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INTERNATIONAL LABOUR
CONFERENCE

CONVENTIONS
AND
RECOMMENDATIONS

1919-1937



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PREFACE

The texts contained in this volume are reprinted from the authentic texts, deposited with the Secretary-General of the League of Nations, of the Conventions and Recommendations adopted by the International Labour Conference in the course of the twenty-three Sessions which have been held from 1919 to 1937. The order in which they are printed is the order in which they were adopted at each successive Session of the Conference.

In all cases the Draft Conventions, with the exception of No. 31 (Fifteenth Session, 1931), Nos. 39 and 40 (Seventeenth Session, 1933), Nos. 46 and 47 (Nineteenth Session, 1935), Nos. 50-52 (Twentieth Session, 1936), Nos. 53-57 (Twenty-first Session, 1936), No. 58 (Twenty-second Session, 1936) and Nos. 59-62 (Twenty-third Session, 1937), have become Conventions by the registration of the requisite number of ratifications specified in the text. For convenience of reference, a footnote to each Convention gives the date upon which it came into force, and the names of the States which had ratified the Convention on 1 September 1937.

The table of contents has been divided to show separately the Conventions and Recommendations, and an index in which the Conventions and Recommendations are classified according to their subject matter is added at the end of the volume.

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FIRST SESSION

(Closing date, 27 January 1920.)

**Convention [No. 1] limiting the hours of work
in industrial undertakings to eight in the day and forty-eight
in the week¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "application of the principle of the 8-hours day or of the 48-hours week," which is the first item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St-Germain of 10 September, 1919:

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

¹ This Convention came into force on 13 June 1921. It had been ratified on 1 September 1937 by 22 States: Argentina, Austria (conditional), Belgium, Bulgaria, Canada, Chile, Colombia, Cuba, Czechoslovakia, Dominican Republic, France (conditional), Greece, India, Italy (conditional), Latvia (conditional), Lithuania, Luxemburg, Nicaragua, Portugal, Rumania, Spain and Uruguay.

(d) Transport of passengers or goods by road, rail, sea or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

The provisions relative to transport by sea and on inland waterways shall be determined by a special conference dealing with employment at sea and on inland waterways.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week, with the exceptions hereinafter provided for.

(a) The provisions of this Convention shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity.

(b) Where by law, custom, or agreement between employers' and workers' organisations, or, where no such organisations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent public authority, or by agreement between such organisations or representatives; provided, however, that in no case under the provisions of this paragraph shall the daily limit of eight hours be exceeded by more than one hour.

(c) Where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

ARTICLE 3.

The limit of hours of work prescribed in Article 2 may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of "force majeure", but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

ARTICLE 4.

The limit of hours of work prescribed in Article 2 may also be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average. Such

regulation of the hours of work shall in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day.

ARTICLE 5.

In exceptional cases where it is recognised that the provisions of Article 2 cannot be applied, but only in such cases, agreements between workers' and employers' organisations concerning the daily limit of work over a longer period of time may be given the force of regulations, if the Government, to which these agreements shall be submitted, so decides.

The average number of hours worked per week, over the number of weeks covered by any such agreement shall not exceed forty-eight.

ARTICLE 6.

Regulations made by public authority shall determine for industrial undertakings :

(a) The permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent.

(b) The temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work.

These regulations shall be made only after consultation with the organisations of employers and workers concerned, if any such organisations exist. These regulations shall fix the maximum of additional hours in each instance, and the rate of pay for overtime shall not be less than one and one-quarter times the regular rate.

ARTICLE 7.

Each Government shall communicate to the International Labour Office :

(a) A list of the processes which are classed as being necessarily continuous in character under Article 4 ;

(b) Full information as to working of the agreements mentioned in Article 5 ; and

(c) Full information concerning the regulations made under Article 6 and their application.

The International Labour Office shall make an annual report thereon to the General Conference of the International Labour Organisation.

ARTICLE 8.

In order to facilitate the enforcement of the provisions of this Convention, every employer shall be required :

(a) To notify by means of the posting of notices in conspicuous places in the works or other suitable place, or by such other method as may be approved by the Government, the hours at which work begins and ends, and where work is carried on by shifts, the hours at which each shift begins and ends. These hours shall be so fixed that the duration of the work shall not exceed the limits prescribed by this Convention, and when so notified they shall not be changed except with such notice and in such manner as may be approved by the Government.

(b) To notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours.

(c) To keep a record in the form prescribed by law or regulation in each country of all additional hours worked in pursuance of Articles 3 and 6 of this Convention.

It shall be made an offence against the law to employ any person outside the hours fixed in accordance with paragraph (a), or during the intervals fixed in accordance with paragraph (b).

ARTICLE 9.

In the application of this Convention to Japan the following modifications and conditions shall obtain :

(a) The term "industrial undertaking" includes particularly—
The undertakings enumerated in paragraph (a) of Article 1 ;

The undertakings enumerated in paragraph (b) of Article 1, provided there are at least ten workers employed ;

The undertakings enumerated in paragraph (c) of Article 1, in so far as these undertakings shall be defined as "factories" by the competent authority ;

The undertakings enumerated in paragraph (d) of Article 1, except transport of passengers or goods by road, handling of goods at docks, quays, wharves, and warehouses, and transport by hand ; and

Regardless of the number of persons employed, such of the undertakings enumerated in paragraphs (b) and (c) of Article 1 as may be declared by the competent authority either to be highly dangerous or to involve unhealthy processes.

(b) The actual working hours of persons of fifteen years of age or over in any public or private industrial undertaking, or in any branch thereof, shall not exceed fifty-seven in the week, except that in the raw-silk industry the limit may be sixty hours in the week.

(c) The actual working hours of persons under fifteen years of age in any public or private industrial undertaking, or in any

branch thereof, and of all miners of whatever age engaged in underground work in the mines, shall in no case exceed forty-eight in the week.

(*d*) The limit of hours of work may be modified under the conditions provided for in Articles 2, 3, 4 and 5 of this Convention, but in no case shall the length of such modification bear to the length of the basic week a proportion greater than that which obtains in those Articles.

(*e*) A weekly rest period of twenty-four consecutive hours shall be allowed to all classes of workers.

(*f*) The provision in Japanese factory legislation limiting its application to places employing fifteen or more persons shall be amended so that such legislation shall apply to places employing ten or more persons.

(*g*) The provisions of the above paragraphs of this Article shall be brought into operation not later than 1 July, 1922, except that the provisions of Article 4 as modified by paragraph (*d*) of this Article shall be brought into operation not later than 1 July, 1923.

(*h*) The age of fifteen prescribed in paragraph (*c*) of this Article shall be raised, not later than 1 July, 1925, to sixteen.

ARTICLE 10.

In British India the principle of a sixty-hour week shall be adopted for all workers in the industries at present covered by the factory acts administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of Articles 6 and 7 of this Convention. In other respects the provisions of this Convention shall not apply to India, but further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference.

ARTICLE 11.

The provisions of this Convention shall not apply to China, Persia and Siam, but provisions limiting the hours of work in these countries shall be considered at a future meeting of the General Conference.

ARTICLE 12.

In the application of this Convention to Greece, the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July, 1923, in the case of the following industrial undertakings :

- (1) Carbon-bisulphide works,
- (2) Acids works,
- (8) Tanneries,
- (4) Paper mills,
- (5) Printing works,
- (6) Sawmills,
- (7) Warehouses for the handling and preparation of tobacco,
- (8) Surface mining,
- (9) Foundries,
- (10) Lime works,
- (11) Dye works,
- (12) Glassworks (blowers),
- (13) Gas works (firemen),
- (14) Loading and unloading merchandise ;

and to not later than 1 July, 1924, in the case of the following industrial undertakings :

(1) Mechanical industries : Machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus ;

(2) Constructional industries : Lime-kilns, cement works, plasterers' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work ;

(8) Textile industries : Spinning and weaving mills of all kinds except dye works ;

(4) Food industries : Flour and grist-mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughterhouses, and butcher shops ;

(5) Chemical industries : Manufactories of synthetic colours, glassworks (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, gas works (except the firemen) ;

(6) Leather industries : Shoe factories, manufactories of leather goods ;

(7) Paper and printing industries : Manufactories of envelopes, record books, boxes, bags, bookbinding, lithographing, and zinc-engraving shops ;

(8) Clothing industries : Clothing shops, underwear and trimmings, workshops for pressing, workshops for bed coverings, artificial flowers, feathers, and trimmings, hat and umbrella factories ;

(9) Woodworking industries : Joiners' shops, coopers' sheds, wagon factories, manufactories of furniture and chairs, picture-framing establishments, brush and broom factories ;

(10) Electrical industries : Power houses, shops for electrical installations ;

(11) Transportation by land : Employees on railroads and street cars, firemen, drivers, and carters.

ARTICLE 13.

In the application of this Convention to Roumania the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July, 1924.

ARTICLE 14.

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of war or other emergency endangering the national safety.

ARTICLE 15.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 16.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

ARTICLE 17.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

ARTICLE 18.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the

League of Nations, and it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

ARTICLE 19.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1921, and to take such action as may be necessary to make these provisions effective.

ARTICLE 20.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 21.

At least once in ten years 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 or modification.

ARTICLE 22.

The French and English texts of this Convention shall both be authentic.

Convention [No. 2] concerning unemployment¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing

¹ This Convention came into force on 14 July 1921. It had been ratified on 1 September 1937 by 30 States: Argentina, Austria, Belgium, Bulgaria, Chile, Colombia, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, India, Irish Free State, Italy, Japan, Luxemburg, Netherlands, Nicaragua, Norway, Poland, Rumania, South Africa, Spain, Sweden, Switzerland, Uruguay and Yugoslavia.

against unemployment," which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919 :

ARTICLE 1.

Each Member which ratifies this Convention shall communicate to the International Labour Office, at intervals as short as possible and not exceeding three months, all available information, statistical or otherwise, concerning unemployment, including reports on measures taken or contemplated to combat unemployment. Whenever practicable, the information shall be made available for such communication not later than three months after the end of the period to which it relates.

ARTICLE 2.

Each Member which ratifies this Convention shall establish a system of free public employment agencies under the control of a central authority. Committees, which shall include representatives of employers and of workers, shall be appointed to advise on matters concerning the carrying on of these agencies.

Where both public and private free employment agencies exist, steps shall be taken to co-ordinate the operations of such agencies on a national scale.

The operations of the various national systems shall be co-ordinated by the International Labour Office in agreement with the countries concerned.

ARTICLE 3.

The Members of the International Labour Organisation which ratify this Convention and which have established systems of insurance against unemployment shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member and working in the territory of another shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter.

ARTICLE 4.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 5.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

ARTICLE 6.

As soon as the ratifications of three Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

ARTICLE 7.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

ARTICLE 8.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1921, and to take such action as may be necessary to make these provisions effective.

ARTICLE 9.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 10.

At least once in ten years 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 or modification.

ARTICLE 11.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 1] concerning unemployment.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment," which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919 :

I.

The General Conference recommends that each Member of the International Labour Organisation take measures to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit. Where such agencies already exist, it is further recommended that they be permitted to operate only under Government licences, and that all practicable measures be taken to abolish such agencies as soon as possible.

II.

The General Conference recommends to the Members of the International Labour Organisation that the recruiting of bodies of workers in one country with a view to their employment in another country should be permitted only by mutual

agreement between the countries concerned and after consultation with employers and workers in each country in the industries concerned.

III.

The General Conference recommends that each Member of the International Labour Organisation establish an effective system of unemployment insurance, either through a Government system or through a system of Government subventions to associations whose rules provide for the payment of benefits to their unemployed members.

IV.

The General Conference recommends that each Member of the International Labour Organisation co-ordinate the execution of all work undertaken under public authority, with a view to reserving such work as far as practicable for periods of unemployment and for districts most affected by it.

Recommendation [No. 2] concerning reciprocity of treatment of foreign workers.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment," which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

adopts the following Recommendation to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919 :

The General Conference recommends that each Member of the International Labour Organisation shall, on condition of reciprocity and upon terms to be agreed between the countries concerned, admit the foreign workers (together with their families) employed within its territory, to the benefit of its laws and regulations for the protection of its own workers, as well as to the right of lawful organisation as enjoyed by its own workers.

**Convention [No. 3] concerning the employment
of women before and after childbirth¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment, before and after childbirth, including the question of maternity benefit," which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919 :

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly :

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure.

(d) Transport of passengers or goods by road, rail, sea, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

¹ This Convention came into force on 13 June 1921. It had been ratified on 1 September 1937 by 16 States : Argentina, Brazil, Bulgaria, Chile, Colombia, Cuba, Germany, Greece, Hungary, Latvia, Luxemburg, Nicaragua, Rumania, Spain, Uruguay and Yugoslavia.

For the purpose of this Convention, the term "commercial undertaking" includes any place where articles are sold or where commerce is carried on.

The competent authority in each country shall define the line of division which separates industry and commerce from agriculture.

ARTICLE 2.

For the purpose of this Convention, the term "woman" signifies any female person, irrespective of age or nationality, whether married or unmarried, and the term "child" signifies any child whether legitimate or illegitimate.

ARTICLE 3.

In any public or private industrial or commercial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman—

(a) Shall not be permitted to work during the six weeks following her confinement.

(b) Shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks.

(c) Shall, while she is absent from her work in pursuance of paragraphs (a) and (b), be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife. No mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place.

(d) Shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

ARTICLE 4.

Where a woman is absent from her work in accordance with paragraphs (a) or (b) of Article 3 of this Convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence.

ARTICLE 5.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 6.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing :

(a) Except where, owing to the local conditions, its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

ARTICLE 7.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

ARTICLE 8.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

ARTICLE 9.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

ARTICLE 10.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 11.

At least once in ten years 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 or modification.

ARTICLE 12.

The French and English texts of this Convention shall both be authentic.

Convention [No. 4] concerning employment of women during the night¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment: during the night", which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919:

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth;

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed;

¹ This Convention came into force on 13 June 1921. It had been ratified on 1 September 1937 by 30 States: Albania, Argentina, Austria, Belgium*, Brazil*, Bulgaria, Chile, Colombia, Cuba, Czechoslovakia, Estonia*, France, Great Britain*, Greece*, Hungary*, India, Irish Free State*, Italy, Lithuania, Luxemburg, Netherlands*, Nicaragua, Portugal, Rumania, South Africa*, Spain, Switzerland*, Uruguay, Venezuela and Yugoslavia.

The Convention was revised in 1934 by Convention No. 41 (see p. 303).

* Ratification denounced in consequence of ratification of Convention No. 41.

including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind ;

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

ARTICLE 3.

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

ARTICLE 4.

Article 3 shall not apply :

(a) In cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character.

(b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

ARTICLE 5.

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

ARTICLE 6.

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

ARTICLE 7.

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

ARTICLE 8.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 9.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

ARTICLE 10.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

ARTICLE 11.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

ARTICLE 12.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

ARTICLE 13.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 14.

At least once in ten years, 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 or modification.

ARTICLE 15.

The French and English texts of this Convention shall both be authentic.

**Recommendation [No. 3] concerning the prevention
of anthrax.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment : unhealthy processes," which is part of the third item in the agenda for the Washington meeting of the Conference ; and

Having determined that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and the Treaty of St. Germain of 10 September, 1919 :

The General Conference recommends to the Members of the International Labour Organisation that arrangements should

be made for the disinfection of wool infected with anthrax spores, either in the country exporting such wool or if that is not practicable at the port of entry in the country importing such wool.

Recommendation [No. 4] concerning the protection of women and children against lead poisoning.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's and children's employment : unhealthy processes," which is part of the third and fourth items in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919 :

The General Conference recommends to the Members of the International Labour Organisation that in view of the danger involved to the function of maternity and to the physical development of children, women, and young persons under the age of eighteen years be excluded from employment in the following processes :

- (a) In furnace work in the reduction of zinc or lead ores.
- (b) In the manipulation, treatment, or reduction of ashes containing lead and in the desilverizing of lead.
- (c) In melting lead or old zinc on a large scale.
- (d) In the manufacture of solder or alloys containing more than ten per cent. of lead.
- (e) In the manufacture of litharge, massicot, red lead, white lead, orange lead, or sulphate, chromate or silicate (frit) of lead.
- (f) In mixing and pasting in the manufacture or repair of electric accumulators.
- (g) In the cleaning of workrooms where the above processes are carried on.

It is further recommended that the employment of women and young persons under the age of eighteen years in processes

involving the use of lead compounds be permitted only subject to the following conditions :

(a) Locally applied exhaust ventilation, so as to remove dust and fumes at the point of origin.

(b) Cleanliness of tools and workrooms.

(c) Notification to Government authorities of all cases of lead poisoning and compensation therefor.

(d) Periodic medical examination of the persons employed in such processes.

(e) Provision of sufficient and suitable cloak-room, washing, and mess-room accommodation, and special protective clothing.

(f) Prohibition of bringing food or drink into workrooms.

It is further recommended that in industries where soluble lead compounds can be replaced by non-toxic substances, the use of soluble lead compounds should be strictly regulated.

For the purpose of this Recommendation, a lead compound should be considered as soluble if it contains more than five per cent. of its weight (estimated as metallic lead) soluble in a quarter of one per cent. solution of hydrochloric acid.

Recommendation [No. 5] concerning the establishment of Government health services.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment : unhealthy processes", which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and the Treaty of St. Germain of 10 September, 1919 :

The General Conference recommends that each Member of the International Labour Organisation which has not already done so should establish as soon as possible, not only a system of efficient factory inspection, but also in addition thereto a Government service especially charged with the duty of safeguarding the health of the workers, which will keep in touch with the International Labour Office.

Convention [No. 5] fixing the minimum age for admission of children to industrial employment¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened by the Government of the United States of America at Washington, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "employment of children : minimum age of employment," which is part of the fourth item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919 :

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly :

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

(d) Transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

¹ This Convention came into force on 13 June 1921. It had been ratified on 1 September 1937 by 28 States : Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Estonia, Great Britain, Greece, Irish Free State, Japan, Latvia, Luxemburg, Netherlands, Nicaragua, Norway, Poland, Rumania, Spain, Switzerland, Uruguay and Yugoslavia.

The Convention was revised in 1937 by Draft Convention No. 59 (see p. 426).

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

ARTICLE 3.

The provisions of Article 2 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of sixteen years employed by him, and of the dates of their births.

ARTICLE 5.

In connection with the application of this Convention to Japan, the following modifications of Article 2 may be made :

(a) Children over twelve years of age may be admitted into employment if they have finished the course in the elementary school ;

(b) As regards children between the ages of twelve and fourteen already employed, transitional regulations may be made.

The provision in the present Japanese law admitting children under the age of twelve years to certain light and easy employments shall be repealed.

ARTICLE 6.

The provisions of Article 2 shall not apply to India, but in India children under twelve years of age shall not be employed,

(a) In manufactories working with power and employing more than ten persons ;

(b) In mines, quarries, and other works for the extraction of minerals from the earth ;

(c) In the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays, and wharves, but excluding transport by hand.

ARTICLE 7.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 8.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect to each of its colonies, protectorates, and possessions which are not fully self-governing.

ARTICLE 9.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

ARTICLE 10.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

ARTICLE 11.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

ARTICLE 12.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 13.

At least once in ten years, 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 or modification.

ARTICLE 14.

The French and English texts of this Convention shall both be authentic.

Convention [No. 6] concerning the night work of young persons employed in industry¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened by the Government of the United States of America at Washington, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "employment of children : during the night", which is part of the fourth item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919 :

ARTICLE 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly :

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed ;

¹ This Convention came into force in 13 June 1921. It had been ratified on 1 September 1937 by 31 States : Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Chile, Cuba, Denmark, Estonia, France, Great Britain, Greece, Hungary, India, Irish Free State, Italy, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, Nicaragua, Poland, Portugal, Rumania, Spain, Switzerland, Uruguay, Venezuela and Yugoslavia.

including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction as well as the preparation for or laying the foundations of any such work or structure.

(d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process, is required to be carried on continuously day and night :

(a) Manufacture of iron and steel ; processes in which reverberatory or regenerative furnaces are used, and galvanizing of sheet metal or wire (except the pickling process).

(b) Glass works.

(c) Manufacture of paper.

(d) Manufacture of raw sugar.

(e) Gold mining reduction work.

ARTICLE 3.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and

four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than eleven hours if compensatory rest is accorded during the day.

ARTICLE 4.

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

ARTICLE 5.

In the application of this Convention to Japan, until 1 July, 1925, Article 2 shall apply only to young persons under fifteen years of age and thereafter it shall apply only to young persons under sixteen years of age.

ARTICLE 6.

In the application of this Convention to India, the term "industrial undertaking" shall include only "factories" as defined in the Indian Factory Act, and Article 2 shall not apply to male young persons over fourteen years of age.

ARTICLE 7.

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

ARTICLE 8.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, and of the Treaty of St. Germain of 10 September, 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 9.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

ARTICLE 10.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

ARTICLE 11.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, and it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

ARTICLE 12.

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

ARTICLE 13.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 14.

At least once in ten years 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 or modification.

ARTICLE 15.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 6] concerning the application of the Berne Convention of 1906, on the prohibition of the use of white phosphorus in the manufacture of matches¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

¹ The text of this Convention is as follows :—

INTERNATIONAL CONVENTION ON THE SUBJECT OF THE PROHIBITION OF THE USE OF WHITE (YELLOW) PHOSPHORUS IN THE MANUFACTURE OF MATCHES, CONCLUDED AT BERNE IN 1906.

Article 1.—The High Contracting Parties bind themselves to prohibit in their respective territories the manufacture, importation and sale of matches which contain white (yellow) phosphorus.

Article 2.—It is incumbent upon each of the contracting States to take the administrative measures necessary to ensure the strict execution of the terms of the present Convention within their respective territories.

Each Government shall communicate to the others through the diplomatic channel the laws and regulations which exist or shall hereafter come into force in their country with regard to the subject matter of the present Convention, as well as the reports on the manner in which the said laws and regulations are applied.

Article 3.—The present Convention shall only apply to a colony, possession or protectorate when a notice to this effect shall have been given on its behalf by the Government of the mother country to the Swiss Federal Council.

Article 4.—The present Convention shall be ratified, and the ratifications deposited with the Swiss Federal Council by the 31st December, 1908, at the latest.

A record of the deposit shall be drawn up, of which one certified copy shall be transmitted to each of the contracting States through the diplomatic channel.

The present Convention shall come into force three years after the date on which the record of the deposit is closed.

Article 5.—The States non-signatories to the present Convention shall be allowed to declare their adhesion by an act addressed to the Swiss Federal Council, who will bring it to the notice of each of the other contracting States.

The time limit laid down in Article 4 for the coming into force of the present Convention is extended in the case of the non-signatory States, as

Having decided upon the adoption of a proposal with regard to the "extension and application of the International Convention adopted at Berne in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches", which is part of the fifth item in the agenda for the Washington meeting of the Conference, and

Having determined that this proposal shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, and the Treaty of St. Germain of 10 September, 1919 :

The General Conference recommends that each Member of the International Labour Organisation, which has not already done so, should adhere to the International Convention adopted at Berne in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches.

well as of their colonies, possessions, or protectorates, to 5 years, counting from the date of the notification of their adhesion.

Article 6.—It shall not be possible for the signatory States, or the States, colonies, possessions or protectorates who may subsequently adhere, to denounce the present Convention before the expiration of 5 years from the date on which the record of the deposit of ratifications is closed.

Thenceforward the Convention may be denounced from year to year.

The denunciation will only take effect after the lapse of one year from the time when written notice has been given to the Swiss Federal Council by the Government concerned, or, in the case of a colony, possession, or protectorate, by the Government of the mother country; the Federal Council shall communicate the denunciation immediately to the Governments of each of the other contracting States.

The denunciation shall only be operative as regards the State, colony, possession, or protectorate on whose behalf it has been notified.

In witness whereof the plenipotentiaries have signed the present Convention.

Done at Berne this 26th day of September, 1906, in a single copy which shall be kept in the archives of the Swiss Federation, and one copy of which duly certified shall be delivered to each of the contracting Powers through the diplomatic channel.

SECOND SESSION
(Closing date, 10 July 1920.)

**Recommendation [No. 7] concerning the limitation
of hours of work in the fishing industry.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Genoa by the Governing Body of the International Labour Office, on the 15th day of June, 1920, and

Having decided upon the adoption of certain proposals with regard to the "Application to seamen of the Convention drafted at Washington, last November, limiting the hours of work in all industrial undertakings, including transport by sea and, under conditions to be determined, transport by inland waterways, to 8 hours in the day and 48 in the week. Consequential effects as regards manning and the regulations relating to accommodation and health on board ship," which is the first item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920:

In view of the declaration in the Treaties of Peace that all industrial communities should endeavour to adopt, so far as their special circumstances will permit, "an eight-hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained", the International Labour Conference recommends that each Member of the International Labour Organisation enact legislation limiting in this direction the hours of work of all workers employed in the fishing industry, with such special provisions as may be necessary to meet the conditions peculiar to the fishing industry in each country; and that in framing such legislation each Government consult with the organisations of employers and the organisations of workers concerned.

**Recommendation [No. 8] concerning the limitation
of hours of work in inland navigation.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Genoa by the Governing Body of the International Labour Office on the 15th day of June, 1920, and

Having decided upon the adoption of certain proposals with regard to the "Application to seamen of the Convention drafted at Washington, last November, limiting the hours of work in all industrial undertakings, including transport by sea and, under conditions to be determined, transport by inland waterways, to 8 hours in the day and 48 in the week. Consequential effects as regards manning and the regulations relating to accommodation and health on board ship", which is the first item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920 :

In view of the declaration in the Treaties of Peace that all industrial communities should endeavour to adopt, so far as their special circumstances will permit, "an eight hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained", the International Labour Conference recommends :

I.

That each Member of the International Labour Organisation should, if it has not already done so, enact legislation limiting in the direction of the above declaration in the Treaties of Peace the hours of work of workers employed in inland navigation, with such special provisions as may be necessary to meet the climatic and industrial conditions peculiar to inland navigation in each country, and after consultation with the organisations of employers and the organisations of workers concerned.

II.

That those Members of the International Labour Organisation whose territories are riparian to waterways which are used in

common by their boats should enter into agreements for limiting in the direction of the aforesaid declaration, the hours of work of persons employed in inland navigation on such waterways, after consultation with the organisations of employers and the organisations of workers concerned.

III.

That such national legislation and such agreements between riparian countries should follow as far as possible the general lines of the Draft Convention concerning hours of work adopted by the International Labour Conference at Washington, with such exceptions as may be necessary for meeting the climatic or other special conditions of the countries concerned

IV.

That, in the application of this Recommendation, each Member of the International Labour Organisation should determine for itself, after consultation with the organisations of employers and the organisations of workers concerned, what is inland navigation as distinguished from maritime navigation, and should communicate its determination to the International Labour Office.

V.

That each Member of the International Labour Organisation should report to the International Labour Office, within two years after the adjournment of the Genoa Conference, the progress which it has made in the direction of this Recommendation.

Recommendation [No. 9] concerning the establishment of national seamen's codes.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Genoa by the Governing Body of the International Labour Office, on the 15th day of June, 1920, and

Having decided upon the adoption of certain proposals with regard to a "Consideration of the possibility of drawing up an International Seamen's Code", which is the fourth item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty

of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920:

In order that, as a result of the clear and systematic codification of the national law in each country, the seamen of the world, whether engaged on ships of their own or foreign countries, may have a better comprehension of their rights and obligations, and in order that the task of establishing an International Seamen's Code may be advanced and facilitated, the International Labour Conference recommends that each Member of the International Labour Organisation undertake the embodiment in a seamen's code of all its laws and regulations relating to seamen in their activities as such.

Convention [No. 7] fixing the minimum age for admission of children to employment at sea¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Genoa by the Governing Body of the International Labour Office, on the 15th day of June, 1920, and

Having decided upon the adoption of certain proposals with regard to the "Application to seamen of the Convention adopted at Washington last November prohibiting the employment of children under 14 years of age", which is the third item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920 :

ARTICLE 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in mari-

¹ This Convention came into force on 27 September 1921. It had been ratified on 1 September 1927 by 32 States: Argentina, Australia, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Estonia, Finland, Germany, Great Britain, Greece, Hungary, Irish Free State, Italy, Japan, Latvia, Luxembourg, Netherlands, Nicaragua, Norway, Poland, Rumania, Spain, Sweden, Uruguay and Yugoslavia.

The Convention was revised in 1936 by Draft Convention No. 58 (see p. 419).

time navigation, whether publicly or privately owned ; it excludes ships of war.

ARTICLE 2.

Children under the age of fourteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

ARTICLE 3.

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

ARTICLE 5.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect to each of its colonies, protectorates, and possessions which are not fully self-governing.

ARTICLE 6.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 7.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

ARTICLE 8.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

ARTICLE 9.

Subject to the provisions of Article 8, each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

ARTICLE 10.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 11.

At least once in ten years, 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 or modification.

ARTICLE 12.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 10] concerning unemployment insurance for seamen.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Genoa by the Governing Body of the International Labour Office, on the 15th day of June, 1920, and

Having decided upon the adoption of certain proposals with regard to the "Supervision of articles of agreement. Provision of facilities for finding employment for seamen.

Application to seamen of the Convention and Recommendations adopted at Washington in November last in regard to unemployment and unemployment insurance", which is the second item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920 :

The General Conference, with a view to securing the application to seamen of Part III of the Recommendation concerning Unemployment adopted at Washington on 28 November, 1919, recommends that each Member of the International Labour Organisation should establish for seamen an effective system of insurance against unemployment arising out of shipwreck or any other cause, either by means of Government insurance or by means of Government subventions to industrial organisations whose rules provide for the payment of benefits to their unemployed members.

Convention [No. 8] concerning unemployment indemnity in case of loss or foundering of the ship¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Genoa by the Governing Body of the International Labour Office, on the 15th day of June, 1920, and

Having decided upon the adoption of certain proposals with regard to the "Supervision of articles of agreement. Provision of facilities for finding employment for seamen. Application to seamen of the Convention and Recommendations adopted at Washington in November last in regard to unemployment and unemployment insurance", which is the second item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

¹ This Convention came into force on 16 March 1923. It had been ratified on 1 September 1937 by 26 States : Argentina, Australia, Belgium, Bulgaria, Canada, Chile, Colombia, Cuba, Estonia, France, Germany, Great Britain, Greece, Irish Free State, Italy, Latvia, Luxemburg, Mexico, Nicaragua, Norway, Poland, Rumania, Spain, Sweden, Uruguay and Yugoslavia.

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and the Treaty of the Grand Trianon of 4 June, 1920 :

ARTICLE 1.

For the purpose of this Convention, the term "seamen" includes all persons employed on any vessel engaged in maritime navigation.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

ARTICLE 2.

In every case of loss or foundering of any vessel, the owner or person with whom the seaman has contracted for service on board the vessel shall pay to each seaman employed thereon an indemnity against unemployment resulting from such loss or foundering.

This indemnity shall be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under this Convention to any one seaman may be limited to two months' wages.

ARTICLE 3.

Seamen shall have the same remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service.

ARTICLE 4.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

ARTICLE 5.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June,

1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 6.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

ARTICLE 7.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, and it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

ARTICLE 8.

Subject to the provisions of Article 7, each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

ARTICLE 9.

A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 10.

At least once in ten years, 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 or modification.

ARTICLE 11.

The French and English texts of this Convention shall both be authentic.

Convention [No. 9] for establishing facilities for finding employment for seamen¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Genoa by the Governing Body of the International Labour Office, on the 15th day of June, 1920, and

Having decided upon the adoption of certain proposals with regard to the "Supervision of articles of agreement. Provision of facilities for finding employment for seamen. Application to seamen of the Convention and Recommendations adopted at Washington in November last in regard to unemployment and unemployment insurance", which is the second item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention.

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920 :

ARTICLE 1.

For the purpose of this Convention, the term "seamen" includes all persons, except officers, employed as members of the crew on vessels engaged in maritime navigation.

ARTICLE 2.

The business of finding employment for seamen shall not be carried on by any person, company, or other agency, as a commercial enterprise for pecuniary gain; nor shall any fees be charged directly or indirectly by any person, company or other agency, for finding employment for seamen on any ship.

The law of each country shall provide punishment for any violation of the provisions of this Article.

ARTICLE 3.

Notwithstanding the provisions of Article 2, any person, company or agency, which has been carrying on the work of finding

¹ This Convention came into force on 23 November 1921. It had been ratified on 1 September 1937 by 24 States: Argentina, Australia, Belgium, Bulgaria, Chile, Colombia, Cuba, Estonia, Finland, France, Germany, Greece, Italy, Japan, Latvia, Luxembourg, Nicaragua, Norway, Poland, Rumania, Spain, Sweden, Uruguay and Yugoslavia.

employment for seamen as a commercial enterprise for pecuniary gain, may be permitted to continue temporarily under Government licence, provided that such work is carried on under Government inspection and supervision, so as to safeguard the rights of all concerned.

Each Member which ratifies this Convention agrees to take all practicable measures to abolish the practice of finding employment for seamen as a commercial enterprise for pecuniary gain as soon as possible.

ARTICLE 4.

Each Member which ratifies this Convention agrees that there shall be organised and maintained an efficient and adequate system of public employment offices for finding employment for seamen without charge. Such system may be organised and maintained, either:

- (1) by representative associations of shipowners and seamen jointly under the control of a central authority, or,
- (2) in the absence of such joint action, by the State itself.

The work of all such employment offices shall be administered by persons having practical maritime experience.

Where such employment offices of different types exist, steps shall be taken to co-ordinate them on a national basis.

ARTICLE 5.

Committees consisting of an equal number of representatives of shipowners and seamen shall be constituted to advise on matters concerning the carrying on of these offices; the Government in each country may make provision for further defining the powers of these committees, particularly with reference to the committees' selection of their chairmen from outside their own membership, to the degree of state supervision, and to the assistance which such committees shall have from persons interested in the welfare of seamen.

ARTICLE 6.

In connection with the employment of seamen, freedom of choice of ship shall be assured to seamen and freedom of choice of crew shall be assured to shipowners.

ARTICLE 7.

The necessary guarantees for protecting all parties concerned shall be included in the contract of engagement or articles of agreement, and proper facilities shall be assured to seamen for examining such contract or articles before and after signing.

ARTICLE 8.

Each Member which ratifies this Convention will take steps to see that the facilities for employment of seamen provided for in this Convention shall, if necessary by means of public offices, be available for the seamen of all countries which ratify this Convention, and where the industrial conditions are generally the same.

ARTICLE 9.

Each country shall decide for itself whether provisions similar to those in this Convention shall be put in force for deck-officers and engineer-officers.

ARTICLE 10.

Each Member which ratifies this Convention shall communicate to the International Labour Office all available information, statistical or otherwise, concerning unemployment among seamen and concerning the work of its seamen's employment agencies.

The International Labour Office shall take steps to secure the co-ordination of the various national agencies for finding employment for seamen, in agreement with the Governments or organisations concerned in each country.

ARTICLE 11.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing :

(a) Except where owing to the local conditions its provisions are inapplicable ; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

ARTICLE 12.

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28 June, 1919, of the Treaty of St. Germain of 10 September, 1919, of the Treaty of Neuilly of 27 November, 1919, and of the Treaty of the Grand Trianon of 4 June, 1920, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 13.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

ARTICLE 14.

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, and it shall then be binding only upon those Members which have registered their ratification with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

ARTICLE 15.

Subject to the provisions of Article 14, each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

ARTICLE 16.

A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 17.

At least once in ten years, 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 or modification.

ARTICLE 18.

The French and English texts of this Convention shall both be authentic.

THIRD SESSION

(Closing date, 19 November 1921.)

Recommendation [No. 11] concerning the prevention of unemployment in agriculture.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the prevention of unemployment in agriculture, which is included in the third item of the agenda of the Session, and

Having decided that these proposals shall take the form of a recommendation,

adopts the following Recommendation to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

I.

The General Conference of the International Labour Organisation,

Considering that the Draft Convention and Recommendations concerning unemployment adopted at Washington are in principle applicable to agricultural workers, and recognising the special character of unemployment in agriculture,

Recommends that each Member of the International Labour Organisation should consider measures for the prevention of or providing against unemployment amongst agricultural workers suitable to the economic and agricultural conditions of its country, and that it should examine particularly from this point of view the advisability :—

(1) of adopting modern technical methods to bring into cultivation land which is at present not worked or only partially developed, but which could by such means be made to yield an adequate return ;

(2) of encouraging the adoption of improved systems of cultivation and the more intensive use of the land ;

(3) of providing facilities for settlement on the land ;

(4) of taking steps to render work of a temporary nature accessible to unemployed agricultural workers by means of the provision of transport facilities ;

(5) of developing industries and supplementary forms of employment which would provide occupation for agricultural workers who suffer from seasonal unemployment, provided that steps be taken to ensure that such work is carried on under equitable conditions ;

(6) of taking steps to encourage the creation of agricultural workers' co-operative societies for the working and purchase or renting of land ; and of taking steps to this end to increase agricultural credit especially in favour of co-operative agricultural associations of land workers established for the purpose of agricultural production.

II.

The General Conference recommends that each Member of the International Labour Organisation furnish the International Labour Office with a periodical report dealing with the steps taken to give effect to the above Recommendation.

Recommendation [No. 12] concerning the protection, before and after childbirth, of women wage-earners in agriculture.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the protection before and after childbirth of women wage-earners in agriculture, which is included in the third item of the agenda of the Session, and

Having decided that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The General Conference of the International Labour Organisation recommends :

That each Member of the International Labour Organisation take measures to ensure to women wage-earners employed in agricultural undertakings protection before and after childbirth similar to that provided by the Draft Convention adopted by the International Labour Conference at Washington for women employed in industry and commerce, and that such measures

should include the right to a period of absence from work before and after childbirth and to a grant of benefit during the said period, provided either out of public funds or by means of a system of insurance.

Recommendation [No. 13] concerning night work of women in agriculture.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the night work of women in agriculture, which is included in the third item of the agenda of the Session, and

Having decided that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The General Conference of the International Labour Organisation recommends :

That each Member of the International Labour Organisation take steps to regulate the employment of women wage-earners in agricultural undertakings during the night in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine hours, which shall, when possible, be consecutive.

Convention [No. 10] concerning the age for admission of children to employment in agriculture ¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

¹ This Convention came into force on 31 August 1923. It had been ratified on 1 September 1927 by 20 States : Argentina, Austria, Belgium, Bulgaria, Chile, Cuba, Czechoslovakia, Dominican Republic, Estonia, Hungary, Irish Free State, Italy, Japan, Luxemburg, Nicaragua, Poland, Rumania, Spain, Sweden and Uruguay.

Having decided upon the adoption of certain proposals with regard to the employment of children in agriculture during compulsory school hours, which is included in the third item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Children under the age of fourteen years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance. If they are employed outside the hours of school attendance, the employment shall not be such as to prejudice their attendance at school.

ARTICLE 2.

For purposes of practical vocational instruction the periods and the hours of school attendance may be so arranged as to permit the employment of children on light agricultural work and in particular on light work connected with the harvest, provided that such employment shall not reduce the total annual period of school attendance to less than eight months.

The provisions of Article 1 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

ARTICLE 4.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 5.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 6.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 7.

Subject to the provisions of Article 5, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2 and 3 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

ARTICLE 8.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 9.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 10.

At least once in ten years, 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 or modification.

ARTICLE 11.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 14] concerning night work of children and young persons in agriculture.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the employment of children and young persons in agriculture during the night, which is included in the third item of the agenda of the Session, and

Having decided that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The General Conference of the International Labour Organisation recommends :

I.

That each Member of the International Labour Organisation take steps to regulate the employment of children under the age of fourteen years in agricultural undertakings during the night, in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than ten consecutive hours.

II.

That each Member of the International Labour Organisation take steps to regulate the employment of young persons between the ages of fourteen and eighteen years in agricultural undertakings during the night, in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine consecutive hours.

Recommendation [No. 15] concerning the development of technical agricultural education.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the development of technical agricultural education, which is included in the fourth item of the agenda of the Session, and

Having decided that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The General Conference of the International Labour Organisation recommends :

That each Member of the International Labour Organisation endeavour to develop vocational agricultural education and in particular to make such education available to agricultural wage-earners on the same conditions as to other persons engaged in agriculture.

That each Member of the International Labour Organisation send a report to the International Labour Office at regular intervals containing as full information as possible as to the administration of the laws, the sums expended, and the measures taken in order to develop vocational agricultural education.

**Recommendation [No. 16] concerning living-in conditions
of agricultural workers.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the living-in conditions of agricultural workers, which is included in the fourth item of the agenda of the Session, and

Having decided that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The General Conference of the International Labour Organisation recommends :

I.

That each Member of the International Labour Organisation, which has not already done so, take statutory or other measures to regulate the living-in conditions of agricultural workers with due regard to the special climatic or other conditions affecting agricultural work in its country, and after consultation with the employers' and workers' organisations concerned, if such organisations exist.

II.

That such measures shall apply to all accommodation provided by employers for housing their workers either individually, or in groups, or with their families, whether the accommodation is provided in the houses of such employers or in buildings placed by them at the workers' disposal.

III.

That such measures shall contain the following provisions :

(a) Unless climatic conditions render heating superfluous, the accommodation intended for workers' families, groups of workers, or individual workers, should contain rooms which can be heated.

(b) Accommodation intended for groups of workers shall provide a separate bed for each worker, shall afford facilities for ensuring personal cleanliness, and shall provide for the separation of the sexes. In the case of families, adequate provision shall be made for the children.

(c) Stables, cowhouses and open sheds should not be used for sleeping quarters.

IV.

That each Member of the International Labour Organisation take steps to ensure the observance of such measures.

**Convention [No. 11] concerning the rights of association
and combination of agricultural workers¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

¹ This Convention came into force on 11 May 1923. It had been ratified on 1 September 1937 by 30 States : Argentina, Austria, Belgium, Bulgaria, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Great Britain, India, Irish Free State, Italy, Latvia, Luxemburg, Mexico, Netherlands, Nicaragua, Norway, Poland, Rumania, Spain, Sweden, Uruguay and Yugoslavia.

Having decided upon the adoption of certain proposals with regard to the rights of association and combination of agricultural workers, which is included in the fourth item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.

ARTICLE 2.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 3.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall then be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 4.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 5.

Subject to the provisions of Article 3, each Member which ratifies this Convention agrees to bring the provisions of Article 1 into operation not later than 1 January 1924, and to take such action as may be necessary to make these provisions effective.

ARTICLE 6.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 7.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 8.

At least once in ten years, 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 or modification.

ARTICLE 9.

The French and English texts of this Convention shall both be authentic.

**Convention [No. 12] concerning workmen's compensation
in agriculture ¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

¹ This Convention came into force on 26 February 1923. It had been ratified on 1 September 1937 by 21 States: Argentina, Belgium, Bulgaria, Chile, Colombia, Cuba, Denmark, Estonia, France, Germany, Great Britain, Irish Free State, Italy, Latvia, Luxemburg, Netherlands, Nicaragua, Poland, Spain, Sweden and Uruguay.

Having decided upon the adoption of certain proposals with regard to the protection of agricultural workers against accident, which is included in the fourth item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to extend to all agricultural wage-earners its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.

ARTICLE 2.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 3.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall then be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 4.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 5.

Subject to the provisions of Article 3, each Member which ratifies this Convention agrees to bring the provisions of Article 1 into operation not later than 1 January 1924, and to take such action as may be necessary to make these provisions effective.

ARTICLE 6.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 7.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 8.

At least once in ten years, 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 or modification.

ARTICLE 9.

The French and English texts of this Convention shall both be authentic.

**Recommendation [No. 17] concerning social insurance
in agriculture.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of a proposal with regard to the protection of agricultural workers against sickness, invalidity and old age, which is included in the fourth item of the agenda of the Session, and

Having decided that this proposal shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The General Conference of the International Labour Organisation recommends :

That each Member of the International Labour Organisation extend its laws and regulations establishing systems of insurance against sickness, invalidity, old age and other similar social risks to agricultural wage-earners on conditions equivalent to those prevailing in the case of workers in industrial and commercial occupations.

Convention [No. 13] concerning the use of white lead in painting¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the prohibition of the use of white lead in painting, which is the sixth item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation ratifying the present Convention undertakes to prohibit, with the exceptions provided for in Article 2, the use of white lead and sulphate of lead and of all products containing these pigments, in the internal painting of buildings, except where the use of white lead or sulphate of lead or products containing these pigments is considered necessary for railway stations or industrial establishments by the competent authority after consultation with the employers' and workers' organisations concerned.

It shall nevertheless be permissible to use white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead.

¹ This Convention came into force on 31 August 1923. It had been ratified on 1 September 1927 by 24 States : Argentina, Austria, Belgium, Bulgaria, Chile, Colombia, Cuba, Czechoslovakia, Estonia, Finland, France, Greece, Hungary (conditional), Latvia, Luxemburg, Nicaragua, Norway, Poland, Rumania, Spain, Sweden, Uruguay, Venezuela and Yugoslavia.

ARTICLE 2.

The provisions of Article 1 shall not apply to artistic painting or fine lining.

The Governments shall define the limits of such forms of painting, and shall regulate the use of white lead, sulphate of lead, and all products containing these pigments, for these purposes in conformity with the provisions of Articles 5, 6 and 7 of the present Convention.

ARTICLE 3.

