arbitration and co-operation between public authorities and employers' and workers' organizations;

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

Having decided consequently to limit its deliberations to the questions of collective agreements and voluntary conciliation and voluntary arbitration;

Having approved the report of the Committee appointed to consider the fourth item on its Agenda;

Decides:

(1) To put on the Agenda of its next general session the question of industrial relations comprising collective agreements and voluntary conciliation and voluntary arbitration with a view to the adoption of international regulations in the form of a Recommendation at that session;

(2) To put on the Agenda of its next general session for a first discussion an item dealing with co-operation between public authorities and employers' and workers' organizations.

## II. RESOLUTION CONCERNING PROTECTION OF THE PROPERTY OF EMPLOYERS' AND WORKERS' ORGANIZATIONS

Whereas the Committee on Industrial Relations has, during the present session of the Conference, discussed the question of international regulations concerning collective agreements ;

Whereas the question of the protection of the property of employers' and workers' organizations may arise in cases where such organizations bear a legal responsibility in connection with the application of collective agreements :

Whereas the full application of common law rules with regard to the liability of such property to distraint or similar legal process would endanger the very existence of employers' and workers' organizations :

Whereas in many countries the liability of the property of employers' and workers' organizations to distraint or similar legal process is excluded or limited by legislation :

The Conference requests the Governing Body to instruct the International Labour Office to prepare, with a view to early consideration by the Conference and such other action as the Organization may deem appropriate, a comprehensive report containing a statement on the law and practice of the different countries with regard to the protection of the property of employers' and workers' organizations against distraint or similar legal process.

## III. RESOLUTION CONCERNING THE TERMINATION OF INDIVIDUAL CONTRACTS OF EMPLOYMENT

Whereas the Conference is now considering the question of international regulations concerning collective agreements, which determine the terms and conditions of employment of workers in a large number of countries :

Whereas, nevertheless, the individual contract of employment forms the basis of the employment relations of many millions of workers in all countries ;

Whereas the legislation of a large majority of countries accords to the workers certain minimum guarantees with regard to individual contracts of employment :

Whereas the international regulations concerning individual contracts of employment hitherto adopted by the Conference deal only with certain aspects of such contracts (as, for example, the protection of wages) or only with the contracts of employment of special categories of workers (as, for example, maritime workers, indigenous workers, and migrant workers) :

Whereas the adoption of international regulations concerning the general problems affecting individual contracts of employment would form an important supplement to the present programme of the Conference with regard to the international regulation of collective agreements ;

Whereas those general problems are of a complex and extensive character and could be considered by the Conference only by successive stages :

Whereas one of the most important of those problems is that of the termination of contracts of employment (with regard, for example, to such questions as reasonable grounds for dismissal, notice or compensation on dismissal, seniority bonuses or leaving grants, &c.) ;

The Conference requests the Governing Body to instruct the International Labour Office to prepare, with a view to early consideration by the Conference and such other action as the Organization may deem appropriate, a comprehensive report containing a statement on the law and practice of the different countries with regard to the termination of contracts of employment.



## APPENDIX No. 4—CONCLUSIONS RELATING TO INTERNATIONAL REGULATIONS CONCERNING EQUAL REMUNERATION FOR MEN AND WOMEN WORKERS FOR WORK OF EQUAL VALUE

### I. FORM OF THE INTERNATIONAL REGULATIONS

The form of the international regulations to be decided by the Conference at its thirty-fourth session.

### II. GENERAL PRINCIPLES

1. For the purpose of these regulations, the term “remuneration” to be defined as including the rate of—

- (a) The ordinary, basic or minimum wage or salary; and
- (b) Any additional emoluments whatsoever, either in cash or in kind, which are received by the worker from his employer and arise out of his employment.

2. (1) For the purpose of these regulations, the term “equal remuneration for men and women workers for work of equal value” to be regarded as meaning that rates of remuneration be established without discrimination based on sex.

(2) Where necessary and appropriate for this purpose, measures to be taken to promote objective appraisal of jobs, on the basis of job content or, if more suitable, on any other basis as may be decided by the competent authorities or bodies responsible for the determination of remuneration, or, where the remuneration of the workers concerned is determined under collective agreements, by the parties to such agreements.

