

INTERNATIONAL LABOUR CONFERENCE.

DRAFT CONVENTION CONCERNING THE REGULATION OF CERTAIN SPECIAL SYSTEMS OF RECRUITING WORKERS.

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 Twentieth Session on 4th June, 1936, and having decided upon the adoption of certain proposals with regard to the regulation of certain special systems of recruiting workers, which is the first item on the agenda of the session, and having determined that these proposals shall take the form of a Draft International Convention, adopts, this twentieth day of June, of the year one thousand nine hundred and thirty-six, the following Draft Convention, which may be cited as the Recruiting of Indigenous Workers Convention, 1936 :—

Article 1.

Each member of the International Labour Organization which ratifies this Convention undertakes to regulate in accordance with the following provisions the recruiting of indigenous workers in each of its territories in which such recruiting exists or may hereafter exist.

Article 2.

For the purposes of this Convention—

- (a) The term “recruiting” includes all operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at the place of employment or at a public emigration or employment office or at an office conducted by an employers’ organization and supervised by the competent authority ;
- (b) The term “indigenous workers” includes workers belonging to or assimilated to the indigenous populations of the dependent territories of Members of the Organization and workers belonging to or assimilated to the dependent indigenous populations of the home territories of Members of the Organization.

Article 3.

Where the circumstances make the adoption of such a policy desirable, the following classes of recruiting operations may, except when undertaken by persons or associations engaged in professional recruiting, be exempted from the application of the Convention by the competent authority :—

- (a) Operations undertaken by or on behalf of employers who do not employ more than a prescribed limited number of workers ;
- (b) Operations undertaken within a prescribed limited radius from the place of employment ; and
- (c) Operations for the engagement of personal and domestic servants and of non-manual workers.

Article 4.

Before approving for any area any scheme of economic development which is likely to involve the recruiting of labour, the competent authority shall take such measures as may be practicable and necessary—

- (a) To avoid the risk of pressure being brought to bear on the populations concerned by or on behalf of the employers in order to obtain the labour required ;
- (b) To ensure that, as far as possible, the political and social organization of the populations concerned and their powers of adjustment to the changed economic conditions will not be endangered by the demand for labour ; and
- (c) To deal with any other possible untoward effects of such development on the populations concerned.

Article 5.

1. Before granting permission to recruit labour in any area, the competent authority shall take into consideration the possible effects of the withdrawal of adult males on the social life of the population concerned, and in particular shall consider—

- (a) The density of the population, its tendency to increase or decrease, and the probable effect upon the birth-rate of the withdrawal of adult males ;
- (b) The possible effects of the withdrawal of adult males on the health, welfare, and development of the population concerned, particularly in connection with the food-supply ;
- (c) The dangers to the family and morality arising from the withdrawal of adult males ; and
- (d) The possible effects of the withdrawal of adult males on the social organization of the population concerned.

2. Where the circumstances make the adoption of such a policy practicable and necessary, the competent authority shall, in order to safeguard the populations concerned against any untoward consequences of the withdrawal of adult males, fix the maximum number of adult males who may be recruited in any given social unit in such manner that the number of adult males remaining in the said unit does not fall below a prescribed percentage of the normal proportion of adult males to women and children.