The employment of males under eighteen years of age and of all females shall be prohibited in any painting work of an industrial character involving the use of white lead or sulphate of lead or other products containing these pigments.

The competent authorities shall have power, after consulting the employers' and workers' organisations concerned, to permit the employment of painters' apprentices in the work prohibited by the preceding paragraph, with a view to their education in their trade.

ARTICLE 4.

The prohibitions prescribed in Articles 1 and 3 shall come into force six years from the date of the closure of the Third Session of the International Labour Conference.

ARTICLE 5.

Each Member of the International Labour Organisation ratifying the present Convention undertakes to regulate the use of white lead, sulphate of lead and of all products containing these pigments, in operations for which their use is not prohibited, on the following principles :

- I. (a) White lead, sulphate of lead, or products containing these pigments shall not be used in painting operations except in the form of paste or of paint ready for use.
- (b) Measures shall be taken in order to prevent danger arising from the application of paint in the form of spray.
- (c) Measures shall be taken, wherever practicable, to prevent danger arising from dust caused by dry rubbing down and scraping.
- II. (a) Adequate facilities shall be provided to enable working painters to wash during and on cessation of work.
- (b) Overalls shall be worn by working painters during the whole of the working period.
- (c) Suitable arrangements shall be made to prevent clothing put off during working hours being soiled by painting material.

- III. (a) Cases of lead poisoning and of suspected lead poisoning shall be notified, and shall be subsequently verified by a medical man appointed by the competent authority.
- (b) The competent authority may require, when necessary, a medical examination of workers.
- IV. Instructions with regard to the special hygienic precautions to be taken in the painting trade shall be distributed to working painters.

ARTICLE 6.

The competent authority shall take such steps as it considers necessary to ensure the observance of the regulations prescribed by virtue of the foregoing Articles, after consultation with the employers' and workers' organisations concerned.

ARTICLE 7.

Statistics with regard to lead poisoning among working painters shall be obtained :

(a) As to morbidity—by notification and certification of all cases of lead poisoning.

(b) As to mortality—by a method approved by the official statistical authority in each country.

ARTICLE 8.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 9.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 10.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 11.

Each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6 and 7 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

ARTICLE 12.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 13.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 14.

At least once in ten years 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 or modification.

ARTICLE 15.

The French and English texts of this Convention shall both be authentic.

Convention [No. 14] concerning the application of the weekly rest in industrial undertakings¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

¹ This Convention came into force on 19 June 1923. It had been ratified on 1 September 1937 by 29 States : Argentina, Belgium, Bulgaria, Canada, Chile, China, Colombia, Czechoslovakia, Denmark, Estonia, Finland, France, Greece, India, Irish Free State, Italy, Latvia, Lithuania, Luxemburg, Nicaragua, Norway, Poland, Portugal, Rumania, Spain, Sweden, Switzerland, Uruguay and Yugoslavia.

Having decided upon the adoption of certain proposals with regard to the weekly rest day in industrial employment, which is included in the seventh item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

For the purpose of this Convention, the term " industrial undertakings " includes :

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding and the generation, transformation and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

(d) Transport of passengers or goods by road, rail, or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

This definition shall be subject to the special national exceptions contained in the Washington Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, so far as such exceptions are applicable to the present Convention.

Where necessary, in addition to the above enumeration, each Member may define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.

It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

ARTICLE 3.

Each Member may except from the application of the provisions of Article 2 persons employed in industrial undertakings in which only the members of one single family are employed.

ARTICLE 4.

Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

ARTICLE 5.

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 4, except in cases where agreements or customs already provide for such periods.

ARTICLE 6.

Each Member will draw up a list of the exceptions made under Articles 3 and 4 of this Convention and will communicate it to the International Labour Office, and thereafter in every second year any modifications of this list which shall have been made.

The International Labour Office will present a report on this subject to the General Conference of the International Labour Organisation.

ARTICLE 7.

In order to facilitate the application of the provisions of this Convention, each employer, director, or manager, shall be obliged :

(a) Where the weekly rest is given to the whole of the staff collectively, to make known such days and hours of collective rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner approved by the Government.

(b) Where the rest period is not granted to the whole of the staff collectively, to make known, by means of a roster drawn up in accordance with the method approved by the legislation

of the country, or by a regulation of the competent authority, the workers or employees subject to a special system of rest, and to indicate that system.

ARTICLE 8.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 9.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 10.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 11.

Each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6 and 7 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

ARTICLE 12.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 13.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 14.

At least once in ten years, 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 or modification.

ARTICLE 15.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 18] concerning the application of the weekly rest in commercial establishments.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the weekly rest day in commercial employment, which is included in the seventh item of the agenda of the Session, and

Having decided that these proposals shall take the form of a recommendation,

adopts the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The General Conference recommends :

I.

That each Member of the International Labour Organisation take measures to provide that the whole of the staff employed in any commercial establishment, public or private, or in any branch thereof, except as otherwise provided for by the following paragraphs, should enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

It is further recommended that this period of rest should, wherever possible, be granted simultaneously to the whole of the staff of each establishment, and that it should, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

II.

That each Member take the steps necessary to secure the application of this Recommendation and to define any exceptions which the Member may consider to be necessary.

If exceptions are found necessary, it is recommended that the Member should draw up a list of such exceptions.

III.

That each Member should communicate to the International Labour Office the list of the exceptions made in pursuance of paragraph II, and thereafter every two years any modifications of this list which it shall have made, in order that the International Labour Office may present a report thereon to the International Labour Conference.

Convention [No. 15]

**fixing the minimum age for the admission of young persons
to employment as trimmers or stokers¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the prohibition of the employment of any person under the age of 18 years as trimmer or stoker, which is included in the eighth item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

¹ This Convention came into force on 20 November 1922. It had been ratified on 1 September 1937 by 32 States : Argentina, Australia, Belgium, Bulgaria, Canada, Chile, China, Colombia, Cuba, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, India, Irish Free State, Italy, Japan, Latvia, Luxembourg, Netherlands, Nicaragua, Norway, Poland, Rumania, Spain, Sweden, Uruguay and Yugoslavia.

ARTICLE 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

ARTICLE 2.

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

ARTICLE 3.

The provisions of Article 2 shall not apply :

(a) to work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority ;

(b) to the employment of young persons on vessels mainly propelled by other means than steam ;

(c) to young persons of not less than sixteen years of age, who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organisations of employers and workers in those countries.

ARTICLE 4.

When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

ARTICLE 5.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of eighteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

ARTICLE 6.

Articles of agreement shall contain a brief summary of the provisions of this Convention.

ARTICLE 7.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and of the

corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 8.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 9.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 10.

Subject to the provisions of Article 8, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5 and 6 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

ARTICLE 11.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 12.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 13.

At least once in ten years, 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 or modification.

ARTICLE 14.

The French and English texts of this Convention shall both be authentic.

**Convention [No. 16]
concerning the compulsory medical examination of children
and young persons employed at sea¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the compulsory medical examination of children and young persons employed at sea, which is included in the eighth item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

ARTICLE 2.

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

¹ This Convention came into force on 20 November 1922. It had been ratified on 1 September 1937 by 31 States : Argentina, Australia, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, India, Irish Free State, Italy, Japan, Latvia, Luxemburg, Netherlands, Nicaragua, Poland, Rumania, Italy, Sweden, Uruguay and Yugoslavia.

ARTICLE 3.

The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after each such examination, of a further medical certificate attesting fitness for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage.

ARTICLE 4.

In urgent cases, the competent authority may allow a young person below the age of eighteen years to embark without having undergone the examination provided for in Articles 2 and 3 of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.

ARTICLE 5.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace, shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 6.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 7.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 8.

Subject to the provisions of Article 6, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3 and 4 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

ARTICLE 9.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 10.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 11.

At least once in ten years, 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 or modification.

ARTICLE 12.

The French and English texts of this Convention shall both be authentic.

FOURTH SESSION
(Closing date, 3 November 1922.)

Recommendation [No. 19] concerning communication to the International Labour Office of statistical and other information regarding emigration, immigration and the repatriation and transit of emigrants.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourth Session on 18 October 1922, and

Having decided upon the adoption of certain proposals with regard to the communication to the International Labour Office of statistical and other information regarding emigration and immigration and the repatriation and transit of emigrants, which is the second item of the Agenda of the Session, and

Having decided that these proposals shall take the form of a recommendation,

adopts, this second day of November of the year one thousand nine hundred and twenty-two, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

I.

The General Conference recommends that each Member of the International Labour Organisation should communicate to the International Labour Office all information available concerning emigration, immigration, repatriation, transit of emigrants on outward and return journeys and the measures taken or contemplated in connection with these questions.

This information should be communicated so far as possible every three months and within three months of the end of the period to which it refers.

II.

The General Conference recommends that each Member of the International Labour Organisation should make every effort to communicate to the International Labour Office, within six

months of the end of the year to which they refer, and so far as information is available, the total figures of emigrants and immigrants, showing separately nationals and aliens and specifying particularly, for nationals, and, as far as possible, for aliens :

- (1) Sex.
- (2) Age.
- (3) Occupation.
- (4) Nationality.
- (5) Country of last residence.
- (6) Country of proposed residence.

III.

The General Conference recommends that each Member of the International Labour Organisation should, if possible, make agreements with other Members providing for :

- (a) The adoption of a uniform definition of the term "emigrant".
- (b) The determination of uniform particulars to be entered on the identity papers issued to emigrants and immigrants by the competent authorities of Members who are parties to such agreements.
- (c) The use of a uniform method of recording statistical information regarding emigration and immigration.

FIFTH SESSION
(Closing date, 29 October 1923.)

Recommendation [No. 20] concerning the general principles for the organisation of systems of inspection to secure the enforcement of the laws and regulations for the protection of the workers.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifth Session on 22 October 1923, and

Having decided upon the adoption of certain proposals with regard to the general principles for the organisation of factory inspection, the question forming the agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopts, this twenty-ninth day of October of the year one thousand nine hundred and twenty-three, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Whereas the Treaty of Versailles and the other Treaties of Peace include among the methods and principles of special and urgent importance for the physical, moral and intellectual welfare of the workers the principle that each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the workers ;

Whereas the resolutions adopted at the First Session of the International Labour Conference concerning certain countries where special conditions prevail involve the creation by these countries of an inspection system if they do not already possess such a system ;

Whereas the necessity of organising a system of inspection becomes specially urgent when Conventions adopted at Sessions of the Conference are being ratified by Members of the Organisation and put into force ;

Whereas while the institution of an inspection system is undoubtedly to be recommended as one of the most effective means of ensuring the enforcement of Conventions and other engagements 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 re-organisation 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 Organisation 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, etc.).

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 :

(a) that all accidents should be notified to the competent authorities, and that one of the essential duties of the inspectors should be to investigate accidents, and more especially those of a serious or recurring character, with a view to ascertaining by what measures they can be prevented ;

(b) that inspectors should inform and advise employers respecting the best standards of health and safety ;

(c) that inspectors should encourage the collaboration of employers, managing staff and workers for the promotion of personal caution, safety methods, and the perfecting of safety equipment ;

(d) that inspectors should endeavour to promote the improvement and perfecting of measures of health and safety, by the systematic study of technical methods for the internal equipment of undertakings, by special investigations into problems of health and safety, and by any other means ;

(e) that in countries where it is considered preferable to have a special organisation for accident insurance and prevention completely independent of the inspectorate, the special officers of such organisations should be guided by the foregoing principles.

III. ORGANISATION OF INSPECTION.

A. — *Organisation of the Staff.*

8. That, in order that the inspectors may be as closely as possible in touch with the establishments which they inspect and with the employers and workers, and in order that as much as possible of the inspectors' time may be devoted to the actual

visiting of establishments, they should be localised, when the circumstances of the country permit, in the industrial districts.

9. That, in countries which for the purposes of inspection are divided into districts, in order to secure uniformity in the application of the law as between district and district and to promote a high standard of efficiency of inspection, the inspectors in the districts should be placed under the general supervision of an inspector of high qualifications and experience. Where the importance of the industries of the country is such as to require the appointment of more than one supervising inspector, the supervising inspectors should meet from time to time to confer on questions arising in the divisions under their control in connection with the application of the law and the improvement of industrial conditions.

10. That the inspectorate should be placed under the direct and exclusive control of a State authority and should not be under the control of or in any way responsible to any local authority in connection with the execution of any of their duties.

11. That, in view of the difficult scientific and technical questions which arise under the conditions of modern industry in connection with processes involving the use of dangerous materials, the removal of injurious dust and gases, the use of electrical plant and other matters, it is essential that experts having competent medical, engineering, electrical or other scientific training and experience should be employed by the State for dealing with such problems.

12. That, in conformity with the principle contained in Article 427 of the Treaty of Peace, the inspectorate should include women as well as men inspectors; that, while it is evident that with regard to certain matters and certain classes of work inspection can be more suitably carried out by men as in the case of other matters and other classes of work inspection can be more suitably carried out by women, the women inspectors should in general have the same powers and duties and exercise the same authority as the men inspectors, subject to their having had the necessary training and experience, and should have equal opportunity of promotion to the higher ranks.

B. — Qualifications and Training of Inspectors.

13. That, in view of the complexity of modern industrial processes and machinery, of the character of the executive and administrative functions entrusted to the inspectors in connection with the application of the law and of the importance of their relations to employers and workers and employers' and workers' organisations and to the judicial and local authorities, it is essential that the inspectors should in general possess a high standard of technical training and experience, should be persons of good general education, and by their character and abilities be capable of acquiring the confidence of all parties.

14. That the inspectorate should be on a permanent basis and should be independent of changes of Government; that the inspectors should be given such a status and standard of remuneration as to secure their freedom from any improper external influences and that they should be prohibited from having any interest in any establishment which is placed under their inspection.

15. That inspectors on appointment should undergo a period of probation for the purpose of testing their qualifications and training them in their duties, and that their appointment should only be confirmed at the end of that period if they have shown themselves fully qualified for the duties of an inspector.

16. That, where countries are divided for the purposes of inspection into districts, and especially where the industries of the country are of a varied character, it is desirable that inspectors, more particularly during the early years of their service, should be transferred from district to district at appropriate intervals in order to obtain a full experience of the work of inspection.

C. — Standard and Methods of Inspection.

17. That, as under a system of State inspection the visits of the inspectors to any individual establishment must necessarily be more or less infrequent, it is essential:

(a) That the principle should be laid down and maintained that the employer and the officials of the establishment are responsible for the observance of the law, and are liable to be proceeded against in the event of deliberate violation of or serious negligence in observing the law, without previous warning from the inspector;

It is understood that the foregoing principle does not apply in special cases where the law provides that notice shall be given in the first instance to the employer to carry out certain measures.

(b) That, as a general rule, the visits of the inspectors should be made without any previous notice to the employer.

It is desirable that adequate measures should be taken by the State to ensure that employers, officials and workers are acquainted with the provisions of the law and the measures to be taken for the protection of the health and safety of the workers, as, for example, by requiring the employer to post in his establishment an abstract of the requirements of the law.

18. That, while it is recognised that very wide differences exist between the size and importance of one establishment and another, and that there may be special difficulties in countries or areas of a rural character where factories are widely scattered, it is desirable that, as far as possible, every establishment should be visited by an inspector for the purposes of general

inspection not less frequently than once a year, in addition to any special visits that may be made for the purpose of investigating a particular complaint or for other purposes ; and that large establishments and establishments of which the management is unsatisfactory from the point of view of the protection of the health and safety of the workers, and establishments in which dangerous or unhealthy processes are carried on, should be visited much more frequently. It is desirable that, when any serious irregularity has been discovered in an establishment, it should be revisited by the inspector at an early date with a view to ascertaining whether the irregularity has been remedied.

D. — Co-operation of Employers and Workers.

19. That it is essential that the workers and their representatives should be afforded every facility for communicating freely with the inspectors as to any defect or breach of the law in the establishment in which they are employed ; that every such complaint should as far as possible be investigated promptly by the inspector ; that the complaint should be treated as absolutely confidential by the inspector and that no intimation even should be given to the employer or his officials that the visit made for the purpose of investigation is being made in consequence of the receipt of a complaint.

20. That, with a view to securing full co-operation of the employers and workers and their respective organisations in promoting a high standard in regard to the conditions affecting the health and safety of the workers, it is desirable that the inspectorate should confer from time to time with the representatives of the employers' and workers' organisations as to the best measures to be taken for this purpose.

IV. INSPECTORS' REPORTS.

21. That inspectors should regularly submit to their central authority reports framed on uniform lines dealing with their work and its results, and that the said authority should publish an annual report as soon as possible and in any case within one year after the end of the year to which it relates, containing a general survey of the information furnished by the inspectors ; that the calendar year should be uniformly adopted for these reports.

22. That the annual general report should contain a list of the laws and regulations relating to conditions of work made during the year which it covers.

23. That this annual report should also give the statistical tables necessary in order to provide all information on the

organisation and work of the inspectorate and on the results obtained. The information supplied should as far as possible state :

(a) The strength and organisation of the staff of the inspectorate ;

(b) The number of establishments covered by the laws and regulations, classified by industries and indicating the number of workers employed (men, women, young persons, children) ;

(c) The number of visits of inspection made for each class of establishment with an indication of the number of workers employed in the establishments inspected (the number of workers being taken to be the number employed at the time of the first visit of the year), and the number of establishments inspected more than once during the year ;

(d) The number of and nature of breaches of the laws and regulations brought before the competent authorities and the number and nature of the convictions by the competent authority ;

(e) The number, nature and the cause of accidents and occupational diseases notified, tabulated according to class of establishment.

SIXTH SESSION
(Closing date, 5 July 1924.)

**Recommendation [No. 21] concerning the development
of facilities for the utilisation of workers' spare time.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixth Session on 16 June 1924, and

Having decided upon the adoption of certain proposals with regard to the development of facilities for the utilisation of workers' leisure, the first item in the agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopts, this fifth day of July of the year one thousand nine hundred and twenty-four, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Whereas in adopting at its First Session, held at Washington, a Convention on hours of work, the General Conference of the International Labour Organisation had as one of its principal aims to secure for workers, beyond the necessary hours for sleep, an adequate period during which such workers could do as they please, or, in other words, an adequate period of spare time ; and

Whereas during such spare time workers have the opportunity of developing freely, according to their individual tastes, their physical, intellectual and moral powers, and such development is of great value from the point of view of the progress of civilisation ; and

Whereas a well-directed use of this spare time, by affording to the worker the means for pursuing more varied interests, and by securing relaxation from the strain placed upon him by his ordinary work, may even increase the productive capacity of the worker and increase his output, and may thus help to obtain a maximum of efficiency from the eight-hour day ; and

Whereas while giving full weight to the customs prevalent in the different countries and to local circumstances, it may nevertheless be useful to lay down the principles and methods which at the present time seem generally best adapted to secure the best use of periods of spare time, and it may also be instruc-

tive to make known for the benefit of all countries what has been done in this direction ; and

Whereas the value of this information is particularly great at the moment when the ratification of the Convention on hours of work is being considered by the Members of the International Labour Organisation :

The General Conference makes the recommendations herein-after appearing :

I. PRESERVATION OF SPARE TIME.

Whereas it is agreed that in countries where limitations have been placed on hours of work by law, by collective agreement or otherwise, if all the benefits which may be expected from such measures are to be secured both for the wage-earners and for the community, steps must be taken to ensure that the workers shall have the undiminished enjoyment of the hours of spare time so secured to them as aforesaid ; and

Whereas it is important that, on the one hand, the workers should fully appreciate the value of the periods of spare time which have been secured to them and should do their utmost, in all circumstances, to prevent this spare time from being encroached upon, and, on the other hand, that employers should always aim at establishing wages corresponding sufficiently with the needs of the workers to make it unnecessary for them to have recourse during their periods of spare time to additional hours of paid work ; and

Whereas prohibitions against the continuance of paid work in their own occupation, for the same or another employer, in excess of the legal working day, are recognised as being difficult to enforce, and may even, at times, seem to infringe the workers' right of using their periods of spare time as they choose, the Conference nevertheless considers that attention should be drawn to the steps which have been taken in this direction in a number of countries ;

The Conference recommends that Governments should encourage and facilitate the conclusion of collective agreements which will ensure a normal standard of living to workers in exchange for the legal hours of work, and which will determine, by voluntary agreement between employers and workers, the measures to be taken to prevent workers from having recourse to additional paid work.

And whereas it is agreed that every facility should be given to the workers to enable them to make the best use of their periods of spare time so secured to them as aforesaid, the Conference recommends :

(a) That each Member, whilst having due regard to the requirements of different industries, local customs, and the varying capacities and habits of the different kinds of workers, should consider the means of so arranging the working day as to make the periods of spare time as continuous as possible ;

(b) That by means of a well-conceived transport system and by affording special facilities in regard to fares and time-tables, workers should be enabled to reduce to the minimum the time spent in travelling between their homes and their work, and that employers' and workers' organisations should be extensively consulted by public transport authorities or private transport undertakings as to the best means of securing such a system.

II. SPARE TIME AND SOCIAL HYGIENE.

Whereas the utilisation of the workers' periods of spare time cannot be separated from the general measures adopted by the community for promoting the health and welfare of all classes of society, the Conference, without attempting to examine in detail each of the great welfare problems, the solution of which would contribute to improving the workers' status, recommends to the Members :

(a) The encouragement of individual hygiene by the provision of public baths, swimming pools, etc. ;

(b) Legislative or private action against the misuse of alcohol, against tuberculosis, venereal disease and gambling.

III. HOUSING POLICY.

Whereas it is of advantage to the workers and to the whole community to encourage everything tending to the harmonious development of the workers' family life ; and

Whereas the most effective means of protecting the workers from the aforesaid dangers is to place within their reach a proper home ;

The Conference recommends the increase in number, if necessary in co-operation with the national or local authorities concerned, of healthy dwellings at low rentals in garden cities or urban communities, under proper conditions of health and comfort.

IV. INSTITUTIONS FOR THE UTILISATION OF SPARE TIME.

Without attempting to differentiate between the innumerable institutions which afford to the workers opportunities for the free exercise of their personal tastes, the development of which is dependent on the manners and customs of each country or district, the Conference nevertheless draws the attention of the Members to the necessity of avoiding misplaced activities resulting from the establishment of institu-

tions not called for by some well-defined need. The Conference desires to emphasize the importance of taking into account in the establishment and development of these institutions, the desires, the tastes and the special requirements of the workers for whose use they are designed :

At the same time, among the institutions which may both assist full and harmonious development of the individual and of the family and contribute to the general progress of the community, the Conference recommends those schemes which have for their object :

(a) the improvement of the workers' domestic economy and family life (gardens, allotments, poultry keeping, etc.) which combine the benefits of recreation with the feeling that some addition, however slight, is being made to the family resources;

(b) the development of the physical health and strength of the workers by means of games and sports which enable young workers who are working under the highly specialised conditions prevalent in modern industry to give free play to their energies in a manner which encourages initiative and the spirit of emulation ;

(c) the extension of technical, domestic and general education (libraries, reading-rooms, lectures, technical and general courses, etc.) which meets one of the workers' most keenly felt needs and affords the best means of progress to industrial communities ;

The Conference further recommends that Members should encourage these forms of activity by the grant of subventions to organisations concerned with the moral, intellectual and physical development of the workers.

V. FREE USE OF INSTITUTIONS AND CO-ORDINATION OF LOCAL ACTION.

Whereas for many years past the workers in the great industrial countries have always sought to ensure that they may live their lives outside the factory or workshop in complete freedom and independence, and they particularly resent any outside interference in their private affairs, and this feeling is so strong as to provoke opposition to any attempts to deal, either nationally or internationally, with the question of the use of spare time for fear that it may possibly restrain their liberty ; and

Whereas the Conference, while expressing appreciation of the motives which have led to the creation of institutions for the encouragement of the wise use of the spare time of the workers, suggests that Members should draw the attention of the promoters of such institutions to the necessity of safeguarding the individual freedom of the workers against any system or scheme which has any tendency towards compelling

the workers directly or indirectly to use any particular institution ; and

Whereas the most practical and successful institutions are those which have been started and developed by the beneficiaries themselves, the Conference, while recognising that in many cases where public authorities or employers lend financial or other assistance for the encouragement of allotments, games or educational institutions, and consequently have a legitimate claim to take part in their management, recommends that every care should be taken to avoid any encroachment on the liberty of those for whose use such institutions are intended.

While not contemplating any systematic organisation of spare time occupations, but having in mind a number of successful efforts made to assist them, the Conference further recommends that each Member should consider the possibility of promoting the formation of district or local committees, composed of representatives of the public authorities, of employers' and workers' organisations, and of co-operative associations, for co-ordinating and harmonising the activities of the various institutions providing means of recreation.

The Conference further recommends to the Members that an active and effective propaganda should be undertaken in each country for the purpose of educating opinion in favour of the proper use of the spare time of the workers.

SEVENTH SESSION
(Closing date, 10 June 1925.)

Convention [No. 17] concerning workmen's compensation for accidents¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to workmen's compensation for accidents, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this tenth day of June of the year one thousand nine hundred and twenty-five, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention.

ARTICLE 2.

The laws and regulations as to workmen's compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatsoever nature, whether public or private.

It shall nevertheless be open to any Member to make such exceptions in its national legislation as it deems necessary in respect of :

(a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business ;

(b) out-workers ;

¹ This Convention came into force on 1 April 1927. It had been ratified on 1 September 1937 by 17 States : Austria, Belgium, Bulgaria, Chile, Colombia, Cuba, Hungary, Latvia, Luxemburg, Mexico, Netherlands, Nicaragua, Portugal, Spain, Sweden, Uruguay and Yugoslavia.

(c) members of the employer's family who work exclusively on his behalf and who live in his house ;

(d) non-manual workers whose remuneration exceeds a limit to be determined by national laws or regulations.

ARTICLE 3.

This Convention shall not apply to

(1) seamen and fishermen for whom provision shall be made by a later Convention ;

(2) persons covered by some special scheme, the terms of which are not less favourable than those of this Convention.

ARTICLE 4.

This Convention shall not apply to agriculture, in respect of which the Convention concerning workmen's compensation in agriculture adopted by the International Labour Conference at its Third Session remains in force.

ARTICLE 5.

The compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments : provided that it may be wholly or partially paid in a lump sum, if the competent authority is satisfied that it will be properly utilised.

ARTICLE 6.

In case of incapacity, compensation shall be paid not later than as from the fifth day after the accident, whether it be payable by the employer, the accident insurance institution, or the sickness insurance institution concerned.

ARTICLE 7.

In cases where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be provided.

ARTICLE 8.

The national laws or regulations shall prescribe such measures of supervision and methods of review as are deemed necessary.

ARTICLE 9.

Injured workmen shall be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid shall be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions.

ARTICLE 10.

Injured workmen shall be entitled to the supply and normal renewal, by the employer or insurer, of such artificial limbs and surgical appliances as are recognised to be necessary: provided that national laws or regulations may allow in exceptional circumstances the supply and renewal of such artificial limbs and appliances to be replaced by the award to the injured workman of a sum representing the probable cost of the supply and renewal of such appliances, this sum to be decided at the time when the amount of compensation is settled or revised.

National laws or regulations shall provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.

ARTICLE 11.

The national laws or regulations shall make such provision as, having regard to national circumstances, is deemed most suitable for ensuring in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or in case of death, to their dependants.

ARTICLE 12.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 13.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 14.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 15.

Subject to the provisions of Article 13, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 into operation not later than 1 January 1927 and to take such action as may be necessary to make these provisions effective.

ARTICLE 16.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 17.

A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 18.

At least once in ten years, 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 or modification.

ARTICLE 19.

The French and English texts of this Convention shall both be authentic.

**Recommendation [No. 22] concerning the minimum scale
of workmen's compensation.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to the minimum scale of workmen's compensation, which is included in the first item of the agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopts, this tenth day of June of the year one thousand nine hundred and twenty-five, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The General Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration :

I.

Where incapacity for work results from the injury, the national laws or regulations should provide for the payment of compensation at rates not lower than those hereinafter indicated:

(1) In the case of permanent total incapacity, a periodical payment equivalent to two-thirds of the workman's annual earnings ;

(2) In case of permanent partial incapacity, a proportion of the periodical payment due in the event of permanent total incapacity calculated in reference to the reduction of earning power caused by the injury ;

(3) In case of temporary total incapacity, a daily or weekly payment equivalent to two-thirds of the workman's basic earnings as calculated for purposes of compensation ;

(4) In case of temporary partial incapacity, a proportion of the daily or weekly payment payable in the case of temporary total incapacity calculated in reference to the reduction of earning power caused by the injury.

Where compensation is paid in a lump sum, the sum should not be less than the capitalised value of the periodical payment which would be payable under the foregoing paragraphs.

II.

Where the injury is such that the workman requires the constant help of another person, additional compensation should be paid to the workman, which should not be less than half the amount payable in the case of permanent total incapacity.

III.

Where death results from the injury, those entitled to be regarded as dependants for purposes of compensation should include at least the following :

- (1) deceased's husband or wife ;
- (2) deceased's children under eighteen years of age, or above that age if, by reason of physical or mental infirmity, they are incapable of earning ;
- (3) deceased's ascendants (parents or grandparents), provided that they are without means of subsistence and were dependent on the deceased, or the deceased was under an obligation to contribute towards their maintenance ;
- (4) deceased's grandchildren and brothers and sisters, if below eighteen years of age, or above that age if, by reason of physical or mental infirmity, they are incapable of earning, and if they are orphans, or if their parents, though still living, are incapable of providing for them.

Where compensation is paid by means of periodical payments, the maximum total of the yearly sum payable to all the dependants should not be less than two-thirds of the deceased's annual earnings.

Where compensation is paid in a lump sum, the maximum sum payable to all the dependants should not be less than the capitalised value of periodical payments equivalent to two-thirds of the deceased's annual earnings.

IV.

The vocational re-education of injured workmen should be provided by such means as the national laws or regulations deem most suitable.

Governments should encourage institutions which undertake such re-education.

**Recommendation [No. 23] concerning jurisdiction in disputes
on workmen's compensation.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to jurisdiction in disputes on workmen's compensation, which is included in the first item of the agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopts, this tenth day of June of the year one thousand nine hundred and twenty-five, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Whereas disputes on workmen's compensation turn not only on the interpretation of laws and regulations, but also on questions of an occupational character requiring a thorough knowledge of working conditions, for example, questions as to the nature of the undertaking, the kind of risk inherent in it, the relation between the workman's employment and the accident, the method of computing earnings, the degree of incapacity for work, the possibility of the workman's adapting himself to some other occupation,

And whereas workmen and employers have the necessary knowledge and experience on these questions, and disputes on compensation matters might be more equitably settled if they were members of or associated with the courts which have to decide such disputes,

And whereas it is possible in many countries to secure the association of employers and workmen with such courts, as members or otherwise, without departing radically from the existing judicial system,

The General Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration :

I.

That every dispute relating to workmen's compensation should preferably be dealt with by a special court or board of arbitration comprising, with or without the addition of regular judges, an equal number of employers' and workmen's representatives appointed to act as adjudicators by their respective organisations or on the nomination of such organisations or comprising employers' and workmen's representatives drawn from other social institutions or elected by separate electoral bodies of employers and workmen.

II.

That, where disputes relating to workmen's compensation are dealt with by the ordinary courts of law, such courts shall be required, on the request of either of the parties concerned, to hear employers' and workmen's representatives as experts in any case where the dispute involves a question of an occupational character, and in particular the question of the degree of incapacity for work.

Convention [No. 18] concerning workmen's compensation for occupational diseases¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to workmen's compensation for occupational diseases, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this tenth day of June of the year one thousand nine hundred and twenty-five, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.

The rates of such compensation shall be not less than those prescribed by the national legislation for injury resulting from

¹ This Convention came into force on 1 April 1927. It had been ratified on 1 September 1937 by 28 States : Austria, Belgium, Bulgaria, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Finland, France, Germany, Great Britain*, Hungary, India, Irish Free State*, Italy, Japan, Latvia, Luxemburg, Netherlands, Nicaragua, Norway, Portugal, Spain, Sweden*, Switzerland, Uruguay and Yugoslavia.

The Convention was revised in 1934 by Convention No. 42 (see p. 307).

* Ratification denounced in consequence of ratification of Convention No. 42.

industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases shall be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

ARTICLE 2.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to consider as occupational diseases those diseases and poisonings produced by the substances set forth in the Schedule appended hereto, when such diseases or such poisonings affect workers engaged in the trades or industries placed opposite in the said Schedule, and result from occupation in an undertaking covered by the said national legislation.

SCHEDULE.

List of diseases and toxic substances.

Poisoning by lead, its alloys or compounds and their sequelae.

Poisoning by mercury, its amalgams and compounds and their sequelae.

Anthrax infection.

List of corresponding industries and processes.

Handling of ore containing lead, including fine shot in zinc factories.
 Casting of old zinc and lead in ingots.
 Manufacture of articles made of cast lead or of lead alloys.
 Employment in the polygraphic industries.
 Manufacture of lead compounds.
 Manufacture and repair of electric accumulators.
 Preparation and use of enamels containing lead.
 Polishing by means of lead files or putty powder with a lead content.
 All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.

Handling of mercury ore.
 Manufacture of mercury compounds.
 Manufacture of measuring and laboratory apparatus.
 Preparation of raw material for the hat-making industry.
 Hot gilding.
 Use of mercury pumps in the manufacture of incandescent lamps.
 Manufacture of fulminate of mercury primers.

Work in connection with animals infected with anthrax.
 Handling of animal carcasses or parts of such carcasses including hides, hoofs and horns.
 Loading and unloading or transport of merchandise.

ARTICLE 3.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 4.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 5.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 6.

Subject to the provisions of Article 4, each Member which ratifies this Convention agrees to bring the provisions of Articles 1 and 2 into operation not later than 1 January 1927 and to take such action as may be necessary to make these provisions effective.

ARTICLE 7.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 8.

A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to

the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 9.

At least once in ten years, 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 or modification.

ARTICLE 10.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 24] concerning workmen's compensation for occupational diseases.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to workmen's compensation for occupational diseases, which is included in the first item of the agenda of the Session, and

Having determined that these proposals should take the form of a recommendation.

adopts, this tenth day of June of the year one thousand nine hundred and twenty-five, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Whereas it is recognised that each State is free to establish under its national legislation a more complete list than that embodied in the Schedule appended to Article 2 of the Convention concerning workmen's compensation for occupational diseases.

The Conference recommends that

Each Member of the International Labour Organisation should adopt, where such procedure does not already exist, a simple procedure by which the list of diseases considered occupational in its national legislation may be revised.

**Convention [No. 19] concerning equality of treatment
for national and foreign workers as regards workmen's
compensation for accidents¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to the equality of treatment for national and foreign workers as regards workmen's compensation for accidents, the second item in the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this fifth day of June of the year one thousand nine hundred and twenty-five, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to

¹ This Convention came into force on 8 September 1926. It had been ratified on 1 September 1927 by 35 States : Austria, Belgium, Bulgaria, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, India, Irish Free State, Italy, Japan, Latvia, Lithuania, Luxemburg, Mexico, Netherlands, Nicaragua, Norway, Poland, Portugal, South Africa, Spain, Sweden, Switzerland, Uruguay and Yugoslavia.

residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

ARTICLE 2.

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one Member on behalf of an undertaking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

ARTICLE 3.

The Members which ratify this Convention and which do not already possess a system, whether by insurance or otherwise, of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.

ARTICLE 4.

The Members which ratify this Convention further undertake to afford each other mutual assistance with a view to facilitating the application of the Convention and the execution of their respective laws and regulations on workmen's compensation and to inform the International Labour Office, which shall inform the other Members concerned, of any modifications in the laws and regulations in force on workmen's compensation.

ARTICLE 5.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 6.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 7.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 8.

Subject to the provisions of Article 6, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3 and 4 into operation not later than 1 January 1927, and to take such action as may be necessary to make these provisions effective.

ARTICLE 9.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 10.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 11.

At least once in ten years, 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 or modification.

ARTICLE 12.

The French and English texts of this Convention shall both be authentic.

(b) In case of dispute concerning the non-payment, cessation of payment, or reduction of the compensation due to a person residing elsewhere than in the territory of the Member where his claim to compensation originated, facilities be afforded for taking proceedings in the competent courts of law in such territory without requiring the attendance of the person concerned;

(c) Any advantage in respect of exemption from duties and taxes, free issue of official documents or other privileges granted by the law of any Member for purposes connected with workmen's compensation, be extended under the same conditions to the nationals of the other Members which shall have ratified the afore-mentioned Convention.

II.

The Conference recommends that, where in any country there exists no system, whether by insurance or otherwise, of workmen's compensation for industrial accidents, the Government shall, pending the institution of such a system, afford facilities to alien workers enabling them to benefit by the laws and regulations on workmen's compensation in their own countries.

Convention [No. 20] concerning night work in bakeries ¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventh Session on 19 May 1925, and

Having decided upon the adoption of certain proposals with regard to night work in bakeries, the fourth item in the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this eighth day of June of the year one thousand nine hundred and twenty-five, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Subject to the exceptions hereinafter provided, the making of bread, pastry or other flour confectionery during the night is forbidden.

This prohibition applies to the work of all persons, including proprietors as well as workers, engaged in the making of such products ; but it does not apply to the making of such products by members of the same household for their own consumption.

¹ This Convention came into force on 26 May 1928. It had been ratified on 1 September 1937 by 11 States : Bulgaria, Chile, Colombia, Cuba, Estonia, Finland, Irish Free State, Luxembourg, Nicaragua, Spain and Uruguay.

This Convention has no application to the wholesale manufacture of biscuits. Each Member may, after consultation with the employers' and workers' organisations concerned, determine what products are to be included in the term "biscuits" for the purpose of this Convention.

ARTICLE 2.

For the purpose of this Convention, the term "night" signifies a period of at least seven consecutive hours. The beginning and end of this period shall be fixed by the competent authority in each country after consultation with the organisations of employers and workers concerned, and the period shall include the interval between eleven o'clock in the evening and five o'clock in the morning. When it is required by the climate or season, or when it is agreed between the employers' and workers' organisations concerned, the interval between ten o'clock in the evening and four o'clock in the morning may be substituted for the interval between eleven o'clock in the evening and five o'clock in the morning.

ARTICLE 3.

After consultation with the employers' and the workers' organisations concerned, the competent authority in each country may make the following exceptions to the provisions of Article 1 :

(a) The permanent exceptions necessary for the execution of preparatory or complementary work as far as it must necessarily be carried on outside the normal hours of work, provided that no more than the strictly necessary number of workers and that no young persons under the age of eighteen years shall be employed in such work ;

(b) The permanent exceptions necessary for requirements arising from the particular circumstances of the baking industry in tropical countries ;

(c) The permanent exceptions necessary for the arrangement of the weekly rest ;

(d) The temporary exceptions necessary to enable establishments to deal with unusual pressure of work or national necessities.

ARTICLE 4.

Exceptions may also be made to the provisions of Article 1 in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

ARTICLE 5.

Each Member which ratifies this Convention shall take appropriate measures to ensure that the prohibition prescribed in Article 1 is effectively enforced, and shall enable the employers, the workers, and their respective organisations to co-operate in such measures, in conformity with the Recommendation adopted by the International Labour Conference at its Fifth Session (1928).

ARTICLE 6.

The provisions of this Convention shall not take effect until 1 January 1927.

ARTICLE 7.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 8.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 9.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 10.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 11.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 12.

At least once in ten years, 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 or modification.

ARTICLE 13.

The French and English texts of this Convention shall both be authentic.

EIGHTH SESSION
(Closing date, 5 June 1926.)

Convention [No. 21] concerning the simplification of the inspection of emigrants on board ship¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighth Session on 26 May 1926, and

Having decided upon the adoption of certain proposals with regard to the simplification of the inspection of emigrants on board ship, the question on the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this fifth day of June of the year one thousand nine hundred and twenty-six, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

For the purposes of application of this Convention the terms "emigrant vessel" and "emigrant" shall be defined for each country by the competent authority in that country.

ARTICLE 2.

Each Member which ratifies this Convention undertakes to accept the principle that, save as hereinafter provided, the official inspection carried out on board an emigrant vessel for the protection of emigrants shall be undertaken by not more than one Government.

Nothing in this Article shall prevent another Government from occasionally and at their own expense placing a representative on board to accompany their nationals carried as emigrants in the capacity of observer, and on condition that he shall not encroach upon the duties of the official inspector.

¹ This Convention came into force on 29 December 1927. It had been ratified on 1 September 1937 by 19 States : Albania, Australia, Austria, Belgium, Bulgaria, Colombia, Czechoslovakia, Finland, France (conditional) Great Britain (conditional), Hungary, India, Irish Free State, Japan, Luxembourg, Netherlands, Nicaragua, Sweden (conditional) and Uruguay.

ARTICLE 3.

If an official inspector of emigrants is placed on board an emigrant vessel he shall be appointed as a general rule by the Government of the country whose flag the vessel flies. Such inspector may, however, be appointed by another Government in virtue of an agreement between the Government of the country whose flag the vessel flies and one or more other Governments whose nationals are carried as emigrants on board the vessel.

ARTICLE 4.

The practical experience and the necessary professional and moral qualifications required of an official inspector shall be determined by the Government responsible for his appointment.

An official inspector may not be in any way either directly or indirectly connected with or dependent upon the shipowner or shipping company.

Nothing in this Article shall prevent a Government from appointing the ship's doctor as official inspector by way of exception and in case of absolute necessity.

ARTICLE 5.

The official inspector shall ensure the observance of the rights which emigrants possess under the laws of the country whose flag the vessel flies, or such other law as is applicable, or under international agreements, or the terms of their contracts of transportation.

The Government of the country whose flag the vessel flies shall communicate to the official inspector, irrespective of his nationality, the text of any laws or regulations affecting the condition of emigrants which may be in force, and of any international agreements or any contracts relating to the matter which have been communicated to such Government.

ARTICLE 6.

The authority of the master on board the vessel is not limited by this Convention. The official inspector shall in no way encroach upon the master's authority on board, and shall concern himself solely with ensuring the enforcement of the laws, regulations, agreements, or contracts directly concerning the protection and welfare of the emigrants on board.

ARTICLE 7.

Within eight days after the arrival of the vessel at its port of destination the official inspector shall make a report to the

Government of the country whose flag the vessel flies, which Government shall transmit a copy of the report to the other Governments concerned, where such Governments have previously requested that this shall be done.

A copy of this report shall be transmitted to the master of the vessel by the official inspector.

ARTICLE 8.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 9.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 10.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 11.

Subject to the provisions of Article 9, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6 and 7 into operation not later than 1 January 1928, and to take such action as may be necessary to make these provisions effective.

ARTICLE 12.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, posses-

sions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 13.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 14.

At least once in ten years, 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 or modification.

ARTICLE 15.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 26] concerning the protection of emigrant women and girls on board ship.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighth Session on 26 May 1926, and

Having decided upon the adoption of certain proposals with regard to the means to be taken to ensure the protection of emigrant women and girls on board ship, which question is included in the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this fifth day of June of the year one thousand nine hundred and twenty-six, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by

national legislation or otherwise in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Where fifteen or more women or girls unaccompanied by a responsible person are carried as emigrants on board an emigrant vessel a properly qualified woman who has no other duty to fulfil on board shall be appointed to give such emigrants any material or moral assistance of which they may stand in need without in any way encroaching upon the authority of the master of the vessel. She shall report to the authority making the appointment and her report shall be available for the use of the Governments which may be concerned

NINTH SESSION
(Closing date, 24 June 1926.)

**Convention [No. 22] concerning seamen's articles
of agreement¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninth Session on 7 June 1926, and

Having decided upon the adoption of certain proposals with regard to seamen's articles of agreement, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this twenty-fourth day of June of the year one thousand nine hundred and twenty-six, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

This Convention shall apply to all seagoing vessels registered in the country of any Member ratifying this Convention, and to the owners, masters and seamen of such vessels.

It shall not apply to :

ships of war,

Government vessels not engaged in trade,

vessels engaged in the coasting trade,

pleasure yachts,

Indian country craft,

fishing vessels,

vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below

¹ This Convention came into force on 4 April 1928. It had been ratified on 1 September 1937 by 21 States : Australia, Belgium, Bulgaria, Chile, China, Colombia, Cuba, Estonia, France, Germany, Great Britain, India, Irish Free State, Italy, Luxemburg, Mexico, Nicaragua, Poland, Spain, Uruguay and Yugoslavia.

the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

ARTICLE 2.

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz. :

(a) The term "vessel" includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation.

(b) The term "seaman" includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government.

(c) The term "master" includes every person having command and charge of a vessel except pilots.

(d) The term "home trade vessel" means a vessel engaged in trade between a country and the ports of a neighbouring country within geographical limits determined by the national law.

ARTICLE 3.

Articles of agreement shall be signed both by the shipowner or his representative and by the seaman. Reasonable facilities to examine the articles of agreement before they are signed shall be given to the seaman and also to his adviser.

The seaman shall sign the agreement under conditions which shall be prescribed by national law in order to ensure adequate supervision by the competent public authority.

The foregoing provisions shall be deemed to have been fulfilled if the competent authority certifies that the provisions of the agreement have been laid before it in writing and have been confirmed both by the shipowner or his representative and by the seaman.

National law shall make adequate provision to ensure that the seaman has understood the agreement.

The agreement shall not contain anything which is contrary to the provisions of national law or of this Convention.

National law shall prescribe such further formalities and safeguards in respect of the completion of the agreement as may be considered necessary for the protection of the interests of the shipowner and of the seaman.