3. Each member to take all practicable measures, by means appropriate to the methods which are in force in the country for determining rates of remuneration, to further and, in so far as this is in conformity with such methods, to ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

4. Application of the principle of equal remuneration for men and women workers for work of equal value to be by means of—

- (a) National laws or regulations;
- (b) Collective agreements between employers and workers; or
- (c) A combination of laws or regulations and collective agreements between employers and workers.

5. Appropriate measures to be taken to encourage co-operation between the competent public authorities and the employers' and workers' organizations concerned for the purpose of giving effect to the provisions of these regulations.

### III. METHODS OF APPLICATION

6. Appropriate action to be taken, after consultation with the workers or with representatives of the workers' organizations concerned—

- (a) To ensure the application of the principle of equal remuneration for men and women workers for work of equal value to all employees of central Government Departments or agencies, and
- (b) To encourage, in accordance with paragraph 3 of these regulations, its application to employees of State, provincial or local government departments or agencies, where these have jurisdiction over rates of remuneration.

7. Appropriate action to be taken, after consultation with the representatives of the employers' and workers' organizations concerned, to ensure, as rapidly as practicable, the application of the principle of equal remuneration for men and women workers for

work of equal value in all occupations, other than those mentioned in paragraph 6, in which rates of remuneration are subject to statutory regulation or public control, particularly as regards—

- (a) The establishment of minimum or other wage rates in industries and services where such rates are fixed under public authority ;
- (b) Industries and undertakings operated under public ownership or control : and
- (c) Work executed under the terms of public contracts.

8. (1) Where suitable to established procedures for wage fixing, provision to be made by legal enactment for the general application of the principle of equal remuneration for men and women workers for work of equal value.

(2) National laws and regulations may make provision for specific exceptions to the scope of such legal enactment to be made after consultation with the employers' and workers' organizations concerned.

(3) Provision to be made that the competent public authority should take all necessary and appropriate measures to ensure that employers and workers are fully informed as to such legal requirements, and, where appropriate, advised on their application.

9. When, after consultation with the organizations of workers and employers concerned, where such organizations exist, it is not deemed feasible immediately to implement the principle of equal remuneration for men and women workers for work of equal value, in the fields covered by paragraphs 6, 7 and 8, appropriate provisions to be made or caused to be made for its gradual application, by such measures as :—

- (a) Decreasing the differentials between men's and women's wage or salary rates for work of equal value ;
- (b) Providing equal increments for men and women workers performing work of equal value where a system of increments is in force.

10. (1) In order to facilitate the determination of wage rates in accordance with the principle of equal remuneration for men and women workers for work of equal value, each member, in agreement with the representatives of the employers' and workers' organizations concerned, to undertake or cause to be undertaken, where appropriate, the establishment of methods for evaluating job content, whether by job analysis or by other procedures, with a view to providing a classification of jobs based on their various requirements, without regard to the sex of the worker ; the application of the methods developed to be in conformity with the provisions of paragraph 4.

(2) Differential rates between men and women workers which correspond to differences in job content as so determined to be considered as being in accordance with the principle of equal remuneration for men and women workers for work of equal value.

11. In order to facilitate the application of the principle of equal remuneration for men and women workers for work of equal value, appropriate action to be taken to raise, where necessary, the productive efficiency of women workers and to limit the effects of the factors accounting for their relatively low level of remuneration by such measures as—

- (a) Ensuring that workers of both sexes have equal or equivalent facilities for vocational guidance or employment counselling, vocational training and placement ;
- (b) Taking appropriate measures to encourage women to use facilities for vocational guidance or employment counselling, vocational training and placement ;
- (c) Providing welfare and social services which meet the needs of women workers, particularly those with family responsibilities, and financing such services from public funds and/or from industrial welfare funds covering all workers ; and

- (d) Promoting, without prejudice to the provisions of International Labour Conventions and Recommendations and of national laws and regulations concerning the employment of women, equality of men and women workers as regards access to occupations and posts.

12. In view of the importance of appraising objectively the position of the problem in the country concerned—

- (a) Every effort to be made to promote public understanding of the equity and usefulness of the principle of equal remuneration for men and women workers for work of equal value ; and
- (b) Such investigations as may be desirable to be undertaken with a view to the application of the principle.

