

for the regulation of labour conditions, each member is solely responsible for the execution of Conventions to which it is a party in the territory under its sovereignty or its authority, and must accordingly itself determine in accordance with local conditions what measures of supervision may enable it to assume such a responsibility: Whereas, in order to put the experience already gained at the disposal of the members with a view to assisting them in the institution or reorganization of their inspection system, it is desirable to indicate the general principles which practice shows to be the best calculated to ensure uniform, thorough, and effective enforcement of Conventions, and more generally of all measures for the protection of the workers; and, having decided to leave to each country the determination of how far these general principles should be applied to certain spheres of activity, and taking as a guide the long experience already acquired in factory inspection, the General Conference recommends that each member of the International Labour Organization should take the following principles and rules into consideration :—

I. SPHERE OF INSPECTION.

1. That it should be the principal function of the system of inspection which should be instituted by each member in accordance with the ninth principle of Article 427 of the Treaty of Versailles to secure the enforcement of the laws and regulations relating to the conditions of work and the protection of the workers while engaged in their work (hours of work and rest; night-work; prohibition of the employment of certain persons on dangerous, unhealthy, or physically unsuitable work; health and safety, &c.).

2. That, in so far as it may be considered possible and desirable, either for reasons of convenience in the matter of supervision or by reason of the experience which they gain in carrying out their principal duties, to assign to Inspectors additional duties, which may vary according to the conceptions, traditions, and customs prevailing in the different countries, such duties may be assigned, provided—(a) That they do not in any way interfere with the Inspectors' principal duties; (b) that in themselves they are closely related to the primary object of ensuring the protection of the health and safety of the workers; (c) that they shall not prejudice in any way the authority and impartiality which are necessary to Inspectors in their relations with employers and workers.

II. NATURE OF THE FUNCTIONS AND POWERS OF INSPECTORS.

A. General.

3. That Inspectors provided with credentials should be empowered by law—(a) To visit and inspect, at any hour of the day or night, places where they may have reasonable cause to believe that persons under the protection of the law are employed, and to enter by day any place which they may have reasonable cause to believe to be an establishment, or part thereof, subject to their supervision; provided that, before leaving, Inspectors should, if possible, notify the employer or some representative of the employer of their visit; (b) to question, without witnesses, the staff belonging to the establishment, and, for the purpose of carrying out their duties, to apply for information to any other persons whose evidence they may consider necessary, and to require to be shown any registers or documents which the laws regulating conditions of work require to be kept.

4. That Inspectors should be bound by oath, or by any method which conforms with the administrative practice or customs in each country, not to disclose, on pain of legal penalties or suitable disciplinary measures, manufacturing secrets, and working processes in general, which may come to their knowledge in the course of their duties.

5. That, regard being had to the administrative and judicial systems of each country, and subject to such reference to superior authority as may be considered necessary, Inspectors should be empowered to bring breaches of the laws which they ascertain directly before the competent judicial authorities; that in countries where it is not incompatible with their system and principles of law the reports drawn up by the Inspectors shall be considered to establish the facts stated therein in default of proof to the contrary.

6. That the Inspectors should be empowered, in cases where immediate action is necessary to bring installation or plant into conformity with laws and regulations, to make an order (or, if that procedure should not be in accordance with the administrative or judicial systems of the country, to apply to the competent authorities for an order) requiring such alterations to the installation or plant to be carried out within a fixed time as may be necessary for securing full and exact observance of the laws and regulations relating to the health and safety of the workers; that in countries where the Inspector's order has executive force of itself its execution should be suspended only by appeal to a higher administrative or judicial authority, but in no circumstances should provisions intended to protect employers against arbitrary action prejudice the taking of measures with a view to the prevention of imminent danger which has been duly shown to exist.

B. Safety.

7. Having regard to the fact that while it is essential that the inspectorate should be invested with all the legal powers necessary for the performance of its duties, it is equally important, in order that inspection may progressively become more effective, that, in accordance with the tendency manifested in the oldest and most experienced countries, inspection should be increasingly directed towards securing the adoption of the most suitable safety methods for preventing accidents and diseases, with a view to rendering work less dangerous, more healthy, and even less exhausting, by the intelligent understanding, education, and co-operation of all concerned, it would appear that the following methods are calculated to promote this development in all countries :—