ARTICLE 4.

Adequate measures shall be taken in accordance with national law for ensuring that the agreement shall not contain any

stipulation by which the parties purport to contract in advance to depart from the ordinary rules as to jurisdiction over the agreement.

This Article shall not be interpreted as excluding a reference to arbitration.

ARTICLE 5.

Every seaman shall be given a document containing a record of his employment on board the vessel. The form of the document, the particulars to be recorded and the manner in which such particulars are to be entered in it shall be determined by national law.

The document shall not contain any statement as to the quality of the seaman's work or as to his wages.

ARTICLE 6.

The agreement may be made either for a definite period or for a voyage or, if permitted by national law, for an indefinite period.

The agreement shall state clearly the respective rights and obligations of each of the parties.

It shall in all cases contain the following particulars :

(1) The surname and other names of the seaman, the date of his birth or his age, and his birthplace ;

(2) The place at which and date on which the agreement was completed ;

(3) The name of the vessel or vessels on board which the seaman undertakes to serve ;

(4) The number of the crew of the vessel, if required by national law ;

(5) The voyage or voyages to be undertaken, if this can be determined at the time of making the agreement ;

(6) The capacity in which the seaman is to be employed ;

(7) If possible, the place and date at which the seaman is required to report on board for service ;

(8) The scale of provisions to be supplied to the seaman, unless some alternative system is provided for by national law ;

(9) The amount of his wages ;

(10) The termination of the agreement and the conditions thereof, that is to say :

(a) if the agreement has been made for a definite period, the date fixed for its expiry ;

(b) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seaman shall be discharged ;

(c) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission ; provided that such period shall not be less for the shipowner than for the seaman ;

(11) The annual leave with pay granted to the seaman after one year's service with the same shipping company, if such leave is provided for by national law ;

(12) Any other particulars which national law may require.

ARTICLE 7.

If national law provides that a list of crew shall be carried on board it shall specify that the agreement shall either be recorded in or annexed to the list of crew.

ARTICLE 8.

In order that the seaman may satisfy himself as to the nature and extent of his rights and obligations, national law shall lay down the measures to be taken to enable clear information to be obtained on board as to the conditions of employment, either by posting the conditions of the agreement in a place easily accessible from the crew's quarters, or by some other appropriate means.

ARTICLE 9.

An agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement shall have been given, which shall not be less than twenty-four hours.

Notice shall be given in writing ; national law shall provide such manner of giving notice as is best calculated to preclude any subsequent dispute between the parties on this point.

National law shall determine the exceptional circumstances in which notice even when duly given shall not terminate the agreement.

ARTICLE 10.

An agreement entered into for a voyage, for a definite period, or for an indefinite period shall be duly terminated by :

(a) mutual consent of the parties ;

(b) death of the seaman ;

(c) loss or total unseaworthiness of the vessel ;

(d) any other cause that may be provided in national law or in this Convention.

ARTICLE 11.

National law shall determine the circumstances in which the owner or master may immediately discharge a seaman.

ARTICLE 12.

National law shall also determine the circumstances in which the seaman may demand his immediate discharge.

ARTICLE 13.

If a seaman shows to the satisfaction of the shipowner or his agent that he can obtain command of a vessel or an appointment as mate or engineer or to any other post of a higher grade than he actually holds, or that any other circumstance has arisen since his engagement which renders it essential to his interests that he should be permitted to take his discharge, he may claim his discharge, provided that without increased expense to the shipowner and to the satisfaction of the shipowner or his agent he furnishes a competent and reliable man in his place.

In such case, the seaman shall be entitled to his wages up to the time of his leaving his employment.

ARTICLE 14.

Whatever the reason for the termination or rescission of the agreement, an entry shall be made in the document issued to the seaman in accordance with Article 5 and in the list of crew showing that he has been discharged, and such entry shall, at the request of either party, be endorsed by the competent public authority.

The seaman shall at all times have the right, in addition to the record mentioned in Article 5, to obtain from the master a separate certificate as to the quality of his work or, failing that, a certificate indicating whether he has fully discharged his obligations under the agreement.

ARTICLE 15.

National law shall provide the measures to ensure compliance with the terms of the present Convention.

ARTICLE 16.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 17.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 18.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 19.

Subject to the provisions of Article 17, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 into operation not later than 1 January 1928, and to take such action as may be necessary to make these provisions effective.

ARTICLE 20.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 21.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 22.

At least once in ten years, 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 or modification.

ARTICLE 23.

The French and English texts of this Convention shall both be authentic.

Convention [No. 28] concerning the repatriation of seamen ¹

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninth Session on 7 June 1926, and

Having decided upon the adoption of certain proposals with regard to the repatriation of seamen, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this twenty-third day of June of the year one thousand nine hundred and twenty-six, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

This Convention shall apply to all seagoing vessels registered in the country of any Member ratifying this Convention, and to the owners, masters and seamen of such vessels.

It shall not apply to :
ships of war,

¹ This Convention came into force on 16 April 1928. It had been ratified on 1 September 1927 by 17 States : Belgium, Bulgaria, China, Colombia, Cuba, Estonia, France, Germany, Irish Free State, Italy, Luxemburg, Mexico, Nicaragua, Poland, Spain, Uruguay and Yugoslavia.

Government vessels not engaged in trade,
vessels engaged in the coasting trade,
pleasure yachts,
Indian country craft,
fishing vessels,

vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.

ARTICLE 2.

For the purpose of this Convention the following expressions have the meanings hereby assigned to them, viz. :

(a) The term "vessel" includes any ship or boat of any nature whatsoever, whether publicly or privately owned, ordinarily engaged in maritime navigation.

(b) The term "seaman" includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a Government.

(c) The term "master" includes every person having command and charge of a vessel except pilots.

(d) The term "home trade vessel" means a vessel engaged in trade between a country and the ports of a neighbouring country within geographical limits determined by the national law.

ARTICLE 3.

Any seaman who is landed during the term of his engagement or on its expiration shall be entitled to be taken back to his own country, or to the port at which he was engaged, or to the port at which the voyage commenced, as shall be determined by national law, which shall contain the provisions necessary for dealing with the matter, including provisions to determine who shall bear the charge of repatriation.

A seaman shall be deemed to have been duly repatriated if he has been provided with suitable employment on board a vessel proceeding to one of the destinations prescribed in accordance with the foregoing paragraph.

A seaman shall be deemed to have been repatriated if he is landed in the country to which he belongs, or at the port at which he was engaged, or at a neighbouring port, or at the port at which the voyage commenced.

The conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated shall be as provided by national law or, in the absence of such legal provisions, in the articles of agreement. The provisions of the preceding paragraphs shall, however, apply to a seaman engaged in a port of his own country.

ARTICLE 4.

The expenses of repatriation shall not be a charge on the seaman if he has been left behind by reason of

- (a) injury sustained in the service of the vessel, or
- (b) shipwreck, or
- (c) illness not due to his own wilful act or default, or
- (d) discharge for any cause for which he cannot be held responsible.

ARTICLE 5.

The expenses of repatriation shall include the transportation charges, the accommodation and the food of the seaman during the journey. They shall also include the maintenance of the seaman up to the time fixed for his departure.

When a seaman is repatriated as member of a crew, he shall be entitled to remuneration for work done during the voyage.

ARTICLE 6.

The public authority of the country in which the vessel is registered shall be responsible for supervising the repatriation of any member of the crew in cases where this Convention applies, whatever may be his nationality, and where necessary for giving him his expenses in advance.

ARTICLE 7.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 8.

This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the Secretariat.

ARTICLE 9.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 10.

Subject to the provisions of Article 8, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5 and 6 into operation not later than 1 January 1928, and to take such action as may be necessary to make these provisions effective.

ARTICLE 11.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace

ARTICLE 12.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 13.

At least once in ten years 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 or modification.

ARTICLE 14.

The French and English texts of this Convention shall both be authentic.

**Recommendation [No. 27] concerning the repatriation
of masters and apprentices.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninth Session on 7 June 1926, and

Having decided upon the adoption of certain proposals with regard to the repatriation of masters and apprentices, which is included in the first item of the agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-third day of June of the year one thousand nine hundred and twenty-six, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The Conference recommends that the national Governments shall take steps to provide for the repatriation of masters and duly indentured apprentices, who are not covered by the terms of the Draft Convention on the repatriation of seamen adopted by the General Conference at its Ninth Session.

**Recommendation [No. 28] concerning the general principles
for the inspection of the conditions of work of seamen.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninth Session on 7 June 1926, and

Having decided upon the adoption of certain proposals with regard to the general principles for the inspection of the

conditions of work of seamen, the question forming the second item on the agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopts, this twenty-second day of June of the year one thousand nine hundred and twenty-six, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Whereas among the methods and principles of special and urgent importance for the physical, moral and intellectual welfare of the workers, the Treaty of Versailles and the other Treaties of Peace make it a duty of the International Labour Organisation to devote special attention to the inspection of conditions of work in order to ensure the enforcement of the laws and regulations for the protection of the workers ;

Whereas the International Labour Conference at its Fifth Session (October 1923) adopted a " Recommendation concerning the general principles for the organisation of systems of inspection to secure the enforcement of the laws and regulations for the protection of the workers " ;

Whereas that Recommendation is based essentially on the experience gained in the inspection of industrial establishments and it would be particularly difficult to apply or even to adapt it to the work of seamen, the nature and conditions of which are essentially different from those of work in a factory ;

Whereas the inspection of the conditions under which seamen work will increase in importance in proportion as legislation for the protection of seamen is developed in the different countries and as further conventions concerning the working conditions of seamen are adopted by the Conference ;

Whereas for the foregoing reasons it is desirable, in order to place the experience already gained at the disposal of the Members with a view to assisting them in the institution or re-organisation of their systems of inspection of the conditions under which seamen work, to indicate the general principles which practice shows to be best calculated to ensure the enforcement of measures for the protection of seamen ;

The General Conference therefore recommends that each Member of the Organisation should take the following principles into consideration :

I. SCOPE OF INSPECTION.

1. That the principal duty of the authority or authorities responsible in each country for the inspection of the conditions

under which seamen work should be to secure the enforcement of all laws and regulations dealing with such conditions and the protection of seamen in the exercise of their profession ;

2. That, in so far as it may be considered desirable and possible, by reason of the experience they gain in carrying out their principal duties, to entrust the inspecting authorities with other secondary duties of a social nature which may vary according to the conceptions, customs, or traditions prevailing in the different countries, such duties may be assigned to them in addition to their principal duties on condition that :

(a) they do not in any way interfere with the performance of the inspectors' principal duties ;

(b) they do not in any way prejudice the authority and impartiality which are necessary to inspectors in their relations with shipowners and seamen.

II. ORGANISATION OF INSPECTION.

The Conference recommends :

3. That, wherever it is compatible with administrative practice and in order to secure the greatest possible uniformity in the enforcement of the laws and regulations relating to the conditions under which seamen work, the different services or bodies responsible for supervising the enforcement of such laws and regulations should be centralised under a single authority ;

4. That, if existing administrative practice will not admit of such centralisation of supervision, the different services or authorities whose functions are wholly or partly concerned with the protection of seamen should be enabled to benefit by one another's experience and to regulate their methods of work according to such common principles as may be considered the most effective ;

5. That for this purpose close liaison and constant collaboration should be established between these different services or authorities, so far as is compatible with administrative practice and by the means considered the most suitable in each country (exchange of reports and information, periodical conferences, etc.); and

6. That the different services or authorities responsible for supervising the conditions under which seamen work should keep in touch with the authorities responsible for factory inspection, in matters of mutual concern.

III. REPORTS OF THE INSPECTION AUTHORITIES.

The Conference recommends :

7. That an annual general report on the supervision of the conditions under which seamen work should be published by the

central authority or by the collaboration of the different authorities responsible for carrying out such supervision ;

8. That this annual report should contain a list of the national laws and regulations affecting the conditions under which seamen work and their supervision together with any amendments thereto, which have come into operation during the year ;

9. That it should also contain statistical tables with the necessary comments on the organisation and work of inspection and giving information, as far as may be possible and compatible with national administrative practice, on the following points :

(a) the number of vessels in commission subject to the various forms of inspection, these vessels being classified according to type (mechanically propelled vessels and sailing vessels) and each category being sub-divided according to the purpose for which these vessels are used ;

(b) the number of seamen actually engaged on board the vessels of each class ;

(c) the number of vessels visited by the inspectors, with an indication of the strength of the crews ;

(d) the number and nature of breaches of the law or regulations ascertained by the inspectors and of the penalties imposed ;

(e) the number, nature, and causes of accidents occurring to seamen during their work ;

(f) the means adopted for the enforcement of the provisions of International Labour Conventions which relate to the conditions under which seamen work, and the extent of the compliance with such provisions, either in the form of the annual report transmitted to the International Labour Office under Article 408 of the Treaty of Peace or in some other appropriate form.

IV. RIGHTS, POWERS AND DUTIES OF INSPECTORS.

(a) *Rights of inspection.*

The Conference recommends :

10. That the inspection authorities, on proof of their identity, should be empowered by national law :

(a) to visit without previous notice any vessel flying the national flag by day or by night, in national or foreign territorial waters, and, in exceptional cases fixed by national law and by authorisation of the maritime authority, at sea, provided, however, that the time and manner of such visits should in practice be fixed so as to avoid as far as possible any serious inconvenience to the working of the vessel ;

(b) to question without witnesses the crew and any other persons whose evidence may be considered desirable, to make any enquiries which may be judged necessary, and to require production of any of the ship's papers or documents which the laws or regulations require to be kept in so far as such papers or documents relate to the matters subject to inspection ;

11. That national law should provide that the inspectors should be bound by oath, or by any other method which conforms with the administrative practice or customs in each country, not to disclose commercial secrets which may come to their knowledge in the course of their duties, under pain of criminal penalties or appropriate disciplinary measures.

(b) Compulsory powers.

The Conference recommends :

12. That the inspection authorities should be empowered, in serious cases where the health or safety of the crew is endangered, to prohibit by proper authorisation of the maritime authority a vessel from leaving port until the necessary measures have been taken on board to comply with the law, subject to appeal to higher administrative authority or to the court of competent jurisdiction, according to the law in the different countries ;

13. That prohibiting a vessel from leaving port should be considered a measure of exceptional gravity, which should only be employed as a last resort when the other legal means at the disposal of the inspection authority to ensure respect for the law have been used without effect ;

14. That the inspection authorities should be empowered in special cases to issue orders for securing observance of the laws and regulations governing the conditions under which seamen work, subject to appeal to higher administrative authority or to the court of competent jurisdiction, according to the law in each country ;

15. That the central authority should be empowered in special cases to grant exemption from any specified requirement of any law or regulation governing the conditions under which seamen work, if such authority is satisfied that that requirement has been substantially complied with, or that compliance with the requirement is unnecessary in the circumstances of the case, and that the action taken, or provision made, as regards the subject-matter of the requirement is as effective as, or more effective than, actual compliance with the requirement.

(c) Right to call for an inspection.

The Conference recommends :

16. That national law should provide that the master of a vessel should be entitled to call for an inspection in all cases where he considers it necessary ;

17. That national law should provide that the members of the crew of a vessel should also be entitled, subject to such conditions as may be prescribed, to call for an inspection on any matters relating to health, the safety of the vessel, or the rules affecting the conditions under which seamen work.

(d) Co-operation of shipowners and seamen with the inspection authorities.

The Conference recommends :

18. That, so far as is compatible with administrative practice in each country, and by such methods as may be considered most appropriate, shipowners and seamen should be called upon to co-operate in the supervision of the enforcement of the laws and regulations relating to the conditions under which seamen work.

In particular, the Conference draws the attention of the different countries to the following methods of co-operation :

(a) it is essential that every facility should be afforded to seamen freely to bring to the notice of the inspection authorities either directly or through their duly authorised representatives any infringement of the law on board the vessel on which such seamen are employed, that the inspection authority should as far as possible promptly make an enquiry into the subject-matter of any such complaint, that such complaints should be treated by the inspection authority as absolutely confidential ;

(b) with a view to ensuring complete co-operation by shipowners and seamen and their respective organisations with the inspection authorities, and in order to improve conditions affecting the health and safety of seamen, it is desirable that the inspection authorities should from time to time consult the representatives of shipowners' and seamen's organisations as to the best means of attaining these ends. It is also desirable that joint committees of shipowners and seamen should be set up, and that they should be enabled to co-operate with the different services responsible for supervising the enforcement of the laws and regulations governing the conditions under which seamen work.

(e) Safeguards.

The Conference recommends :

19. That only such persons should be appointed inspectors as command the full confidence both of the shipowners and of the seamen, and that such persons should therefore be required to possess :

(a) the qualities necessary to ensure absolute impartiality in the performance of their duties ;

(b) the technical qualifications necessary for the performance of their duties ;

It is desirable that the inspection service should include men who have served at sea whose appointment whether in a permanent or temporary capacity should be at the discretion of the administrative authority ;

20. That, when necessary, inspectors should be assisted in their duties by competent experts who command the full confidence of the shipowners and seamen ;

21. That inspectors should be public servants whose status renders them independent of changes of Government ;

22. That they should be prohibited from having any financial interest whatsoever in the undertakings subject to their inspection.

(f) *Other duties.*

The Conference recommends :

23. That as, by reason of the nature of their duties, inspectors have special opportunities of observing the practical results of the operation of the laws and regulations governing the conditions under which seamen work, they should be called upon, so far as it is compatible with the administrative methods in each country, to assist in improving legislation for the protection of seamen and to give the most effectual help possible in promoting the prevention of accidents ;

24. That, so far as is compatible with administrative practice in each country, they should be called upon to take part in enquiries into shipwrecks and accidents on board ship, and that they should be empowered, where necessary, to submit reports on the results of such enquiries ;

25. That, so far as is compatible with the administrative methods in each country, they should be called upon to collaborate in supplying information preparatory to the drafting of laws and regulations for the protection of seamen.

TENTH SESSION
(Closing date, 16 June 1927.)

**Convention [No. 24] concerning sickness insurance
for workers in industry and commerce and domestic servants¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Tenth Session on 25 May 1927, and

Having decided upon the adoption of certain proposals with regard to sickness insurance for workers in industry and commerce and domestic servants, which is included in the first item of the Agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this fifteenth day of June of the year one thousand nine hundred and twenty-seven, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace:

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up a system of compulsory sickness insurance which shall be based on provisions at least equivalent to those contained in this Convention.

ARTICLE 2.

The compulsory sickness insurance system shall apply to manual and non-manual workers, including apprentices, employed by industrial undertakings and commercial undertakings, out-workers and domestic servants.

It shall, nevertheless, be open to any Member to make such exceptions in its national laws or regulations as it deems necessary in respect of:

(a) Temporary employment which lasts for less than a period to be determined by national laws or regulations, casual

¹ This Convention came into force on 15 July 1928. It had been ratified on 1 September 1937 by 16 States: Austria, Bulgaria, Chile, Colombia, Czechoslovakia, Germany, Great Britain, Hungary, Latvia, Lithuania, Luxemburg, Nicaragua, Rumania, Spain, Uruguay and Yugoslavia.

employment not for the purpose of the employer's trade or business, occasional employment and subsidiary employment ;

(b) Workers whose wages or income exceed an amount to be determined by national laws or regulations ;

(c) Workers who are not paid a money wage ;

(d) Out-workers whose conditions of work are not of a like nature to those of ordinary wage-earners ;

(e) Workers below or above age-limits to be determined by national laws or regulations ;

(f) Members of the employer's family.

It shall further be open to exempt from the compulsory sickness insurance system persons who in case of sickness are entitled by virtue of any laws or regulations, or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention.

This Convention shall not apply to seamen and sea fishermen for whose insurance against sickness provision may be made by a decision of a later Session of the Conference.

ARTICLE 3.

An insured person who is rendered incapable of work by reason of the abnormal state of his bodily or mental health shall be entitled to a cash benefit for at least the first twenty-six weeks of incapacity from and including the first day for which benefit is payable.

The payment of this benefit may be made conditional on the insured person having first complied with a qualifying period and, on the expiry of the same, with a waiting period of not more than three days.

Cash benefit may be withheld in the following cases :

(a) Where in respect of the same illness the insured person receives compensation from another source to which he is entitled by law ; benefit shall only be wholly or partially withheld in so far as such compensation is equal to or less than the amount of the benefit provided by the present Article ;

(b) As long as the insured person does not by the fact of his incapacity suffer any loss of the normal product of his labour, or is maintained at the expense of the insurance funds or from public funds ; nevertheless, cash benefits shall only partially be withheld when the insured person, although thus personally maintained, has family responsibilities ;

(c) As long as the insured person while ill refuses, without valid reason, to comply with the doctor's orders, or the instructions relating to the conduct of insured persons while ill, or voluntarily and without authorisation removes himself from the supervision of the insurance institutions.

Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

ARTICLE 4.

The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical man and to the supply of proper and sufficient medicines and appliances.

Nevertheless, the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

Medical benefit may be withheld as long as the insured person refuses, without valid reason, to comply with the doctor's orders or the instructions relating to the conduct of insured persons while ill, or neglects to make use of the facilities placed at his disposal by the insurance institution.

ARTICLE 5.

National laws or regulations may authorise or prescribe the grant of medical benefit to members of an insured person's family living in his household and dependent upon him, and shall determine the conditions under which such benefit shall be administered.

ARTICLE 6.

Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the competent public authority and shall not be carried on with a view of profit. Institutions founded by private initiative must be specially approved by the competent public authority.

The insured persons shall participate in the management of the self-governing insurance institutions on such conditions as may be prescribed by national laws or regulations.

The administration of sickness insurance may, nevertheless, be undertaken directly by the State where and as long as its administration is rendered difficult or impossible or inappropriate by reason of national conditions, and particularly by the insufficient development of the employers' and workers' organisations.

ARTICLE 7.

The insured persons and their employers shall share in providing the financial resources of the sickness insurance system.

It is open to national laws or regulations to decide as to a financial contribution by the competent public authority.

ARTICLE 8.

This Convention does not in any respect affect the obligations arising out of the Convention concerning the employment of women before and after childbirth, adopted by the International Labour Conference at its First Session.

ARTICLE 9.

A right of appeal shall be granted to the insured person in case of dispute concerning his right to benefit.

ARTICLE 10.

It shall be open to States which comprise large and very thinly populated areas not to apply the Convention in districts where, by reason of the small density and wide dispersion of the population and the inadequacy of the means of communication, the organisation of sickness insurance, in accordance with this Convention, is impossible.

The States which intend to avail themselves of the exception provided by this Article shall give notice of their intention when communicating their formal ratification to the Secretary-General of the League of Nations. They shall inform the International Labour Office as to what districts they apply the exception and indicate their reasons therefor.

In Europe it shall be open only to Finland to avail itself of the exception contained in this Article.

ARTICLE 11.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 12.

This Convention shall come into force ninety days after the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member ninety days after the date on which its ratification has been registered with the Secretariat.

ARTICLE 13.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 14.

Subject to the provisions of Article 12, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 into operation not later than 1 January 1929, and to take such action as may be necessary to make these provisions effective.

ARTICLE 15.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 16.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 17.

At least once in ten years, 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 or modification.

ARTICLE 18.

The French and English texts of this Convention shall both be authentic.

Convention [No. 25] concerning sickness insurance for agricultural workers¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Tenth Session on 25 May 1927, and

Having decided upon the adoption of certain proposals with regard to sickness insurance for agricultural workers, which is included in the first item of the Agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this fifteenth day of June of the year one thousand nine hundred and twenty-seven, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up a system of compulsory sickness insurance for agricultural workers, which shall be based on provisions at least equivalent to those contained in this Convention.

ARTICLE 2.

The compulsory sickness insurance system shall apply to manual and non-manual workers, including apprentices, employed by agricultural undertakings.

It shall, nevertheless, be open to any Member to make such exceptions in its national laws or regulations as it deems necessary in respect of :

(a) Temporary employment which lasts for less than a period to be determined by national laws or regulations, casual employment not for the purpose of the employer's trade or business, occasional employment and subsidiary employment ;

¹ This Convention came into force on 15 July 1928. It had been ratified on 1 September 1937 by 11 States : Austria, Bulgaria, Chile, Colombia, Czechoslovakia, Germany, Great Britain, Luxemburg, Nicaragua, Spain and Uruguay.

(b) Workers whose wages or income exceed an amount to be determined by national laws or regulations ;

(c) Workers who are not paid a money wage ;

(d) Out-workers whose conditions of work are not of a like nature to those of ordinary wage-earners ;

(e) Workers below or above age-limits to be determined by national laws or regulations ;

(f) Members of the employer's family.

It shall further be open to exempt from the compulsory sickness insurance system persons who in case of sickness are entitled by virtue of any laws or regulations, or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention.

ARTICLE 8.

An insured person who is rendered incapable of work by reason of the abnormal state of his bodily or mental health shall be entitled to a cash benefit for at least the first twenty-six weeks of incapacity from and including the first day for which benefit is payable.

The payment of this benefit may be made conditional on the insured person having first complied with a qualifying period and, on the expiry of the same, with a waiting period of not more than three days.

— Cash benefit may be withheld in the following cases :—

(a) Where in respect of the same illness the insured person receives compensation from another source to which he is entitled by law ; benefit shall only be wholly or partially withheld in so far as such compensation is equal to or less than the amount of the benefit provided by the present Article ;

(b) As long as the insured person does not by the fact of his incapacity suffer any loss of the normal product of his labour, or is maintained at the expense of the insurance funds or from public funds ; nevertheless, cash benefit shall only partially be withheld when the insured person, although thus personally maintained, has family responsibilities.

(c) As long as the insured person while ill refuses, without valid reason, to comply with the doctor's orders, or the instructions relating to the conduct of insured persons while ill, or voluntarily and without authorisation removes himself from the supervision of the insurance institutions.

Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

ARTICLE 4.

The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical man and to the supply of proper and sufficient medicines and appliances.

Nevertheless, the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

Medical benefit may be withheld as long as the insured person refuses, without valid reason, to comply with the doctor's orders or the instructions relating to the conduct of insured persons while ill, or neglects to make use of the facilities placed at his disposal by the insurance institution.

ARTICLE 5.

National laws or regulations may authorise or prescribe the grant of medical benefit to members of an insured person's family living in his household and dependent upon him, and shall determine the conditions under which such benefit shall be administered.

ARTICLE 6.

Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the competent public authority and shall not be carried on with a view of profit. Institutions founded by private initiative must be specially approved by the competent public authority.

The insured persons shall participate in the management of the self-governing insurance institutions on such conditions as may be prescribed by national laws or regulations.

The administration of sickness insurance may, nevertheless, be undertaken directly by the State where and as long as its administration is rendered difficult or impossible or inappropriate by reason of national conditions, and particularly by the insufficient development of the employers' and workers' organisations.

ARTICLE 7.

The insured persons and their employers shall share in providing the financial resources of the sickness insurance system.

It is open to national laws or regulations to decide as to a financial contribution by the competent public authority.

ARTICLE 8.

A right of appeal shall be granted to the insured person in case of dispute concerning his right to benefit.

ARTICLE 9.

It shall be open to States which comprise large and very thinly populated areas not to apply the Convention in districts where, by reason of the small density and wide dispersion of the population and the inadequacy of the means of communication, the organisation of sickness insurance, in accordance with this Convention, is impossible.

The States which intend to avail themselves of the exception provided by this Article shall give notice of their intention when communicating their formal ratification to the Secretary-General of the League of Nations. They shall inform the International Labour Office as to what districts they apply the exception and indicate their reasons therefor.

In Europe it shall be open only to Finland to avail itself of the exception contained in this Article.

ARTICLE 10.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 11.

This Convention shall come into force ninety days after the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Secretary-General.

It shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

Thereafter, the Convention shall come into force for any Member ninety days after the date on which its ratification has been registered with the Secretariat.

ARTICLE 12.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall

so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 13.

Subject to the provisions of Article 11, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, and 9 into operation not later than 1 January 1929, and to take such action as may be necessary to make these provisions effective.

ARTICLE 14.

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 15.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

ARTICLE 16.

At least once in ten years, 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 or modification.

ARTICLE 17.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 29] concerning the general principles of sickness insurance.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Tenth Session on 25 May 1927, and

Having decided upon the adoption of certain proposals with regard to the principles of sickness insurance, the first item on the Agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopts, this fifteenth day of June of the year one thousand nine hundred and twenty-seven, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Whereas the maintenance of a healthy and vigorous labour supply is of capital importance not only for the workers themselves, but also for communities which desire to develop their productive capacity ; and

Whereas this development is only attainable by constantly and systematically applying provident measures to obviate or make good any loss of the workers' productive efficiency ; and

Whereas the best provident measure for these purposes is to establish a system of social insurance which confers clearly defined rights on the persons to whom it applies ;

Therefore the General Conference of the International Labour Organisation,

Having adopted Draft Conventions concerning, of the one part, sickness insurance for workers in industry and commerce and domestic servants, and, of the other part, sickness insurance for agricultural workers, drafts which lay down minimum conditions which must be complied with from the beginning by every system of sickness insurance, and

Considering that, in order to put the experience already gained at the disposal of the Members with a view to assisting them in the institution or completion of their sickness insurance services, it is desirable to indicate a number of the general

principles which practice shows to be the best calculated to promote a just, effective and appropriate organisation of sickness insurance ;

Recommends that each Member should take the following principles and rules into consideration :

I. SCOPE OF APPLICATION.

1. Sickness insurance should include within its scope, without discrimination as to age or sex, every person who performs work by way of his occupation and under a contract of service or apprenticeship.

2. If, however, it is considered desirable to fix age-limits by reason of the fact that workers above or below such limits are already protected by law or otherwise, such limits should not apply to young persons who cannot normally be considered as dependent upon their family or to workers who have not reached the old-age pension age ; and

if exceptions are made in respect of workers whose earnings or income exceed a specified amount, such exceptions should only apply to workers whose earnings or income are such that they may reasonably be expected to make their own provision for sickness.

II. BENEFITS.

A. — *Cash Benefits.*

3. In order to secure that an insured person who is rendered incapable of work by sickness may recover his health as early as possible, the cash benefit representing compensation for lost wages should be adequate.

For this purpose the statutory scale of benefit should ordinarily be fixed in relation to the normal wage which is taken into account for the purposes of compulsory insurance, and should be a substantial proportion of such wage, regard being had to family responsibilities ; but in countries where the workers have adequate facilities, of which they are accustomed to take advantage to procure for themselves additional benefit by other means, a uniform scale of benefit may be appropriate.

4. The statutory benefit should be paid for at least the first twenty-six weeks of incapacity as from and including the first day for which benefit is payable ; nevertheless, the period for which benefit is payable should be increased to one year in cases of serious and chronic illness and for insured persons who will not receive any invalidity benefit on the expiry of their right to sickness benefit.

5. An insurance institution which can show that it is in a sound financial position should be authorised :

(a) To increase the statutory scale of benefit up to specified amounts either for all insured persons or for certain groups of the same, in particular insured persons with family responsibilities ;

(b) To prolong the statutory period during which benefit is payable.

6. In countries where burial expenses are not, customarily or by law, covered by some other insurance, sickness insurance institutions should, on the death of an insured person, pay a benefit in respect of the cost of decent burial ; they should also be empowered to pay such a benefit in respect of the burial expenses of the insured person's dependants.

B. — *Benefits in kind.*

7. Treatment by a fully qualified doctor and the supply of proper and sufficient medicines and appliances should be granted to an insured person from the beginning of his illness and for so long as the state of his health requires it ; the insured person should be entitled to these benefits free of charge from the beginning of his illness and at least until the expiry of the period prescribed for the grant of sickness benefit.

8. In addition to treatment by a fully qualified doctor and the supply of proper and sufficient medicines and appliances, there should be available for the insured person, as and when local and financial conditions admit, facilities for specialist services, as well as dental treatment, and for treatment in hospital, where his family circumstances necessitate it or his illness requires a mode of treatment which can only be given in hospital.

9. While an insured person is maintained in hospital, the insurance institution should pay to his dependants the whole or a part of the sickness benefit which would have been payable to him had he not been so maintained.

10. With a view to ensuring good conditions for the maintenance in health of the insured person and his family, members of the insured person's family living in his home and dependent upon him should be furnished with medical benefit, as and when it may be possible and practicable to do so.

11. Insurance institutions should be empowered to avail themselves, on equitable conditions, of the services of such doctors as they need.

In urban centres, and within specified geographical limits, an insured person should be entitled to choose a doctor from

among those at the disposal of the insurance institution, unless this would involve considerable extra expense to the institution.

C. — Sickness Prevention.

12. As most diseases can be prevented, an alert policy of prevention is calculated to avert loss of productive efficiency, to render available for other purposes the financial resources which are absorbed by avoidable illness, and to promote the material, intellectual and moral well-being of the community.

Sickness insurance should assist in inculcating the practice of the rules of hygiene among the workers. It should give preventive treatment and grant the same to as large a number of individuals as possible as soon as the premonitory symptoms of disease appear. It should be capable of contributing towards the prevention of the spread of disease and the improvement of the national health, in pursuance of a general policy co-ordinating all the various activities towards these ends.

III. ORGANISATION OF INSURANCE.

13. Insurance institutions should be administered, under the supervision of the competent public authority in accordance with the principles of self-government, and shall not be carried on for profit. The insured persons being those who are the most directly interested in the working of the insurance scheme should, through elected representatives, have an important part in the management of the insurance system.

14. A good organisation of medical benefit and, in particular, the efficient provision and utilisation of medical equipment embodying the results of scientific progress can be most easily secured—except in certain special circumstances—by concentrating action on a territorial basis.

IV. FINANCIAL RESOURCES.

15. The financial resources for the insurance scheme should be provided by contributions from the insured persons and contributions from employers. The provision thus jointly made can be supplemented to advantage by contributions from public funds, especially for the purpose of improving the health of the people.

With a view to securing the stability of the insurance system, reserve funds, appropriate to the peculiar circumstances of the system, should be constituted.

V. SETTLEMENT OF DISPUTES.

16. With a view to their being settled rapidly and inexpensively, disputes as to benefits between insured persons and insurance institutions should be referred to special tribunals, the members of which include judges or assessors who are specially cognisant of the purposes of insurance and the needs of insured persons.

VI. EXCEPTION FOR SPARSELY POPULATED TERRITORIES.

17. States which, by reason of the small density of their population or of the inadequacy of the means of communication, cannot organise sickness insurance in certain parts of their territory should :

(a) Establish in such parts of their territory a sanitary service adequate to the local conditions ;

(b) Examine periodically whether the conditions required for the introduction of compulsory sickness insurance in the parts of their territory previously excepted from the compulsory scheme are fulfilled.

VII. SEAMEN AND SEA FISHERMEN.

18. This Recommendation shall not apply to seamen and sea fishermen.

ELEVENTH SESSION
(Closing date, 16 June 1928.)

Convention [No. 26] concerning the creation of minimum wage fixing machinery¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eleventh Session on 30 May 1928, and

Having decided upon the adoption of certain proposals with regard to minimum wage fixing machinery, 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 sixteenth day of June of the year one thousand nine hundred and twenty eight, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to create or maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain of the trades or parts of trades (and in particular in home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low.

For the purpose of this Convention the term "trades" includes manufacture and commerce.

ARTICLE 2.

Each Member which ratifies this Convention shall be free to decide, after consultation with the organisations, if any, of workers and employers in the trade or part of trade concerned, in which trades or parts of trades, and in particular

¹ This Convention came into force on 14 June 1930. It had been ratified on 1 September 1927 by 21 States : Australia, Belgium, Bulgaria, Canada, Chile, China, Colombia, Cuba, France, Germany, Great Britain, Hungary, Irish Free State, Italy, Mexico, Netherlands, Nicaragua, Norway, South Africa, Spain and Uruguay.

in which home working trades or parts of such trades, the minimum wage fixing machinery referred to in Article 1 shall be applied.

ARTICLE 3.

Each Member which ratifies this Convention shall be free to decide the nature and form of the minimum wage fixing machinery, and the methods to be followed in its operation :

Provided that

- (1) Before the machinery is applied in a trade or part of trade, representatives of the employers and workers concerned, including representatives of their respective organisations, if any, shall be consulted as well as any other persons, being specially qualified for the purpose by their trade or functions, whom the competent authority deems it expedient to consult ;
- (2) The employers and workers concerned shall be associated in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by national laws or regulations ;
- (3) Minimum rates of wages which have been fixed shall be binding on the employers and workers concerned so as not to be subject to abatement by them by individual agreement, nor, except with the general or particular authorisation of the competent authority, by collective agreement.

ARTICLE 4.

Each Member which ratifies this Convention shall take the necessary measures, by way of a system of supervision and sanctions, to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable.

A worker to whom the minimum rates are applicable and who has been paid wages at less than these rates shall be entitled to recover, by judicial or other legalised proceedings, the amount by which he has been underpaid, subject to such limitation of time as may be determined by national laws or regulations.

ARTICLE 5.

Each Member which ratifies this Convention shall communicate annually to the International Labour Office a general statement giving a list of the trades or parts of trades in which the minimum wage fixing machinery has been applied, indicating the methods as well as the results of the application of the

machinery and, in summary form, the approximate numbers of workers covered, the minimum rates of wages fixed, and the more important of the other conditions, if any, established relevant to the minimum rates.

ARTICLE 6.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 7.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 8.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 9.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 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.

ARTICLE 10.

At least once in ten years, 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 or modification.

ARTICLE 11.

The French and English texts of this Convention shall both be authentic.

**Recommendation [No. 30] concerning the application
of minimum wage fixing machinery.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eleventh Session on 30 May 1928, and

Having decided upon the adoption of certain proposals with regard to minimum wage fixing machinery, which is the first item on the Agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopts, this sixteenth day of June of the year one thousand nine hundred and twenty-eight, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

A.

The General Conference of the International Labour Organisation,

Having adopted a Draft Convention concerning the creation of minimum wage fixing machinery, and

Desiring to supplement this Draft Convention by putting on record for the guidance of the Members certain general principles which, as present practice and experience show, produce the most satisfactory results,

Recommends that each Member should take the following principles and rules into consideration :

I.

(1) In order to ensure that each Member ratifying the Convention is in possession of the information necessary for a decision upon the application of minimum wage fixing machinery, the wages actually paid and the arrangements, if any, for the regulation of wages should be ascertained in respect of any trade or part of trade to which employers or workers therein request the application of the machinery and furnish information which shows *prima facie* that no arrangements exist for the effective regulation of wages and that wages are exceptionally low.

(2) Without prejudice to the discretion left to the Members by the Draft Convention to decide in which trades or parts of trades in their respective countries it is expedient to apply minimum wage fixing machinery, special regard might usefully be had to trades or parts of trades in which women are ordinarily employed.

II.

(1) The minimum wage fixing machinery, whatever form it may take (for instance, trade boards for individual trades, general boards for groups of trades, compulsory arbitration tribunals) should operate by way of investigation into the relevant conditions in the trade or part of trade concerned and consultation with the interests primarily and principally affected, that is to say, the employers and workers in the trade or part of trade, whose views on all matters relating to the fixing of the minimum rates of wages should in any case be solicited and be given full and equal consideration.

(2) (a) To secure greater authority for the rates that may be fixed, it should be the general policy that the employers and workers concerned, through representatives equal in number or having equal voting strength, should jointly take a direct part in the deliberations and decisions of the wage fixing body; in any case, where representation is accorded to one side, the other side should be represented on the same footing. The wage fixing body should also include one or more independent persons whose votes can ensure effective decisions being reached in the event of the votes of the employers' and workers' representatives being equally divided. Such independent persons should, as far as possible, be selected in agreement with or after consultation with the employers' and workers' representatives on the wage fixing body.

(b) In order to ensure that the employers' and workers' representatives shall be persons having the confidence of those whose interests they respectively represent, the employers and workers concerned should be given a voice as far as is

practicable in the circumstances in the selection of their representatives, and if any organisations of the employers and workers exist these should in any case be invited to submit names of persons recommended by them for appointment on the wage fixing body.

(c) The independent person or persons mentioned in paragraph (a) should be selected from among men or women recognised as possessing the necessary qualifications for their duties and as being dissociated from any interest in the trade or part of trade concerned which might be calculated to put their impartiality in question.

(d) Wherever a considerable proportion of women are employed, provision should be made as far as possible for the inclusion of women among the workers' representatives and of one or more women among the independent persons mentioned in paragraph (a).

III.

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 of enabling the workers concerned to maintain a suitable standard of living. For this purpose regard should primarily be had to the rates of wages being paid for similar work in trades where the workers are adequately organised and have concluded effective collective agreements, or, if no such standard of reference is available in the circumstances, to the general level of wages prevailing in the country or in the particular locality.

Provision should be made for the review of the minimum rates of wages fixed by the wage fixing bodies when this is desired by the workers or employers who are members of such bodies.

IV.

For effectively protecting the wages of the workers concerned and safeguarding the employers affected against the possibility of unfair competition, the measures to be taken to ensure that wages are not paid at less than the minimum rates which have been fixed should include :

(a) arrangements for informing the employers and workers of the rates in force ;

(b) official supervision of the rates actually being paid ; and

(c) penalties for infringements of the rates in force and measures for preventing such infringements.

(1) In order that the workers, who are less likely than the employers to have their own means of acquainting themselves with the wage fixing body's decisions, may be kept informed of the minimum rates at which they are to be paid, employers might be required to display full statements of the rates in force in readily accessible positions on the premises where the workers are employed, or in the case of home workers on the premises where the work is given out or returned on completion or wages paid.

(2) A sufficient staff of inspectors should be employed, with powers analogous to those proposed for factory inspectors in the Recommendation concerning the general principles for the organisation of systems of inspection adopted by the General Conference in 1923, to make investigations among the employers and workers concerned with a view to ascertaining whether the minimum rates in force are in fact being paid and taking such steps as may be authorised to deal with infringements of the rates.

As a means of enabling the inspectors adequately to carry out these duties, employers might be required to keep complete and authentic records of the wages paid by them, or in the case of home workers to keep a list of the workers with their addresses and provide them with wage books or other similar record containing such particulars as are necessary to ascertain if the wages actually paid correspond to the rates in force.

(3) In cases where the workers are not in general in a position individually to enforce, by judicial or other legalised proceedings, their rights to recover wages due at the minimum rates in force, such other measures should be provided as may be considered effective for preventing infringements of the rates.

B.

The General Conference of the International Labour Organisation thinks it right to call the attention of Governments to the principle affirmed by Article 427 of the Peace Treaty that men and women should receive equal remuneration for work of equal value.

TWELFTH SESSION

(Closing date, 21 June 1929.)

Recommendation [No. 81] concerning the prevention of industrial accidents.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to the prevention of industrial accidents, which is the first item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a recommendation,

adopts, this twenty-first day of June of the year one thousand nine hundred and twenty-nine, the following Recommendation, to be submitted to the Members of the International Labour

to it by national legislation or otherwise in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Whereas the protection of workers against injury arising out of their employment is instanced by the Preamble to Part XIII of the Treaty of Versailles and to the corresponding Parts of the other Treaties of Peace as one of the improvements in industrial conditions which are urgently required ;

Whereas industrial accidents not only cause suffering and distress among workers and their families, but also represent an important material loss to society in general ;

Whereas the International Labour Conference in 1923 adopted a Recommendation concerning the general principles for the organisation of systems of inspection, in which it is laid down *inter alia* that inspection, in order to become progressively more effective " should be increasingly directed to ward securing the adoption of the most suitable safety methode for preventing accidents and diseases with a view to rensgdnoi work less dangerous, more healthy, and even less exhatstruns by the intelligent understanding, education and co-operatingofi all concerned " ;

Whereas it is desirable that these measures and methods which experience in the various countries has shown to be most effective in enabling the number of accidents to be reduced and their gravity mitigated should be put on record for the mutual advantage of the Members ;

Whereas a Resolution was adopted at the 1928 Session of the International Labour Conference in which the Conference declared its opinion that the time had come to attempt to reach a higher standard of safety by the development of new methods and that the greatest advance could be made on the lines of the Safety First Movement, although it could not supersede the action of the State in prescribing and enforcing regulations for the prevention of accidents ;

Considering that it is of the highest importance that all persons or bodies, including employers, workers, employers' and workers' organisations, Governments and the general public, should use their best endeavours and every means in their power to help to prevent industrial accidents ;

The General Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration for the prevention of accidents in industrial undertakings. The following in particular are considered as such :

(a) Mines, quarries, and other works for the extraction of minerals from the earth ;

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind ;

(c) Construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure ;

(d) Transport of passengers or goods by road, rail, sea or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

The Conference, considering further that the prevention of accidents is as necessary in agriculture as in industrial establishments, recommends that each Member of the International Labour Organisation should apply the Recommendation to agriculture, taking into account the special conditions of agricultural work.

I.

1. Whereas the foundations of the study of accident prevention are

(a) enquiry into the causes and circumstances of accidents,

(b) the study, by means of statistics of accidents in each industry as a whole, of the special dangers which exist in the several industries, the " laws " determining the incidence of accidents and, by comparison over a series of years, the effect of measures taken to avoid them;

The Conference recommends that each Member should take the necessary steps, by means of legislative or administrative action, effectively to ensure the collection and utilisation of the above information.

The Conference also recommends that methodical investigation should be carried out in each country by public services assisted, where it appears desirable, by institutions or committees set up by individual branches of industry.