#### RESOLUTION FOR THE CONFERENCE

The Conference,

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

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention and/or a Recommendation relating to equal remuneration for men and women workers for work of equal value,

Decides to place on the Agenda of its next general session the question of equal remuneration for men and women workers for work of equal value with a view to final decision on a Convention and/or a Recommendation on the subject.

### APPENDIX No. 5—CONCLUSIONS OF COMMITTEE ON AGRICULTURAL LABOUR AND MINIMUM WAGE REGULATION AS ADOPTED BY THE CONFERENCE

#### I. FORM OF THE INTERNATIONAL REGULATIONS

1. International regulations concerning minimum wage fixing machinery in agriculture to be adopted in the form of a Convention.
2. The proposed Convention to be supplemented by a Recommendation on the subject.

#### II. CONCLUSIONS RELATING TO A CONVENTION CONCERNING MINIMUM WAGE FIXING MACHINERY IN AGRICULTURE

##### *Scope of the Convention*

1. The Convention to apply to persons employed in agricultural undertakings as well as those in occupations related thereto.
2. In each country the competent authority to determine, after consultation with the most representative organizations of employers and workers concerned, where they exist, what undertakings, occupations and categories of persons are covered by the preceding paragraph.
3. Certain categories of persons, for example, the members of the farmer's family employed by him, whose conditions of service render certain provisions of the Convention inappropriate or inapplicable to them, to be excluded from the application of such provisions.
4. National laws or regulations, collective agreements or decisions of arbitration boards, to be permitted to authorize part payment of wages in kind. Where payment in kind is not customary or desirable, then no payment in kind to be made.

5. In cases where partial payment of wages in form of allowances is authorized, appropriate measures to be taken to ensure that—

- (a) Such allowances are appropriate for the personal use and benefit of the worker and his family ;
- (b) The value attributed to such allowances is fair and reasonable.

### *Machinery*

6. The Convention not to lay down the method or methods by which the minimum wage should be fixed, but to be confined to laying down general principles to be observed by the Governments, which should, however, be at liberty to choose their own methods.

7. The methods by which the minimum wage should be fixed to make provision for full preliminary consultation with the most representative organizations of employers and workers concerned, where they exist, and with any other persons specially qualified by their trade or functions to be usefully consulted.

8. The employers and workers concerned to be associated in the operation of, to be consulted by or to have the right to appear before, as the case may be, the minimum wage fixing machinery in such manner and to such extent as may be determined by national laws or regulations, but in any case, in equal numbers and on equal terms.

9. Minimum rates of wages fixed to be binding on the employers and workers concerned so as not to be subject to abatement by them by individual agreement, nor, except with general or particular authorization of the competent authority, by collective agreement.

### *Enforcement*

10. The Convention to lay down that the necessary measures adapted to the particular conditions obtaining in agriculture should be introduced in the form of a system of supervision, including sanctions, in order to ensure that employers and workers are informed of the rates fixed and that the wages actually paid are not less than the minimum rates.

11. The Convention to contain a provision to the effect that any worker who has received less than the minimum wage is entitled to recover the sum due to him, subject to such limitation of time as may be determined by the national laws or regulations.

### *Annual Reports on Application*

12. The Convention to contain a provision to the effect that the Governments should communicate to the International Labour Office a list of categories of workers covered by the system of fixing minimum wages, the approximate number of workers covered and a general statement on the minimum rates of wages and other conditions established.

## III. CONCLUSIONS RELATING TO A RECOMMENDATION CONCERNING MINIMUM WAGE FIXING MACHINERY IN AGRICULTURE

1. The Recommendation to indicate the bases to be adopted in determining the minimum rates of wages in agriculture as follows :—

- (a) For the purpose of determining the minimum rates of wages to be fixed, the wage fixing body should in any case take account of the necessity for enabling the workers concerned to maintain a suitable standard of living.
- (b) Among the factors to be taken into consideration in the fixing of minimum wage rates are the following : the cost of living, fair and reasonable value of services rendered, wages paid for similar or comparable work under collective bargaining agreements in agriculture, and the general level of wages for work of a comparable skill in other industries where the workers are sufficiently organized.