The public services should have recourse to the collaboration of the industrial organisations of employers and workers and of the services responsible for the supervision of accident prevention, as well as, where desirable, of technical associations and accident insurance institutions or companies.

It is also desirable that industrial associations of employers and workers should collaborate in the institutions for accident prevention in the individual branches of industry.

2. As experience and research have shown that the incidence and gravity of accidents do not depend merely upon the dangers inherent in the work or in the kind of equipment or the various appliances in use, but also on physical, physiological and psychological factors, the Conference recommends that in addition to the investigations mentioned in paragraph 1 in connection with material factors, these other factors should also be investigated.

3. Since the suitability of the worker for his work and the interest which he takes in his work are factors of primary importance for the promotion of safety, it is important that the Members should encourage scientific research into the best methods of vocational guidance and selection and their practical application.

4. Since it is important for the furtherance of accident prevention that the results of the investigations referred to in paragraphs 1 and 2 should be made known as widely as possible and since it is also desirable that the International Labour Office should be in possession of the information necessary to enable its work in connection with accident prevention to

be extended, the Conference recommends that the more important results of the investigations should be communicated to the International Labour Office for use in its work and publications.

It is also desirable that there should be international consultation and exchange of results between the research institutions or organisations in the several industrial countries.

5. The Members should establish central departments to collect and collate statistics relating to industrial accidents and should communicate to the International Labour Office all available statistics on industrial accidents in their respective countries. They should also, with a view to the subsequent preparation of a Draft Convention, keep in touch with the International Labour Office in framing and developing their industrial accident statistics, with a view to arriving at uniform bases which would as far as possible allow of a comparative study of the statistics of the different countries.

II.

6. In view of the satisfactory results which experience in different countries has shown to follow from co-operation between all parties interested in the prevention of industrial accidents, particularly between employers and workers, it is important that the Members should do all in their power to develop and encourage such co-operation, as recommended in the Recommendation on systems of inspection adopted in 1923.

7. It is recommended that in every industry or branch of industry, so far as circumstances require, periodical conferences should be held between the State inspection service, or other competent bodies, and the representative organisations of employers and workers concerned: (a) to consider and review the position in the industry as regards the incidence and gravity of accidents, the working and effectiveness of the measures laid down by law, or agreed upon between the State or other competent bodies and representatives of the industry, or tried by individual employers, and (b) to discuss proposals for further improvement.

8. It is further recommended that the Members should actively and continuously encourage the adoption of measures for the promotion of safety, in particular (a) the establishment in the works of a safety organisation which should include arrangements for a works investigation of every accident occurring in the works, and the consideration of the methods to be adopted for preventing a recurrence; the systematic supervision of the works, machinery and plant for the purpose of ensuring safety, and in particular of seeing that all safeguards and other safety

appliances are maintained in proper order and position ; the explanation to new, and especially young, workers of the possible dangers of the work or the machinery or plant connected with their work ; the organisation of first aid and transport for injured workers ; and the encouragement of suggestions from the persons employed for rendering work safer ; (b) co-operation in the promotion of safety between the management and the workers in individual works, and of employers' and workers' organisations in the industry with each other and with the State and with other appropriate bodies by such methods and arrangements as may appear best adapted to the national conditions and aptitudes. The following methods are suggested as examples for consideration by those concerned : appointment of a safety supervisor for the works, establishment of works safety committees.

9. It is recommended that the Members should do all in their power to awaken and maintain the interest of the workers in the prevention of accidents and ensure their co-operation by means of lectures, publications, cinematograph films, visits to industrial establishments, and by such other means as they may find most appropriate.

10. It is recommended that the State should establish or promote the establishment of permanent safety exhibitions where the best appliances, arrangements and methods for preventing accidents and promoting safety can be seen (and in the case of machinery, seen in action) and advice and information given to employers, works officials, workers, students in the engineering and technical schools, and others.

11. In view of the fact that the workers, by their conduct in the factory, can and should contribute to a large extent to the success of protective measures, the State should use its influence to secure (a) that employers should do all in their power to improve the education of their workers in regard to the prevention of accidents, and (b) that the workers' organisations should by using their influence with their members co-operate in this work.

12. The Conference recommends that, in addition to measures taken in pursuance of the preceding paragraphs, the State should arrange for monographs on accident causation and prevention in particular industries or branches of industry or particular processes to be prepared by the State inspection service or other competent authorities, embodying the experience obtained as to the best measures for preventing accidents in the industry or process, and to be published by the State for the information of employers, works officials and workers in the industry and of employers' and workers' organisations.

13. In view of the importance of the work of education referred to in the preceding paragraph, and as a foundation for such education, the Conference recommends that the Members should arrange for the inclusion in the curricula of the

elementary schools of lessons designed to inculcate habits of carefulness, and in the curricula of continuation schools lessons in accident prevention and first aid. Instruction in the prevention of industrial accidents should be given in vocational schools of all grades, where the importance of the subject both from the economic and moral standpoints should be impressed upon the pupils.

14. In view of the great value of immediate first-aid treatment in lessening the gravity of the consequences of accidents, measures should be taken to ensure that the necessary material for first aid should be kept ready for use in all undertakings and that first aid by properly trained persons should be given. It is also desirable that arrangements should be made to ensure that in case of serious accidents the services of a doctor are available as soon as possible. Arrangements should also be made for providing ambulance services for the rapid transport of injured persons to hospital or to their homes.

Special attention should also be paid to the theoretical and practical training of doctors in the treatment of injuries due to accidents.

III.

15. As any effective system of accident prevention should rest on a basis of statutory requirements the Conference recommends that each Member should prescribe by law the measures required to ensure an adequate standard of safety.

16. It should be provided by law that it is the duty of the employer to equip and manage his undertaking in such a way that the workers are adequately protected, regard being had to the nature of the undertaking and the state of technical progress, as well as to see that the workers in his employment are instructed as to the dangers, if any, of their occupation and in the measures to be observed by them in order to avoid accidents.

17. It is in general desirable that plans for the construction or substantial alteration of industrial establishments should be submitted in due time to the competent authority, in order that it may be ascertained whether the plans are such as to satisfy the statutory requirements referred to above. The plans should be examined as rapidly as possible in order not to delay the execution of the work.

18. So far as the administrative and legal systems of each country allow, officials of the inspection service or other body responsible for supervising the enforcement of the statutory requirements for the protection of workers against accidents should be empowered to give orders in particular cases to the employer as to the steps to be taken by him to fulfil his obligations, subject to a right of appeal to a higher administrative authority or to arbitration.

In case of imminent danger the supervising authority should be empowered to require immediate compliance with the orders, notwithstanding the right of appeal.

19. In view of the importance of the conduct of the worker in connection with accident prevention, the law should provide that it is the duty of the worker to comply with the statutory requirements on accident prevention and particularly to refrain from removing safety devices without permission and to use them properly.

20. It is recommended that before administrative orders or regulations for the prevention of accidents in any industry are finally issued by the competent authority, opportunity should be given to the representative organisations of employers and workers concerned to submit their views for the consideration of the competent authority.

21. Statutory or administrative provision should be made enabling the workers to collaborate in securing the observance of the safety regulations by the methods best suited to each country; for example, the appointment of qualified workers to positions in the official inspection service; regulations authorising the workers to call for a visit from an official of the inspection service or other competent body when they consider such a course desirable, or requiring the employer to give workers or their representatives an opportunity of seeing the inspector when he is visiting the undertaking; inclusion of workers' representatives in safety committees for securing the enforcement of the regulations and establishing the causes of accidents.

IV.

22. The Conference recommends that the State should endeavour to secure that accident insurance institutions or companies take into account, in assessing the premium for an undertaking, the measures taken therein for the protection of the workers, in order to encourage the development of safety measures by employers.

23. The State should use its influence with accident insurance institutions and companies to co-operate in the work of accident prevention by such means as the following; communication of information on causes and consequences of accidents to the inspection service or other supervising authorities concerned; co-operation in the institutions and committees referred to in paragraph 1 and in the Safety First Movement in general; advances to employers for the adoption or improvement of safety appliances; the award of prizes to workmen, engineers and others who, by their inventions or ideas, contribute substantially to the avoidance of accidents; propaganda among employers and the public; advice on safety measures, contributions to safety museums and institutions for instruction in accident prevention.

**Convention [No. 27] concerning the marking of the weight
on heavy packages transported by vessels¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to the marking of the weight on heavy packages transported by vessels, which is included in the first item of the Agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this twenty-first day of June of the year one thousand nine hundred and twenty-nine, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member which ratifies this Convention for transport by sea or inland waterway shall have had its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel.

In exceptional cases where it is difficult to determine the exact weight, national laws or regulations may allow an approximate weight to be marked.

The obligation to see that this requirement is observed shall rest solely upon the Government of the country from which the package or object is consigned, and not on the Government of a country through which it passes on the way to its destination.

It shall be left to national laws or regulations to determine whether the obligation for having the weight marked as aforesaid shall fall on the consignor or on some other person or body.

¹ This Convention came into force on 9 March 1932. It had been ratified on 1 September 1937 by 33 States : Australia, Austria, Belgium, Bulgaria, Chile, China, Czechoslovakia, Denmark (conditional), Estonia, Finland, France, Germany, Greece, India, Irish Free State, Italy, Japan, Lithuania, Luxemburg, Mexico, Netherlands, Nicaragua, Norway, Poland, Portugal, Rumania, South Africa (conditional), Spain, Sweden, Switzerland, Uruguay, Venezuela and Yugoslavia.

ARTICLE 2.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 3.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 4.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 5.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 6.

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 Con-

ference 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 7.

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 5 above, if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 8.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 82] concerning responsibility for the protection of power-driven machinery.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to responsibility for the protection of power-driven machinery which is included in the first item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a recommendation,

adopts, this twenty-first day of June of the year one thousand nine hundred and twenty-nine, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

I.

In order more effectively to ensure, in the interest of the safety of the workers, that the requirements prescribed by national laws or regulations for the protection of power-driven machinery used in the country concerned are properly complied with, and without prejudice to the responsibility which should in any case rest and remain on the employer for seeing that any machinery used in his undertaking is protected in accordance with national laws or regulations,

The Conference recommends that each Member adopt and apply to as great an extent as possible the principle that it should be prohibited by law to supply or install any machine intended to be driven by mechanical power and to be used within its territory, unless it is furnished with the safety appliances required by law for the operation of machines of that type.

The previous paragraph applies to any electrical equipment forming part of such a machine.

II.

Each Member should keep the International Labour Office informed of the measures taken by it to apply the above-mentioned principle and of the result of its application.

Convention [No. 28] concerning the protection against accidents of workers employed in loading or unloading ships¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to the protection against accidents of workers employed in loading or unloading ships, which is the second item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this twenty-first day of June of the year one thousand nine hundred and twenty-nine, the following Draft Convention

¹ This Convention came into force on 1 April 1932. It had been ratified before it was revised by the Irish Free State, Luxemburg, Nicaragua and Spain (ratification lapsed). The Convention was revised in 1932 and therefore ceased, in accordance with Article 23, paragraph 2, to be open for ratification from 30 October 1934, on which date the revised Convention came into force (see page 211). Under paragraph 1 of the same Article, ratification of the revised Convention involves *ipso jure* the denunciation of this Convention, from the date of coming into force of the revised Convention.

for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

For the purpose of this Convention :

(1) the term "processes" means and includes all or any part of the work performed on shore or on board ship of loading or unloading any ship whether engaged in maritime or inland navigation, excluding ships of war, in, on, or at any maritime or inland port, harbour, dock, wharf, quay or similar place at which such work is carried on ; and

(2) the term "worker" means any person employed in the processes.

ARTICLE 2.

Any regular approach over a dock, wharf, quay or similar premises which workers have to use for going to or from a working place at which the processes are carried on and every such working place on shore shall be maintained with due regard to the safety of the workers using them.

In particular,

(1) every said working place on shore and any dangerous parts of any said approach thereto from the nearest highway shall be safely and efficiently lighted ;

(2) wharves and quays shall be kept sufficiently clear of goods to maintain a clear passage to the means of access referred to in Article 3 ;

(3) where any space is left along the edge of any wharf or quay, it shall be at least 3 feet (90 cm.) wide and clear of all obstruction other than fixed structures, plant and appliances in use ; and

(4) so far as is practicable having regard to the traffic and working,

(a) all dangerous parts of the said approaches and working places (e.g. dangerous breaks, corners and edges) shall be adequately fenced to a height of not less than 2 feet 6 inches (75 cm.) ;

(b) dangerous footways over bridges, caissons and dock gates shall be fenced to a height of not less than 2 feet 6 inches (75 cm.) on each side, and the said fencing shall be continued at both ends to a sufficient distance which shall not be required to exceed 5 yards (4 m. 50).

ARTICLE 8.

(1) When a ship is lying alongside a quay or some other vessel for the purpose of the processes, there shall be safe means of access for the use of the workers at such times as they have to pass to or from the ship, unless the conditions are such that they would not be exposed to undue risk if no special appliance were provided.

(2) The said means of access shall be :

(a) where reasonably practicable, the ship's accommodation ladder, a gangway or a similar construction ;

(b) in other cases a ladder.

(3) The appliances specified in paragraph (2) (a) of this Article shall be at least 22 inches (55 cm.) wide, properly secured to prevent their displacement, not inclined at too steep an angle, constructed of materials of good quality and in good condition, and securely fenced throughout to a clear height of not less than 2 feet 9 inches (82 cm.) on both sides, or in the case of the ship's accommodation ladder securely fenced to the same height on one side, provided that the other side is properly protected by the ship's side.

Provided that any appliances as aforesaid in use at the date of the ratification of this Convention shall be allowed to remain in use :

(a) until the fencing is renewed if they are fenced on both sides to a clear height of at least 2 feet 8 inches (80 cm.) ;

(b) for one year from the date of ratification if they are fenced on both sides to a clear height of at least 2 feet 6 inches (75 cm.).

(4) The ladders specified in paragraph (2) (b) of this Article shall be of adequate length and strength, and properly secured.

(5) (a) Exceptions to the provisions of this Article may be allowed by the competent authorities when they are satisfied that the appliances specified in the Article are not required for the safety of the workers.

(b) The provisions of this Article shall not apply to cargo stages or cargo gangways when exclusively used for the processes.

(6) Workers shall not use, or be required to use, any other means of access than the means specified or allowed by this Article.

ARTICLE 4.

When the workers have to proceed to or from a ship by water for the processes, appropriate measures shall be prescribed to ensure their safe transport, including the conditions to be complied with by the vessels used for this purpose.

ARTICLE 5.

(1) When the workers have to carry on the processes in a hold the depth of which from the level of the deck to the bottom of the hold exceeds 5 feet (1 m. 50), there shall be safe means of access from the deck to the hold for their use.

(2) The said means of access shall ordinarily be by ladder, which shall not be deemed to be safe unless it complies with the following conditions :

- (a) leaves sufficient free space behind the rungs, which in the case of ladders on bulkheads and in trunk hatchways shall not be less than $4\frac{1}{2}$ inches ($11\frac{1}{2}$ cm.), or has throughout rungs of proper width for firm foothold and handhold ;
- (b) is not recessed under the deck more than is reasonably necessary to keep it clear of the hatchway ;
- (c) is continued by and is in line with arrangements for secure handhold and foothold on the coamings (e.g. cleats or cups) ;
- (d) the said arrangements on the coamings stand out not less than $4\frac{1}{2}$ inches ($11\frac{1}{2}$ cm.) for a width of 10 inches (25 cm.) ; and
- (e) if separate ladders are provided between the lower decks, the said ladders are as far as practicable in line with the ladder from the top deck.

Where, however, owing to the construction of the ship, the provision of a ladder would not be reasonably practicable, it shall be open to the competent authorities to allow other means of access, provided that they comply with the conditions laid down in this Article for ladders so far as they are applicable.

(3) Sufficient free passage to the means of access shall be left at the coamings.

(4) Shaft tunnels shall be equipped with adequate handhold and foothold on both sides.

(5) When a ladder is to be used in the hold of a vessel which is not decked it shall be the duty of the contractor undertaking the processes to provide such ladder. It shall be equipped at the top with hooks for fastening it on to the coamings or with other means for firmly securing it.

(6) The workers shall not use, or be required to use, other means of access than the means specified or allowed by this Article.

(7) Ships existing at the date of ratification of this Convention shall be exempt from compliance with the measurements in paragraph 2 (a) and (d) and from the provisions of paragraph 4 of this Article for a period not exceeding four years from the date of ratification of this Convention.

ARTICLE 6.

While the workers are on a ship for the purpose of the processes, no hatchway of a cargo hold which exceeds 5 feet (1 m. 50) in depth from the level of the deck to the bottom of the hold and which is accessible to the workers shall be left open and unprotected, but every such hatchway which is not protected to a clear height of 2 feet 6 inches (75 cm.) by the coamings shall either be securely fenced to a height of 3 feet (90 cm.) if the processes at that hatchway are not impeded thereby or be securely covered.

Similar measures shall be taken when necessary to protect any other openings in a deck which might be dangerous to the workers.

Provided that the requirements of this Article shall not apply when a proper and sufficient watch is being kept.

ARTICLE 7.

When the processes have to be carried on on a ship, the means of access thereto and all places on board at which the workers are employed or to which they may be required to proceed in the course of their employment shall be efficiently lighted.

The means of lighting shall be such as not to endanger the safety of the workers nor to interfere with the navigation of other vessels.

ARTICLE 8.

In order to ensure the safety of the workers when engaged in removing or replacing hatch coverings and beams used for hatch coverings,

(1) hatch coverings and beams used for hatch coverings shall be maintained in good condition ;

(2) hatch coverings shall be fitted with adequate hand grips, having regard to their size and weight ;

(3) beams used for hatch coverings shall have suitable gear for removing and replacing them of such a character as to render it unnecessary for workers to go upon them for the purpose of adjusting such gear ;

(4) all hatch coverings and fore and aft and thwart-ship beams shall, in so far as they are not interchangeable, be kept plainly marked to indicate the deck and hatch to which they belong and their position therein ;

(5) hatch coverings shall not be used in the construction of cargo stages or for any other purpose which may expose them to damage.

ARTICLE 9.

Appropriate measures shall be prescribed to ensure that no hoisting machine, or gear, whether fixed or loose, used in connection therewith, is employed in the processes on shore or on board ship unless it is in a safe working condition.

In particular,

(1) before being taken into use, the said machines, fixed gear on board ship accessory thereto as defined by national laws or regulations, and chains and wire ropes used in connection therewith, shall be adequately examined and tested, and the safe working load thereof certified, in the manner prescribed and by a competent person ;

(2) after being taken into use, every hoisting machine, whether used on shore or on board ship, and all fixed gear on board ship accessory thereto as defined by national laws or regulations shall be thoroughly examined or inspected as follows :

(a) to be thoroughly examined every four years and inspected every twelve months : derricks, goose necks, mast bands, derrick bands, eyebolts, spans and any other fixed gear the dismantling of which is specially difficult ;

(b) to be thoroughly examined every twelve months : all hoisting machines (e.g. cranes, winches), blocks, shackles and all other accessory gear not included in (a).

All loose gear (e.g. chains, wire ropes, rings, hooks) shall be inspected on each occasion before use unless they have been inspected within the previous three months.

Chains shall not be shortened by tying knots in them and precautions shall be taken to prevent injury to them from sharp edges.

A thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of rope and two tucks with one half of the wires cut out of each strand ; provided that this requirement shall not operate to prevent the use of another form of splice which can be shown to be as efficient as the form hereby prescribed.

(3) Chains and such similar gear as is specified by national laws or regulations (e.g. hooks, rings, shackles, swivels) shall, unless they have been subjected to such other sufficient treatment as may be prescribed by national laws or regulations, be annealed under the supervision of a competent person as follows :

(a) In the case of chains and the said gear carried on board ship :

(i) half inch (12½ mm.) and smaller chains or gear in general use once at least in every six months ;

(ii) all other chains or gear (including span chains but excluding bridle chains attached to derricks or masts) in general use once at least in every twelve months :

Provided that in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months shall be substituted for six months in sub-paragraph (i) and two years for twelve months in sub-paragraph (ii);

Provided also that, if the competent authority is of opinion that owing to the size, design, material or infrequency of use of any of the said gear other than chains the requirements of this paragraph as to annealing are not necessary for the protection of the workers, it may, by certificate in writing (which it may at its discretion revoke) exempt such gear from the said requirements subject to such conditions as may be specified in the said certificate.

(b) In the case of chains and the said gear not carried on board ship:

Measures shall be prescribed to secure the annealing of the said chains and gear.

(c) In the case of the said chains and gear whether carried on board ship or not, which have been lengthened, altered or repaired by welding, they shall thereupon be tested and re-examined.

(4) Such duly authenticated records as will provide sufficient *prima facie* evidence of the safe condition of the machines and gear concerned shall be kept, on shore or on the ship as the case may be, specifying the safe working load and the dates and results of the tests and examinations referred to in paragraphs (1) and (2) of this Article and of the annealings or other treatment referred to in paragraph (3).

Such records shall, on the application of any person authorised for the purpose, be produced by the person in charge thereof.

(5) The safe working load shall be kept plainly marked on all cranes, derricks and chain slings and on any similar hoisting gear used on board ship as specified by national laws or regulations. The safe working load marked on chain slings shall either be in plain figures or letters upon the chains or upon a tablet or ring of durable material attached securely thereto.

(6) All motors, cogwheels, chain and friction gearing, shafting, live electric conductors and steam pipes shall (unless it can be shown that by their position and construction they are equally safe to every worker employed as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the ship.

(7) Cranes and winches shall be provided with effective appliances to prevent the accidental descent of a load while in process of being lifted or lowered.

(8) Appropriate measures shall be taken to prevent exhaust steam from and, so far as practicable, live steam to any crane or winch obscuring any part of the working place at which a worker is employed.

ARTICLE 10.

Only sufficiently competent and reliable persons shall be employed to operate lifting or transporting machinery whether driven by mechanical power or otherwise, or to give signals to a driver of such machinery, or to attend to cargo falls on winch ends or winch drums.

ARTICLE 11.

(1) No load shall be left suspended from any hoisting machine unless there is a competent person actually in charge of the machine while the load is so left.

(2) Appropriate measures shall be prescribed to provide for the employment of a signaller where this is necessary for the safety of the workers.

(3) Appropriate measures shall be prescribed with the object of preventing dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo, or handling in connection therewith.

(4) Before work is begun at a hatch the beams thereof shall be removed, unless the hatch is of sufficient size to preclude danger to the workers from a load striking against the beams; provided that when the beams are not removed they shall be securely fastened to prevent their displacement.

(5) Precautions shall be taken to facilitate the escape of the workers when employed in a hold or on 'tween decks in dealing with coal or other bulk cargo.

(6) No stage shall be used in the processes unless it is substantially and firmly constructed, adequately supported and where necessary securely fastened.

No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

Stages shall where necessary be treated with suitable material to prevent the workers slipping.

(7) When the working space in a hold is confined to the square of the hatch, hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny bags or other similar goods (nor can-hooks on barrels), except for the purpose of breaking out or making up slings.

(8) No gear of any description shall be loaded beyond the safe working load, except on special occasions expressly authorised by the owner or his responsible agent of which a record shall be kept.

(9) In the case of shore cranes with varying capacity (e.g. raising and lowering jib with load capacity varying according to the angle) an automatic indicator or a table showing the safe working loads at the corresponding inclinations of the jib shall be provided on the crane.

ARTICLE 12.

National laws or regulations shall prescribe such precautions as may be deemed necessary to ensure the proper protection of the workers, having regard to the circumstances of each case, when they have to deal with or work in proximity to goods which are in themselves dangerous to life or health by reason either of their inherent nature or of their condition at the time, or work where such goods have been stowed.

ARTICLE 13.

At docks, wharves, quays and similar places which are in frequent use for the processes, such facilities as having regard to local circumstances shall be prescribed by national laws or regulations shall be available for rapidly securing the rendering of first-aid and in serious cases of accident removal to the nearest place of treatment. Sufficient supplies of first-aid equipment shall be kept permanently on the premises in such a condition and in such positions as to be fit and readily accessible for immediate use during working hours. The said supplies shall be in charge of a responsible person or persons, who shall include one or more persons competent to render first-aid, and whose services shall also be readily available during working hours.

At such docks, wharves, quays and similar places as aforesaid appropriate provision shall also be made for the rescue of immersed workers from drowning.

ARTICLE 14.

Any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing whatsoever required to be provided under this Convention shall not be removed or interfered with by any person except when duly authorised or in case of necessity, and if removed shall be restored at the end of the period for which its removal was necessary.

ARTICLE 15.

It shall be open to each Member to grant exemptions from or exceptions to the provisions of this Convention in respect of any dock, wharf, quay or similar place at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or in respect of certain special ships or special classes of ships or ships below a certain small tonnage, or in cases where as a result of climatic conditions it would be impracticable to require the provisions of this Convention to be carried out.

The International Labour Office shall be kept informed of the provisions in virtue of which any exemptions and exceptions as aforesaid are allowed.

ARTICLE 16.

Except as herein otherwise provided, the provisions of this Convention which affect the construction or permanent equipment of the ship shall apply to ships the building of which is commenced after the date of ratification of the Convention, and to all other ships within four years after that date, provided that in the meantime the said provisions shall be applied so far as reasonable and practicable to such other ships.

ARTICLE 17.

In order to ensure the due enforcement of any regulations prescribed for the protection of the workers against accidents,

(1) The regulations shall clearly define the persons or bodies who are to be responsible for compliance with the respective regulations;

(2) Provision shall be made for an efficient system of inspection and for penalties for breaches of the regulations;

(3) Copies or summaries of the regulations shall be posted up in prominent positions at docks, wharves, quays and similar places which are in frequent use for the processes.

ARTICLE 18.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 19.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 20.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organi-

tion. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 21.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 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.

ARTICLE 22.

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 23.

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 21 above, if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 24.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 38] concerning reciprocity as regards the protection against accidents of workers employed in loading or unloading ships.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to reciprocity as regards the protection of workers employed in loading or unloading ships, which is included in the second item of the Agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopts, this twenty-first day of June of the year one thousand nine hundred and twenty-nine, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The Conference,

Recognising that the Convention concerning the protection against accidents of workers employed in loading or unloading ships, while having as its main object the protection against accidents of the said workers, at the same time affords an opportunity for regulations being prepared and issued by the Members which should secure reasonable uniformity on the basis of the Convention and for extension of the principle of reciprocity in the mutual recognition of certificates of inspection and examination ; and

Recalling in this connection the principles laid down in the Copenhagen Convention of 28 January 1926 on the seaworthiness and equipment of ships as modified by the Declaration of 11 June 1928 :

Strongly recommends that, following the ratification of, and issuing of regulations as aforesaid based upon, the Convention concerning the protection against accidents of workers employed in loading or unloading ships, the Members which have ratified the said Convention should enter into conference for the purpose of securing agreement for reciprocity, subject to all such agreements making secure the main object of the Convention, namely the safety of the persons employed.

Recommendation [No. 84] concerning the consultation of workers and employers' organisations in the drawing up of regulations dealing with the safety of workers employed in loading or unloading ships.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twelfth Session on 30 May 1929, and

Having decided upon the adoption of certain proposals with regard to the consultation of workers' and employers' organisations in the drawing up of regulations dealing with the safety of workers employed in loading or unloading ships, which is included in the second item of the Agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopts, this twenty-first day of June of the year one thousand nine hundred and twenty-nine, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The Conference,

Having adopted a Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships, and

Desiring to indicate for the guidance of the Members a method of bringing the Convention into operation in their respective countries,

Supplements this Draft Convention by the following Recommendation :

That the authorities responsible for the making of regulations for the protection against accidents of workers employed in loading or unloading ships should, either directly or through any special joint machinery recognised for the purpose, consult the workers' and employers' organisations concerned, if any, in their respective countries in the drawing up of new regulations under the above-mentioned Draft Convention.

FOURTEENTH SESSION
(Closing date, 28 June 1930.)

Convention [No. 29] concerning forced or compulsory labour¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to forced or compulsory labour, which is included in 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 twenty-eighth day of June of the year one thousand nine hundred and thirty, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided.

At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the Agenda of the Conference.

ARTICLE 2.

For the purposes of this Convention the term "forced or compulsory labour" shall mean all work or service which is

¹ This Convention came into force on 1 May 1932. It had been ratified on 1 September 1937 by 18 States : Australia, Bulgaria, Chile, Denmark, Finland, France, Great Britain, Irish Free State, Italy, Japan, Liberia, Mexico, Netherlands, Nicaragua, Norway, Spain, Sweden and Yugoslavia.

exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Nevertheless, for the purposes of this Convention, the term "forced or compulsory labour" shall not include :

(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character ;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country ;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations ;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population ;

(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

ARTICLE 3.

For the purposes of this Convention the term "competent authority" shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

ARTICLE 4.

The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Secretary-General of the League of Nations, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

ARTICLE 5.

No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.

Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

ARTICLE 6.

Officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

ARTICLE 7.

Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.

Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.

Chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

ARTICLE 8.

The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.

Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitat-

ing the movement of officials of the administration, when on duty, and for the transport of Government stores.

ARTICLE 9.

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself :

(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service ;

(b) that the work or service is of present or imminent necessity ;

(c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service ; and

(d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

ARTICLE 10.

Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself :

(a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service ;

(b) that the work or the service is of present or imminent necessity ;

(c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work ;

(d) that the work or service will not entail the removal of the workers from their place of habitual residence ;

(e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

ARTICLE 11.

Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply :

(a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out ;

(b) exemption of school teachers and pupils and of officials of the administration in general ;

(c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life ;

(d) respect for conjugal and family ties.

For the purposes of sub-paragraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

ARTICLE 12.

The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.

Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

ARTICLE 13.

The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.

A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

ARTICLE 14.

With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.

The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.

For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.

Nothing in this Article shall prevent ordinary rations being given as a part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

ARTICLE 15.

Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment.

ARTICLE 16.

Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.

In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.

When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.

In cases where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or amelioration of diet which may be necessary.

ARTICLE 17.

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplaces for considerable periods, the competent authority shall satisfy itself :

(1) that all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular, (a) that the workers are medically examined before commencing the work and at fixed intervals during the period of service. (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory ;

(2) that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the family, at the request or with the consent of the workers ;

(3) that the journeys of the workers to and from the workplaces are made at the expense and under the responsibility of the administration, which shall facilitate such journeys by making the fullest use of all available means of transport ;

(4) that in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the administration ;

(5) that any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour

is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

ARTICLE 18.

Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, *inter alia*, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of Government stores, or in cases of very urgent necessity, the transport of persons other than officials, (b) that the workers so employed shall be medically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease, (c) the maximum load which these workers may carry, (d) the maximum distance from their homes to which they may be taken, (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes, and (f) the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.

The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

ARTICLE 19.

The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is

organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

ARTICLE 20.

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

ARTICLE 21.

Forced or compulsory labour shall not be used for work underground in mines.

ARTICLE 22.

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of Article 408 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

ARTICLE 23.

To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.

These regulations shall contain, *inter alia*, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration.

ARTICLE 24.

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

ARTICLE 25.

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

ARTICLE 26.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction ; provided that, if such Member may desire to take advantage of the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace, it shall append to its ratification a declaration stating :

(1) the territories to which it intends to apply the provisions of this Convention without modification ;

(2) the territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications ;

(3) the territories in respect of which it reserves its decision.

The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification. It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of sub-paragraphs (2) and (3) of this Article, in the original declaration.

ARTICLE 27.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 28.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 29.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 30.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 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.

ARTICLE 31.

At the expiration of each period of five 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 32.

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 33.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 35] concerning indirect compulsion to labour.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to indirect compulsion to labour, which is included in the first item on the Agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopt, this twenty-eighth day of June of the year one thousand nine hundred and thirty, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Having adopted a Draft Convention concerning forced or compulsory labour and

Desiring to supplement this Draft Convention by a statement of the principles which appear best fitted to guide the policy of the Members in endeavouring to avoid any indirect compulsion to labour which would lay too heavy a burden upon the populations of territories to which the Draft Convention may apply,

The Conference recommends that each Member should take the following principles into consideration :

I.

The amount of labour available, the capacities for labour of the population, and the evil effects which too sudden changes in the habits of life and labour may have on the social conditions of the population, are factors which should be taken into consideration in deciding questions connected with the economic development of territories in a primitive stage of development and, in particular, when deciding upon :

(a) increases in the number and extent of industrial, mining and agricultural undertakings in such territories ;

(b) the non-indigenous settlement, if any, which is to be permitted ;

(c) the granting of forest or other concessions, with or without the character of monopolies.

II.

The desirability of avoiding indirect means of artificially increasing the economic pressure upon populations to seek wage-earning employment, and particularly such means as :

(a) imposing such taxation upon populations as would have the effect of compelling them to seek wage-earning employment with private undertakings ;

(b) imposing such restrictions on the possession, occupation, or use of land as would have the effect of rendering difficult the gaining of a living by independent cultivation ;

(c) extending abusively the generally accepted meaning of vagrancy ;

(d) adopting such pass laws as would have the effect of placing workers in the service of others in a position of advantage as compared with that of other workers.

III.

The desirability of avoiding any restrictions on the voluntary flow of labour from one form of employment to another or from one district to another which might have the indirect effect of compelling workers to take employment in particular industries or districts, except where such restrictions are considered necessary in the interest of the population or of the workers concerned.

Recommendation [No. 36] concerning the regulation of forced or compulsory labour.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to the regulation of forced or compulsory labour,

which is included in the first item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a recommendation,

adopts, this twenty-eighth day of June of the year one thousand nine hundred and thirty, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Having adopted a Draft Convention concerning forced or compulsory labour, and

Desiring to give expression to certain principles and rules relating to forced or compulsory labour which appear to be of a nature to render the application of the said Draft Convention more effective,

The Conference recommends that each Member should take the following principles and rules into consideration :

I.

Any regulations issued in application of the Draft Convention concerning forced or compulsory labour, as well as any other legal provisions or administrative orders, existing at the time of the ratification of the said Draft Convention or thereafter enacted, governing the employment of forced or compulsory labour, including any laws or administrative orders concerning compensation or indemnification for sickness, injury to, or death of workers taken for forced or compulsory labour, should be printed by the competent authority in such one or more native languages as will convey their import to the workers concerned and to the population from which the workers are to be drawn. Such printed texts should be widely exhibited and, if necessary, arrangements made for their oral communication to the workers and to the population concerned ; copies should also be made available to the workers concerned and to others at cost price.

II.

Recourse to forced or compulsory labour should be so regulated as not to imperil the food supply of the community concerned.

III.

When recourse is had to forced or compulsory labour all possible measures should be taken to ensure that the imposition of such labour in no case leads indirectly to the illegal employment of women and children on forced or compulsory labour.

IV.

All possible measures should be taken to reduce the necessity for recourse to forced or compulsory labour for the transport of persons or goods. Such recourse should be prohibited when and where animal or mechanical transport is available.

V.

All possible steps should be taken to see that no alcoholic temptations are placed in the way of workers engaged in forced or compulsory labour.

**Convention [No. 30] concerning the regulation of hours of work
in commerce and offices ¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work in commerce and offices, which is included in the second item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this twenty-eighth day of June of the year one thousand nine hundred and thirty, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

¹ This Convention came into force on 29 August 1933. It had been ratified on 1 September 1937 by 9 States : Austria (conditional), Bulgaria, Chile, Cuba, Finland, Mexico, Nicaragua, Spain and Uruguay.

ARTICLE 1.

1. This Convention shall apply to persons employed in the following establishments, whether public or private :

(a) commercial or trading establishments, including postal, telegraph and telephone services and commercial or trading branches of any other establishments ;

(b) establishments and administrative services in which the persons employed are mainly engaged in office work ;

(c) mixed commercial and industrial establishments, unless they are deemed to be industrial establishments.

The competent authority in each country shall define the line which separates commercial and trading establishments, and establishments in which the persons employed are mainly engaged in office work, from industrial and agricultural establishments.

2. The Convention shall not apply to persons employed in the following establishments :

(a) establishments for the treatment or the care of the sick, infirm, destitute, or mentally unfit ;

(b) hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses ;

(c) theatres and places of public amusement.

The Convention shall nevertheless apply to persons employed in branches of the establishments mentioned in (a), (b) and (c) of this paragraph in cases where such branches would, if they were independent undertakings, be included among the establishments to which the Convention applies.

3. It shall be open to the competent authority in each country to exempt from the application of the Convention :

(a) establishments in which only members of the employer's family are employed ;

(b) offices in which the staff is engaged in connection with the administration of public authority ;

(c) persons occupying positions of management or employed in a confidential capacity ;

(d) travellers and representatives, in so far as they carry on their work outside the establishment.

ARTICLE 2.

For the purpose of this Convention the term " hours of work " means the time during which the persons employed are at the disposal of the employer ; it does not include rest periods during which the persons employed are not at the disposal of the employer.

ARTICLE 8.

The hours of work of persons to whom this Convention applies shall not exceed forty-eight hours in the week and eight hours in the day, except as hereinafter otherwise provided.

ARTICLE 4.

The maximum hours of work in the week laid down in Article 3 may be so arranged that hours of work in any day do not exceed ten hours.

ARTICLE 5.

In case of a general interruption of work due to (a) local holidays, or (b) accidents or *force majeure* (accidents to plant, interruption of power, light, heating or water, or occurrences causing serious material damage to the establishments), hours of work in the day may be increased for the purpose of making up the hours of work which have been lost, provided that the following conditions are complied with :

(a) hours of work which have been lost shall not be allowed to be made up on more than thirty days in the year and shall be made up within a reasonable lapse of time ;

(b) the increase in hours of work in the day shall not exceed one hour ;

(c) hours of work in the day shall not exceed ten.

2. The competent authority shall be notified of the nature, cause and date of the general interruption of work, of the number of hours of work which have been lost, and of the temporary alterations provided for in the working time-table.

ARTICLE 6.

In exceptional cases where the circumstances in which the work has to be carried on make the provisions of Articles 3 and 4 inapplicable, regulations made by public authority may permit hours of work to be distributed over a period longer than the week, provided that the average hours of work over the number of weeks included in the period do not exceed forty-eight hours in the week and that hours of work in any day do not exceed ten hours.

ARTICLE 7.

Regulations made by public authority shall determine :

1. The permanent exceptions which may be allowed for :

(a) certain classes of persons whose work is inherently intermittent, such as caretakers and persons employed to look after working premises and warehouses ;

(b) classes of persons directly engaged in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the hours of work of the rest of the persons employed in the establishment ;

(c) shops and other establishments where the nature of the work, the size of the population or the number of persons employed render inapplicable the working hours fixed in Articles 3 and 4.

2. The temporary exceptions which may be granted in the following cases :

(a) in case of accident, actual or threatened, *force majeure*, or urgent work to machinery or plant, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment ;

(b) in order to prevent the loss of perishable goods or avoid endangering the technical results of the work ;

(c) in order to allow for special work such as stocktaking and the preparation of balance sheets, settlement days, liquidations, and the balancing and closing of accounts ;

(d) in order to enable establishments to deal with cases of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures.

3. Save as regards paragraph 2 (a), the regulations made under this Article shall determine the number of additional hours of work which may be allowed in the day and, in respect of temporary exceptions, in the year.

4. The rate of pay for the additional hours of work permitted under paragraph 2 (b), (c) and (d) of this Article shall not be less than one-and-a-quarter times the regular rate.

ARTICLE 8.

The regulations provided for in Articles 6 and 7 shall be made after consultation with the workers' and employers' organisations concerned, special regard being paid to collective agreements, if any, existing between such workers' and employers' organisations.

ARTICLE 9.

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of war or other emergency endangering national safety.

ARTICLE 10.

Nothing in this Convention shall affect any custom or agreement whereby shorter hours are worked or higher rates of remuneration are paid than those provided by this Convention.

Any restrictions imposed by this Convention shall be in addition to and not in derogation of any other restrictions imposed by any law, order or regulation which fixes a lower maximum number of hours of employment or a higher rate of remuneration than those provided by this Convention.

ARTICLE 11.

For the effective enforcement of the provisions of this Convention :

1. The necessary measures shall be taken to ensure adequate inspection ;

2. Every employer shall be required :

(a) to notify, by the posting of notices in conspicuous positions in the establishment or other suitable place, or by such method as may be approved by the competent authority, the times at which hours of work begin and end, and, where work is carried on by shifts, the times at which each shift begins and ends ;

(b) to notify in the same way the rest periods granted to the persons employed which, in accordance with Article 2, are not included in the hours of work ;

(c) to keep a record in the form prescribed by the competent authority of all additional hours of work performed in pursuance of paragraph 2 of Article 7 and of the payments made in respect thereof.

3. It shall be made an offence to employ any person outside the times fixed in accordance with paragraph 2 (a) or during the periods fixed in accordance with paragraph 2 (b) of this Article.

ARTICLE 12.

Each Member which ratifies this Convention shall take the necessary measures in the form of penalties to ensure that the provisions of the Convention are enforced.

ARTICLE 13.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 14.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 15.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 16.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 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.

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.

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation

of this Convention without any requirement of delay, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

Nevertheless, this Convention shall 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 French and English texts of this Convention shall both be authentic.

**Recommendation [No. 37]
concerning the regulation of hours of work in hotels,
restaurants and similar establishments.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to hours of work in hotels, restaurants and similar establishments, which is included in the second item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a recommendation,

adopts, this twenty-eighth day of June of the year one thousand nine hundred and thirty, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration, with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Having adopted a Draft Convention concerning the regulation of hours of work in commerce and offices, and

Wishing to extend subsequently the application of the rules laid down in the said Draft Convention to as many classes of establishments as possible, including hotels, restaurants and similar establishments,

The Conference recommends :

1. That those Members in which no statutory regulation yet exists of the hours of work of persons employed in hotels, restaurants, boarding houses, clubs, cafés and similar establishments which are exclusively or mainly engaged in providing board and lodging or supplying refreshments for consumption on the premises, should make special investigations into the conditions obtaining in these establishments, in the light of the rules laid down in the above-mentioned Draft Convention.

2. That those Members in which statutory regulation of the hours of work of the said persons already exists should make special investigations into the application of the regulations, in the light of the rules laid down in the Draft Convention in question ; and

3. That in both cases the Members should, within four years of the adoption of this Recommendation, communicate to the International Labour Office, on a uniform plan to be approved by the Governing Body, full information as to the results of the investigations, so that a special report may be prepared by the Office as a basis for considering the desirability of placing the question of the hours of work of persons employed in the establishments concerned on the Agenda of a subsequent Session of the Conference, with a view to the adoption of a Draft Convention.

**Recommendation [No. 38] concerning the regulation
of hours of work in theatres and other places of public
amusement.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work in theatres and other places of public amusement, which is included in the second item on the Agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopts, this twenty-eighth day of June of the year one thousand nine hundred and thirty, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration, with a view to effect being given to it by national legislation or otherwise in accordance with the pro-

visions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

Having adopted a Draft Convention concerning the regulation of hours of work in commerce and offices, and

Wishing to extend subsequently the application of the rules laid down in the said Draft Convention to as many classes of establishments as possible, including theatres and other places of public amusement,

The Conference recommends :

1. That those Members in which no statutory regulation yet exists of the hours of work of persons employed in theatres, music halls, cinemas and places of public amusement generally, whether indoor or outdoor, should make special investigations into the conditions obtaining in these establishments, in the light of the rules laid down in the above-mentioned Draft Convention.

2. That those Members in which statutory regulation of the hours of work of the said persons already exists should make special investigations into the application of the regulations, in the light of the rules laid down in the Draft Convention in question ; and

3. That in both cases the Members should, within four years of the adoption of this Recommendation, communicate to the International Labour Office, on a uniform plan to be approved by the Governing Body, full information as to the results of the investigations, so that a special report may be prepared by the Office as a basis for considering the desirability of placing the question of the hours of work of persons employed in the establishments concerned on the Agenda of a subsequent Session of the Conference, with a view to the adoption of a Draft Convention.

**Recommendation [No. 89] concerning the regulation
of hours of work in establishments for the treatment or the care
of the sick, infirm, destitute or mentally unfit.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit, which is included in the second item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a recommendation,

adopts, this twenty-eighth day of June of the year one thousand nine hundred and thirty, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration, with a view to effect being given to it by national legislation or otherwise in accordance with the provisions of Part XIII of the Treaty of Versailles and the corresponding Parts of the other Treaties of Peace :

Having adopted a Draft Convention concerning the regulation of hours of work in commerce and offices, and

Wishing to extend such regulations to as many classes of establishments as possible, including establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit,

The Conference recommends :

1. That those Members in which no statutory regulations yet exist on the hours of work of persons employed in establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit, should make special investigations into the conditions obtaining in these establishments, in the light of the rules laid down in the above-mentioned Draft Convention ;

2. That those Members in which statutory regulation of the hours of work of the said persons already exists should make special investigations into the application of the regulations, in the light of the rules laid down in the Draft Convention in question ; and

3. That in both cases the Members should, within four years of the adoption of this Recommendation, communicate to the International Labour Office, on a uniform plan to be approved by the Governing Body, full information as to the results of the investigations, so that a special report may be prepared by the Office as a basis for considering the desirability of placing the question of the hours of work of persons employed in the establishments concerned on the Agenda of a subsequent Session of the Conference, with a view to the adoption of a Draft Convention.

FIFTEENTH SESSION
(Closing date, 18 June 1931.)

**Draft Convention [No. 31] limiting hours of work
in coal mines ¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifteenth Session on 28 May 1931, and

Having decided upon the adoption of certain proposals with regard to hours of work in coal mines, which is the second item on the Agenda of the Session, and

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

adopts, this eighteenth day of June of the year one thousand nine hundred and thirty-one, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

This Convention shall apply to all coal mines, that is to say, to any mine from which only hard coal or lignite, or principally hard coal or lignite together with other minerals, is extracted.

For the purpose of this Convention, the term " lignite mine " shall mean any mine from which coal of a geological period subsequent to the carboniferous period is extracted.

ARTICLE 2.

For the purpose of this Convention, the term " worker " shall mean :

- (a) In underground coal mines, any person occupied underground, by whatever employer and on whatever kind of work he may be employed, except persons engaged in supervision or management who do not ordinarily perform manual work ;
- (b) In open coal mines, any person employed directly or indirectly in the extraction of coal, except persons engaged in supervision or management who do not ordinarily perform manual work.

¹ This Draft Convention had been ratified on 1 September 1937 by Spain.

It was revised in 1935 by Draft Convention No. 46 (see page 326).

ARTICLE 3.

Hours of work in underground hard coal mines shall mean the time spent in the mine calculated as follows :

1. Time spent in an underground mine shall mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending.

2. In mines where access is by an adit the time spent in the mine shall mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface.

3. In no underground hard coal mine shall the time spent in the mine by any worker exceed seven hours and forty-five minutes in the day.

ARTICLE 4.

The provisions of this Convention shall be deemed to be complied with if the period between the time when the first workers of the shift or of any group leave the surface and the time when they return to the surface is the same as that laid down in paragraph 3 of Article 3. The order of and the time required for the descent and ascent of a shift and of any group of workers shall, moreover, be approximately the same.

ARTICLE 5.

Subject to the provisions of the second paragraph of this Article, the provisions of this Convention shall be deemed to be complied with if the national laws or regulations prescribe that for calculating the time spent in the mine the descent or ascent of the workers is to be calculated according to the weighted average duration of the descent or ascent of all shifts of workers in the whole country. In this case, the period between the time when the last worker of the shift leaves the surface and the time when the first worker of the same shift returns to the surface shall not in any mine exceed seven hours and fifteen minutes ; provided that no method of regulation shall be permitted by which the hewers as a class of workers would on the average work longer hours than the other classes of underground workers in the same shift.

Any Member which, having applied the method laid down in this Article, subsequently applies the provisions of Articles 3 and 4 shall make the change simultaneously for the whole country and not for any part thereof.

ARTICLE 6.

1. Workers shall not be employed on underground work in coal mines on Sundays and legal public holidays. National laws or regulations may, however, authorise the following exceptions for workers over 18 years of age :

- (a) For work which, owing to its nature, must be carried on continuously ;
- (b) For work in connection with the ventilation of the mine and the prevention of damage to the ventilation apparatus, safety work, work in connection with first aid in the case of accident and sickness, and the care of animals ;
- (c) For survey work in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking ;
- (d) For urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer.

2. The competent authorities shall take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised by this Article.

3. Work permitted under paragraph 1 of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

4. Workers who are engaged to any considerable extent on work permitted under paragraph 1 of this Article shall be assured either a compensatory rest period or an adequate extra payment in addition to the rate specified in paragraph 3 of this Article. The detailed application of this provision shall be regulated by national laws or regulations.

ARTICLE 7.

Lower maxima than those specified in Articles 3, 4 and 5 shall be laid down by regulations made by public authority for workers in workplaces which are rendered particularly unhealthy by reason of abnormal conditions of temperature, humidity or other cause.

ARTICLE 8.

1. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded :

- (a) In case of accident, actual or threatened, in case of *force majeure*, or in case of urgent work to be done to machinery, plant or equipment on the mine as a result of a breakdown of such machinery, plant or equipment, even if coal production is thereby incidentally involved, but only so far as may be necessary to avoid serious interference with the ordinary working of the mine ;

- (b) For workers employed on operations which by their nature must be carried on continuously or on technical work, in so far as their work is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift, provided, however, that this shall not refer to the production or transport of coal. The additional time authorised by this paragraph shall not exceed half an hour on any day for any individual worker, and in the case of all mines in normal operation the number of workers concerned shall at no time exceed 5 per cent. of the total number of persons employed at the mine.

2. Overtime worked in accordance with the provisions of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

ARTICLE 9.

Regulations made by public authority may, in addition to the provisions of Article 8, put not more than sixty hours' overtime in the year at the disposal of undertakings throughout the country as a whole.

This overtime shall be paid for at not less than one-and-a-quarter times the regular rate.

ARTICLE 10.

The regulations mentioned in Articles 7, 8 and 9 shall be made by public authority after consultation with the organisations of employers and workers concerned.

ARTICLE 11.

The annual Reports to be submitted under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace shall contain all information as to the action taken to regulate the hours of work in accordance with the provisions of Articles 3, 4 and 5. They shall also furnish complete information concerning the regulations made under Articles 7, 8, 9, 12, 13 and 14 and concerning their enforcement.

ARTICLE 12.

In order to facilitate the enforcement of the provisions of this Convention, the management of every mine shall be required :

- (a) To notify by means of notices conspicuously posted at the pithead or in some other suitable place, or by such other method as may be approved by the public authority, the hours at which the workers of each shift or group shall begin to descend and shall have completed the ascent.

These hours shall be approved by the public authority and be so fixed that the time spent in the mine by each worker shall not exceed the limits prescribed by this Convention. When once notified, they shall not be changed except with the approval of the public authority and by such notice and in such manner as may be approved by the public authority.

- (b) To keep a record in the form prescribed by national laws or regulations of all additional hours worked under Articles 8 and 9.

ARTICLE 13.

In underground lignite mines Articles 3 and 4 and Articles 6 to 12 of this Convention shall apply subject to the following provisions :

- (a) In accordance with such conditions as may be prescribed by national laws or regulations, the competent authority may permit collective breaks involving a stoppage of production not to be included in the time spent in the mine, provided that such breaks shall in no case exceed thirty minutes for each shift. Such permission shall only be given after the necessity for such a system has been established by official investigation in each individual case, and after consultation with the representatives of the workers concerned.
- (b) The number of hours overtime provided for in Article 9 may be increased to not more than seventy-five hours a year.

In addition, the competent authority may approve collective agreements which provide for not more than seventy-five hours further overtime a year. Such further overtime shall likewise be paid for at the rate prescribed in Article 9, paragraph 2. It shall not be authorised generally for all underground lignite mines, but only in the case of individual districts or mines where it is required on account of special technical or geological conditions.

ARTICLE 14.

In open hard coal and lignite mines Articles 3 to 13 of this Convention shall not be applicable. Nevertheless, Members which ratify this Convention undertake to apply to these mines the provisions of the Washington Convention of 1919 limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, provided that the amount of over-

time which may be worked in virtue of Article 6, paragraph (b), of the said Convention shall not exceed one hundred hours a year. Where special needs so require, and only in such cases, the competent authority may approve collective agreements which provide for an increase of the aforesaid one hundred hours by not more than a further hundred hours a year.

ARTICLE 15.

Nothing in this Convention shall have the effect of altering national laws or regulations with regard to hours of work so as to lessen the guarantees thereby afforded to the workers.

ARTICLE 16.

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of emergency endangering the national safety.

ARTICLE 17.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 18.

This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretariat.

It shall come into force six months after the date on which the ratifications of two of the following Members have been registered by the Secretary-General of the League of Nations : Belgium, Czechoslovakia, France, Germany, Great Britain, Netherlands and Poland.

Thereafter the Convention shall come into force for any Member six months after the date on which its ratification has been registered.

ARTICLE 19.

As soon as the ratifications of two of the Members mentioned in the second paragraph of Article 18 have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 20.

A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 three years under the terms provided for in this Article.

ARTICLE 21.

At the latest within three years from the coming into force of this Convention the Governing Body of the International Labour Office shall place on the Agenda of the Conference the question of the revision of this Convention on the following points :

- (a) The possibility of a further reduction in the hours of work provided for in paragraph 3 of Article 3 ;
- (b) The right to have recourse to the exceptional method of calculation laid down in Article 5 ;
- (c) The possibility of modifying the provisions of Article 13, paragraphs (a) and (b), in the direction of a reduction of the hours of work ;
- (d) The possibility of a reduction in the amount of overtime provided for in Article 14.

Moreover, 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 22.

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 20 above, if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 23.

The French and English texts of this Convention shall both be authentic.

SIXTEENTH SESSION**(Closing date, 30 April 1932.)****Convention [No. 32]
concerning the protection against accidents of workers employed
in loading or unloading ships (revised 1932)¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixteenth Session on 12 April 1932, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning the protection against accidents of workers employed in loading or unloading ships adopted by the Conference at its Twelfth Session, which is the fourth item on the Agenda of the Session, and

Considering that these proposals must take the form of a Draft International Convention,

adopts, this twenty-seventh day of April of the year one thousand nine hundred and thirty-two, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

For the purpose of this Convention :

(1) the term " processes " means and includes all or any part of the work performed on shore or on board ship of loading or unloading any ship whether engaged in maritime or inland navigation, excluding ships of war, in, on, or at any maritime or inland port, harbour, dock, wharf, quay or similar place at which such work is carried on ; and

(2) the term " worker " means any person employed in the processes.

ARTICLE 2.

Any regular approach over a dock, wharf, quay or similar premises which workers have to use for going to or from a working place at which the processes are carried on and every such working place on shore shall be maintained with due regard to the safety of the workers using them.

¹ This Convention came into force on 30 October 1934. It had been ratified on 1 September 1937 by 7 States : Chile, China, Great Britain, Italy, Mexico, Spain and Uruguay.

In particular,

(1) every said working place on shore and any dangerous parts of any said approach thereto from the nearest highway shall be safely and efficiently lighted ;

(2) wharves and quays shall be kept sufficiently clear of goods to maintain a clear passage to the means of access referred to in Article 3 ;

(3) where any space is left along the edge of any wharf or quay, it shall be at least 3 feet (90 cm.) wide and clear of all obstructions other than fixed structures, plant and appliances in use ; and

(4) so far as is practicable having regard to the traffic and working,

(a) all dangerous parts of the said approaches and working places (e.g. dangerous breaks, corners and edges) shall be adequately fenced to a height of not less than 2 feet 6 inches (75 cm.) ;

(b) dangerous footways over bridges, caissons and dock gates shall be fenced to a height of not less than 2 feet 6 inches (75 cm.) on each side, and the said fencing shall be continued at both ends to a sufficient distance which shall not be required to exceed 5 yards (4 m. 50).

(5) The measurement requirements of paragraph (4) of this Article shall be deemed to be complied with, in respect of appliances in use at the date of the ratification of this Convention, if the actual measurements are not more than 10 per cent. less than the measurements specified in the said paragraph (4).

ARTICLE 3.

(1) When a ship is lying alongside a quay or some other vessel for the purpose of the processes, there shall be safe means of access for the use of the workers at such times as they have to pass to or from the ship, unless the conditions are such that they would not be exposed to undue risk if no special appliance were provided.

(2) The said means of access shall be :

(a) where reasonably practicable, the ship's accommodation ladder, a gangway or a similar construction ;

(b) in other cases a ladder.

(3) The appliances specified in paragraph (2) (a) of this Article shall be at least 22 inches (55 cm.) wide, properly secured to prevent their displacement, not inclined at too steep an angle, constructed of materials of good quality and in good condition, and securely fenced throughout to a clear height of not less than 2 feet 9 inches (82 cm.) on both sides, or in the case of the ship's accommodation ladder securely fenced to the

same height on one side, provided that the other side is properly protected by the ship's side.

Provided that any appliances as aforesaid in use at the date of the ratification of this Convention shall be allowed to remain in use :

- (a) until the fencing is renewed if they are fenced on both sides to a clear height of at least 2 feet 8 inches (80 cm.) ;
- (b) for two years from the date of ratification if they are fenced on both sides to a clear height of at least 2 feet 6 inches (75 cm.).

(4) The ladders specified in paragraph (2) (b) of this Article shall be of adequate length and strength, and properly secured.

(5) (a) Exceptions to the provisions of this Article may be allowed by the competent authorities when they are satisfied that the appliances specified in the Article are not required for the safety of the workers.

(b) The provisions of this Article shall not apply to cargo stages or cargo gangways when exclusively used for the processes.

(6) Workers shall not use, or be required to use, any other means of access than the means specified or allowed by this Article.

ARTICLE 4.

When the workers have to proceed to or from a ship by water for the processes, appropriate measures shall be prescribed to ensure their safe transport, including the conditions to be complied with by the vessels used for this purpose.

ARTICLE 5.

(1) When the workers have to carry on the processes in a hold the depth of which from the level of the deck to the bottom of the hold exceeds 5 feet (1 m. 50), there shall be safe means of access from the deck to the hold for their use.

(2) The said means of access shall ordinarily be by ladder, which shall not be deemed to be safe unless it complies with the following conditions :

- (a) provides foothold of a depth, including any space behind the ladder, of not less than $4\frac{1}{2}$ inches ($11\frac{1}{2}$ cm.) for a width of not less than 10 inches (25 cm.) and a firm handhold ;
- (b) is not recessed under the deck more than is reasonably necessary to keep it clear of the hatchway ;
- (c) is continued by and is in line with arrangements for secure handhold and foothold on the coamings (e.g. cleats or cups) ;
- (d) the said arrangements on the coamings provide foothold of a depth, including any space behind the said arrangements, of not less than $4\frac{1}{2}$ inches ($11\frac{1}{2}$ cm.) for a width of not less than 10 inches (25 cm.) ;

- (e) if separate ladders are provided between the lower decks, the said ladders are as far as practicable in line with the ladder from the top deck.

Where, however, owing to the construction of the ship, the provision of a ladder would not be reasonably practicable, it shall be open to the competent authorities to allow other means of access, provided that they comply with the conditions laid down in this Article for ladders so far as they are applicable.

In the case of ships existing at the date of the ratification of this Convention the measurement requirements of sub-paragraphs (a) and (d) of this paragraph shall be deemed to be complied with, until the ladders and arrangements are replaced, if the actual measurements are not more than 10 per cent. less than the measurements specified in the said sub-paragraphs (a) and (d).

- (3) Sufficient free passage to the means of access shall be left at the coamings.

- (4) Shaft tunnels shall be equipped with adequate handhold and foothold on both sides.

- (5) When a ladder is to be used in the hold of a vessel which is not decked it shall be the duty of the contractor undertaking the processes to provide such ladder. It shall be equipped at the top with hooks or with other means for firmly securing it.

- (6) The workers shall not use, or be required to use, other means of access than the means specified or allowed by this Article.

- (7) Ships existing at the date of ratification of this Convention shall be exempt from compliance with the measurements in paragraph (2) (a) and (d) and from the provisions of paragraph (4) of this Article for a period not exceeding four years from the date of ratification of this Convention.

ARTICLE 6.

- (1) While the workers are on a ship for the purpose of the processes, every hatchway of a cargo hold accessible to the workers which exceeds 5 feet (1 m. 50) in depth from the level of the deck to the bottom of the hold, and which is not protected to a clear height of 2 feet 6 inches (75 cm.) by the coamings, shall, when not in use for the passage of goods, coal or other material, either be securely fenced to a height of 3 feet (90 cm.) or be securely covered. National laws or regulations shall determine whether the requirements of this paragraph shall be enforced during meal times and other short interruptions of work.

- (2) Similar measures shall be taken when necessary to protect all other openings in a deck which might be dangerous to the workers.

ARTICLE 7.

When the processes have to be carried on on a ship, the means of access thereto and all places on board at which the workers are employed or to which they may be required to proceed in the course of their employment shall be efficiently lighted.

The means of lighting shall be such as not to endanger the safety of the workers nor to interfere with the navigation of other vessels.

ARTICLE 8.

In order to ensure the safety of the workers when engaged in removing or replacing hatch coverings and beams used for hatch coverings,

(1) hatch coverings and beams used for hatch coverings shall be maintained in good condition ;

(2) hatch coverings shall be fitted with adequate hand grips, having regard to their size and weight, unless the construction of the hatch or the hatch coverings is of a character rendering the provision of hand grips unnecessary ;

(3) beams used for hatch coverings shall have suitable gear for removing and replacing them of such a character as to render it unnecessary for workers to go upon them for the purpose of adjusting such gear ;

(4) all hatch coverings and fore and aft and thwart-ship beams shall, in so far as they are not interchangeable, be kept plainly marked to indicate the deck and hatch to which they belong and their position therein ;

(5) hatch coverings shall not be used in the construction of cargo stages or for any other purpose which may expose them to damage.

ARTICLE 9.

Appropriate measures shall be prescribed to ensure that no hoisting machine, or gear, whether fixed or loose, used in connection therewith, is employed in the processes on shore or on board ship unless it is in a safe working condition.

In particular,

(1) before being taken into use, the said machines, fixed gear on board ship accessory thereto as defined by national laws or regulations, and chains and wire ropes used in connection therewith, shall be adequately examined and tested, and the safe working load thereof certified, in the manner prescribed and by a competent person acceptable to the national authorities ;

(2) after being taken into use, every hoisting machine, whether used on shore or on board ship, and all fixed gear on board ship accessory thereto as defined by national laws or regulations shall be thoroughly examined or inspected as follows :

- (a) to be thoroughly examined every four years and inspected every twelve months : derricks, goose necks, mast bands, derrick bands, eyebolts, spans and any other fixed gear the dismantling of which is specially difficult ;
- (b) to be thoroughly examined every twelve months : all hoisting machines (e.g. cranes, winches), blocks, shackles and all other accessory gear not included in (a).

All loose gear (e.g. chains, wire ropes, rings, hooks) shall be inspected on each occasion before use unless they have been inspected within the previous three months.

Chains shall not be shortened by tying knots in them and precautions shall be taken to prevent injury to them from sharp edges.

A thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of rope and two tucks with one half of the wires cut out of each strand ; provided that this requirement shall not operate to prevent the use of another form of splice which can be shown to be as efficient as the form hereby prescribed.

(3) Chains and such similar gear as is specified by national laws or regulations (e.g. hooks, rings, shackles, swivels) shall, unless they have been subjected to such other sufficient treatment as may be prescribed by national laws or regulations, be annealed as follows under the supervision of a competent person acceptable to the national authorities :

(a) In the case of chains and the said gear carried on board ship :

- (i) half inch (12½ mm.) and smaller chains or gear in general use once at least in every six months ;
- (ii) all other chains or gear (including span chains but excluding bridle chains attached to derricks or masts) in general use once at least in every twelve months ;

Provided that in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months shall be substituted for six months in sub-paragraph (i) and two years for twelve months in sub-paragraph (ii) ;

Provided also that, if the competent authority is of opinion that owing to the size, design, material or infrequency of use of any of the said gear the requirements of this paragraph as to annealing are not necessary for the protection of the workers, it may, by certificate in writing (which it may at its discretion revoke), exempt such gear from the said requirements subject to such conditions as may be specified in the said certificate.

(b) In the case of chains and the said gear not carried on board ship :

Measures shall be prescribed to secure the annealing of the said chains and gear.

(c) In the case of the said chains and gear whether carried on board ship or not, which have been lengthened, altered or repaired by welding, they shall thereupon be tested and re-examined.

(4) Such duly authenticated records as will provide sufficient *prima facie* evidence of the safe condition of the machines and gear concerned shall be kept, on shore or on the ship as the case may be, specifying the safe working load and the dates and results of the tests and examinations referred to in paragraphs (1) and (2) of this Article and of the annealings or other treatment referred to in paragraph (3).

Such records shall, on the application of any person authorised for the purpose, be produced by the person in charge thereof.

(5) The safe working load shall be kept plainly marked on all cranes, derricks and chain slings and on any similar hoisting gear used on board ship as specified by national laws or regulations. The safe working load marked on chain slings shall either be in plain figures or letters upon the chains or upon a tablet or ring of durable material attached securely thereto.

(6) All motors, cogwheels, chain and friction gearing, shafting, live electric conductors and steam pipes shall (unless it can be shown that by their position and construction they are equally safe to every worker employed as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the ship.

(7) Cranes and winches shall be provided with such means as will reduce to a minimum the risk of the accidental descent of a load while in process of being lifted or lowered.

(8) Appropriate measures shall be taken to prevent exhaust steam from and, so far as practicable, live steam to any crane or winch obscuring any part of the working place at which a worker is employed.

(9) Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

ARTICLE 10.

Only sufficiently competent and reliable persons shall be employed to operate lifting or transporting machinery whether driven by mechanical power or otherwise, or to give signals to a driver of such machinery, or to attend to cargo falls on winch ends or winch drums.

ARTICLE 11.

(1) No load shall be left suspended from any hoisting machine unless there is a competent person actually in charge of the machine while the load is so left.

(2) Appropriate measures shall be prescribed to provide for the employment of a signaller where this is necessary for the safety of the workers.

(3) Appropriate measures shall be prescribed with the object of preventing dangerous methods of working in the stacking, unstacking, stowing and unstowing of cargo, or handling in connection therewith.

(4) Before work is begun at a hatch the beams thereof shall either be removed or be securely fastened to prevent their displacement.

(5) Precautions shall be taken to facilitate the escape of the workers when employed in a hold or on 'tween decks in dealing with coal or other bulk cargo.

(6) No stage shall be used in the processes unless it is substantially and firmly constructed, adequately supported and where necessary securely fastened.

No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

Stages shall where necessary be treated with suitable material to prevent the workers slipping.

(7) When the working space in a hold is confined to the square of the hatch, and except for the purpose of breaking out or making up slings,

(a) hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny-bags, or other similar goods ;

(b) can-hooks shall not be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe.

(8) No gear of any description shall be loaded beyond the safe working load save in exceptional cases and then only in so far as may be allowed by national laws or regulations.

(9) In the case of shore cranes with varying capacity (e.g. raising and lowering jib with load capacity varying according to the angle) an automatic indicator or a table showing the safe working loads at the corresponding inclinations of the jib shall be provided on the crane.

ARTICLE 12.

National laws or regulations shall prescribe such precautions as may be deemed necessary to ensure the proper protection

of the workers, having regard to the circumstances of each case, when they have to deal with or work in proximity to goods which are in themselves dangerous to life or health by reason either of their inherent nature or of their condition at the time, or work where such goods have been stowed.

ARTICLE 13.

At docks, wharves, quays and similar places which are in frequent use for the processes, such facilities as having regard to local circumstances shall be prescribed by national laws or regulations shall be available for rapidly securing the rendering of first-aid and in serious cases of accident removal to the nearest place of treatment. Sufficient supplies of first-aid equipment shall be kept permanently on the premises in such a condition and in such positions as to be fit and readily accessible for immediate use during working hours. The said supplies shall be in charge of a responsible person or persons, who shall include one or more persons competent to render first-aid, and whose services shall also be readily available during working hours.

At such docks, wharves, quays and similar places as aforesaid appropriate provision shall also be made for the rescue of immersed workers from drowning.

ARTICLE 14.

Any fencing, gangway, gear, ladder, life-saving means or appliance, light, mark, stage or other thing whatsoever required to be provided under this Convention shall not be removed or interfered with by any person except when duly authorised or in case of necessity, and if removed shall be restored at the end of the period for which its removal was necessary.

ARTICLE 15.

It shall be open to each Member to grant exemptions from or exceptions to the provisions of this Convention in respect of any dock, wharf, quay or similar place at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or in respect of certain special ships or special classes of ships or ships below a certain small tonnage, or in cases where as a result of climatic conditions it would be impracticable to require the provisions of this Convention to be carried out.

The International Labour Office shall be kept informed of the provisions in virtue of which any exemptions and exceptions as aforesaid are allowed.

ARTICLE 16.

Except as herein otherwise provided, the provisions of this Convention which affect the construction or permanent equipment of the ship shall apply to ships the building of which is commenced after the date of ratification of the Convention, and to all other ships within four years after that date, provided that in the meantime the said provisions shall be applied so far as reasonable and practicable to such other ships.

ARTICLE 17.

In order to ensure the due enforcement of any regulations prescribed for the protection of the workers against accidents,

(1) The regulations shall clearly define the persons or bodies who are to be responsible for compliance with the respective regulations ;

(2) Provision shall be made for an efficient system of inspection and for penalties for breaches of the regulations ;

(3) Copies or summaries of the regulations shall be posted up in prominent positions at docks, wharves, quays and similar places which are in frequent use for the processes.

ARTICLE 18.

Each Member undertakes to enter into reciprocal arrangements on the basis of this Convention with the other Members which have ratified this Convention, including more particularly the mutual recognition of the arrangements made in their respective countries for testing, examining and annealing and of certificates and records relating thereto ;

Provided that, as regards the construction of ships and as regards plant used on ships and the records and other matters to be observed on board under the terms of this Convention, each Member is satisfied that the arrangements adopted by the other Member secure a general standard of safety for the workers equally effective as the standard required under its own laws and regulations ;

Provided also that the Governments shall have due regard to the obligations of paragraph (11) of Article 405 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

ARTICLE 19.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 20.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 21.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 22.

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 in to force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 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.

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.

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 22 above, if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

Nevertheless, this Convention shall 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 French and English texts of this Convention shall both be authentic.

**Recommendation [No. 40] for expediting reciprocity
as provided for in the Convention, adopted in 1932,
concerning the protection against accidents of workers
employed in loading or unloading ships.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixteenth Session on 12 April 1932, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention, adopted in 1929, concerning the protection against accidents of workers employed in loading or unloading ships, which is the fourth item on the Agenda of the Session, and

Having adopted a Draft Convention revising the said Convention and having decided to supplement the revised Convention by a Recommendation,

adopts, this twenty-seventh day of April of the year one thousand nine hundred and thirty-two, the following Recommendation to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The Conference,

Seeing that the revised Convention concerning the protection against accidents of workers employed in loading or unloading ships contains an Article concerning reciprocity between Members which ratify the said Convention,

Recommends that the following steps shall be taken to expedite the reciprocity provided for in the said Article :

(1) As soon as practicable after the adoption of the revised Convention, arrangements shall be made by the Governments of the principal countries concerned to confer with a view to securing reasonable uniformity in the application of the Convention, including more particularly the matters specially mentioned in the said Article, and the preparation of common forms of certificates for international use.

(2) Reports shall be furnished annually to the International Labour Office as to steps taken in accordance with the previous paragraph.

**Convention [No. 38] concerning the age for admission
of children to non-industrial employment ¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixteenth Session on 12 April 1932, and

Having decided upon the adoption of certain proposals with regard to the age for admission of children to employment in non-industrial occupations, which is the third item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a draft international convention,

adopts, this thirtieth day of April of the year one thousand nine hundred and thirty-two the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

(1) This Convention shall apply to any employment not dealt with in the following Conventions adopted by the Inter-

¹ This Convention came into force on 6 June 1935. It had been ratified on 1 September 1937 by 6 States : Austria, Belgium, Cuba, Netherlands,

The Convention was revised in 1937 by Draft Convention No. 60 (see p. 481).

national Labour Conference at its First, Second and Third Sessions respectively :

Convention fixing the minimum age for admission of children to industrial employment (Washington, 1919) ;

Convention fixing the minimum age for admission of children to employment at sea (Genoa, 1920) ;

Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921).

The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions.

(2) This Convention shall not apply to :

(a) employment in sea-fishing ;

(b) work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised by public authority.

(3) It shall be open to the competent authority in each country to exempt from the application of this Convention :

(a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous within the meaning of Articles 3 and 5 of this Convention ;

(b) domestic work in the family performed by members of that family.

ARTICLE 2.

Children under fourteen years of age, or children over fourteen years who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as herein-after otherwise provided.

ARTICLE 3.

(1) Children over twelve years of age may, outside the hours fixed for school attendance, be employed on light work :

(a) which is not harmful to their health or normal development ;

(b) which is not such as to prejudice their attendance at school or their capacity to benefit from the instruction there given ; and

(c) the duration of which does not exceed two hours per day on either school days or holidays, the total number of hours spent at school and on light work in no case to exceed seven per day.

(2) Light work shall be prohibited :

(a) on Sundays and legal public holidays ;
(b) during the night, that is to say during a period of at least twelve consecutive hours comprising the interval between 8 p.m. and 8 a.m.

(3) After the principal organisations of employers and workers concerned have been consulted, national laws or regulations shall :

(a) specify what forms of employment may be considered to be light work for the purpose of this Article ;

(b) prescribe the preliminary conditions to be complied with as safeguards before children may be employed in light work.

(4) Subject to the provisions of sub-paragraph (a) of paragraph (1) above,

(a) national laws or regulations may determine work to be allowed and the number of hours per day to be worked during the holiday time of children referred to in Article 2 who are over fourteen years of age ;

(b) in countries where no provision exists relating to compulsory school attendance, the time spent on light work shall not exceed four and a half hours per day.

ARTICLE 4.

In the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films ;

Provided that :

(a) no such exception shall be allowed in respect of employment which is dangerous within the meaning of Article 5, such as employment in circuses, variety shows or cabarets ;

(b) strict safeguards shall be prescribed for the health, physical development and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education ;

(c) children to whom permits are granted in accordance with this Article shall not be employed after midnight.

ARTICLE 5.

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations

for admission of young persons and adolescents to any employment which, by its nature, or the circumstances in which it is to be carried on, is dangerous to the life, health or morals of the persons employed in it.

ARTICLE 6.

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

ARTICLE 7.

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall :

(a) provide for an adequate system of public inspection and supervision ;

(b) provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6 ;

(c) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.

ARTICLE 8.

There shall be included in the annual reports to be submitted under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace full information concerning all laws and regulations by which effect is given to the provisions of this Convention, including :

(a) a list of the forms of employment which national laws or regulations specify to be light work for the purpose of Article 8 ;

(b) a list of the forms of employment for which, in accordance with Articles 5 and 6, national laws or regulations have fixed ages for admission higher than those laid down in Article 2 ;

(c) full information concerning the circumstances in which exceptions to the provisions of Articles 2 and 3 are permitted in accordance with the provisions of Article 4.

ARTICLE 9.

The provisions of Articles 2, 3, 4, 5, 6 and 7 of this Convention shall not apply to India, but in India :

(1) the employment of children under ten shall be prohibited :

Provided that in the interests of art, science or education, national laws or regulations may, by permits, granted in individual cases, allow exceptions to the above provision in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.

Provided also that should the age for the admission of children to factories not using power which are not subject to the Indian Factories Act be fixed by national laws or regulations at an age exceeding ten, the age so prescribed for admission to such factories shall be substituted for the age of ten for the purpose of this paragraph.

(2) Persons under fourteen years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organisations of employers and workers concerned, may declare to involve danger to life, health or morals.

(3) An age above ten shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

(4) National laws or regulations shall provide for the due enforcement of the provisions of this Article and in particular shall provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Article.

(5) The competent authority shall, after a period of five years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increasing the minimum age prescribed in this Convention, such review to cover the whole of the provisions of this Article.

Should legislation be enacted in India making attendance at school compulsory until the age of fourteen this Article shall cease to apply, and Articles 2, 3, 4, 5, 6 and 7 shall thenceforth be applicable to India.

ARTICLE 10.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 11.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 12.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 13.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 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.

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.

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 13 above if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

Nevertheless, this Convention shall 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 French and English texts of this Convention shall both be authentic.

Recommendation [No. 41] concerning the age for admission of children to non-industrial employment.

The General Conference of the International Labour Organisation of the League of Nations.

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixteenth Session on 12 April 1932, and

Having decided upon the adoption of certain proposals with regard to the age of admission of children to employment in non-industrial occupations, which is the third item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this thirtieth day of April of the year one thousand nine hundred and thirty-two, the following Recommendation to be submitted to the Members of the International Labour Organisation for consideration, with a view to effect being given to it by national legislation or otherwise, in accordance with the

provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The Conference,

Having adopted a Draft Convention concerning the age for admission of children to non-industrial employment, with a view to completing the international regulations laid down by the three Conventions adopted at previous Sessions concerning the age for admission of children to industrial employment, employment at sea and employment in agriculture ; and

Desiring to ensure as uniform application as possible of the new Draft Convention which leaves certain details of application to national laws or regulations ;

Considers that, in spite of the variety of employments covered by the Draft Convention and the need of making allowance for the adoption of practical methods of application varying with the climate, customs, national tradition and other conditions peculiar to individual countries, account should be taken of certain methods which have been found to give satisfactory results, and which may accordingly be a guide to the Members of the Organisation.

The Conference therefore recommends the Members to take the following rules and methods into consideration :

I. LIGHT WORK.

(1) In order that children may derive full benefit from their education and that their physical, intellectual and moral development may be safeguarded, it is desirable that so long as they are required to attend school their employment should be restricted to as great an extent as possible.

(2) In determining the categories of employment in light work to which children may be admitted outside the hours of school attendance, such occupations and employments as running errands, distribution of newspapers, odd jobs in connection with the practice of sport or the playing of games, and picking and selling flowers or fruits might be taken into consideration.

(3) For the admission of children to employment in light work the competent authorities should require the consent of parents or guardians, a medical certificate of physical fitness for the employment contemplated, and, where necessary, previous consultation with the school authorities.

(4) The limitations on the hours of work per day of children employed in light work outside school hours should be adapted to the school time-table on the one hand, and to the age of the child on the other. Where instruction is given both in the morning and in the afternoon, the child should be ensured a

sufficient rest before morning school, in the interval between morning and afternoon school, and immediately after the latter.

II. EMPLOYMENT IN PUBLIC ENTERTAINMENTS.

(5) Employment in any public entertainment, or as actors or supernumeraries in the making of cinematographic films, should in principle be prohibited for children under twelve years of age, and exceptions to this rule should be kept within the narrowest limits and only allowed in so far as the interests of art, science or education may require.

The permits to be granted by the competent authorities in individual cases should only be issued if the competent authorities are satisfied as to the nature and the particular type of the employment contemplated, if the parents' or guardians' consent has been obtained, and if the physical fitness of the child for the employment has been established. In the case of cinematographic films, measures should be taken to ensure that the children employed shall be under the supervision of a medical eye specialist. The child should also be assured of receiving good treatment and of being able to continue his education.

Each permit should specify the number of hours during which the child may be employed, with special regard to night work and work on Sundays and legal public holidays. It should be delivered for a particular entertainment, or for a limited period, and may be renewed.

III. DANGEROUS EMPLOYMENTS.

(6) The competent authorities should consult the principal organisations of employers and workers concerned before determining the employments which are dangerous to the life, health or morals of the persons employed, and before fixing the higher age or ages of admission to be prescribed for such employments by national laws or regulations.

Among employments of the kind referred to might be included, for example, certain employments in public entertainments such as acrobatic performances; in establishments for the cure of the sick such as employment involving danger of contagion or infection; and in establishments for the sale of alcoholic liquor such as serving customers.

Different ages for particular employments should be fixed in relation to their special dangers and in some cases the age required for girls might be higher than the age for boys.

IV. PROHIBITION OF EMPLOYMENT OF CHILDREN BY CERTAIN PERSONS.

(7) With a view to safeguarding the moral interests of children persons who have been condemned for certain serious

offences or who are notorious drunkards should be prohibited from employing children other than their own, even if such children live in the same household with these persons.

V. ENFORCEMENT.

(8) In order to facilitate the enforcement of the provisions of the Draft Convention, it is desirable to institute a public system of registration and of employment or identity books for children admitted to employment.

These documents should contain, in particular, indications of the age of the child, the nature of his employment, the number of hours of work authorised, and the dates when the child began and finished his employment. In the case of street trading the wearing of special badges should be prescribed.

In the case of children employed in public entertainments, supervising or inspecting officials should have the right of access to premises in which such entertainments are prepared or performed.

SEVENTEENTH SESSION
(Closing date, 30 June 1933.)

**Convention [No. 34]
concerning fee-charging employment agencies.¹**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to fee-charging employment agencies, 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 twenty-ninth day of June of the year one thousand nine hundred and thirty-three, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

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 organisation 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 organisation 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.

¹ This Convention came into force on 18 October 1936. It had been ratified on 1 September 1937 by 4 States : Chile, Finland, Spain and Sweden.

ARTICLE 2.

1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of the preceding Article shall be abolished within three years from the coming into force of this Convention for the Member concerned.

2. During the period preceding abolition

- (a) there shall not be established any new fee-charging employment agency conducted with a view to profit ;
- (b) fee-charging employment agencies conducted with a view to profit shall be subject to the supervision of the competent authority and shall only charge fees and expenses on a scale approved by the said authority.

ARTICLE 3.

1. Exceptions to the provisions of paragraph 1 of Article 2 of this Convention may be allowed by the competent authority in exceptional cases, but only after consultation of the organisations of employers and workers concerned.

2. Exceptions may only be allowed in virtue of this Article for agencies catering for categories of workers exactly defined by national laws or regulations and belonging to occupations placing for which is carried on under special conditions justifying such an exception.

3. The establishment of new fee-charging employment agencies shall not be allowed in virtue of this Article after the expiration of the period of three years referred to in Article 2.

4. 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 during a period which shall not exceed ten years ;
- (c) shall only charge fees and expenses on a scale approved by the competent authority ; and
- (d) shall only place or recruit workers abroad if authorised so to do by its licence and if its operations are conducted under an agreement between the countries concerned.

ARTICLE 4.

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 authorisation 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 fixed by the competent 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 if their operations are conducted under an agreement between the countries concerned.

ARTICLE 5.

Fee-charging employment agencies as defined in Article 1 of this Convention and every person, company, institution, agency or other private organisation habitually engaging in placing shall, even though making no charge, make a declaration to the competent authority stating whether their placing services are given gratuitously or for remuneration.

ARTICLE 6

National laws or regulations shall prescribe appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, for any violation of the above Articles or of any laws or regulations giving effect to them.

ARTICLE 7.

There shall be included in the annual reports to be submitted under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace all necessary information concerning the exceptions allowed under Article 3.

ARTICLE 8.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 9.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 10.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 11.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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.

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 13.

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.

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 14.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 42] concerning employment agencies.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to the abolition of fee-charging employment agencies, which is the first item on the Agenda of the Session, and

Having determined that these proposals should take the form of a Recommendation,

adopts, this twenty-ninth day of June of the year one thousand nine hundred and thirty-three, the following Recommendation, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The Conference,

Having adopted a Draft Convention concerning fee-charging employment agencies intended to supplement the provisions of the Convention and Recommendation concerning unemployment which it adopted at its First Session ;

Considering it to be desirable to ensure within as short a time as possible the complete abolition of fee-charging employment agencies conducted with a view to profit ;

Considering that, for certain occupations, the abolition of such agencies may nevertheless involve certain difficulties in countries in which the free public employment offices are not in a position completely to take the place of the agencies abolished ;

Considering that features other than placing fees may give a profit-making character to placing operations and may lead to abuses ;

Recommends the Members to take the following rules and methods into consideration :

I.

1. Measures should be taken to adapt the free public employment offices to the needs of the occupations in which recourse is often had to the services of fee-charging employment agencies.

2. The principle of having specialised public employment offices for particular occupations should be applied and in so far as possible persons familiar with the characteristics, usages and customs of the occupations concerned should be attached to such offices.

3. Representatives of the organisations most representative of workers and employers in the occupations concerned should be invited to collaborate in the working of the public employment offices.

II.

1. Persons and undertakings which either directly or through any intermediary derive any profit from certain activities such as the keeping of public houses, hotels, secondhand clothes shops, pawn shops or money-changing should be forbidden to engage in placing.

2. Placing operations should be prohibited on all premises or in all outhouses and annexes of such premises where any of the above-mentioned trades are carried on.

**Convention [No. 35] concerning compulsory
old-age insurance for persons employed in industrial or
commercial undertakings, in the liberal professions,
and for outworkers and domestic servants.¹**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory old-age insurance, which is included in the second item on the Agenda of the Session, and

¹ This Convention came into force on 18 July 1937. It had been ratified on 1 September 1937 by 2 States : by Chile and Great Britain.

Having determined that these proposals shall take the form of a draft international convention,

adopts, this twenty-ninth day of June of the year one thousand nine hundred and thirty-three, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain a scheme of compulsory old-age insurance which shall be based on provisions at least equivalent to those contained in this Convention.

ARTICLE 2.

1. The compulsory old-age insurance scheme shall apply to manual and non-manual workers, including apprentices, employed in industrial or commercial undertakings or in the liberal professions, and to outworkers and domestic servants :

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of

- (a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;
- (b) workers who are not paid a money wage ;
- (c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;
- (d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;
- (e) members of the employer's family ;
- (f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit, and persons engaged solely in occasional or subsidiary employment ;
- (g) invalid workers and workers in receipt of an invalidity or old-age pension ;
- (h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the old-age pension provided by national laws or regulations ;

- (i) workers, who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies ;
- (j) domestic servants employed in the households of agricultural employers.

3. Provided also that there may be exempted from liability to insurance persons who, by virtue of any law, regulations or special scheme, are or will become entitled to old-age benefits at least equivalent on the whole to those provided for in this Convention.

4. This Convention does not apply to seamen and sea fishermen.

ARTICLE 3.

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who have not attained the pensionable age to continue their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

ARTICLE 4.

An insured person shall be entitled to an old-age pension at an age which shall be determined by national laws or regulations but which, in the case of insurance schemes for employed persons, shall not exceed sixty-five.

ARTICLE 5.

The right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

ARTICLE 6.

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions :

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which

shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed :—

- (a) where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.
- (b) where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

ARTICLE 7.

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance; where the pension is awarded without any condition as to the completion of a qualifying period, provision may be made for a guaranteed minimum rate of pension.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

ARTICLE 8.

1. The right to benefits may be forfeited or suspended in whole or in part if the person concerned has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned

- (a) is in employment involving compulsory insurance;
- (b) is entirely maintained at the public expense; or
- (c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases.

ARTICLE 9.

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.
2. National laws or regulations may exempt from liability to pay contributions
 - (a) apprentices and young workers under a prescribed age ;
 - (b) workers who are not paid a money wage or whose wages are very low.
3. Contributions from employers may be dispensed with under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.
4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.
5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

ARTICLE 10.

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by State insurance funds :
2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.
3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.
4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.
5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

ARTICLE 11.

1. The insured person or his legal representatives shall have a right of appeal in any dispute concerning benefits.
2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are

specially cognisant of the purposes of insurance and the needs of insured persons or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

ARTICLE 12.

1. Foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. Foreign insured persons and their dependants shall be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. Foreign insured persons and their dependants shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme in conformity with Article 9, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds :

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners and their dependants who are nationals of any Member bound by this Convention and reside in the territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired : Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

ARTICLE 13.

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance exceptions may be made to this rule by agreement between the Members concerned.

ARTICLE 14.

Any Member may prescribe special provisions for frontier workers whose place of employment is in its territory and whose place of residence is abroad.

ARTICLE 15.

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory old-age insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 16 to 22 hereinafter shall be deemed to satisfy the requirements of this Convention.

ARTICLE 16.

Pensions shall be awarded at an age which shall be determined by national laws or regulations but which shall not exceed sixty-five.

ARTICLE 17.

The right to a pension may be made conditional upon the claimant's having been resident in the territory of the Member for a period immediately preceding the making of the claim. This period shall be determined by national laws or regulations but shall not exceed ten years.

ARTICLE 18.

1. A claimant shall be entitled to a pension if the annual value of his means does not exceed a limit which shall be fixed by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

ARTICLE 19.

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

ARTICLE 20.

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

ARTICLE 21.

1. Foreigners who are nationals of a Member bound by this Convention shall be entitled to pensions under the same conditions as nationals :

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon their having been resident in the territory of the Member for a period which shall not exceed by more than five years the period of residence prescribed for nationals.

ARTICLE 22.

1. The right to a pension may be forfeited or suspended in whole or in part if the person concerned

- (a) has been sentenced to imprisonment for a criminal offence ;
- (b) has obtained or attempted to obtain a pension by fraud ; or
- (c) has persistently refused to earn his living by work compatible with his strength and capacity.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

ARTICLE 23.

Subject to the provisions of paragraph 5 of Article 12, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

ARTICLE 24.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 25.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 26.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 27.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 28.

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 29.

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 27 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.

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 30.

The French and English texts of this Convention shall both be authentic.

**Convention [No. 36]
concerning compulsory old-age insurance for persons employed
in agricultural undertakings.¹**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory old-age insurance, which is included in the second item on the Agenda of the Session, and

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

adopts, this twenty-ninth day of June of the year one thousand nine hundred and thirty-three, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain a scheme of compulsory old-age insurance which shall be based on provisions at least equivalent to those contained in this Convention.

ARTICLE 2.

1. The compulsory old-age insurance scheme shall apply to manual and non-manual workers, including apprentices, employed in agricultural undertakings, and to domestic servants employed in the households of agricultural employers :

¹ This Convention came into force on 18 July 1937. It had been ratified on 1 September 1937 by 2 States : Chile and Great Britain.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of

- (a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;
- (b) workers who are not paid a money wage ;
- (c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;
- (d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;
- (e) members of the employer's family ;
- (f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit, and persons engaged solely in occasional or subsidiary employment ;
- (g) invalid workers and workers in receipt of an invalidity or old-age pension ;
- (h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the old-age pension provided by national laws or regulations ;
- (i) workers who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies.

3. Provided also that there may be exempted from liability to insurance persons who, by virtue of any law, regulations or special scheme, are or will become entitled to old-age benefits at least equivalent on the whole to those provided for in this Convention.

ARTICLE 3.

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who have not attained the pensionable age to continue their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

ARTICLE 4.