2. Whatever form it may assume, the minimum wage fixing machinery in agriculture to include provision for investigation into conditions in agriculture and occupations related thereto, and make provision for consulting the parties who are primarily and principally concerned, namely, employers and workers, or their most representative organizations, where they exist. In all cases, the opinion of both parties to be sought on all questions concerning minimum wage fixing, and due weight given to their opinion.

3. To give more authority to the rate fixed, in cases where the machinery adopted for fixing minimum wages makes it possible, the workers and employers concerned to be enabled to participate directly and on an equal footing in the operation of such machinery through their representatives, who should be equal in number or have an equal number of votes.

4. In order that the employers' and workers' representatives should enjoy the confidence of those whose interests they represent, in the cases referred to in paragraph 3 above, the employers and workers concerned to have the right, in so far as circumstances permit, to participate in the nomination of the representatives and the then existing employers' and workers' organizations to be invited to submit the names of persons proposed by them.

5. In the case where the machinery for minimum wage fixing provides for a participation of independent persons, whether for arbitration or otherwise, these to be chosen from persons of either sex who possess the necessary qualifications for carrying out their functions and who have no such interest in agriculture or in any branch thereof as would give rise to doubts as to their impartiality.

6. Provision to be made for the procedure of revising minimum wage rates.

7. In order to provide effective protection for the wages of the workers concerned, the methods of enforcing the payment of wages not less than the minimum fixed wages to include—

- (a) Measures for informing employers and workers of existing wage rates ;
- (b) Official supervision of the wages actually paid ;
- (c) Sanction in the case of infringement of existing rates and measures to prevent such infringements.

8. The wage fixing body should be required to publicize their findings, in the manner most appropriate to the national circumstances, in order that both employers and workers may be fully apprised of the terms of the findings.

9. A sufficient number of inspectors to be employed, either specialized or not, with similar powers to those which were proposed for labour inspectors in the Recommendation concerning the general principles for the organization of systems of inspection, adopted by the General Conference in 1923 ; these inspectors to carry out inquiries among the employers and workers concerned so as to ascertain whether the wages actually paid are in conformity with the rates to be enforced and, if need be, to take any steps which may be authorized in the case of infringement of the rate fixed.

In order to enable the inspectors to carry out their duties efficiently, employers, where appropriate or necessary in the opinion of the competent authority, to be compelled to keep complete and exact documents of the wages paid by them, and to be required also to issue the workers with pay books or similar documents containing the information necessary for verifying whether the wages actually paid are in conformity with existing rates.

10. In cases where workers are, generally speaking, unable themselves to insist on their right to recover the full wage due to them under the existing rates, by due process of law, such other measures as may appear suitable for preventing or checking infringement of the rates fixed, to be provided for.

## IV. RESOLUTION BY THE CONFERENCE

The Conference,

Having approved the report of the Committee appointed to examine Item VII on its Agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention and a Recommendation relating to the adoption of minimum wage fixing machinery in agriculture,

Decides to place on the Agenda of its next general session the question of minimum wage fixing machinery in agriculture with a view to final decision on a Convention and a Recommendation on the subject.

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## APPENDIX No. 6.—TEXT OF THE RECOMMENDATION CONCERNING THE VOCATIONAL TRAINING OF ADULTS INCLUDING DISABLED PERSONS

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 33rd session on 7 June 1950, and

Having noted that the Conference has already adopted certain provisions concerning the problem of vocational training, in general and certain special aspects thereof, and

Having decided upon the adoption of certain proposals with regard to the vocational training of adults including disabled persons, which is the ninth item on the agenda of the session, and

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

adopts this 30th day of June of the year one thousand nine hundred and fifty the following Recommendation, which may be cited as the Vocational Training (Adults) Recommendation, 1950.

## I. DEFINITIONS

1. For the purpose of this Recommendation—

- (a) The expression “vocational training” means any form of training for employment by means of which technical, trade or supervisory knowledge or skill can be acquired or developed, whether the training is given inside or outside an undertaking, and includes retraining; and
- (b) The expression “production worker” includes any individual employed in or training for employment in any branch of economic activity in any capacity other than a supervisory or managerial capacity.

## II. PRINCIPLES OF TRAINING

2. (1) Vocational training of adults should be studied, worked out and developed in accordance with the situation and trend of the employment market, the efforts to improve or increase production, and the possibilities of absorbing trainees into suitable employment.