An insured person shall be entitled to an old-age pension at an age which shall be determined by national laws or regu-

lations but which, in the case of insurance schemes for employed persons, shall not exceed sixty-five.

ARTICLE 5.

The right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

ARTICLE 6.

1. An insured person who ceases to be hable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions :

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed :—

(a) where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.

(b) where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

ARTICLE 7.

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance ; where

the pension is awarded without any condition as to the completion of a qualifying period, provision may be made for a guaranteed minimum rate of pension.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

ARTICLE 8.

1. The right to benefits may be forfeited or suspended in whole or in part if the person concerned has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned

- (a) is in employment involving compulsory insurance ;
- (b) is entirely maintained at the public expense ; or
- (c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases.

ARTICLE 9.

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.

2. National laws or regulations may exempt from liability to pay contributions

- (a) apprentices and young workers under a prescribed age ;
- (b) workers who are not paid a money wage or whose wages are very low ;
- (c) workers in the service of an employer who pays contributions assessed on a basis which is not dependent on the number of workers employed.

3. Contributions from employers may be dispensed with under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.

4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

ARTICLE 10.

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by State insurance funds :

2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.

4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.

5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

ARTICLE 11.

1. The insured person or his legal representatives shall have a right of appeal in any dispute concerning benefits.

2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance and the needs of insured persons or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

ARTICLE 12.

1. Foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. Foreign insured persons and their dependants shall be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. Foreign insured persons and their dependants shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the

insurance scheme in conformity with Article 9, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds :

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners and their dependants who are nationals of any Member bound by this Convention and reside in the territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired : Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

ARTICLE 13.

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance, exceptions may be made to this rule by agreement between the Members concerned.

ARTICLE 14.

Any Member may prescribe special provisions for frontier workers whose place of employment is in its territory and whose place of residence is abroad.

ARTICLE 15.

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory old-age insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 16 to 22 hereinafter shall be deemed to satisfy the requirements of this Convention.

ARTICLE 16.

Pensions shall be awarded at an age which shall be determined by national laws or regulations but which shall not exceed sixty-five.

ARTICLE 17.

The right to a pension may be made conditional upon the claimant's having been resident in the territory of the Member for a period immediately preceding the making of the claim. This period shall be determined by national laws or regulations but shall not exceed ten years.

ARTICLE 18.

1. A claimant shall be entitled to a pension if the annual value of his means does not exceed a limit which shall be fixed by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

ARTICLE 19.

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

ARTICLE 20.

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

ARTICLE 21.

1. Foreigners who are nationals of a Member bound by this Convention shall be entitled to pensions under the same conditions as nationals :

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon their having been resident in the territory of the Member for a period which shall not exceed by more than five years the period of residence prescribed for nationals.

ARTICLE 22.

1. The right to a pension may be forfeited or suspended in whole or in part if the person concerned

- (a) has been sentenced to imprisonment for a criminal offence ;
- (b) has obtained or attempted to obtain a pension by fraud ; or
- (c) has persistently refused to earn his living by work compatible with his strength and capacity.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

ARTICLE 23.

Subject to the provisions of paragraph 5 of Article 12, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

ARTICLE 24.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 25.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 26.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 27.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 28.

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 29.

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 27 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.

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 30.

The French and English texts of this Convention shall both be authentic.

**Convention [No. 37] concerning compulsory
invalidity insurance for persons employed in industrial
or commercial undertakings, in the liberal professions, and for
outworkers and domestic servants ¹.**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory invalidity insurance, which is included in the second item on the Agenda of the Session, and

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

adopts, this twenty-ninth day of June of the year one thousand nine hundred and thirty-three, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain a scheme of compulsory invalidity insurance which shall be based on provisions at least equivalent to those contained in this Convention.

ARTICLE 2.

1. The compulsory invalidity insurance scheme shall apply to manual and non-manual workers, including apprentices employed in industrial or commercial undertakings or in the liberal professions, and to outworkers and domestic servants :

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of

- (a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;
- (b) workers who are not paid a money wage ;
- (c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;

¹ This Convention came into force on 18 July 1937. It had been ratified on 1 September 1937 by 2 States : Chile and Great Britain.

- (d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;
- (e) members of the employer's family ;
- (f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit, and persons engaged solely in occasional or subsidiary employment ;
- (g) invalid workers and workers in receipt of an invalidity or old-age pension ;
- (h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the invalidity pension provided by national laws or regulations ;
- (i) workers who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies ;
- (j) domestic servants employed in the households of agricultural employers.

3. Provided also that there may be exempted from liability to insurance persons who, by virtue of any law, regulations or special scheme, are or will become entitled to invalidity benefits at least equivalent on the whole to those provided for in this Convention.

4. This Convention does not apply to seamen and sea fishermen.

ARTICLE 3.

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who are not in receipt of a pension to continue their insurance voluntarily or entitle such person to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

ARTICLE 4.

1. An insured person who becomes generally incapacitated for work and thereby unable to earn an appreciable remuneration shall be entitled to an invalidity pension :

2. Provided that national laws or regulations which secure to insured persons medical treatment and attendance throughout invalidity and, if invalidity terminates in death, secure pensions at the full rate to widows without any conditions as to age or invalidity and to orphans, may make the award of an invalidity pension conditional upon the insured person's being unable to perform remunerative work.

8. In the case of special schemes for non-manual workers, an insured person who suffers from incapacity which renders him unable to earn an appreciable remuneration in the occupation in which he was ordinarily engaged or in a similar occupation shall be entitled to an invalidity pension.

ARTICLE 5.

1. Notwithstanding the provisions of Article 6, the right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

2. The duration of the qualifying period shall not exceed 60 contribution months, 250 contribution weeks or 1,500 contribution days.

3. Where the completion of the qualifying period involves the payment of a prescribed number of contributions during a prescribed period immediately preceding the happening of the event insured against, periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned as contribution periods to such extent and under such conditions as may be determined by national laws or regulations.

ARTICLE 6.

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions :

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed :—

- (a) where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.
- (b) where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

ARTICLE 7.

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

ARTICLE 8.

Insurance institutions shall be authorised, under conditions which shall be determined by national laws or regulations, to grant benefits in kind for the purpose of preventing, postponing, alleviating or curing invalidity to persons who are in receipt of or may be entitled to claim a pension on the ground of invalidity.

ARTICLE 9.

1. The right to benefits may be forfeited or suspended in whole or in part if the person concerned

- (a) has brought about his invalidity by a criminal offence or wilful misconduct ; or
- (b) has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned

- (a) is entirely maintained at the public expense or by a social insurance institution ;
- (b) refuses without valid reason to comply with the doctor's orders or the instructions relating to the conduct of invalids or voluntarily and without authorisation removes himself from the supervision of the insurance institution ;
- (c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases ; or
- (d) is in employment involving compulsory insurance or, in the case of special schemes for non-manual workers, is in receipt of remuneration exceeding a prescribed rate.

ARTICLE 10.

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.

2. National laws or regulations may exempt from liability to pay contributions

(a) apprentices and young workers under a prescribed age ;

(b) workers who are not paid a money wage or whose wages are very low.

3. Contributions from employers may be dispensed with under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.

4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

ARTICLE 11.

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit or by State insurance funds :

2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.

4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.

5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

ARTICLE 12.

1. The insured person or his legal representatives shall have a right of appeal in any dispute concerning benefits.

2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are

specially cognisant of the purposes of insurance and the needs of insured persons or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

ARTICLE 13.

1. Foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. Foreign insured persons and their dependants shall be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. Foreign insured persons and their dependants shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme in conformity with Article 10, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds :

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners and their dependants who are nationals of any Member bound by this Convention and reside in the territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired : Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

ARTICLE 14.

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance, exceptions may be made to this rule by agreement between the Members concerned.

ARTICLE 15.

Any Member may prescribe special provisions for frontier workers whose place of employment is in its territory and whose place of residence is abroad.

ARTICLE 16.

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory invalidity insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 17 to 28 hereinafter shall be deemed to satisfy the requirements of this Convention.

ARTICLE 17.

A person who becomes generally incapacitated for work and thereby unable to earn an appreciable remuneration shall be entitled to a pension.

ARTICLE 18.

The right to a pension may be made conditional upon the claimant's having been resident in the territory of the Member for a period immediately preceding the making of the claim. This period shall be determined by national laws or regulations but shall not exceed five years.

ARTICLE 19.

1. A claimant shall be entitled to a pension if the annual value of his means does not exceed a limit which shall be fixed by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

ARTICLE 20.

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

ARTICLE 21.

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

ARTICLE 22.

1. Foreigners who are nationals of a Member bound by this Convention shall be entitled to pensions under the same conditions as nationals :

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon their having been resident in the territory of the Member for a period which shall not exceed by more than five years the period of residence prescribed for nationals.

ARTICLE 23.

1. The right to a pension may be forfeited or suspended in whole or in part if the person concerned

- (a) has brought about his invalidity by a criminal offence or wilful misconduct ;
- (b) has obtained or attempted to obtain a pension by fraud ;
- (c) has been sentenced to imprisonment for a criminal offence ;
or
- (d) has persistently refused to earn his living by work compatible with his strength and capacity.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

ARTICLE 24.

Subject to the provisions of paragraph 5 of Article 13, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

ARTICLE 25.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 26.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 27.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 28.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 29.

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 30.

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 28 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.

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 31.

The French and English texts of this Convention shall both be authentic.

Convention [No. 38] concerning compulsory invalidity insurance for persons employed in agricultural undertakings¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory invalidity insurance, which is included in the second item on the Agenda of the Session, and

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

adopts, this twenty-ninth day of June of the year one thousand nine hundred and thirty-three, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain a scheme of compulsory invalidity insurance which shall be based on provisions at least equivalent to those contained in this Convention.

ARTICLE 2.

1. The compulsory invalidity insurance scheme shall apply to manual and non-manual workers, including apprentices, employed in agricultural undertakings, and domestic servants employed in the households of agricultural employers :

¹ This Convention came into force on 18 July 1937. It had been ratified on 1 September 1937 by 2 States : Chile and Great Britain.

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of

- (a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;
- (b) workers who are not paid a money wage ;
- (c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;
- (d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;
- (e) members of the employer's family ;
- (f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit, and persons engaged solely in occasional or subsidiary employment ;
- (g) invalid workers and workers in receipt of an invalidity or old-age pension ;
- (h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the invalidity pension provided by national laws or regulations ;
- (i) workers who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies.

3. Provided also that there may be exempted from liability to insurance persons who, by virtue of any law, regulations or special scheme, are or will become entitled to invalidity benefits at least equivalent on the whole to those provided for in this Convention.

ARTICLE 3.

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who are not in receipt of a pension to continue their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

ARTICLE 4.

1. An insured person who becomes generally incapacitated for work and thereby unable to earn an appreciable remuneration shall be entitled to an invalidity pension :

2. Provided that national laws or regulations which secure to insured persons medical treatment and attendance throughout invalidity and, if invalidity terminates in death, secure pensions at the full rate to widows without any condition as to age or invalidity and to orphans, may make the award of an invalidity pension conditional upon the insured person's being unable to perform remunerative work.

3. In the case of special schemes for non-manual workers, an insured person who suffers from incapacity which renders him unable to earn an appreciable remuneration in the occupation in which he was ordinarily engaged or in a similar occupation shall be entitled to an invalidity pension.

ARTICLE 5.

1. Notwithstanding the provisions of Article 6, the right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

2. The duration of the qualifying period shall not exceed 60 contribution months, 250 contribution weeks or 1,500 contribution days.

3. Where the completion of the qualifying period involves the payment of a prescribed number of contributions during a prescribed period immediately preceding the happening of the event insured against, periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned as contribution periods to such extent and under such conditions as may be determined by national laws or regulations.

ARTICLE 6.

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions :

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed :—

(a) where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.

- (b) where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

ARTICLE 7.

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

ARTICLE 8.

Insurance institutions shall be authorised, under conditions which shall be determined by national laws or regulations, to grant benefits in kind for the purpose of preventing, postponing, alleviating or curing invalidity to persons who are in receipt of or may be entitled to claim a pension on the ground of invalidity.

ARTICLE 9.

1. The right to benefits may be forfeited or suspended in whole or in part if the person concerned

- (a) has brought about his invalidity by a criminal offence or wilful misconduct ; or
(b) has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned

- (a) is entirely maintained at the public expense or by a social insurance institution ;
(b) refuses without valid reason to comply with the doctor's orders or the instructions relating to the conduct of invalids or voluntarily and without authorisation removes himself from the supervision of the insurance institution ;

- (c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases ; or
- (d) is in employment involving compulsory insurance or, in the case of special schemes for non-manual workers, is in receipt of remuneration exceeding a prescribed rate.

ARTICLE 10.

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.

2. National laws or regulations may exempt from liability to pay contributions

- (a) apprentices and young workers under a prescribed age ;
- (b) workers who are not paid a money wage or whose wages are very low ;
- (c) workers in the service of an employer who pays contributions assessed on a basis which is not dependent on the number of workers employed.

3. Contributions from employers may be dispensed with under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.

4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

ARTICLE 11.

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by State insurance funds :

2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.

4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.

5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

ARTICLE 12.

1. The insured person or his legal representatives shall have a right of appeal in any dispute concerning benefits.

2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance and the needs of insured persons or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

ARTICLE 13.

1. Foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. Foreign insured persons and their dependants shall be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. Foreign insured persons and their dependants shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme in conformity with Article 10, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds :

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners and their dependants who are nationals of any Member bound by this Convention and reside in the territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired : Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

ARTICLE 14.

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance exceptions may be made to this rule by agreement between the Members concerned.

ARTICLE 15.

Any Member may prescribe special provisions for frontier workers whose place of employment is in its territory and whose place of residence is abroad.

ARTICLE 16.

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory invalidity insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 17 to 23 hereinafter shall be deemed to satisfy the requirements of this Convention.

ARTICLE 17.

A person who becomes generally incapacitated for work and thereby unable to earn an appreciable remuneration shall be entitled to a pension.

ARTICLE 18.

The right to a pension may be made conditional upon the claimant's having been resident in the territory of the Member for a period immediately preceding the making of the claim. This period shall be determined by national laws or regulations but shall not exceed five years.

ARTICLE 19.

1. A claimant shall be entitled to a pension if the annual value of his means does not exceed a limit which shall be fixed by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

ARTICLE 20.

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

ARTICLE 21.

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

ARTICLE 22.

1. Foreigners who are nationals of a Member bound by this Convention shall be entitled to pensions under the same conditions as nationals :

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon their having been resident in the territory of the Member for a period which shall not exceed by more than five years the period of residence prescribed for nationals.

ARTICLE 23.

1. The right to a pension may be forfeited or suspended in whole or in part if the person concerned

- (a) has brought about his invalidity by a criminal offence or wilful misconduct ;
- (b) has obtained or attempted to obtain a pension by fraud ;
- (c) has been sentenced to imprisonment for a criminal offence ;
or
- (d) has persistently refused to earn his living by work compatible with his strength and capacity.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

ARTICLE 24.

Subject to the provisions of paragraph 5 of Article 13, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

ARTICLE 25.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 26.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 27.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 28.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 29.

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 30.

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 28 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.

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 31.

The French and English texts of this Convention shall both be authentic.

Draft Convention [No. 39] concerning compulsory widows' and orphans' insurance for persons employed in industrial or commercial undertakings, in the liberal professions, and for outworkers and domestic servants¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory widows' and orphans' insurance, which is included in the second item on the Agenda of the Session, and

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

adopts, this twenty-ninth day of June of the year one thousand nine hundred and thirty-three, the following Draft Convention

¹ This Draft Convention had been ratified on 1 September 1937 by Great Britain.

for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain a scheme of compulsory widows' and orphans' insurance which shall be based on provisions at least equivalent to those contained in this Convention.

ARTICLE 2.

1. The compulsory widows' and orphans' insurance scheme shall apply to manual and non-manual workers, including apprentices, employed in industrial or commercial undertakings or in the liberal professions, and to outworkers and domestic servants :

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of

- (a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;
- (b) workers who are not paid a money wage ;
- (c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;
- (d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;
- (e) members of the employer's family ;
- (f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit and persons engaged solely in occasional or subsidiary employment ;
- (g) invalid workers and workers in receipt of an invalidity or old-age pension ;
- (h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the invalidity pension provided by national laws or regulations ;
- (i) workers who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies ;
- (j) domestic servants employed in the households of agricultural employers.

3. Provided also that there may be exempted from liability to insurance persons whose survivors will, by virtue of any law, regulations or special scheme, become entitled to benefits at least equivalent on the whole to those provided for in this Convention.

4. This Convention does not apply to seamen and sea fishermen.

ARTICLE 3.

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who are not in receipt of a pension to continue their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

ARTICLE 4.

1. Notwithstanding the provisions of Article 5, the right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

2. The duration of the qualifying period shall not exceed 60 contribution months, 250 contribution weeks or 1,500 contribution days.

3. Where the completion of the qualifying period involves the payment of a prescribed number of contributions during a prescribed period immediately preceding the happening of the event insured against, periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned as contribution periods to such extent and under such conditions as may be determined by national laws or regulations.

ARTICLE 5.

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions :

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so

ceased to be liable to insurance and which shall be either variable or fixed :—

- (a) where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.
- (b) where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions may be determined on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

ARTICLE 6.

The widows' and orphans' insurance scheme shall as a minimum confer pension rights on widows who have not remarried and the children of a deceased insured or pensioned person.

ARTICLE 7.

- 1. The right to a widow's pension may be reserved to widows who are above a prescribed age or are invalid.
- 2. The provisions of paragraph 1 shall not apply in the case of special schemes for non-manual workers.
- 3. The right to a widow's pension may be restricted to cases where the marriage has lasted for a prescribed period and was contracted before the insured or pensioned person had reached a prescribed age or become invalid.
- 4. The right to a widow's pension may be withheld if, at the time of the death of the insured or pensioned person, the marriage had been dissolved or if a separation had been pronounced in proceedings in which the wife was found solely at fault.
- 5. Where there are several claimants to a widow's pension, the amount payable may be limited to that of one pension.

ARTICLE 8.

- 1. Any child who has not reached a prescribed age which shall not be less than fourteen shall be entitled to a pension in respect of the death of either parent :
- 2. Provided that the right to a pension in respect of the death of an insured or pensioned mother may either be made conditional upon the mother's having contributed to the sup-

port of the child or be made conditional upon her having been a widow at the time of her death.

3. National laws or regulations shall determine the case in which a child other than a legitimate child shall be entitled to a pension.

ARTICLE 9.

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance; where the pension is awarded without any condition as to the completion of a qualifying period, provision may be made for a guaranteed minimum rate of pension.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

ARTICLE 10.

Insurance institutions shall be authorised, under conditions which shall be determined by national laws or regulations, to grant benefits in kind for the purpose of preventing, postponing alleviating or curing invalidity to persons who are in receipt of or may be entitled to claim a pension on the ground of invalidity.

ARTICLE 11.

1. The right to benefits may be forfeited or suspended in whole or in part

- (a) if death has been caused by a criminal offence committed by or the wilful misconduct of the insured person or any person who may become entitled to a survivor's pension; or
- (b) if the insured person or any person who may become entitled to a survivor's pension has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned

- (a) is entirely maintained at the public expense or by a social insurance institution;

- (b) refuses without valid reason to comply with the doctor's orders or the instructions relating to the conduct of invalids or voluntarily and without authorisation removes herself from the supervision of the insurance institution ;
- (c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases ;
- (d) having been awarded a widow's pension without any condition as to age or invalidity, is living with a man as his wife ;
or
- (e) in the case of special schemes for non-manual workers, is in receipt of remuneration exceeding a prescribed rate.

ARTICLE 12.

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.

2. National laws or regulations may exempt from liability to pay contributions

- (a) apprentices and young workers under a prescribed age ;
- (b) workers who are not paid a money wage or whose wages are very low.

3. Contributions from employers may be dispensed with under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.

4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

ARTICLE 13.

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by State insurance funds :

2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.

4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.

5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

ARTICLE 14.

1. The survivors of a deceased insured or pensioned person shall have a right of appeal in any dispute concerning benefits.

2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

ARTICLE 15.

1. Foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. The survivors of foreign insured or pensioned persons shall be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. The survivors of foreign insured or pensioned persons shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme in conformity with Article 12, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds :

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to the survivors of insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners who are nationals of any Member bound by this Convention and reside in the

territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired : Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

ARTICLE 16.

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance exceptions may be made to this rule by agreement between the Members concerned.

ARTICLE 17.

Any Member may prescribe special provisions for frontier workers whose place of employment is in its territory and whose place of residence is abroad.

ARTICLE 18.

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory widows' and orphans' insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 19 to 25 hereinafter shall be deemed to satisfy the requirements of this Convention.

ARTICLE 19.

1. The following shall be entitled to a pension :—

- (a) every widow who has not remarried and who has at least two dependent children ;
- (b) every orphan, that is to say, every child who has lost both parents.

2. National laws or regulations shall define

- (a) the cases in which a child other than a legitimate child shall be deemed to be the child of a widow for the purpose of entitling her to a pension ;
- (b) the age until which a child shall be considered dependent upon a widow or shall be entitled to an orphans' pension :
Provided that this age shall in no case be less than fourteen.

ARTICLE 20.

1. The right to a widow's pension may be made conditional upon the residence in the territory of the Member

- (a) of the deceased husband during a period immediately preceding his death ; and
- (b) of the widow during a period immediately preceding the making of her claim for a pension.

2. The right to an orphan's pension may be made conditional upon the residence, in the territory of the Member during a period immediately preceding death, of whichever of the parents died the more recently.

3. The period of residence in the territory of the Member to have been completed by a widow or a deceased parent shall be prescribed by national laws or regulations but shall not exceed five years.

ARTICLE 21.

1. A claimant shall be entitled to a widow's or orphan's pension if the annual value of the claimant's means, including any means of dependent children or orphans, does not exceed a limit which shall be fixed by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

ARTICLE 22.

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

ARTICLE 23.

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

ARTICLE 24.

1. Foreign widows and orphans shall, if nationals of a Member bound by this Convention, be entitled to pensions under the same conditions as nationals :

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon the completion of a period of residence in the territory of the Member which shall not exceed by more than five years the period of residence provided for in Article 20.

ARTICLE 25.

1. The right to a pension may be forfeited or suspended in whole or in part if the widow or the person who has undertaken responsibility for the care of the orphan has obtained or attempted to obtain a pension by fraud.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

ARTICLE 26.

Subject to the provisions of paragraph 5 of Article 15, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

ARTICLE 27.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 28.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 29.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 30.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 31.

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 32.

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 30 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.

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 33.

The French and English texts of this Convention shall both be authentic.

**Draft Convention [No. 40] concerning compulsory
widows' and orphans' insurance for persons employed
in agricultural undertakings.¹**

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1933, and

Having decided upon the adoption of certain proposals with regard to compulsory widows' and orphans' insurance which is included in the second item on the Agenda of the Session, and

Having determined that these proposals shall take the form a Draft International Convention,

adopts, this twenty-ninth day of June of the year one thousand nine hundred and thirty-three, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to set up or maintain a scheme of compulsory widows' and orphans' insurance which shall be based on provisions at least equivalent to those contained in this Convention.

ARTICLE 2.

1. The compulsory widows' and orphans' insurance scheme shall apply to manual and non-manual workers, including apprentices, employed in agricultural undertakings, and to domestic servants employed in the households of agricultural employers :

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of

- (a) workers whose remuneration exceeds a prescribed amount and, where national laws or regulations do not make this exception general in its application, any non-manual workers engaged in occupations which are ordinarily considered as liberal professions ;
- (b) workers who are not paid a money wage ;

¹ This Draft Convention had been ratified on 1 September 1937 by Great Britain.

- (c) young workers under a prescribed age and workers too old to become insured when they first enter employment ;
- (d) outworkers whose conditions of work are not of a like nature to those of ordinary wage earners ;
- (e) members of the employer's family ;
- (f) workers whose employment is of such a nature that, its total duration being necessarily short, they cannot qualify for benefit, and persons engaged solely in occasional or subsidiary employment ;
- (g) invalid workers and workers in receipt of an invalidity or old-age pension ;
- (h) retired public officials employed for remuneration and persons possessing a private income, where the retirement pension or private income is at least equal to the invalidity pension provided by national laws or regulations ;
- (i) workers who, during their studies, give lessons or work for remuneration in preparation for an occupation corresponding to such studies.

8. Provided also that there may be exempted from liability to insurance persons whose survivors will, by virtue of any law, regulations or special scheme, become entitled to benefits at least equivalent on the whole to those provided for in this Convention.

ARTICLE 3.

National laws or regulations shall, under conditions to be determined by them, either entitle persons formerly compulsorily insured who are not in receipt of a pension to continue their insurance voluntarily or entitle such persons to maintain their rights by the periodical payment of a fee for the purpose, unless the said rights are automatically maintained or, in the case of married women, the husband, if not liable to compulsory insurance, is permitted to insure voluntarily and thereby to qualify his wife for an old-age or widow's pension.

ARTICLE 4.

1. Notwithstanding the provisions of Article 5, the right to a pension may be made conditional upon the completion of a qualifying period, which may involve the payment of a minimum number of contributions since entry into insurance and during a prescribed period immediately preceding the happening of the event insured against.

2. The duration of the qualifying period shall not exceed 60 contribution months, 250 contribution weeks or 1,500 contribution days.

8. Where the completion of the qualifying period involves the payment of a prescribed number of contributions during a prescribed period immediately preceding the happening of the event insured against, periods for which benefit has been paid in respect of temporary incapacity for work or of unemployment shall be reckoned as contribution periods to such extent and under such conditions as may be determined by national laws or regulations.

ARTICLE 5.

1. An insured person who ceases to be liable to insurance without being entitled to a benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions :

2. Provided that national laws or regulations may terminate rights in respect of contributions on the expiry of a term which shall be reckoned from the date when the insured person so ceased to be liable to insurance and which shall be either variable or fixed :—

- (a) where the term is variable, it shall not be less than one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance.
- (b) where the term is fixed, it shall in no case be less than eighteen months and rights in respect of contributions may be terminated on the expiry of the term unless, in the course thereof, a minimum number of contributions prescribed by national laws or regulations has been credited to the account of the insured person in virtue of either compulsory or voluntarily continued insurance.

ARTICLE 6.

The widows' and orphans' insurance scheme shall as a minimum confer pension rights on widows who have not remarried and the children of a deceased insured or pensioned person.

ARTICLE 7.

1. The right to a widow's pension may be reserved to widows who are above a prescribed age or are invalid.

2. The provisions of paragraph 1 shall not apply in the case of special schemes for non-manual workers.

3. The right to a widow's pension may be restricted to cases where the marriage has lasted for a prescribed period and was contracted before the insured or pensioned person had reached a prescribed age or become invalid.

4. The right to a widow's pension may be withheld if, at the time of the death of the insured or pensioned person, the marriage had been dissolved or if a separation had been pronounced in proceedings in which the wife was found solely at fault.

5. Where there are several claimants to a widow's pension, the amount payable may be limited to that of one pension.

ARTICLE 8.

1. Any child who has not reached a prescribed age which shall not be less than fourteen shall be entitled to a pension in respect of the death of either parent :

2. Provided that the right to a pension in respect of the death of an insured or pensioned mother may either be made conditional upon the mother's having contributed to the support of the child or be made conditional upon her having been a widow at the time of her death.

3. National laws or regulations shall determine the cases in which a child other than a legitimate child shall be entitled to a pension.

ARTICLE 9.

1. The pension shall, whether or not dependent on the time spent in insurance, be a fixed sum or a percentage of the remuneration taken into account for insurance purposes or vary with the amount of the contributions paid.

2. Where the pension varies with the time spent in insurance and its award is made conditional upon the completion by the insured person of a qualifying period, the pension shall, unless a minimum rate is guaranteed, include a fixed sum or fixed portion not dependent on the time spent in insurance ; where the pension is awarded without any condition as to the completion of a qualifying period, provision may be made for a guaranteed minimum rate of pension.

3. Where contributions are graduated according to remuneration, the remuneration taken into account for this purpose shall also be taken into account for the purpose of computing the pension, whether or not the pension varies with the time spent in insurance.

ARTICLE 10.

Insurance institutions shall be authorised, under conditions which shall be determined by national laws or regulations, to grant benefits in kind for the purpose of preventing, postponing, alleviating or curing invalidity to persons who are in receipt of or may be entitled to claim a pension on the ground of invalidity.

ARTICLE 11.

1. The right to benefits may be forfeited or suspended in whole or in part

- (a) if death has been caused by a criminal offence committed by or the wilful misconduct of the insured person or any person who may become entitled to a survivor's pension ; or
- (b) if the insured person or any person who may become entitled to a survivor's pension has acted fraudulently towards the insurance institution.

2. The pension may be suspended in whole or in part while the person concerned

- (a) is entirely maintained at the public expense or by a social insurance institution ;
- (b) refuses without valid reason to comply with the doctor's orders or the instructions relating to the conduct of invalids or voluntarily and without authorisation removes herself from the supervision of the insurance institution ;
- (c) is in receipt of another periodical cash benefit payable by virtue of any law or regulations concerning compulsory social insurance, pensions or workmen's compensation for accidents or occupational diseases ;
- (d) having been awarded a widow's pension without any condition as to age or invalidity, is living with a man as his wife ; or
- (e) in the case of special schemes for non-manual workers is in receipt of remuneration exceeding a prescribed rate.

ARTICLE 12.

1. The insured persons and their employers shall contribute to the financial resources of the insurance scheme.

2. National laws or regulations may exempt from liability to pay contributions

- (a) apprentices and young workers under a prescribed age ;
- (b) workers who are not paid a money wage or whose wages are very low ;
- (c) workers in the service of an employer who pays contributions assessed on a basis which is not dependent on the number of workers employed.

3. Contributions from employers may be dispensed with under laws or regulations concerning schemes of national insurance not restricted in scope to employed persons.

4. The public authorities shall contribute to the financial resources or to the benefits of insurance schemes covering employed persons in general or manual workers.

5. National laws or regulations which, at the time of the adoption of this Convention, do not require contributions from insured persons may continue not to require such contributions.

ARTICLE 13.

1. The insurance scheme shall be administered by institutions founded by the public authorities and not conducted with a view to profit, or by State insurance funds :

2. Provided that national laws or regulations may also entrust its administration to institutions founded on the initiative of the parties concerned or of their organisations and duly approved by the public authorities.

3. The funds of insurance institutions and State insurance funds shall be administered separately from the public funds.

4. Representatives of the insured persons shall participate in the management of insurance institutions under conditions to be determined by national laws or regulations, which may likewise decide as to the participation of representatives of employers and of the public authorities.

5. Self-governing insurance institutions shall be under the administrative and financial supervision of the public authorities.

ARTICLE 14.

1. The survivors of a deceased insured or pensioned person shall have a right of appeal in any dispute concerning benefits.

2. Such disputes shall be referred to special tribunals which shall include judges, whether professional or not, who are specially cognisant of the purposes of insurance or are assisted by assessors chosen as representative of insured persons and employers respectively.

3. In any dispute concerning liability to insurance or the rate of contribution, the employed person and, in the case of schemes providing for an employer's contribution, his employer shall have a right of appeal.

ARTICLE 15.

1. Foreign employed persons shall be liable to insurance and to the payment of contributions under the same conditions as nationals.

2. The survivors of foreign insured or pensioned persons shall be entitled under the same conditions as nationals to the benefits derived from the contributions credited to their account.

3. The survivors of foreign insured or pensioned persons shall, if nationals of a Member which is bound by this Convention and the laws or regulations of which therefore provide for a State subsidy towards the financial resources or benefits of the insurance scheme in conformity with Article 12, also be entitled to any subsidy or supplement to or fraction of a pension which is payable out of public funds :

4. Provided that national laws or regulations may restrict to nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to the survivors of insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

5. Any restrictions which may apply in the event of residence abroad shall only apply to pensioners who are nationals of any Member bound by this Convention and reside in the territory of any Member bound thereby to the extent to which they apply to nationals of the country in which the pension has been acquired : Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld.

ARTICLE 16.

1. The insurance of employed persons shall be governed by the law applicable at their place of employment.

2. In the interest of continuity of insurance exceptions may be made to this rule by agreement between the Members concerned.

ARTICLE 17.

Any Member may prescribe special provisions for frontier workers whose place of employment is in its territory and whose place of residence is abroad.

ARTICLE 18.

In countries which, at the time when this Convention first comes into force, have no laws or regulations providing for compulsory widows' and orphans' insurance, an existing non-contributory pension scheme which guarantees an individual right to a pension under the conditions defined in Articles 19 to 25 hereinafter shall be deemed to satisfy the requirements of this Convention.

ARTICLE 19.

1. The following shall be entitled to a pension :—

- (a) every widow who has not remarried and who has at least two dependent children ;
- (b) every orphan, that is to say, every child who has lost both parents.

2. National laws or regulations shall define

- (a) the cases in which a child other than a legitimate child shall be deemed to be the child of a widow for the purpose of entitling her to a pension ;
- (b) the age until which a child shall be considered dependent upon a widow or shall be entitled to an orphan's pension :
Provided that this age shall in no case be less than fourteen.

ARTICLE 20.

1. The right to a widow's pension may be made conditional upon the residence in the territory of the Member

- (a) of the deceased husband during a period immediately preceding his death ; and
- (b) of the widow during a period immediately preceding the making of her claim for a pension.

2. The right to an orphan's pension may be made conditional upon the residence, in the territory of the Member during a period immediately preceding death, of whichever of the parents died the more recently.

3. The period of residence in the territory of the Member to have been completed by a widow or deceased parent shall be prescribed by national laws or regulations but shall not exceed five years.

ARTICLE 21.

1. A claimant shall be entitled to a widow's or orphan's pension if the annual value of the claimant's means, including any means of dependent children or orphans, does not exceed a limit which shall be fixed by national laws or regulations with due regard to the minimum cost of living.

2. Means up to a level which shall be determined by national laws or regulations shall be exempted for the purpose of the assessment of means.

ARTICLE 22.

The rate of pension shall be an amount which, together with any means of the claimant in excess of the means exempted, is at least sufficient to cover the essential needs of the pensioner.

ARTICLE 23.

1. A claimant shall have a right of appeal in any dispute concerning the award of a pension or the rate thereof.

2. The appeal shall lie to an authority other than the authority which gave the decision in the first instance.

ARTICLE 24.

1. Foreign widows and orphans shall, if nationals of a Member bound by this Convention, be entitled to pensions under the same conditions as nationals :

2. Provided that national laws or regulations may make the award of a pension to foreigners conditional upon the completion of a period of residence in the territory of the Member which shall not exceed by more than five years the period of residence provided for in Article 20.

ARTICLE 25.

1. The right to a pension may be forfeited or suspended in whole or in part if the widow or the person who has undertaken responsibility for the care of the orphan has obtained or attempted to obtain a pension by fraud.

2. The pension may be suspended in whole or in part while the person concerned is entirely maintained at the public expense.

ARTICLE 26.

Subject to the provisions of paragraph 5 of Article 15, this Convention does not refer to the maintenance of pension rights in the event of residence abroad.

ARTICLE 27.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 28.

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

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

ARTICLE 29.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 30.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 31.

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 32.

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 30 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.

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 33

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 33] concerning the general principles of invalidity, old-age and widows' and orphans' insurance.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Seventeenth Session on 8 June 1938, and

Having decided upon the adoption of certain proposals with regard to invalidity, old-age and widows' and orphans' insurance, which is included in the second item on the Agenda of the Session, and

Having determined that these proposals should take the form of a recommendation,

adopts, this twenty-ninth day of June of the year one thousand nine hundred and thirty-three, the following Recommendation to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

The Conference,

Having adopted Draft Conventions concerning compulsory invalidity, old-age and widows' and orphans' insurance for persons employed in industrial or commercial undertakings,

in the liberal professions, and for outworkers and domestic servants and concerning compulsory invalidity, old-age and widows' and orphans' insurance for persons employed in agricultural undertakings, and

Considering that these Draft Conventions lay down the minimum conditions to be complied with from the beginning by every scheme of compulsory invalidity, old-age and widows' and orphans' insurance, and

Considering that it is desirable to indicate a number of general principles which practice shows to be best calculated to promote a just, effective and appropriate organisation of invalidity, old-age and widows' and orphans' insurance ;

Recommends that each Member should take the following principles and rules into consideration :

I. SCOPE.

1. (a) Compulsory invalidity, old-age and widows' and orphans' insurance for employed persons should include, irrespective of age, sex or nationality, every person who is ordinarily engaged in employment for remuneration.

(b) Where economic, social and administrative conditions permit, national laws or regulations should provide that invalidity, old-age and widows' and orphans' insurance should also include persons of small means working on their own account in industry, commerce and agriculture.

2. If, however, it is considered advisable to fix a minimum age for entry into insurance, such age should be as close as possible to the age at which compulsory school attendance ceases and at which the choice of an occupation is made.

3. The fixing of a maximum age for entry into insurance is only justified in insurance schemes which make the right to a pension conditional upon the completion of a qualifying period and then only for workers who, when they take up employment for remuneration as their ordinary occupation, are too old to be able to complete the qualifying period before the normal pensionable age.

4. Where it is considered advisable to fix (apart from the limitation, inherent in social insurance, of the remuneration taken into account for insurance purposes) a maximum remuneration as a criterion of liability to insurance, only such workers should thereby be excluded as, by reason of the fact that their remuneration is considerably in excess of the general level of wages, may be deemed to be capable of making provision by themselves against invalidity, old-age and death.

II. PENSIONS.

A. *Qualifying Period and Insurance Periods.*

5. The qualifying period prescribed by insurance schemes which provide for awarding all pensioners a pension at a fixed rate or varying with the remuneration taken into account for insurance purposes should be restricted to a contribution period which shall not be longer than is strictly necessary to preclude persons from entering insurance with intent to take undue advantage of it and to ensure some consideration for the benefits afforded.

6. The qualifying period for the purpose of an invalidity or survivor's pension should in no case exceed 60 contribution months, 250 contribution weeks or 1 500 contribution days and the qualifying period for the purpose of an old-age pension should not exceed twice this maximum.

7. Periods during which the insured person is incapable of work by reason of sickness, is not available for work by reason of childbirth or is involuntarily unemployed should, within limits to be prescribed, count towards the qualifying period, even where no contributions are paid for such periods by sickness or maternity insurance or by an unemployment fund.

8. (a) Insurance schemes which place limitations on the retention of rights in respect of contributions which have been paid should guarantee retention of such rights for a term of at least eighteen months reckoned from the last contribution payment, this term being prolonged, in schemes in which contributions are graduated according to remuneration, up to at least one-third (less the periods for which contributions have not been credited) of the total of the periods for which contributions have been credited since entry into insurance. In reckoning this term, periods during which the insured person was incapable of work by reason of sickness, was not available for work by reason of childbirth or was involuntarily unemployed or engaged in military service, should not be considered as periods for which contributions have not been credited.

(b) Any further retention of rights in respect of contributions may be made conditional either upon resumption of payment of contributions in virtue of compulsory or voluntarily continued insurance or upon the payment of a moderate fee for this purpose; in insurance schemes in which contributions are graduated according to remuneration and which provide for pensions varying with the time spent in insurance, resumption of payment of contributions should operate to increase the value of the rights in course of acquisition.

9. A person formerly insured should be able to recover rights already expired, by the payment of a prescribed number of contributions in virtue of compulsory or voluntarily continued insurance ; where the pension varies with the number or amount of the contributions credited to the account of the insured person, the number of contributions so prescribed should be less than the number required for the initial qualifying period.

10. Sums required to be paid for maintaining the rights in course of acquisition of insured persons who are unemployed for a long time should—in view of the impossibility of putting the expense of such payments solely on the insured persons in employment—be obtained through the financial assistance of the public authorities ; and the same principle should apply to payments for the purpose of consolidating and enhancing the rights of such unemployed persons.

B. — *Old-Age Pensions.*

11. For insurance schemes which fix the pensionable age above sixty it is recommended, as a means of relieving the labour market and of ensuring rest for the aged, that the pensionable age should be reduced to sixty, in so far as the demographic, economic and financial situation of the country permits and, if necessary, by stages.

12. Insured persons who have for many years been engaged in a particularly arduous or unhealthy occupation should be enabled to claim a pension at a less advanced age than workers in other occupations.

13. (a) In order to ensure that workers in their old age shall not suffer privations, the pension should be sufficient to cover essential needs. The pension provided for all pensioners who have completed a certain qualifying period should accordingly be fixed with due regard to the cost of living.

(b) In insurance schemes in which contributions are graduated according to remuneration, insured persons to the account of whom have been credited contributions corresponding to the normal duration of working life should be awarded a pension commensurate with their economic condition during their working life. To this end the pension provided for insured persons who have completed thirty years of actual contribution should not be less than half the remuneration taken into account for insurance purposes either since entry into insurance or over a prescribed period immediately preceding the award of the pension.

14. A bonus should be paid to a pensioner :

(a) for each dependent child who is of school age or, being under the age of seventeen, is continuing his general or vocational education, or who cannot by reason of infirmity earn his living ;

(b) when his wife is aged or infirm and is not herself on this account entitled to a pension.

15. A pensioner who needs the constant attendance of another person should be awarded a special supplement.

C. — *Invalidity Pensions.*

16. (a) A pension should be awarded to an insured person who by reason of sickness or infirmity is unable to earn an appreciable remuneration by work suited to his strength and ability and his training; remuneration which is less than one-third of the ordinary remuneration of a fit worker of similar training and experience should not be deemed to be appreciable.

(b) Nevertheless, in special insurance schemes set up on behalf of manual or non-manual workers in certain occupations, reduction of capacity for work should be assessed solely with reference to the occupation hitherto followed or to a similar occupation.

17. (a) In order to fulfil its purpose, an insurance scheme should provide for every insured person who becomes invalid after having completed the qualifying period a pension sufficient to cover his essential needs. The minimum pension provided for every pensioner should accordingly be fixed with due regard to the cost of living.

(b) In insurance schemes in which the minimum pension is fixed in terms of the remuneration taken into account for insurance purposes, the minimum should not be less than 40 per cent. of such remuneration. The same result should be aimed at by schemes in which the pension includes a fixed portion which is the same for every pensioner and a portion varying with the number and amount of the contributions credited to his account.

18. A bonus should be paid to a pensioner for each dependent child who is of school age or, being under the age of seventeen, is continuing his general or vocational education or who cannot by reason of infirmity earn his living.

19. A pensioner who needs the constant attendance of another person should be awarded a special supplement.

D. — *Survivors' Pensions.*

20. (a) If a pensioner or insured person dies after completing the qualifying period and leaves a widow, the widow should be entitled to a pension as long as she does not remarry.

(b) If, however, the award of the pension is subject to the fulfilment of other conditions, pensions should nevertheless be awarded to widows unable to earn their living by reason of age or invalidity and to widows with a dependent child who is of school age or who, being under the age of seventeen, is continuing his general or vocational education.

21. A pension should also be awarded to an invalid widower who by reason of his invalidity was dependent on an insured woman who died after completing the qualifying period.

22. (a) The pension awarded to a widow (or invalid w. should represent a substantial contribution towards covering essential needs. Whatever may be the method of computing it, the minimum pension should be fixed with due regard to the cost of living.

(b) In insurance schemes in which contributions are graduated according to the remuneration of the deceased, the widow's (or invalid widower's) pension should not be less than half the pension to which the deceased was entitled or would have been entitled if at the date of his death he had been awarded an invalidity or old-age pension. Nevertheless, where such schemes determine the rights of survivors without regard to the rate of the pension to which the deceased was or would have been entitled, a widow's (or invalid widower's) pension should not be less than 20 per cent. of the remuneration of the deceased taken into account for the purposes of his insurance either since entry into insurance or over a prescribed period immediately preceding his death.

23. (a) Every child of school age who was dependent on a pensioner or insured person who died after completing the qualifying period should be entitled to a child's pension and the pension should continue to be paid until the age of seventeen if the child is continuing his general or vocational education and even beyond this age if the child cannot by reason of infirmity earn his living.

(b) A child's pension may be paid in the form of a supplement to the pension of his widowed mother.

24. (a) The minimum pension provided for every child should represent a substantial contribution towards the cost of maintaining and educating him; such minimum should be higher in the case of an orphan child.

(b) In insurance schemes in which contributions are graduated according to the remuneration of the deceased, a child's pension should not be less than one-quarter or in the case of orphans one-half of the pension to which the deceased was entitled or would have been entitled if at the date of his death he had been awarded an invalidity or old-age pension. Nevertheless, where such schemes determine the rights of survivors without regard to the rate of the pension to which the deceased

was or would have been entitled, a child's pension should not be less than 10 per cent. or in the case of orphans 20 per cent. of the remuneration of the deceased as taken into account for the purposes of his insurance either since entry into insurance or over a prescribed period immediately preceding his death.

25. If it is considered advisable to fix a maximum for the total of the survivors' pensions which may be awarded in respect of one deceased person, such maximum should not, where survivors' pensions vary with the pension of the deceased, be less than the pension, including bonuses for family responsibilities, to which the deceased was or would have been entitled, or, where survivors' pensions vary with the remuneration of the deceased taken into account for the purposes of his insurance, be less than half such remuneration.

26. Survivors not eligible for a pension because the qualifying conditions have not been fulfilled should (provided that a minimum number of payments has been credited to the account of the deceased) be granted a lump sum which will enable them to adapt themselves to the change in their circumstances caused by the death of the head of the family.

27. In countries where burial expenses are not, by law or custom, covered by some other insurance, and in particular by sickness insurance, a benefit in respect of the cost of decent burial should be paid by widows' and orphans' insurance on the death of an insured person.

E. — Provisions for the Suspension or Reduction of Pensions.

28. Where provision is made for the suspension or reduction of invalidity, old-age or survivors' pensions in cases where a concurrent title exists to a pension acquired under another scheme of social insurance or a scheme of pensions or workmen's compensation for accidents or occupational diseases, the provisions concerning suspension or reduction should be such as to enable the pensioner to receive in its entirety whichever of the pensions is the higher and in any case he should be paid that part of the invalidity, old-age or survivor's pension which corresponds to the insured person's own contributions.

29. Where an invalidity or old-age pension is suspended for reason other than the existence of a concurrent title to another pension, the dependent family of the person whose pension is suspended should be awarded a maintenance allowance equal to the whole or to a part of the pension.

III. FINANCIAL RESOURCES.

80. (a) The financial resources of the insurance scheme should be provided by contributions from the insured persons and contributions from their employers.

(b) The public authorities should contribute to the insurance scheme.

81. As a general rule the contribution of the insured person should not be higher than the contribution of his employer.

82. The employer should be responsible for the whole or the greater part of the joint contribution in respect of workers who are remunerated only in kind, outworkers and apprentices whose remuneration does not exceed a prescribed amount.

83. The State should be responsible for the contributions in respect of periods of compulsory military service performed by persons who were insured before beginning their military service.

IV. ADMINISTRATION.

84. National laws or regulations should provide that insured women are adequately represented on the administrative bodies of invalidity, old-age and widows' and orphans' insurance.

EIGHTEENTH SESSION
(Closing date, 23 June 1934.)

Convention [No. 41] concerning employment of women during the night (revised 1934) ¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning employment of women during the night adopted by the Conference at its First Session, which is the seventh item on the Agenda of the Session, and

Considering that these proposals must take the form of a Draft International Convention,

adopts, this nineteenth day of June of the year one thousand nine hundred and thirty-four, the following Draft Convention which may be cited as the Night Work (Women) Convention (Revised), 1934 :

ARTICLE 1.

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

- (a) Mines, quarries, and other works for the extraction of minerals from the earth ;
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind ;
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

¹ This Convention came into force on 22 November 1936. It had been ratified on 1 September 1937 by 11 States : Belgium, Brazil, Estonia, Great Britain, Greece, Hungary, India, Irish Free State, Netherlands, South Africa and Switzerland.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

1. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning:

2. Provided that, where there are exceptional circumstances affecting the workers employed in a particular industry or area, the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that in the case of women employed in that industry or area, the interval between eleven o'clock in the evening and six o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning.

3. In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

ARTICLE 3.

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

ARTICLE 4.

Article 3 shall not apply:

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

ARTICLE 5.

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

ARTICLE 6.

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

ARTICLE 7.

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

ARTICLE 8.

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

ARTICLE 9.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 10.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-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 11.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 12.

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 Secretary-General of the League of Nations for

registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 13.

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 14.

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 12 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 15.

The French and English texts of this Convention shall both be authentic.

Convention [No. 42] concerning workmen's compensation for occupational diseases (revised 1934) ¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning workmen's compensation for occupational diseases adopted by the Conference at its Seventh Session, which is the fifth item on the Agenda of the Session, and

Considering that these proposals must take the form of a Draft International Convention,

adopts, this twenty-first day of June of the year one thousand nine hundred and thirty-four, the following Draft Convention which may be cited as the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934.

ARTICLE 1.

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to provide that compensation shall be payable to workmen incapacitated by occupational diseases, or, in case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.

2. The rates of such compensation shall be not less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national law or regulations the conditions under which compensation for the said diseases shall be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.

ARTICLE 2.

Each Member of the International Labour Organisation which ratifies this Convention undertakes to consider as occupational diseases those diseases and poisonings produced by the substances set forth in the Schedule appended hereto, when such diseases or such poisonings affect workers engaged in the trades, industries or processes placed opposite in the said Schedule, and result from occupation in an undertaking covered by the said national legislation.

¹ This Convention came into force on 17 June 1936. It had been ratified on 1 September 1937 by 10 States: Austria, Brazil, Cuba, Great Britain, Hungary, Irish Free State, Japan, Mexico, Norway and Sweden.

SCHEDULE.

<i>List of diseases and toxic substances.</i>	<i>List of corresponding trades, industries or processes.</i>
Poisoning by lead, its alloys or compounds and their sequelae.	<p>Handling of ore containing lead, including fine shot in zinc factories.</p> <p>Casting of old zinc and lead in ingots.</p> <p>Manufacture of articles made of cast lead or of lead alloys.</p> <p>Employment in the polygraphic industries.</p> <p>Manufacture of lead compounds.</p> <p>Manufacture and repair of electric accumulators.</p> <p>Preparation and use of enamels containing lead.</p> <p>Polishing by means of lead files or putty powder with a lead content.</p> <p>All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.</p>
Poisoning by mercury, its amalgams and compounds and their sequelae.	<p>Handling of mercury ore.</p> <p>Manufacture of mercury compounds.</p> <p>Manufacture of measuring and laboratory apparatus.</p> <p>Preparation of raw material for the hatmaking industry.</p> <p>Hot gilding.</p> <p>Use of mercury pumps in the manufacture of incandescent lamps.</p> <p>Manufacture of fulminate of mercury primers.</p>
Anthrax infection.	<p>Work in connection with animals infected with anthrax.</p> <p>Handling of animal carcasses or parts of such carcasses including hides, hoofs and horns.</p> <p>Loading and unloading or transport of merchandise.</p>
Silicosis with or without pulmonary tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	Industries or processes recognised by national law or regulations as involving exposure to the risk of silicosis.
Phosphorus poisoning by phosphorus or its compounds, and its sequelae.	Any process involving the production, liberation or utilisation of phosphorus or its compounds.
Arsenic poisoning by arsenic or its compounds, and its sequelae.	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Poisoning by benzene or its homologues, their nitro- and amido-derivatives, and its sequelae.	Any process involving the production, liberation or utilisation of benzene or its homologues, or their nitro- and amido-derivatives.

Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series.	Any process involving the production, liberation or utilisation of halogen derivatives of hydrocarbons of the aliphatic series designated by national laws or regulations.
Pathological manifestations due to: (a) radium and other radio-active substances; (b) X-rays.	Any process involving exposure to the action of radium, radioactive substances, or X-rays.
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.

ARTICLE 3.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 4.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-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 5.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 6.

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for

registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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.

ARTICLE 7.

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 8.

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 6 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 9.

The French and English texts of this Convention shall both be authentic.

Convention [No. 43] for the regulation of hours of work in automatic sheet-glass works¹.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work in automatic sheet-glass works, which is the third item on the Agenda of the Session, and

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

adopts, this twenty-first day of June of the year one thousand nine hundred and thirty-four, the following Draft Convention which may be cited as the Sheet-Glass Works Convention, 1934:

ARTICLE 1.

1. This Convention applies to persons who work in successive shifts in necessarily continuous operations in sheet-glass works which manufacture by automatic machines sheet-glass or other glass of the same characteristics which only differs from sheet-glass in thickness and other dimensions.

2. By necessarily continuous operations are meant all operations which, on account of the automatic and continuous character of the feeding of the molten glass to the machines and the working of the machines, are necessarily carried on without a break at any time of the day, night or week.

ARTICLE 2.

1. The persons to whom this Convention applies shall be employed under a system providing for at least four shifts.

2. The hours of work of such persons shall not exceed an average of forty-two per week.

3. This average shall be calculated over a period not exceeding four weeks.

4. The length of a spell of work shall not exceed eight hours.

5. The interval between two spells of work by the same shift shall not be less than sixteen hours: Provided that this interval may where necessary be reduced on the occasion of the periodical change-over of shifts.

¹ Date of coming into force: 13 January 1938. The Convention had been ratified on 1 September 1937 by 3 States: Belgium, Great Britain and Norway.

ARTICLE 3.

1. The limits of hours prescribed in paragraphs 2, 3 and 4 of Article 2 may be exceeded and the interval prescribed in paragraph 5 reduced, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking,

- (a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*; or
- (b) in order to make good the unforeseen absence of one or more members of a shift.

2. Adequate compensation for all additional hours worked in accordance with this Article shall be granted in such manner as may be determined by national laws or regulations or by agreement between the organisations of employers and workers concerned.

ARTICLE 4.

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall be required:

- (a) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority, the hours at which each shift begins and ends;
- (b) not to alter the hours so notified except in such manner and with such notice as may be approved by the competent authority; and
- (c) to keep a record in the form prescribed by the competent authority of all additional hours worked in pursuance of Article 3 of this Convention and of the compensation granted in respect thereof.

ARTICLE 5.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 6.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

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

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

ARTICLE 7.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 8.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 9.

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 10.

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 8 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 II.

The French and English texts of this Convention shall both be authentic.

Convention [No. 44] ensuring benefit or allowances to the involuntarily unemployed.¹

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard to unemployment insurance and various forms of relief for the unemployed, which is the second item on the Agenda of the Session, and

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

adopts, this twenty-third day of June of the year one thousand nine hundred and thirty-four, the following Draft Convention which may be cited as the Unemployment Provision Convention, 1934 :

ARTICLE I.

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to maintain a scheme ensuring to persons who are involuntarily unemployed and to whom this Convention applies :

- (a) benefit, by which is meant a payment related to contributions paid in respect of the beneficiary's employment whether under a compulsory or a voluntary scheme ; or
- (b) an allowance, by which is meant provision being neither benefit nor a grant under the ordinary arrangements for the relief of destitution, but which may be remuneration for employment on relief works organised in accordance with the conditions laid down in Article 9 ; or
- (c) a combination of benefit and an allowance.

¹ Date of coming into force : 10 June 1938. The Convention had been ratified on 1 September 1937 by 2 States : Great Britain and the Irish Free State.

2. Subject to this scheme ensuring to all persons to whom this Convention applies the benefit or allowance required by paragraph 1, the scheme may be

- (a) a compulsory insurance scheme;
- (b) a voluntary insurance scheme;
- (c) a combination of compulsory and voluntary insurance schemes; or
- (d) any of the above alternatives combined with a complementary assistance scheme.

3. The conditions under which unemployed persons shall pass from benefit to allowances, if the occasion arises, shall be determined by national laws or regulations.

ARTICLE 2.

1. This Convention applies to all persons habitually employed for wages or salary:

2. Provided that any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of:

- (a) persons employed in domestic service;
- (b) homeworkers;
- (c) workers whose employment is of a permanent character in the service of the government, a local authority or a public utility undertaking;
- (d) non-manual workers whose earnings are considered by the competent authority to be sufficiently high for them to ensure their own protection against the risk of unemployment;
- (e) workers whose employment is of a seasonal character, if the season is normally of less than six months' duration and they are not ordinarily employed during the remainder of the year in other employment covered by this Convention;
- (f) young workers under a prescribed age;
- (g) workers who exceed a prescribed age and are in receipt of a retiring or old-age-pension;
- (h) persons engaged only occasionally or subsidiarily in employment covered by this Convention;
- (i) members of the employers' family;
- (j) exceptional classes of workers in whose cases there are special features which make it unnecessary or impracticable to apply to them the provisions of this Convention.

3. Members shall state in the annual reports submitted by them upon the application of this Convention the exceptions which they have made under the foregoing paragraph.

4. This Convention does not apply to seamen, sea fishermen, or agricultural workers as these categories may be defined by national laws or regulations.

ARTICLE 3.

In cases of partial unemployment, benefit or an allowance shall be payable to unemployed persons whose employment has been reduced in a way to be determined by national laws or regulations.

ARTICLE 4.

The right to receive benefit or an allowance may be made subject to compliance by the claimant with the following conditions :

- (a) that he is capable of and available for work ;
- (b) that he has registered at a public employment exchange or at some other office approved by the competent authority and, subject to such exceptions and conditions as may be prescribed by national laws or regulations, attends there regularly ; and
- (c) that he complies with such other requirements as may be prescribed by national laws or regulations for the purpose of showing whether he fulfils the conditions for the receipt of benefit or an allowance.

ARTICLE 5.

The right to receive benefit or an allowance may be made subject to other conditions and disqualifications, in particular those provided for in Articles 6, 7, 8, 9, 10, 11 and 12. Any conditions or disqualifications other than those provided for in the said Articles shall be indicated in the annual reports submitted by Members upon the application of this Convention.

ARTICLE 6.

The right to receive benefit or an allowance may be made conditional upon the completion of a qualifying period, involving :

- (a) the payment of a prescribed number of contributions within a prescribed period preceding the claim to benefit or preceding the commencement of the period of unemployment ;
- (b) employment covered by this Convention for a prescribed period preceding the claim to benefit or an allowance or preceding the commencement of a period of unemployment ; or
- (c) a combination of the above alternatives.

ARTICLE 7.

The right to receive benefit or an allowance may be made conditional upon the completion of a waiting period the duration and conditions of application of which shall be prescribed by national laws or regulations.

ARTICLE 8.

The right to receive benefit or an allowance may be made conditional upon attendance at a course of vocational or other instruction.

ARTICLE 9.

The right to receive benefit or an allowance may be made conditional upon the acceptance, under conditions prescribed by national laws or regulations, of employment on relief works organised by a public authority.

ARTICLE 10.

1. A claimant may be disqualified for the receipt of benefit or of an allowance for an appropriate period if he refuses an offer of suitable employment. Employment shall not be deemed to be suitable :

- (a) if acceptance of it would involve residence in a district in which suitable accommodation is not available ;
- (b) if the rate of wages offered is lower, or the other conditions of employment are less favourable :
 - (i) where the employment offered is employment in the claimant's usual occupation and in the district where he was last ordinarily employed, than those which he might reasonably have expected to obtain, having regard to those which he habitually obtained in his usual occupation in that district or would have obtained if he had continued to be so employed ;
 - (ii) in all other cases, than the standard generally observed at the time in the occupation and district in which the employment is offered ;
- (c) if the situation offered is vacant in consequence of a stoppage of work due to a trade dispute ;
- (d) if for any other reason, having regard to all the considerations involved including the personal circumstances of the claimant, its refusal by the claimant is not unreasonable.

2. A claimant may be disqualified for the receipt of benefit or of an allowance for an appropriate period :

- (a) if he has lost his employment as a direct result of a stoppage of work due to a trade dispute ;
- (b) if he has lost his employment through his own misconduct or has left it voluntarily without just cause ;
- (c) if he has tried to obtain fraudulently any benefit or allowance ; or

- (d) if he fails to comply with the instructions of a public employment exchange or other competent authority with regard to applying for employment, or if it is proved by the competent authority that he has failed or neglected to avail himself of a reasonable opportunity of suitable employment.

3. A claimant who on leaving his employment has received from his employer in virtue of his contract of service compensation for and substantially equal to his loss of earnings for a certain period may be disqualified for the duration of that period for the receipt of benefit or of an allowance. A discharge allowance provided for by national laws or regulations shall not be deemed to be such compensation.

ARTICLE 11.

The right to receive benefit or an allowance may be limited in duration to a period which shall not normally be less than 156 working days per year, and shall in no case be less than 78 working days per year.

ARTICLE 12.

1. Benefit shall be payable irrespective of the needs of the claimant.

2. The right to receive an allowance may be made conditional upon the need of the claimant being proved in such manner as may be prescribed by national laws or regulations.

ARTICLE 13.

1. Benefit shall be payable in cash, but supplementary grants to facilitate the reemployment of an insured person may be in kind.

2. Allowances may be in kind.

ARTICLE 14.

There shall be constituted in accordance with national laws or regulations tribunals or other competent authorities for the purpose of determining questions arising on applications for benefit or an allowance made by persons to whom this Convention applies.

ARTICLE 15.

1. The claimant may be disqualified for the receipt of benefit or of an allowance in respect of any period during which he is resident abroad.

2. Special provisions may be prescribed for frontier workers employed in one country and resident in another.

ARTICLE 16.

Foreigners shall be entitled to benefit and allowances upon the same conditions as nationals: Provided that any Member may withhold from the nationals of any Member or State not bound by this Convention equality of treatment with its own nationals in respect of payments from funds to which the claimant has not contributed.

ARTICLE 17.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 18.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-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 19.

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 20.

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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.

At the expiration of each period of five 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 22.

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 23.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 44] concerning unemployment insurance and various forms of relief for the unemployed.

The General Conference of the International Labour Organisation of the League of Nations,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard to unemployment insurance and various forms of relief for the unemployed, which is the second item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-third day of June of the year one thousand nine hundred and thirty-four, the following Recommendation :

The Conference,

Having adopted a Draft Convention ensuring benefit or allowances to the involuntarily unemployed ;

Considering that this Draft Convention lays down the minimum conditions to be complied with by every scheme of unemployment insurance or assistance ;

Considering that it is desirable to indicate a number of general principles which practice shows to be best calculated to promote a satisfactory organisation of unemployment insurance and assistance ;

Recommends that each Member should take the following principles and rules into consideration :

1. In countries where compulsory insurance against unemployment is not in operation, steps should be taken to create such a system as soon as possible.

2. In countries in which compulsory or voluntary unemployment insurance is in operation, a complementary assistance scheme should be maintained to cover persons who have exhausted their right to benefit and in certain cases those who have not yet acquired the right to benefit ; this scheme should be on a different basis from the ordinary arrangements for the relief of destitution.

3. All schemes for the payment of unemployment benefit or allowances should cover not only persons who are wholly unemployed, but also persons who are partially unemployed.

4. (a) Unemployment insurance and assistance schemes should be applied as soon as possible to all persons who are employed under a contract of service, and to persons employed under a contract of apprenticeship with money payment. If, however, exceptions are considered necessary, they should be confined within the narrowest possible limits.

(b) Such persons should be covered either by insurance or assistance until they reach the age at which they are entitled to an old-age pension.

(c) If circumstances make it difficult to apply the general provisions relating to unemployment insurance to a particular class of workers, special arrangements should be made for the insurance of such workers. These special arrangements should aim in particular at ensuring adequate proof of unemployment and at adapting the benefit to the normal earnings of the workers concerned.

(d) Whenever possible, and in particular whenever satisfactory measures of supervision can be applied, special provision

should be made for the relief in case of unemployment of persons of comparatively small means who work on their own account.

5. Where it is considered advisable to fix a maximum remuneration as a criterion of liability to insurance, only such workers should thereby be excluded as are in receipt of remuneration sufficiently high for them to ensure their own protection against the risk of unemployment, the ultimate object being to include all workers manual and non-manual irrespective of income.

6. The qualifying period permitted by the Draft Convention should not exceed 26 weeks' employment in an occupation covered by the scheme, or the payment of 26 weekly contributions or the equivalent, within twelve months preceding the claim for benefit, or alternatively 52 weeks' such employment, or 52 weekly contributions or the equivalent, within twenty-four months preceding the claim for benefit.

7. The period during which benefit is payable under national laws or regulations should be as long as is consistent with the solvency of the scheme: and every effort should be made to pay allowances as long as claimants are in need of them.

8. Subject to the provisions concerning partially unemployed persons, of Articles 3 and 7 of the Draft Convention, and of paragraph 3 of the present Recommendation, the waiting period permitted by the Draft Convention should not exceed eight days per spell of unemployment.

9. In deciding whether employment in an occupation other than that in which a claimant has previously been engaged is "suitable employment" for the purpose of the disqualification permitted by the Draft Convention, account should be taken of the length of the claimant's service in the previous occupation, his chances of obtaining work in it, his vocational training, and his suitability for the work.

10. Disqualification for the receipt of benefit or allowances on the ground that a claimant has lost his employment by reason of a stoppage of work due to a trade dispute should be confined to cases in which the claimant is directly interested in the dispute, and should in all cases cease when the stoppage of work ceases.

11. (a) The obligation to attend a course of vocational or other instruction permitted by the Draft Convention as a condition for the receipt of benefit or allowances should be imposed only if the unemployed person will derive an advantage therefrom either from the point of view of physical or mental well-being or of vocational or general capabilities.

(b) When imposing on an unemployed person an obligation to accept employment on relief works, account should be taken

of his age, health, previous occupation and suitability for the employment in question.

(c) Only works of an exceptional and temporary character, organised by the public authority by means of funds specially allocated for the relief of the unemployed, should be considered as relief works.

12. Part of the money allocated to the relief of unemployment should be available for the purpose of facilitating the return of unemployed persons to employment, such as vocational and other training, and the payment of fares to unemployed persons who find employment in a district other than that in which they have been residing.

13. There should be a periodical review by the competent authority of the financial position of insurance funds in order that they may be kept as far as possible solvent and self-supporting. The financial arrangements should so far as possible include provisions to enable the scheme to surmount changes of short duration in the level of unemployment without change of the conditions governing the scheme.

14. An emergency fund should be created for the purpose of ensuring the payment, during periods of particularly severe unemployment, of the allowances provided for under national laws or regulations.

15. Provision should be made for the participation of representatives of the contributors in the administration of insurance schemes.

16. Equality of treatment should be applied in appropriate cases not only to the nationals of Members bound by the Convention but also to those of Members and States which, without having ratified the Convention, effectively apply its provisions.

17. States should regulate by means of bilateral agreements with neighbouring States the conditions under which benefit or allowances shall be paid to unemployed workers in frontier zones who have their residence in one country and who work in another.

NINETEENTH SESSION**(Closing date, 25 June 1935.)****Convention [No. 45] concerning the employment of women on underground work in mines of all kinds.¹**

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 Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to the employment of women on underground work in mines of all kinds, which is the second item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Draft International Convention,
adopts, this twenty-first day of June of the year one thousand nine hundred and thirty-five, the following Draft Convention which may be cited as the Underground Work (Women) Convention, 1935 :

ARTICLE 1.

For the purpose of this Convention, the term "mine" includes any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth.

ARTICLE 2.

No female, whatever her age, shall be employed on underground work in any mine.

ARTICLE 3.

National laws or regulations may exempt from the above prohibition :

- (a) females holding positions of management who do not perform manual work ;
- (b) females employed in health and welfare services ;
- (c) females who, in the course of their studies, spend a period of training in the underground parts of a mine ; and
- (d) any other females who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

¹ This Convention came into force on 30 May 1937. It had been ratified on 1 September 1937 by 12 States : Afghanistan, Austria, Belgium, China, Cuba, Estonia, Great Britain, Greece, Irish Free State, Netherlands, South Africa and Sweden.

ARTICLE 4.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 5.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-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 6.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 7.

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 Secretary-General of the League of Nations 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 8.

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 9.

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 7 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 10.

The French and English texts of this Convention shall both be authentic.

Draft Convention [No. 46] limiting hours of work in coal mines (revised 1935).¹

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 Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention limiting hours of work in coal mines adopted by the Conference at its Fifteenth Session, which is the seventh item on the Agenda of the Session, and

Considering that these proposals must take the form of a Draft International Convention,

adopts, this twenty-first day of June of the year one thousand nine hundred and thirty-five, the following Draft Convention which may be cited as the Hours of Work (Coal Mines) Convention (Revised), 1935 :

ARTICLE 1.

1. This Convention shall apply to all coal mines, that is to say, to any mine from which only hard coal or lignite, or

¹ This Draft Convention had been ratified on 1 September 1937 by Cuba.

principally hard coal or lignite together with other minerals, is extracted.

2. For the purpose of this Convention, the term "lignite mine" shall mean any mine from which coal of a geological period subsequent to the carboniferous period is extracted.

ARTICLE 2.

For the purpose of this Convention, the term "worker" shall mean :

- (a) in underground coal mines, any person occupied underground, by whatever employer and on whatever kind of work he may be employed, except persons engaged in supervision or management who do not ordinarily perform manual work ;
- (b) in open coal mines, any person employed directly or indirectly in the extraction of coal, except persons engaged in supervision or management who do not ordinarily perform manual work.

ARTICLE 3.

1. Hours of work in underground hard coal mines shall mean the time spent in the mine, calculated as follows :

- (a) time spent in an underground mine shall mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending ;
- (b) in mines where access is by an adit the time spent in the mine shall mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface.

2. In no underground hard coal mine shall the time spent in the mine by any worker exceed seven hours and forty-five minutes in the day.

ARTICLE 4.

The provisions of this Convention shall be deemed to be complied with if the period between the time when the first workers of the shift or of any group leave the surface and the time when they return to the surface is the same as that laid down in paragraph 2 of Article 3. The order of and the time required for the descent and ascent of a shift and of any group of workers shall, moreover, be approximately the same.

ARTICLE 5.

1. Subject to the provisions of the second paragraph of this Article, the provisions of this Convention shall be deemed

to be complied with if the national laws or regulations prescribe that for calculating the time spent in the mine the descent or ascent of the workers is to be calculated according to the weighted average duration of the descent or ascent of all shifts of workers in the whole country. In this case, the period between the time when the last worker of the shift leaves the surface and the time when the first worker of the same shift returns to the surface shall not in any mine exceed seven hours and fifteen minutes; provided that no method of regulation shall be permitted by which the hewers as a class of workers would on the average work longer hours than the other classes of underground workers in the same shift.

2. Any Member which, having applied the method laid down in this Article, subsequently applies the provisions of Articles 3 and 4 shall make the change simultaneously for the whole country and not for any part thereof.

ARTICLE 6.

1. Workers shall not be employed on underground work in coal mines on Sundays and legal public holidays:

Provided that this requirement shall be deemed to be complied with if the workers enjoy a rest period of twenty-four consecutive hours, of which at least eighteen fall upon the Sunday or legal public holiday. •

2. National laws or regulations may authorise the following exceptions to the provisions of the preceding paragraph for workers over eighteen years of age:

- (a) for work which, owing to its nature, must be carried on continuously;
- (b) for work in connection with the ventilation of the mine and the prevention of damage to the ventilation apparatus, safety work, work in connection with first aid in the case of accident and sickness, and the care of animals;
- (c) for survey work in so far as this cannot be done on other days without interrupting or disturbing the work of the undertaking;
- (d) for urgent work in connection with machinery and other appliances which cannot be carried out during the regular working time of the mine, and in other urgent or exceptional cases which are outside the control of the employer.

3. The competent authorities shall take appropriate measures for ensuring that no work is done on Sundays and legal public holidays except as authorised by this Article.

4. Work permitted under paragraph 2 of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

5. Workers who are engaged to any considerable extent on work permitted under paragraph 2 of this Article shall be

assured either a compensatory rest period or an adequate extra payment in addition to the rate specified in paragraph 4 of this Article. The detailed application of this provision shall be regulated by national laws or regulations.

ARTICLE 7.

Lower maxima than those specified in Articles 3, 4 and 5 shall be laid down by regulations made by public authority for workers in workplaces which are rendered particularly unhealthy by reason of abnormal conditions of temperature, humidity or other cause.

ARTICLE 8.

1. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded in case of accident, actual or threatened, in case of *force majeure*, or in case of urgent work to be done to machinery, plant or equipment of the mine as a result of a breakdown of such machinery, plant or equipment, even if coal production is thereby incidentally involved, but only so far as may be necessary to avoid serious interference with the ordinary working of the mine.

2. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded in the case of workers employed on operations which by their nature must be carried on continuously or on technical work, in so far as their work is necessary for preparing or terminating work in the ordinary way or for a full resumption of work on the next shift, provided, however, that this shall not refer to the production or transport of coal. The additional time so authorised for any individual worker shall not, except as specified in paragraphs 3 and 4 of this Article, exceed half an hour on any day.

3. Regulations made by public authority may provide that the hours specified in Articles 3, 4, 5 and 7 may be exceeded to an extent exceeding half an hour in the case of the following grades :

- (a) workers whose presence is indispensable for the work of ventilation and pumping stations and of such compressed air stations as are necessary for ventilation ;
- (b) underground storemen ; and
- (c) winchmen and locomotive drivers and their indispensable assistants :

Provided that no worker in the above grades who is employed on operations which by their nature must be carried on continuously may be employed for more than eight hours per day exclusive of the time spent in the mine by that worker in reaching and returning from his place of work, it being understood that

in each case this time will be reduced to the indispensable minimum.

Provided also that in the case of

- (a) underground storemen ;
- (b) enginemen and men in charge of internal shafts who are engaged upon the transport of workers ;
- (c) drivers of locomotives who are engaged upon the transport of workers ; and
- (d) the indispensable assistants of the grades specified in clauses (b) and (c) ;

the limit of such extension shall be that fixed by the regulations of the public authority.

4. Regulations made by public authority may provide that the limit of hours specified in Articles 3, 4, 5 and 7 and in paragraphs 2 and 3 of this Article may be exceeded in the case of workers whose presence is indispensable for the work of underground ventilation, pumping and compressed air stations, but only to such extent as may be necessary to permit the periodical change-over of shifts, and time worked in virtue of this provision shall not be deemed to be overtime, so however that during any period of three weeks no worker shall work more than twenty-one shifts of the length prescribed for his grade by paragraph 2 or paragraph 3 of this Article as the case may be.

5. In the case of mines in normal operation the number of persons coming under paragraphs 2 and 3 of this Article shall at no time exceed five per cent. of the total number of persons employed at the mine.

6. Overtime worked in virtue of the provisions of this Article shall be paid for at not less than one-and-a-quarter times the regular rate.

ARTICLE 9.

1. Regulations made by public authority may, in addition to the provisions of Article 8, put not more than sixty hours' overtime in the year at the disposal of undertakings throughout the country as a whole.

2. This overtime shall be paid for at not less than one-and-a-quarter times the regular rate.

ARTICLE 10.

The regulations mentioned in Articles 7, 8 and 9 shall be made by public authority after consultation with the organisations of employers and workers concerned.

ARTICLE 11.

The annual Reports to be submitted under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace shall contain all information as to the action taken to regulate the hours of work in accordance with the provisions of Articles 3, 4 and 5. They shall also furnish complete information concerning the regulations made under Articles 7, 8, 9, 12, 13 and 14 and concerning their enforcement.

ARTICLE 12.

In order to facilitate the enforcement of the provisions of this Convention, the management of every mine shall be required :

- (a) to notify by means of notices conspicuously posted at the pithead or in some other suitable place, or by such other method as may be approved by the public authority, the hours at which the workers of each shift or group shall begin to descend and shall have completed the ascent.

These hours shall be approved by the public authority and be so fixed that the time spent in the mine by each worker shall not exceed the limits prescribed by this Convention. When once notified, they shall not be changed except with the approval of the public authority and by such notice and in such manner as may be approved by the public authority.

- (b) to keep a record in the form prescribed by national laws or regulations of all additional hours worked under Articles 8 and 9.

ARTICLE 13.

1. In underground lignite mines Articles 3 and 4 and Articles 6 to 12 of this Convention shall apply subject to the following provisions :

- (a) in accordance with such conditions as may be prescribed by national laws or regulations, the competent authority may permit collective breaks involving a stoppage of production not to be included in the time spent in the mine, provided that such breaks shall in no case exceed thirty minutes for each shift. Such permission shall only be given after the necessity for such a system has been established by official investigation in each individual case, and after consultation with the representatives of the workers concerned.
- (b) the number of hours' overtime provided for in Article 9 may be increased to not more than seventy-five hours a year.

2. In addition, the competent authority may approve collective agreements which provide for not more than seventy-five hours' further overtime a year. Such further overtime shall likewise be paid for at the rate prescribed in Article 9, paragraph 2. It shall not be authorised generally for all underground lignite mines, but only in the case of individual districts or mines where it is required on account of special technical or geological conditions.

ARTICLE 14.

In open hard coal and lignite mines Articles 3 to 13 of this Convention shall not be applicable. Nevertheless, Members which ratify this Convention undertake to apply to these mines the provisions of the Washington Convention of 1919 limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, provided that the amount of overtime which may be worked in virtue of Article 6, paragraph (b), of the said Convention shall not exceed one hundred hours a year. Where special needs so require, and only in such cases, the competent authority may approve collective agreements which provide for an increase of the aforesaid one hundred hours by not more than a further hundred hours a year.

ARTICLE 15.

Nothing in this Convention shall have the effect of altering national laws or regulations with regard to hours of work so as to lessen the guarantees thereby afforded to the workers.

ARTICLE 16.

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of emergency endangering the national safety.

ARTICLE 17.

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 18.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretariat.

2. It shall come into force six months after the date on which the ratifications of two of the following Members have been

registered by the Secretary-General of the League of Nations : Belgium, Czechoslovakia, France, Germany, Great Britain, Netherlands and Poland.

3. Thereafter the Convention shall come into force for any Member six months after the date on which its ratification has been registered.

ARTICLE 19.

As soon as the ratifications of two of the Members mentioned in the second paragraph of Article 18 have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 20.

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

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 three years under the terms provided for in this Article.

ARTICLE 21.

1. At the latest within three years from the coming into force of this Convention the Governing Body of the International Labour Office shall place on the Agenda of the Conference the question of the revision of this Convention on the following points :

- (a) the possibility of a further reduction in the hours of work provided for in paragraph 2 of Article 3 ;
- (b) the right to have recourse to the exceptional method of calculation laid down in Article 5 ;
- (c) the possibility of modifying the provisions of Article 13, paragraph 1, sub-paragraphs (a) and (b), in the direction of a reduction of the hours of work ;
- (d) the possibility of a reduction in the amount of overtime provided for in Article 14.

2. Moreover, 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 22.

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 23.

The French and English texts of this Convention shall both be authentic.

Draft Convention [No. 47] concerning the reduction of hours of work to forty a week.

The General Conference of the International Labour Organisation,

Having met at Geneva in its Nineteenth Session on 4 June 1935,

Considering that the question of the reduction of hours of work is the sixth item on the Agenda of the Session ;

Considering that unemployment has become so widespread and long-continued that there are at the present time many millions of workers throughout the world suffering hardship and privation for which they are not themselves responsible and from which they are justly entitled to be relieved ;

Considering that it is desirable that workers should as far as practicable be enabled to share in the benefits

of the rapid technical progress which is a characteristic of modern industry ; and

Considering that in pursuance of the Resolutions adopted by the Eighteenth and Nineteenth Sessions of the International Labour Conference it is necessary that a continuous effort should be made to reduce hours of work in all forms of employment to such extent as is possible ;

adopts, this twenty-second day of June of the year one thousand nine hundred and thirty-five, the following Draft Convention which may be cited as the Forty-Hour Week Convention, 1935 :

ARTICLE 1.

Each Member of the International Labour Organisation which ratifies this Convention declares its approval of :

- (a) the principle of a forty-hour week applied in such a manner that the standard of living is not reduced in consequence ; and
- (b) the taking or facilitating of such measures as may be judged appropriate to secure this end ;

and undertakes to apply this principle to classes of employment in accordance with the detailed provisions to be prescribed by such separate Conventions as are ratified by that Member.

ARTICLE 2.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 3.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-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 4.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise

notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 5.

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 Secretary-General of the League of Nations 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 6.

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 7.

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 5 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 8.

The French and English texts of this Convention shall both be authentic.

Convention [No. 48] concerning the establishment of an international scheme for the maintenance of rights under invalidity, old-age and widows' and orphans' insurance.¹

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 Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to the maintenance of rights in course of acquisition and acquired rights under invalidity, old-age and widows' and orphans' insurance on behalf of workers who transfer their residence from one country to another, 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 twenty-second day of June of the year one thousand nine hundred and thirty-five, the following Draft Convention which may be cited as the Maintenance of Migrants' Pension Rights Convention, 1935 :

PART I. — ESTABLISHMENT OF INTERNATIONAL SCHEME.

ARTICLE 1.

1. There is hereby established between Members of the International Labour Organisation a scheme for the maintenance of rights in course of acquisition with and of rights acquired with compulsory invalidity, old-age and widows' and orphans' insurance institutions (hereinafter called insurance institutions).

2. References to Members in Parts II, III, IV and V of this Convention shall be construed as including only Members of the International Labour Organisation bound by this Convention.

**PART II. — MAINTENANCE OF RIGHTS
IN COURSE OF ACQUISITION.**

ARTICLE 2.

1. The insurance periods spent by persons who have been affiliated to insurance institutions of two or more Members shall, irrespective of the nationality of such persons, be totalised by each such institution in accordance with the following rules.

¹ Date of coming into force : 10 August 1938. The Convention had been ratified on 1 September 1937 by 2 States : Spain and Hungary.

2. For the maintenance of rights in course of acquisition the periods to be totalised shall be :

- (a) contribution periods ;
- (b) periods in respect of which contributions were not payable but during which rights are maintained under the laws or regulations under which they were spent ;
- (c) periods during which a cash benefit has been paid under an invalidity or old-age insurance scheme of another Member ; and
- (d) periods during which a cash benefit has been paid under some other social insurance scheme of another Member, in so far as a corresponding benefit would, under the laws or regulations governing the institution which is totalising, maintain rights in course of acquisition.

3. For the purposes of :

- (I) determining whether any conditions as to the qualifying period (minimum duration of liability to insurance) or the number of contributions prescribed for entitlement to special advantages (guaranteed minima) have been fulfilled ;
- (II) the recovery of rights ;
- (III) the right to enter voluntary insurance ; and
- (IV) the right to medical treatment and attendance ;

the periods to be totalised shall be :

- (a) contribution periods ; and
- (b) periods in respect of which contributions were not payable but which are counted for the purpose of the qualifying period both under the laws or regulations under which they were spent and under the laws or regulations governing the institution which is totalising.

4. Provided that, where under the laws or regulations of a Member periods spent in an occupation covered by a special scheme are alone to be taken into account for the purpose of determining whether a claimant is entitled to certain advantages, the periods to be totalised for the purpose set forth in paragraphs 2 and 3 shall be restricted to periods spent under the corresponding special insurance schemes of other Members or, in respect of a Member with no special insurance scheme for the occupation concerned, to periods spent in that occupation under the insurance scheme applicable thereto.

5. Contribution periods and assimilated periods spent simultaneously with institutions of two or more Members shall be reckoned once for the purpose of totalisation.

ARTICLE 3.

1. Each insurance institution from which on the basis of the totalised insurance periods the claimant is entitled to benefit

shall calculate the amount of such benefit according to the laws and regulations governing the said institution.

2. Benefits or benefit components which vary with the time spent in insurance and are determined with sole regard to the periods spent under the laws and regulations governing the institution liable shall be payable without reduction.

3. Benefits or benefit components which are determined independently of the time spent in insurance and consist of a fixed sum, a percentage of the remuneration taken into account for insurance purpose, or a multiple of the average contribution, may be reduced in the ratio of the periods counted for the purpose of reckoning benefits according to the laws and regulations governing the institution liable to the total of the periods counted for the purpose of reckoning benefits according to the laws and regulations governing all the institutions concerned.

4. The provisions of paragraphs 2 and 3 shall apply to any subsidy or supplement to or fraction of a pension which is payable out of public funds.

5. The apportionment of the cost of medical treatment and attendance is not regulated by this Convention.

ARTICLE 4.

In cases in which the total of the insurance periods spent with the insurance institutions of a Member does not amount to twenty-six contribution weeks, the institution or institutions with which they were spent may decline to recognise any liability for benefit. Periods in respect of which liability for benefit has been so declined shall not be taken into account by any of the other institutions concerned when making the reduction permitted by Article 3, paragraph 3.

ARTICLE 5.

1. If a person who is entitled to benefit from the insurance institutions of at least two Members would but for this Convention be entitled to receive from any such institution in respect of periods spent with it a benefit greater than the total of the benefits to which he is entitled under Article 3, he shall be entitled to receive from that institution a complementary benefit equal to the difference.

2. Where such complementary benefits are due from more than one institution, the total amount due to the beneficiary shall be the highest such benefit due from any one of them and the liability for this amount shall be apportioned among them in proportion to the complementary benefit which would have been due from each individually.

ARTICLE 6.

Provision may be made by agreement between the Members concerned for :

- (a) the reckoning of benefits by a method which differs from that prescribed in Article 3 but gives a result which is at least equivalent on the whole to that given by applying the said Article, subject to the total of the benefits payable never being less than the highest benefit payable by any one insurance institution in respect of periods spent with it ;
- (b) enabling an insurance institution of one Member to discharge its liability to the insured person and his dependants by paying to the insurance institution of another Member to which he has become affiliated the capital representing the rights in course of acquisition by him at the date at which he ceased to be affiliated to the institution, subject to the latter institution consenting thereto and undertaking to apply the capital for the purpose of crediting rights ;
- (c) limiting the total of the benefits granted by the insurance institutions of the Members to the amount due on the basis of the totalised insurance periods from the institution governed by the most favourable laws and regulations.

ARTICLE 7.

A claimant shall not be required to submit his claim for benefit to more than one of the insurance institutions to which he has been affiliated. This institution shall then inform the other institutions mentioned in the claim.

ARTICLE 8.

For the purpose of converting sums expressed in the currency of another Member, insurance institutions shall, when dealing with claims for benefit, adopt the relation between the two currencies which, on the first day of the quarter during which the claim was submitted, obtained on the principal foreign exchange market of the Member in the currency of which the sum is expressed : Provided that provision may be made for another method of conversion by agreement between the Members concerned.

ARTICLE 9.

Any Member may decline to apply the provisions of this Part of this Convention in its relations with a Member the laws and regulations of which do not cover the risk in respect of which a benefit is claimed.

PART III. — MAINTENANCE OF ACQUIRED RIGHTS.

ARTICLE 10.

1. Persons who have been affiliated to an insurance institution of a Member and their dependants shall be entitled to the entirety of the benefits the right to which has been acquired in virtue of their insurance :

- (a) if they are resident in the territory of a Member, irrespective of their nationality ;
- (b) if they are nationals of a Member, irrespective of their place of residence.

2. Provided that any subsidy or supplement to or fraction of a pension which is payable out of public funds may be withheld from persons who are not nationals of a Member.

3. Provided also that, for a period of five years from the first coming into force of this Convention, a Member may reserve the payment of any subsidy or supplement to or fraction of a pension which is payable out of public funds to the nationals of Members with which it has concluded supplementary agreements to that effect.

ARTICLE 11.

1. Pensions the right to which is maintained under Article 10 shall not be commuted for lump sums smaller than their capital value.

2. Provided that the insurance institution liable for benefit may commute pensions the monthly value of which is inconsiderable for lump sums calculated according to the laws and regulations governing the said institution, subject to the said sums not being reduced on the ground of residence abroad.

ARTICLE 12.

1. The provisions of the laws or regulations of a Member permitting the reduction or suspension of benefit if the person concerned has concurrent rights to other social insurance benefits or is in employment involving compulsory insurance may be applied to beneficiaries under this Convention in respect of benefits payable under an insurance scheme of another Member or in respect of employment in the territory of another Member.

2. Provided that provisions permitting reduction or suspension in the case of concurrent benefits in respect of the same risk shall not apply to benefits the right to which is acquired under Part II of this Convention.

ARTICLE 13.

An insurance institution liable for benefit in virtue of this Convention may discharge in the currency of its own country its liability to all persons entitled to such benefit.

PART IV. — MUTUAL ASSISTANCE IN ADMINISTRATION.

ARTICLE 14.

1. The authorities and insurance institutions of each Member shall afford assistance to those of other Members to the same extent as if they were applying their own laws and regulations relating to social insurance, and more particularly shall, at the request of an institution of any Member, carry out the investigations and medical examinations necessary to determine whether the persons in receipt of benefits for which the latter institution is liable satisfy the conditions for entitlement to such benefits.

2. In so far as the Members concerned do not otherwise agree, the expenses to be repaid for assistance so afforded shall be an amount determined according to the scale of charges of the institution or authority which has afforded assistance or, in the absence of such a scale, the expenditure incurred.

ARTICLE 15.

Any exception from fees granted by the laws or regulations of a Member in respect of documents furnished to its authorities or insurance institutions shall be extended to the corresponding documents furnished in connection with the application of this Convention to the authorities and insurance institutions of any other Member.

ARTICLE 16.

With the consent of the competent central authorities of the Members concerned, an insurance institution liable for benefit to a beneficiary resident in the territory of another Member may, on terms agreed between the two institutions, entrust the insurance institution of the place of residence of the beneficiary with the payment of such benefit on its behalf.

PART V. — OPERATION OF INTERNATIONAL SCHEME.

ARTICLE 17.

Every Member which at the date of its ratification of this Convention has not established such a scheme undertakes to establish within twelve months from that date either :

- (a) a compulsory insurance scheme under which pensions are payable at an age not later than sixty-five to the majority of persons employed in industrial and commercial undertakings ; or
- (b) a compulsory invalidity, old-age and widows' and orphans' insurance scheme covering a substantial proportion of the persons employed in industrial and commercial undertakings.

ARTICLE 18.

1. Each Member shall treat the nationals of other Members on the same footing as its own nationals for the purpose of liability to compulsory insurance and for the purpose of insurance benefits, including any subsidy or supplement to or fraction of a pension which is payable out of public funds.

2. Provided that any Member may restrict to its own nationals the right to any subsidy or supplement to or fraction of a pension which is payable out of public funds and granted solely to insured persons who have exceeded a prescribed age at the date when the laws or regulations providing for compulsory insurance come into force.

ARTICLE 19.

The provisions of this Convention may be derogated from by treaties between Members which do not affect the rights and duties of Members not parties to the treaty and which make definite provision for the maintenance of rights in course of acquisition and of acquired rights under conditions at least as favourable on the whole as those provided for in this Convention.

ARTICLE 20.