(2) Vocational training of adults should be studied, worked out and developed in co-operation with employers' and workers' organizations where such exist and adequate arrangements for such co-operation can be made.

3. Training should, as far as possible, provide adults with background knowledge related to the occupations they are learning and to the industries in which they wish to be employed, with a view, in particular, to facilitating upgrading.

4. Training of unemployed adults should not be used as a substitute for unemployment insurance or assistance systems but should be used to facilitate the re-employment of unemployed workers who require training in order to find suitable employment.

### III. SCOPE OF TRAINING

5. (1) Appropriate training facilities should, as far as possible, be made available for adults, either by adapting training facilities for young persons or by setting up special facilities or by both methods.

(2) Such facilities should be organized, in accordance with the principles and methods set forth in the present Recommendation, in a manner which takes due account of national circumstances, the needs of the different branches of economic activity, and the interests of the workers.

(3) Such facilities should be sufficiently developed to include appropriate arrangements for initial, refresher, supplementary and upgrading training.

(4) Such facilities should include, *inter alia*, appropriate provision for the training of the following categories of persons—

- (a) Demobilized persons and war victims who need training in order to find suitable employment ;
- (b) Disabled persons who need training in order to find suitable employment ;
- (c) Unemployed adults who are unlikely to find further employment in their own occupations or who need training in order to help them secure re-employment in their own occupations ;
- (d) Adults who wish to learn an occupation in which there is a long-term manpower shortage ;
- (e) Workers who become redundant in their occupations as a result of technological developments ;
- (f) Adults in over-manned occupations who wish to prepare for employment in other occupations ;
- (g) Adults who seek to emigrate under Government-sponsored migration arrangements and who need training in order to adapt their skill to the employment situation in a country of immigration ;
- (h) Immigrants admitted for employment who need training to adapt their skill to the employment situation in the country of immigration.

6. Priorities in admission to training facilities for adults outside the undertakings should be established, where necessary, according to the public interest.

7. Suitable training facilities should be made available for both production workers and supervisors.

8. Women as well as men should have access to training facilities for adults.

### IV. METHODS OF TRAINING

#### *Training of Production Workers*

9. (1) Vocational selection should precede admission to training.

(2) Such selection should be designed to determine the most suitable occupation for the worker and should include, as appropriate in individual cases and with suitable safeguards for the worker, an analysis of physical and mental capacity and of vocational experience, aptitudes and interests.

10. The training programme for each occupation should be worked out, in co-operation with employers' and workers' organizations where such exist, on the basis of a systematic analysis of the operations, skills, knowledge and safety factors involved in that occupation.

11. The duration of training should be determined having regard to—

- (a) The level of skill to be attained at the end of training,
- (b) The need to prepare adults as rapidly as possible for entry into productive work, or
- (c) Both of the above factors.

12. Measures should be adopted to provide systematic supervision of trainees as an important factor in ensuring effective training.

### *Training in Undertakings*

13. (1) Employers should be encouraged to take measures, either individually or in co-operation with other employers, to provide training for adults in accordance with their employment requirements and to such an extent as the technical operating conditions of their undertakings permit.

(2) The training referred to in (1) above should be given in particular—

- (a) On the job, or
- (b) In normal workplaces but not on the job, or
- (c) In separate workshops, or
- (d) In such places other than workplaces or workshops as are best suited to the needs of training, or
- (e) By a combination of these methods, according to the type and aim of the training and the technical possibilities of the undertaking.

14. Where training is given on the job—

- (a) Production work assigned to trainees should have real training value; and
- (b) Trainees should work under supervisors or skilled workers able to train them.

15. Where training is not on the job, such training should, once the necessary period of initiation has elapsed, be provided in conditions approximating as closely as possible to those prevailing in ordinary employment and should include, whenever possible, performance of actual production operations or operations of the same nature.

16. (1) Where the theoretical instruction needed for acquiring the necessary skill in the occupation being taught cannot be provided in the undertaking, trainees should be enabled to obtain such instruction outside the undertaking without suffering loss of wages.

(2) In such cases close co-operation should be maintained between the undertaking and the institution providing the instruction.

17. Adult workers in training should be adequately remunerated in accordance with criteria established by law or regulation, by collective agreement or by the rules of the undertaking concerned.

### *Training Outside Undertakings*

18. (1) Where training needs are not provided for within undertakings, the competent authority should take the necessary measures to ensure that training facilities are provided elsewhere.

(2) In such cases, the training—

- (a) Should be provided in conditions approximating as closely as possible to those which exist in the undertakings;
- (b) Should, subject to necessary safeguards against competition which would not be acceptable to employers or workers, include production work or similar work so far as is compatible with the requirements of training.



(3) With a view to ensuring that the methods and content of training are adapted to the requirements of industry and changes in technique, close co-operation should be maintained between training centres or other institutions, the employers' and workers' organizations concerned and the undertakings likely to employ trainees.

(4) Training should enable trainees to attain minimum work speed and skill and should include or be followed by a period of practical experience so that the trainees may acquire normal work speed and skill on the job.

19. (1) During training provided by or approved by the competent authority, adults not in receipt of remuneration should receive adequate allowances from the competent authority fixed with due regard for—

- (a) Any unemployment benefit or any other allowance which they may receive ;
- (b) Other factors, such as age, family responsibilities, cost of living in the district concerned, and special personal expenses connected with the training, *e.g.*, for transport or housing ;
- (c) The need to encourage adults to undertake and complete training in accordance with the requirements of the employment market.

(2) Adults desiring to take vocational training without financial assistance should in appropriate cases be permitted to do so.

### *Training of Supervisors*

20. The competent authority should, in co-operation with the employers' and workers' organizations concerned, take all useful and desirable measures to facilitate the development of the most effective training methods.

21. Close co-ordination of public and private activities relating to the training of supervisors should be developed.

22. Programmes for training supervisors should be worked out on the basis of systematic analysis of supervisory functions.

23. (1) Facilities should be made available so that persons filling or designated for supervisory positions may receive training, particularly in—

- (a) Methods of work ;
- (b) Human relations in employment ;
- (c) Co-ordination at the different levels of the undertaking ;
- (d) Teaching methods ;
- (e) Adaptation to duties of responsibility implying mutual trust with respect to professional matters.

(2) Such training should be provided primarily by any or all of the following methods :—

- (a) Discussion groups with demonstration and analysis of practical examples ;
- (b) Training on the job ;
- (c) Lectures ;
- (d) Class instruction.

(3) Such training should be organized and developed, *inter alia*, by any or all of the following means :—

- (a) Special courses in universities and technical schools ;
- (b) Institutions specially responsible for providing such training ;
- (c) Appropriate training within the undertakings ;
- (d) Methods aimed at accelerated training.

### *Recruitment and Training of Instructors*

24. (1) The competent authority should, in co-operation with employers' and workers' organizations and other bodies concerned, take any necessary steps to set standards relating to the minimum qualifications required of instructors responsible for the training of adults in specialized centres or institutions, whether public or private.

(2) Such standards should relate, *inter alia*, to—

- (a) Technical competence and general education ;
- (b) Practical experience in the occupations to be taught ;
- (c) Age ;
- (d) Aptitude for training adults.

(3) The competent authority should ensure the application of these standards in training centres or institutions established, supervised or subsidized by public authorities, and should recommend their application in all other centres or institutions.

25. (1) Instructors responsible for training adults should be given specialized training including training of a theoretical and technical nature and training in human relations with a view to developing their technical and teaching skills.

(2) Such training should include, as required, in particular—

- (a) Initial training ;
- (b) Supplementary training or refresher courses ; and
- (c) At regular intervals, practical work in undertakings.

(3) The competent authority should take measures to encourage and develop such training.

## V. TRAINING OF DISABLED PERSONS

26. The principles, measures and methods of training set forth in this Recommendation should apply to all disabled persons in so far as medical and educational conditions permit.

27. (1) Measures should be taken to ensure that disabled adults have access to adequate and appropriate training facilities.

(2) Disabled persons should have access to such facilities whatever the origin and nature of their disability and whatever their age, so long as there are reasonable possibilities of training and employment.

28. (1) The training of disabled persons should, wherever possible, enable those concerned to carry on an economic activity in which they can use their vocational qualifications or aptitudes in the light of employment prospects.

(2) For this purpose, such training should be—

- (a) Co-ordinated with selective placement, under medical advice, in occupations suited to the nature of the disability and in which the performance of the work involved is to the least possible degree affected by the disability ;
- (b) Provided, wherever possible, in the occupation in which the disabled person was previously employed or in a related occupation ; and
- (c) Continued until the disabled person has acquired the skill necessary for working normally on an equal basis with able bodied workers if he is capable of doing so.

29. (1) Where necessary training of disabled persons should be preceded by suitable medical rehabilitation.

(2) Such rehabilitation should be designed to facilitate the subsequent training of the disabled persons concerned, and should include, as appropriate, the supply of suitable prosthetic appliances, psychological treatment, and physical and occupational therapy.

(3) In appropriate cases, training of disabled persons should be commenced during medical rehabilitation.

30. As appropriate, medical supervision of disabled persons should be provided during training.

31. Wherever possible, disabled persons should receive training in company with and in the same conditions as able-bodied persons.

32. Special facilities should be set up or developed for training disabled persons who by reason of the nature of their disability cannot be trained in company with able-bodied persons.

33. Measures should be taken to encourage employers to provide training for disabled persons; such measures should include, as appropriate, financial, technical, medical or vocational assistance.

34. Policy relating to the training of disabled persons should be formulated and applied on the basis of close co-operation among the bodies concerned with medical rehabilitation, social security, vocational guidance, training and employment of disabled persons, and in co-operation with employers' and workers' organizations.

## VI. ORGANIZATION AND ADMINISTRATION

35. (1) Appropriate co-ordinated programmes for the training of adults should be drawn up, developed and revised periodically by or on the initiative of the competent authority in co-operation with the employers' and workers' organizations representing the branches of economic activity concerned, and taking into account national, regional and local conditions.

(2) Such programmes should be co-ordinated with other aspects of the general programme for vocational training.

36. (1) The competent authority should, in co-operation and by agreement with the employers' and workers' organizations concerned, take all necessary and desirable measures to facilitate and co-ordinate the development of public and private activities relating to the training of adults.

(2) Such measures should include, as appropriate—

(a) Determination of the scope and character of training requirements and of the facilities available;

(b) Setting of standards relating to the conditions and methods of training;

(c) Establishment of curricula for training in the different industries and occupations;

(d) Technical assistance to the organizations and undertakings providing training;

(e) Financial assistance to such organizations and undertakings.

37. (1) The responsibility of public authorities for the training of adults should be clearly defined.

(2) Such responsibility should be entrusted—

(a) To one authority, or

(b) To several authorities the activities of which should be closely co-ordinated.

38. Close and continuous co-operation should be maintained between the public employment service, the training services and the employers' and workers' organizations concerned, in particular to recruit adults for training and to place them at the end of training.

39. (1) Training should be developed with the assistance of advisory committees set up at the national, regional and local levels as necessary, and composed of representatives of the authorities and bodies concerned, including employers' and workers' organizations.

(2) Such committees should be responsible for advising, in particular—

(a) At the national level, on the development of policy and programmes for training of adults;

(b) At the regional and local levels, on the application of measures taken nationally, their adaptation to regional and local conditions and the co-ordination of regional and local activities.

40. (1) The competent authority should encourage the development of industry advisory committees to assist in applying training programmes for adults in the industry which they represent.

(2) Measures should be taken to ensure participation of employers' and workers' organizations in carrying out policy relating to the training of adults, for example, by the participation of their representatives, in either an executive or advisory capacity, in the bodies responsible for managing schools or centres for the training of adults or supervising their technical operation.

(3) The competent authority should encourage employers to co-operate with representatives of workers employed in their undertakings in the carrying out of training programmes therein.

#### VII. INTERNATIONAL CO-OPERATION IN THE TRAINING OF ADULTS

41. (1) The States members should co-operate, where necessary and practicable, and where desired with the help of the International Labour Office, in measures to promote the training of adults.

(2) Such co-operation should include, for example, action on terms to be mutually agreed between the countries concerned, to promote training by such methods as—

- (a) The provision in one country of training facilities for selected personnel from another country to enable them to acquire skill and experience not available in their own country ;
- (b) The loan of experienced personnel from one country to another to help organize training ;
- (c) The preparation and provision of handbooks and other materials for training ;
- (d) The exchange of qualified personnel ; and
- (e) The systematic exchange of information on training questions.

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