1. For the purpose of assisting Members in applying this Convention there is hereby established in connection with the International Labour Office a Commission consisting of one delegate for each Member together with three persons appointed respectively by the government, employers' and workers' representatives upon the Governing Body of the Office. The Commission shall regulate its own procedure.

2. At the request of one or more Members concerned, the Commission, which shall be guided by the principles and purposes of this Convention, shall make recommendations as to the manner in which it shall be applied.

ARTICLE 21.

1. Where, prior to the coming into force of this Convention, a pension has not been awarded or the payment of a pension has been suspended on account of the residence abroad of the person concerned, the pension shall be awarded or the payment of the pension resumed in pursuance of the Convention as from the date of the coming into force thereof for the Member concerned.

2. In applying this Convention account shall be taken of insurance periods prior to its coming into force if account would have been taken of such periods if this Convention had been in force during these periods.

3. At the request of the person concerned claims settled before the coming into force of this Convention shall, unless they have been settled by the payment of a lump sum, be reviewed. Review shall not involve the payment of arrears of, or the refund of, benefits for the period prior to the coming into force of the Convention for the Member concerned.

ARTICLE 22.

1. The denunciation of this Convention by a Member shall not affect the liabilities of its insurance institutions in respect of claims which matured before the denunciation took effect.

2. Rights in course of acquisition which are maintained in pursuance of this Convention shall not lapse by reason of the denunciation thereof: their further maintenance during the period subsequent to the date on which the Convention ceases to be in force shall be regulated by the laws and regulations governing the institution concerned.

PART VI. — FINAL PROVISIONS.

ARTICLE 23.

The formal ratification of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 24.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-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 25.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 26.

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations 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.

ARTICLE 27.

At the expiration of each period of five 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 28.

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 26 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 29.

The French and English texts of this Convention shall both be authentic.

Convention [No. 49] concerning the reduction of hours of work in glass-bottle works¹.

The General Conference of the International Labour Organisation,

Having met at Geneva in its Nineteenth Session on 4 June 1935 ;

Considering that the question of the reduction of hours of work is the sixth item on the Agenda of the Session ;

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living ;

Having determined to give effect to this reduction forthwith in the case of glass-bottle works ;

adopts, this twenty-fifth day of June of the year one thousand nine hundred and thirty-five, the following Draft Convention, which may be cited as the Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 :

ARTICLE 1.

1. This Convention applies to persons who, in glass works where bottles are produced by automatic machinery, work in successive shifts and are employed in connection with generators, tank furnaces, automatic machinery, annealing furnaces and operations accessory to the working of the above.

2. For the purpose of this Convention the term " bottles " includes similar glass articles produced by the same processes as bottles.

¹ Date of coming into force : 10 June 1938. The Convention had been ratified on 1 September 1937 by the Irish Free State and Norway.

ARTICLE 2.

1. The persons to whom this Convention applies shall be employed under a system providing for at least four shifts.

2. The hours of work of such persons shall not exceed an average of forty-two per week.

3. This average shall be calculated over a period not exceeding four weeks.

4. The length of a spell of work shall not exceed eight hours.

5. The interval between two spells of work by the same shift shall not be less than sixteen hours: Provided that this interval may where necessary be reduced on the occasion of the periodical change-over of shifts.

ARTICLE 3.

1. The limits of hours prescribed in paragraphs 2, 3 and 4 of Article 2 may be exceeded and the interval prescribed in paragraph 5 reduced, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking,

(a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*; or

(b) in order to make good the unforeseen absence of one or more members of a shift.

2. Adequate compensation for all additional hours worked in accordance with this Article shall be granted in such manner as may be determined by national laws or regulations or by agreement between the organisations of employers and workers concerned.

ARTICLE 4.

In order to facilitate the effective enforcement of the provisions of this Convention, every employer shall be required:

(a) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority, the hours at which each shift begins and ends;

(b) not to alter the hours so notified except in such manner and with such notice as may be approved by the competent authority; and

(c) to keep a record in the form prescribed by the competent authority of all additional hours worked in pursuance of Article 3 of this Convention and of the compensation granted in respect thereof.

ARTICLE 5.

Nothing in this Convention shall affect any custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

ARTICLE 6.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 7.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-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 8.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 9.

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 Secretary-General of the League of Nations 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 10.

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 11.

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 9 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 12.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 45] concerning unemployment among young 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 Nineteenth Session on 4 June 1935, and

Having decided upon the adoption of certain proposals with regard to unemployment among young persons, which is the third item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-fifth day of June of the year one thousand nine hundred and thirty-five, the following Recommendation

which may be cited as the Unemployment (Young Persons) Recommendation, 1935 :

The Conference,

Recalling that it has on several occasions drawn the attention of Governments to the economic measures that should be adopted as a remedy for the general depression, as a result of which large numbers of workers are unemployed ;

Considering that this unemployment continues and affects a large number of young persons, whose involuntary idleness may undermine their characters, diminish their occupational skill, and menace the future development of the nations ;

Considering that the Conference at its Eighteenth Session adopted a Draft Convention and Recommendation concerning unemployment insurance and various forms of relief for the unemployed which apply to young persons among others ;

Considering that many countries have adopted other measures to remedy a situation the gravity of which has rightly alarmed public opinion ;

Recommends, in the light of the experience already gained in this field, that each Member should apply the following principles and should submit to the International Labour Office a report stating the extent to which, and manner in which, the said principles have been applied :

SCHOOL-LEAVING AGE ; AGE FOR ADMISSION TO EMPLOYMENT ; GENERAL AND VOCATIONAL EDUCATION.

1. The minimum age for leaving school and being admitted to employment should be fixed at not less than fifteen years, as soon as circumstances permit.

2. (1) Juveniles over the school-leaving age who are unable to find suitable employment should, where the organisation of the school allows, be required to continue full-time attendance at school until suitable employment is available for them.

(2) For the purpose of this paragraph the term " suitable " refers primarily to the continuity of the employment and to future prospects therein.

(3) For the purpose of applying this paragraph there should be close co-operation between the education, placing and unemployment insurance authorities.

3. For the purpose of this Recommendation, " juvenile " means a person under eighteen years of age.

4. In countries where compulsory education does not yet exist, it should be introduced as soon as possible in conformity with paragraphs 1 and 2.

5. Maintenance allowances should, if necessary, be granted to parents by the competent public authorities during the additional periods of education recommended in paragraphs 1 and 2.

6. The curricula for juveniles whose period of school attendance is prolonged by the application of the measures recommended above should be designed primarily to promote their general education, but should also provide general training for occupational activity.

7. (1) Measures should be adopted to encourage juveniles with the necessary aptitudes to attend secondary or technical schools beyond the minimum school-leaving age.

(2) Exemption from the payment of fees or the reduction of fees would be suitable methods of applying this principle.

8. Juveniles who are no longer in full-time attendance at school should, until they reach the age of eighteen, be required to attend continuation courses providing a combination of general and vocational education.

9. (1) Where such attendance is not compulsory for all juveniles it should at least be made compulsory for unemployed juveniles, who should be required to attend for a prescribed number of hours every day or, where this is not possible, for a prescribed number of hours every week.

(2) In districts in which there is a sufficient number of unemployed juveniles special courses should be organised for them.

(3) Measures should be taken to enable juveniles who have attended courses organised in accordance with the two preceding sub-paragraphs to continue similar instruction if possible after having found work.

10. Any unemployed juvenile unable to show good cause for his having refused to attend the course which he is required to attend in application of paragraph 9 may, under suitable circumstances, be temporarily disqualified, entirely or partly, for the receipt of unemployment benefit and allowances.

11. (1) There should be organised for unemployed persons between the ages of eighteen and twenty-five vocational training centres in which some provision is made for general education. Whether these centres are residential or non-residential should be decided according to circumstances.

(2) These centres should be organised in co-operation with employers' and workers' organisations.

12. (1) The programmes of such centres should include, in addition to practical subjects, general courses of vocational and cultural interest.

(2) The persons responsible for giving the courses at such centres should be suitably remunerated and should be selected with special care, as far as possible from among qualified unemployed young persons.

18. Persons attending a course or centre organised in application of paragraphs 9 or 11 should be allowed supplementary grants to cover their travelling and other necessary expenses.

14. In the case of persons unable to secure employment on the termination of secondary, technical or higher studies measures should be taken :

- (a) to enable such persons to supplement their theoretical training by obtaining practical experience in industrial, commercial and other undertakings and in public administration, every precaution being taken to prevent such persons displacing regular workers ;
- (b) to facilitate, by such methods as the provision of free courses and of study and research scholarships, their continued attendance at the institution where they terminated their technical or higher studies or at some other institution of general or vocational education ;
- (c) to give such persons information concerning overcrowded occupations and to assist them to counteract prejudices which constitute barriers to their occupational readjustment.

15. Special measures should be adopted to train a qualified staff for educational, recreational, social service and employment centres for the young unemployed. It would be appropriate for such training to be given in special centres to which unemployed young persons with the necessary qualifications are admitted.

RECREATIONAL AND SOCIAL SERVICES FOR THE YOUNG UNEMPLOYED.

16. (1) Measures for promoting the general and vocational education of the young unemployed should be accompanied by measures to facilitate the useful and agreeable utilisation of their spare time, such as the establishment of recreational centres, physical training centres, reading rooms, etc.

(2) Such centres should not be reserved for the exclusive use of the unemployed but should also, with a view to avoiding any systematic separation of employed and unemployed, be open to young employed persons.

(3) Such centres should be under the supervision of a qualified person, but their activities should be arranged as far as possible by co-operation with and among the young persons themselves.

17. In districts where there is a sufficient number of young unemployed, measures should be taken to establish social service centres and hostels where they can obtain board and lodging at low cost.

ACTION BY TRADE ORGANISATIONS AND PRIVATE ORGANISATIONS.

18. The public authorities should assist educational and other social services for the young unemployed organised by trade organisations and other associations.

SPECIAL EMPLOYMENT CENTRES.

19. Where it is considered desirable to establish, for unemployed persons between the ages of eighteen and twenty-four inclusive, employment centres, the principal object of which is not to give vocational training but to provide work under other than normal conditions of employment, adequate safeguards should be adopted to prevent these abnormal conditions resulting in abuses.

20. Attendance at employment centres should be strictly voluntary.

21. Every care should be taken to prevent centres, whether public or private, from becoming institutions for military training. Privately organised centres should be under the supervision of public civil authorities.

22. No person should be admitted to an employment centre unless he has been medically examined and found physically fit for the work proposed for him.

23. The strictest hygienic conditions should prevail in all centres.

24. Special attention should be devoted to living conditions and discipline. The organisation of the centres should as far as possible be such as to enable the young unemployed to govern themselves, particularly as regards discipline.

25. In order to enable the young persons to maintain regular contact with their families, centres should be as near to their homes as circumstances permit.

26. (1) The work programmes of the centres should be such as to avoid competition by the centres with workers in normal employment.

(2) In so far as possible, the work provided should be appropriate to the age, sex, strength and occupation of the persons concerned.

27. The remuneration of young persons employed at centres should include a cash payment, in addition to board and, where these are provided, working clothes and lodging.

28. Persons employed at centres should be admitted to social insurance schemes and the contributions due in respect of them should be payable by the centres.

29. Where there is no general scheme of compulsory accident compensation insurance, centres should, unless directly organised by public authorities, which act as their own insurance carriers, cover their compensation liability by insurance.

30. (1) With a view to the inclusion in the programmes of centres of adequate provision for general education, vocational training, games, sports and free time, the time spent on productive work should be considerably less than forty hours per week.

(2) Centres should have libraries.

31. (1) There should be detailed regulations for the training and selection of the staff of centres, and members of centre staffs should have a thorough knowledge of social questions generally and of the problems of youth in particular.

(2) The staff of centres specially organised for young women should consist chiefly of women.

(3) Intermediate posts should in all possible cases be reserved for persons in attendance at the centres who are found to be suitably qualified.

(4) These centres should be placed under the supervision of a qualified person, but their activities should as far as possible be regulated by co-operation with and among the young persons themselves.

32. (1) A central supervisory council should be instituted for the purpose of general supervision over the employment centre system.

(2) The central supervisory council should include representatives of the most representative organisations of workers and employers and of the public departments responsible for placing, public works, agriculture, public health, safety, education and for other aspects of the welfare of the young.

(3) Among these representatives there should be a certain number of women.

33. The central supervisory council or some other appropriate body should collaborate closely with the public employment exchanges with a view to placing in normal employment the persons attending the centres.

34. Measures should be taken to develop team spirit among the persons attending the centres and to encourage them to form co-operative working groups for employment on land settlement schemes, public works, handicrafts, etc.

SPECIAL PUBLIC WORKS FOR UNEMPLOYED YOUNG PERSONS.

35. (1) Special public works should be organised to assist unemployed young persons and such works should as far as possible be adapted to the age and occupation of such persons.

(2) For young unemployed persons who have terminated secondary, technical or higher studies, such works should be adapted as far as possible to the training of such persons.

(3) In so far as they are appropriate and possible, the safeguards recommended for Special Employment Centres should also be applied to public works organised to assist unemployed young persons.

PLACING AND DEVELOPMENT OF OPPORTUNITIES FOR NORMAL EMPLOYMENT.

36. The national system of public employment exchanges should include special local and central arrangements for the placing of juveniles.

37. Placing services for juveniles :

- (a) should seek to place juveniles in suitable occupations as defined in paragraph 2 (2) ; and
- (b) should either include a vocational guidance department or be co-ordinated with independent bodies for vocational guidance.

38. Employers should be required to notify the local placing service for juveniles of vacancies for juveniles and of any engagements of juveniles which they have made without recourse to the placing service.

39. Placing services for juveniles should be required :

- (a) to supervise, in co-operation with vocational guidance services, apprenticeship committees and similar bodies, the results of the placings made, with a view to obtaining information likely to further the occupational prospects of juveniles ; and
- (b) to maintain close relations with all other public and private institutions interested in young persons and notably with the education authorities.

40. In the development of placing services for young persons of eighteen years of age and over, provision should be made whenever possible for assisting such persons in their occupational readjustment.

41. Measures should be taken to transfer to expanding occupations and to districts in which such occupations are carried on young persons who are without employment in districts where the principal industries appear to be in permanent decline.

42. Governments should conclude agreements for the purpose of facilitating the international exchange of student employees, that is to say, of young persons desirous of improving

their occupational qualifications by a knowledge of the customs of other countries.

43. Present attempts to promote reemployment by a reduction in ordinary hours of work should be pursued with special vigour in respect of employment in which young persons engage.

STATISTICS.

44. (1) Unemployment insurance institutions, public employment exchanges, and other institutions which compile unemployment statistics should include in their statistics figures showing the extent of unemployment among persons below the age of twenty-five.

(2) These figures should be classified so as to show the distribution of such unemployment according to :

- (a) sex ;
- (b) age, juveniles and other young persons being classified separately ;
- (c) occupation, persons who have never been in paid employment being classified separately and according to the occupation for which they have been trained or in which they have applied for employment.

45. For the purpose of supplementing such statistics, and in substitution for them where they do not exist, special enquiries should be made from time to time with a view to obtaining the above information and complementary information upon such matters as the length of unemployment and occupational history of the persons concerned.

46. Where the general census returns include information concerning unemployment, the returns should be analysed for the purpose of obtaining in so far as possible the information referred to in paragraph 44.

47. Until such time as the recommendation made in paragraph 1 is fully applied in the various countries, annual returns should be compiled showing the number of children still under the school-leaving age who during the year have been engaged in employment out of school hours. Such returns should be classified by sex, age group and occupation, and should give details of the days of the week and the seasons during which such employment was carried on, and the number and incidence of the hours of employment.

TWENTIETH SESSION
(Closing date, 24 June 1936.)

Draft Convention [No. 50] concerning the regulation of certain special systems of recruiting workers ¹.

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 Twentieth Session on 4 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 Organisation 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' organisation 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 Organisation and workers belonging to or assimilated to the dependent indigenous populations of the home territories of Members of the Organisation.

¹ This Draft Convention had been ratified on 1 September 1937 by Norway.

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 organisation 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 birthrate 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 organisation 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.

ARTICLE 6.

Non-adult persons shall not be recruited : Provided that the competent authority may permit non-adults above a prescribed age to be recruited with the consent of their parents for employment upon light work subject to prescribed safeguards for their welfare.

ARTICLE 7.

1. The recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his family.

2. Where the circumstances make the adoption of such a policy practicable and desirable, the competent authority shall encourage recruited workers to be accompanied by their families, more particularly in the case of workers recruited for agricultural or similar employment at a long distance from their homes and for periods exceeding a specified duration.

3. Except at the express request of the persons concerned, recruited workers shall not be separated from wives and minor children who have been authorised to accompany them to, and to remain with them at, the place of employment.

4. In default of agreement to the contrary before the departure of the worker from the place of recruiting, an authorisation to accompany a worker shall be deemed to be an authorisation to remain with him for the full duration of his term of service.

ARTICLE 8.

Where the circumstances make the adoption of such a policy practicable and desirable, the competent authority may make it a condition of permitting recruiting that the recruited workers shall be grouped at the place of employment under suitable ethnical conditions.

ARTICLE 9.

Public officers shall not recruit for private undertakings either directly or indirectly, except when the recruited workers are to be employed on works of public utility for the execution of which private undertakings are acting as contractors for a public authority.

ARTICLE 10.

Chiefs or other indigenous authorities shall not :

- (a) act as recruiting agents ;
- (b) exercise pressure upon possible recruits ; or
- (c) receive from any source whatsoever any special remuneration or other special inducement for assistance in recruiting.

ARTICLE 11.

No person or association shall engage in professional recruiting unless the said person or association has been licensed by the competent authority and is recruiting workers for a public department or for one or more specific employers or organisations of employers.

ARTICLE 12.

Employers, employers' agents, organisations of employers, organisations subsidised by employers, and the agents of organisations of employers and organisations subsidised by employers, shall only engage in recruiting if licensed by the competent authority.

ARTICLE 13.

1. Before issuing any licence for recruiting the competent authority shall :

- (a) satisfy itself that the applicant for a licence, if an individual, is a fit and proper person ;
- (b) require the applicant for a licence, except when the said applicant is an employers' organisation or an organisation subsidised by employers, to furnish financial or other security for proper conduct as a licensee ;
- (c) require the applicant for a licence, if an employer, to furnish financial or other security for the payment of wages due ; and
- (d) satisfy itself that adequate provision has been made for safeguarding the health and welfare of the workers to be recruited.

2. Licensees shall keep, in such form as the competent authority may prescribe, records from which the regularity of every recruiting operation can be verified and every recruited worker can be identified.

3. A licensee who is the agent of another licensee shall wherever possible receive a fixed salary, and in any case in which he receives remuneration calculated at a rate per head of workers recruited such remuneration shall not exceed a maximum to be prescribed by the competent authority.

4. The validity of licences shall be limited to a fixed period not exceeding one year to be prescribed by the competent authority.

5. The renewal of licences shall be conditional upon the manner in which the licensee has respected the conditions subject to which the licence was issued.

6. The competent authority shall be entitled :

- (a) to withdraw any licence if the licensee has been guilty of any offence or misconduct unfitting him to conduct recruiting operations ; and
- (b) to suspend any licence pending the result of any enquiry into the conduct of the licensee.

ARTICLE 14.

1. No person shall assist a licensee in a subordinate capacity in the actual recruiting operations unless he has been approved by a public officer and has been furnished with a permit by the licensee.

2. Licensees shall be responsible for the proper conduct of such assistants.

ARTICLE 15.

1. Where the circumstances make the adoption of such a policy necessary or desirable, the competent authority may exempt from the obligation to hold a licence worker-recruiters who :

- (a) are employed as workers by the undertaking for which they recruit other workers ;
- (b) are formally commissioned in writing by the employer to recruit other workers ; and
- (c) do not receive any remuneration or other advantage for recruiting.

2. Worker-recruiters shall not make advances of wages to recruits.

3. Worker-recruiters may recruit only within an area to be prescribed by the competent authority.

4. The operations of worker-recruiters shall be supervised in a manner to be prescribed by the competent authority.

ARTICLE 16.

1. Recruited workers shall be brought before a public officer, who shall satisfy himself that the law and regulations concerning

recruiting have been observed and, in particular, that the workers have not been subjected to illegal pressure or recruited by misrepresentation or mistake.

2. Recruited workers shall be brought before such an officer as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

ARTICLE 17.

Where the circumstances make the adoption of such a provision practicable and necessary, the competent authority shall require the issue to each recruited worker who is not engaged at or near the place of recruiting of a document in writing such as a memorandum of information, a work book or a provisional contract containing such particulars as the authority may prescribe, as for example particulars of the identity of the workers, the prospective conditions of employment, and any advances of wages made to the workers.

ARTICLE 18.

1. Every recruited worker shall be medically examined.

2. Where the worker has been recruited for employment at a distance from the place of recruiting or has been recruited in one territory for employment in a territory under a different administration the medical examination shall take place as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

3. The competent authority may empower public officers before whom workers are brought in pursuance of Article 16 to authorise the departure prior to medical examination of workers in whose case they are satisfied :

- (a) that it was and is impossible for the medical examination to take place near to the place of recruiting or at the place of departure ;
- (b) that the worker is fit for the journey and the prospective employment ; and
- (c) that the worker will be medically examined on arrival at the place of employment or as soon as possible thereafter.

4. The competent authority may, particularly when the journey of the recruited workers is of such duration and takes place under such conditions that the health of the workers is likely to be affected, require recruited workers to be examined both before departure and after arrival at the place of employment.

5. The competent authority shall ensure that all necessary measures are taken for the acclimatisation and adaptation of recruited workers and for their immunisation against disease.

ARTICLE 19.

1. The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers.

2. The competent authority shall take all necessary measures to ensure :

- (a) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded ;
- (b) that when it is necessary to break the journey for the night suitable accommodation is provided for the workers ; and
- (c) that in the case of long journeys all necessary arrangements are made for medical assistance and for the welfare of the workers.

3. When recruited workers have to make long journeys on foot to the place of employment, the competent authority shall take all necessary measures to ensure :

- (a) that the length of the daily journey is compatible with the maintenance of the health and strength of the workers ; and
- (b) that where the extent of the movement of labour makes this necessary, rest camps or rest houses are provided at suitable points on main routes and are kept in proper sanitary condition and have the necessary facilities for medical attention.

4. When recruited workers have to make long journeys in groups to the place of employment, they shall be convoyed by a responsible person.

ARTICLE 20.

1. The expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection during the journey, shall be borne by the recruiter or employer.

2. The recruiter or employer shall furnish recruited workers with everything necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suitable supplies of food, drinking water, fuel and cooking utensils, clothing and blankets.

3. This Article applies to workers recruited by worker-recruiters only to the extent to which its application is considered possible by the competent authority.

ARTICLE 21.

Any recruited worker who :

- (a) becomes incapacitated by sickness or accident during the journey to the place of employment ;
- (b) is found on medical examination to be unfit for employment ;
- (c) is not engaged after recruiting for a reason for which he is not responsible ; or
- (d) is found by the competent authority to have been recruited by misrepresentation or mistake ;

shall be repatriated at the expense of the recruiter or employer.

ARTICLE 22.

The competent authority shall limit the amount which may be paid to recruited workers in respect of advances of wages and shall regulate the conditions under which such advances may be made.

ARTICLE 23.

Where the families of recruited workers have been authorised to accompany the workers to the place of employment the competent authority shall take all necessary measures for safeguarding their health and welfare during the journey and more particularly :

- (a) Articles 19 and 20 of this Convention shall apply to such families ;
- (b) in the event of the worker being repatriated in virtue of Article 21, his family shall also be repatriated ; and
- (c) in the event of the death of the worker during the journey to the place of employment, his family shall be repatriated.

ARTICLE 24.

1. Before permitting the recruiting of workers for employment in a territory under a different administration, the competent authority of the territory of recruiting shall satisfy itself that all necessary measures have been taken for the protection of the recruited workers in accordance with the provisions of this Convention when the workers have travelled beyond its jurisdiction.

2. Where workers are recruited in one territory for employment in a territory under a different administration and the circumstances and amount of recruiting appear to the competent authorities concerned to necessitate such action, the said authorities shall enter into agreements defining the extent to which

such recruiting is to be permitted and providing for co-operation between them in supervising the execution of the conditions of recruiting and employment.

3. The recruiting of workers in one territory for employment in a territory under a different administration shall be undertaken only under licence issued by the competent authority of the territory of recruiting : Provided that the said authority may accept as equivalent to a licence issued by it a licence issued by the competent authority of the territory of employment.

4. Where the circumstances and the amount of recruiting for employment in a territory under a different administration appear to the competent authority of the territory of recruiting to necessitate such action, the said authority shall provide that such recruiting may only be undertaken by organisations approved by it.

ARTICLE 25.

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating :

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

2. The undertakings referred to in sub-paragraphs (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 by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

ARTICLE 26.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 27.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-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 28.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 29.

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 Secretary-General of the League of Nations 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 30.

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 31.

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 29 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 32.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 46] concerning the progressive elimination of recruiting.

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 Twentieth Session on 4 June 1936, and

Having decided upon the adoption of certain proposals with regard to the progressive elimination of recruiting, which is included in the first item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twentieth day of June of the year one thousand nine hundred and thirty-six, the following Recommendation which may be cited as the **Elimination of Recruiting Recommendation, 1936** :

The Conference,

Having adopted a Draft Convention concerning the regulation of certain special systems of recruiting workers,

Considering that in addition to the regulation of recruiting of labour it should be a cardinal principle to be followed by the Members of the International Labour Organisation to direct their policy where necessary and desirable towards the progressive elimination of the recruiting of labour and the development of the spontaneous offer of labour,

Recommends that each Member of the International Labour Organisation should take steps to hasten such elimination by :

- (a) improvement of the conditions of labour ;
- (b) development of the means of transport ;

- (c) promotion of the settlement of workers and their families in the area of employment, where such settlement is the policy of the competent authority ;
- (d) facilitating the voluntary movement of labour under administrative supervision and control ; and
- (e) the educational development of indigenous peoples and the improvement of their standard of living.

Draft Convention [No. 51] concerning the reduction of hours of work on public works.

The General Conference of the International Labour Organisation,

Having met at Geneva in its Twentieth Session on 4 June 1936 ;

Considering that the question of the reduction of hours of work on public works undertaken or subsidised by Governments is the third item on the Agenda of the Session ;

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living ;

Considering it to be desirable that this principle should be applied by international agreement to public works ;

adopts this twenty-third day of June one thousand nine hundred and thirty-six the following Draft Convention which may be cited as the Reduction of Hours of Work (Public Works) Convention, 1936 :

ARTICLE 1.

1. This Convention applies to persons directly employed on building or civil engineering works financed or subsidised by central Governments.

2. For the purpose of this Convention the precise scope of terms " building or civil engineering ", " financed " and " subsidised " shall be delimited by the competent authority after consultation with the organisations of employers and workers concerned where such exist.

3. The competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from the application of this Convention :

- (a) persons employed in undertakings in which only members of the employer's family are employed ;
- (b) persons occupying positions of management who do not ordinarily perform manual work.

ARTICLE 2.

1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.

2. In the case of persons who work in successive shifts on processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two.

3. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the processes to which paragraph 2 of this Article applies.

4. Where hours of work are calculated as an average the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which this average may be calculated and the maximum number of hours that may be worked in any week.

5. For the purpose of this Convention, the term "hours of work" means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

ARTICLE 3.

1. The competent authority may, by regulations made after consultation with the organisations of employers and workers concerned where such exist, provide that the limits of hours prescribed in the preceding Article may be exceeded in the case of :

- (a) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking or branch thereof or of the shift; and
- (b) persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls.

2. The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article.

3. The competent authority may permit the limits of hours prescribed in the preceding Article to be exceeded to a prescribed extent in cases in which this is necessary, if serious hindrance to the execution of a particular public work is to be avoided, on

account of abnormal circumstances such as the inaccessibility of the site or the impossibility of engaging sufficient qualified labour.

ARTICLE 4.

The limits of hours prescribed in the preceding Articles may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking,

- (a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*; or
- (b) in order to make good the unforeseen absence of one or more members of a shift.

ARTICLE 5.

1. The limits of hours prescribed in Articles 2 and 3 may be exceeded in cases where the continued presence of particular persons is necessary for the completion of an operation which for technical reasons cannot be interrupted.

2. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which this Article applies and the maximum number of hours in excess of the prescribed limits which may be worked by the persons concerned.

3. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

ARTICLE 6.

1. The competent authority may grant an allowance of overtime for exceptional cases of pressure of work. Such an allowance shall only be granted under regulations made after consultation as to the necessity of such overtime and the number of hours to be worked with the organisations of employers and workers concerned where such exist, and no such allowance shall permit of any person being employed for more than one hundred hours of such overtime in any year.

2. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

ARTICLE 7.

In order to facilitate the effective enforcement of the provisions of this Convention, every employer shall be required :

- (a) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority,
 - (i) the hours at which work begins and ends ;
 - (ii) where work is carried on by shifts, the hours at which each shift begins and ends ;
 - (iii) where a rotation system is applied, a description of the system, including a time-table for each person or group of persons ;
 - (iv) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks ; and
 - (v) rest periods in so far as these are not reckoned as part of the working hours ;
- (b) to keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 3 (paragraph 3), 5 and 6 and of payments made in respect thereof.

ARTICLE 8.

The annual reports submitted by Members upon the application of this Convention shall include more particularly full information concerning :

- (a) the definitions adopted in virtue of Article 1, paragraph 2 ;
- (b) processes which the competent authority has recognised as necessarily continuous in character in virtue of Article 2, paragraph 2 ;
- (c) determinations made in virtue of Article 2, paragraph 4 ;
- (d) decisions taken in virtue of Article 3 ; and
- (e) allowances of overtime granted in virtue of Article 6.

ARTICLE 9.

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

ARTICLE 10.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 11.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

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

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 13.

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

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

ARTICLE 14.

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 13 above, if and when the new revising Convention shall have come into force ;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

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

ARTICLE 16.

The French and English texts of this Convention shall both be authentic.

Draft Convention [No. 52] concerning annual holidays with pay.

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 Twentieth Session on 4 June 1936, and

Having decided upon the adoption of certain proposals with regard to annual holidays with pay which is the second item on the Agenda of the Session, and

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

adopts, this twenty-fourth day of June of the year one thousand nine hundred and thirty-six, the following Draft Convention which may be cited as the Holidays with Pay Convention, 1936 :

ARTICLE 1.

1. This Convention applies to all persons employed in any of the following undertakings or establishments, whether public or private :

- (a) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind ;

- (b) undertakings engaged wholly or mainly in the construction, reconstruction, maintenance, repair, alteration or demolition of any one or more of the following :

buildings,
railways,
tramways,
airports,
harbours,
docks,
piers,
works of protection against floods or coast erosion,
canals,
works for the purpose of inland, maritime or aerial navigation,
roads,
tunnels,
bridges,
viaducts,
sewers,
drains,
wells,
irrigation or drainage works,
telecommunication installations,
works for the production or distribution of electricity
or gas,
pipe-lines,
waterworks,

and undertakings engaged in other similar work or in the preparation for or laying the foundation of any such work or structure ;

- (c) undertakings engaged in the transport of passengers or goods by road, rail, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports ;
- (d) mines, quarries and other works for the extraction of minerals from the earth ;
- (e) commercial or trading establishments, including postal and telecommunication services ;
- (f) establishments and administrative services in which the persons employed are mainly engaged in clerical work ;
- (g) newspaper undertakings ;
- (h) establishments for the treatment and care of the sick, infirm, destitute or mentally unfit ;
- (i) hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses ;
- (j) theatres and places of public amusement ;
- (k) mixed commercial and industrial establishments not falling wholly within any of the foregoing categories.

2. The competent authority in each country shall after consultation with the principal organisations of employers and workers concerned where such exist, define the line which separates the undertakings and establishments specified in the preceding paragraph from those to which this Convention does not apply.

3. The competent authority in each country may exempt from the application of this Convention :

- (a) persons employed in undertakings or establishments in which only members of the employer's family are employed ;
- (b) persons employed in public services whose conditions of service entitle them to an annual holiday with pay at least equal in duration to that prescribed by this Convention.

ARTICLE 2.

1. Every person to whom this Convention applies shall be entitled after one year of continuous service to an annual holiday with pay of at least six working days.

2. Persons, including apprentices, under sixteen years of age shall be entitled after one year of continuous service to an annual holiday with pay of at least twelve working days.

3. The following shall not be included in the annual holiday with pay :

- (a) public and customary holidays ;
- (b) interruptions of attendance at work due to sickness.

4. National laws or regulations may authorise in special circumstances the division into parts of any part of the annual holiday with pay which exceeds the minimum duration prescribed by this Article.

5. The duration of the annual holiday with pay shall increase with the length of service under conditions to be prescribed by national laws or regulations.

ARTICLE 3.

Every person taking a holiday in virtue of Article 2 of this Convention shall receive in respect of the full period of the holiday either :

- (a) his usual remuneration, calculated in a manner which shall be prescribed by national laws or regulations, including the cash equivalent of his remuneration in kind, if any ; or
- (b) the remuneration determined by collective agreement.

ARTICLE 4.

Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.

ARTICLE 5.

National laws or regulations may provide that a person who engages in paid employment during the course of his annual holiday may be deprived of his right to payment in respect of the period of the holiday.

ARTICLE 6.

A person dismissed for a reason imputable to the employer before he has taken a holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Convention the remuneration provided for in Article 3.

ARTICLE 7.

In order to facilitate the effective enforcement of the provisions of this Convention, every employer shall be required to keep, in a form approved by the competent authority, a record showing :

- (a) the date of entry into his service of each person employed by him and the duration of the annual holiday with pay to which each such person is entitled ;
- (b) the dates at which the annual holiday with pay is taken by each person ;
- (c) the remuneration received by each person in respect of the period of his annual holiday with pay.

ARTICLE 8.

Each Member which ratifies this Convention shall establish a system of sanctions to ensure the application of its provisions.

ARTICLE 9.

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

ARTICLE 10.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 11.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

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

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 13.

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

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

ARTICLE 14.

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 his 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 13 above, if and when the new revising Convention shall have come into force ;

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

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

ARTICLE 16.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 47] concerning annual holidays with pay.

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 Twentieth Session on 4 June 1936, and

Having decided upon the adoption of certain proposals with regard to annual holidays with pay which is the second item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-fourth day of June of the year one thousand nine hundred and thirty-six, the following Recommendation which may be cited as the Holidays with Pay Recommendation, 1936 :

The Conference,

Having adopted a Draft Convention concerning annual holidays with pay for employed persons,

Considering that the purpose of such holidays is to secure to employed persons opportunities for rest, recreation and the development of their faculties,

Considering that the conditions laid down by the Draft Convention constitute the minimum standard to which any system of holidays with pay should conform,

Considering that it is desirable to deal in greater detail with the methods of applying the system,

Recommends that each Member should take the following suggestions into consideration :

1. (1) The continuity of service required in order to become entitled to a holiday should not be effected by interruptions occasioned by sickness or accident, family events, military

service, the exercise of civic rights, changes in the management of the undertaking in which the employed person is employed, or intermittent involuntary unemployment if the duration of the unemployment does not exceed a prescribed limit and if the person concerned resumes employment.

(2) In employments in which work is not carried on regularly throughout the year the condition of continuity of employment should be regarded as satisfied by the working of a prescribed number of days during a prescribed period.

(3) The holiday should be earned after one year's work, regardless whether this period has been spent in the employment of the same or of several employers. Each Government should take effective steps to ensure that the cost arising from the granting of the holidays shall not fall entirely upon the last employer.

2. Although it may be desirable that provision should be made in special cases for holidays to be divided, care should be exercised to ensure that such special arrangements do not run counter to the purpose of the holiday, which is to enable the employed person to make good the loss of physical and mental forces during the course of the year. In other cases division of the holiday should be restricted save in quite exceptional circumstances, to division into not more than two parts, one of which should not be less than the prescribed minimum.

3. It would be desirable that the increase in the length of the holiday with the duration of service should begin to operate as soon as possible and should be effected by regular stages so that a prescribed minimum will be attained after a prescribed number of years, for example, twelve working days after seven years of service.

4. The fairest method of calculating the remuneration of a person paid in whole or in part on an output or piece-work basis would be to calculate the average earnings over a fairly long period so as to nullify as far as possible the effect of fluctuations in earnings.

5. It would be desirable that the Members should consider whether a more advantageous system should not be established for young persons and apprentices under 18 years of age in order to ease the transition from school to industrial life during a period of physical development.

TWENTY-FIRST SESSION
(Closing date, 24 October 1936.)

Recommendation [No. 48] concerning the promotion of seamen's welfare in ports.

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 Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the promotion of seamen's welfare in ports, which is the third item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Recommendation which may be cited as the Seamen's Welfare in Ports Recommendation, 1936 :

Whereas by the nature of their calling seamen are frequently deprived for long periods of the advantages of family life and may be exposed while in ports, particularly in foreign countries, to special dangers and difficulties and whereas it is not always possible for them to have the benefit of arrangements made to organise the spare time, promote the welfare and safeguard the health of the general body of workers ;

Whereas certain Governments and different private associations have successfully taken various measures for the special help and protection of seamen in ports and whereas such protection should be extended to as large a number of seamen as possible ; and

Whereas it is important, notwithstanding differences which may exist in national and local needs and customs, to develop and co-ordinate nationally and internationally the principal forms of action, in a manner which draws no distinction of race between seamen ;

The Conference recommends that each Member of the International Labour Organisation should take the following principles and methods into consideration for the promotion of the welfare of both national and foreign seamen in ports.

PART I. — GENERAL ORGANISATION.

1. It is desirable to create in every important port an official or officially recognised body, which might comprise representatives of shipowners, seamen, national and local authorities and the chief associations concerned, for the purposes of —

- (a) collecting, as far as possible in conjunction with the different authorities or organisations concerned, including the consular authorities of maritime States, all useful information and suggestions on the conditions for seamen in the port ;
- (b) advising the competent departments, authorities and associations as to the adoption, adaptation and co-ordination of measures for the improvement of such conditions ; and
- (c) collaborating if required with other competent bodies in carrying out such measures.

2. It is desirable, in order to enable the International Labour Office to inform the Governments of the maritime States and to assist them to co-ordinate their action, that each of them should keep in touch with the Office and furnish it every three years with all useful information on the experience acquired in the promotion of seamen's welfare in ports and on the progress made in this field.

PART II. — REGULATION.

3. There should be laws or regulations to protect seamen, by measures including the following, from the dangers to which they are exposed in certain establishments or in the docks as such :

- (a) the regulation of the sale of intoxicating liquor ;
- (b) the prohibition of the employment in public houses of young persons of either sex under a certain age ;
- (c) the application of the provisions of international agreements limiting the sale and use of narcotics to all seamen without distinction of nationality ;
- (d) the prohibition of the entry into the docks and harbour area generally of undesirable persons ;
- (e) the fencing off of dock areas and the protection of the edges of wharves and quays and other dangerous parts of docks by fixed or movable barriers, wherever such measures are practicable ;
- (f) the provision of sufficient lighting and, where necessary, of signposts for docks and approaches.

4. In order to ensure the strict enforcement of the measures indicated above and to increase their efficacy, there should be arrangements for supervision, including :

- (a) supervision of establishments where intoxicating liquors are sold and, where necessary and practicable, of hotels, cafés, lodging houses and other similar establishments in the harbour area ;
- (b) supervision, which might be carried out jointly by masters and the public authorities, of persons visiting ships, including boatmen plying between ships and the shore, with a view to preventing intoxicating liquor or narcotics being wrongfully brought on board or the fulfillment of any other illicit purpose ;
- (c) the maintenance in the harbour area of adequate police forces, specially trained and equipped, which should keep in touch with the other supervising bodies.

5. For the better protection of foreign seamen, measures should be taken to facilitate :

- (a) their relations with their consuls ; and
- (b) effective co-operation between consuls and the local or national authorities.

PART III. — HEALTH.

6. Soliciting and enticing, whether directly or indirectly, in the neighbourhood of the harbour and in districts frequented by seamen should be energetically repressed.

7. All suitable measures should be taken to make known to seamen entering the port, irrespective of their nationality :

- (a) the dangers and means of preventing diseases to which they are exposed, including more particularly tuberculosis and tropical and venereal diseases ;
- (b) the necessity for persons suffering from disease to undergo treatment and the facilities available for such treatment ; and
- (c) the dangers arising from the habit of using narcotics.

8. The treatment of seamen suffering from disease should be facilitated by suitable measures including :

- (a) as wide extension as possible, especially in the dock area, of free and continued treatment for venereal diseases, as provided, for example, by the Agreement concerning Facilities to be given to Merchant Seamen for the Treatment of Venereal Diseases, signed at Brussels, 1 December 1924 ;
- (b) the admission of seamen to clinics and hospitals in ports, without difficulty and irrespective of nationality or religious belief ;

- (c) as wide application as possible to foreign seamen of the provision made for the protection of nationals against tuberculosis ;
- (d) the provision, whenever possible, of arrangements designed to ensure, when necessary, continuation of treatment with a view to supplementing the medical facilities available to seamen.

PART IV. — ACCOMMODATION AND RECREATION.

9. Arrangements should be made, at least in the larger ports, for the material and general assistance of seamen while in the port and such arrangements should more particularly include :

- (a) the institution or development of seamen's hostels of a satisfactory character and furnishing suitable board and lodging at reasonable prices ;
- (b) the institution or development of institutes—which might be distinct from the seamen's hostels, but should keep as far as possible in touch with them—providing meeting and recreation rooms (canteens, rooms for games, libraries, etc.) ;
- (c) the organisation, where possible in co-operation with ships' sports clubs, of healthy recreations, such as sports, excursions, etc. ;
- (d) the promotion, by every possible means, of the family life of seamen.

PART V. — SAVINGS AND REMITTANCE OF WAGES.

10. In order to help seamen to save and to transmit their savings to their families —

- (a) there should be adopted a simple, rapid and safe system, operating with the assistance of consuls, masters, ship-owners' agents or reliable private institutions, for enabling seamen, and more especially those who are in a foreign country, to deposit or remit the whole or part of their wages ;
- (b) a system for enabling seamen, at the time of their signing on or during the voyage, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families should be instituted or made of more general application.

PART VI. — INFORMATION FOR SEAMEN.

11. In view of the fact that the success of most of the measures recommended above must depend to a large extent on suitable publicity among seamen, such publicity should be organised and undertaken by the public authorities, the bodies referred to in Part I of this Recommendation, and the competent associations, assisted as far as possible by the ship's officers and doctor and by ships' sports clubs.

12. Such publicity might include :

- (a) the distribution on shore and, subject to the consent of the master, on board ship, of pamphlets in the most appropriate languages giving clear information as to the facilities available for seamen in the port of call or in the next ports for which the ship is bound ;
- (b) the creation in the larger ports of information offices, either at shipping offices or elsewhere, easily accessible to seamen and staffed by persons capable of giving directly such explanations or guidance as may be useful ;
- (c) the inclusion of some useful information for the physical well-being and general protection of seamen in seamen's books, discharge books or other documents habitually carried by seamen, or in notices posted in a conspicuous place in the crew's quarters ;
- (d) the frequent publication of articles of general and educational interest to seamen in periodicals read by seamen, both of specialised and general interest, and also the use of the cinema for this purpose ;
- (e) the distribution of information concerning the tariffs of local transport and of local places of interest and entertainment.

PART VII. — EQUALITY OF TREATMENT.

13. Governments, authorities and organisations which may have to administer funds for the welfare of seamen are specially urged not to concern themselves solely with seamen of a particular nationality, but to act as generously as possible in the spirit of international solidarity.

Draft Convention [No. 53] concerning the minimum requirement of professional capacity for masters and officers on board merchant ships.¹

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 Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the establishment by each maritime country of a minimum requirement of professional capacity in the case of captain, navigating and engineer officers in charge of watches on board merchant ships, which is the fourth item on the Agenda of the Session, and

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

adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Draft Convention, which may be cited as the *Officers' Competency Certificates Convention, 1936* :

ARTICLE 1.

1. This Convention applies to all vessels registered in a territory for which this Convention is in force and engaged in maritime navigation with the exception of—

- (a) ships of war ;
- (b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade ;
- (c) wooden ships of primitive build such as dhows and junks.

2. National laws or regulations may grant exceptions or exemptions in respect of vessels of less than 200 tons gross registered tonnage.

ARTICLE 2.

For the purpose of this Convention the following expressions have the meanings hereby assigned to them :

- (a) " master or skipper " means any person having command or charge of a vessel ;
- (b) " navigating officer in charge of a watch " means any person, other than a pilot, who is for the time being actually in charge of the navigation or manœuvring of a vessel ;

¹ This Draft Convention had been ratified on 1 September 1937 by Norway.

- (c) "chief engineer" means any person permanently responsible for the mechanical propulsion of a vessel;
- (d) "engineer officer in charge of a watch" means any person who is for the time being actually in charge of the running of a vessel's engines.

ARTICLE 3.

1. No person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered.

2. Exceptions to the provisions of this Article may be made only in cases of *force majeure*.

ARTICLE 4.

1. No person shall be granted a certificate of competency unless—

- (a) he has reached the minimum age prescribed for the issue of the certificate in question;
- (b) his professional experience has been of the minimum duration prescribed for the issue of the certificate in question;
- (c) he has passed the examinations organised and supervised by the competent authority for the purpose of testing whether he possesses the qualifications necessary for performing the duties corresponding to the certificate for which he is a candidate.

2. National laws or regulations shall—

- (a) prescribe a minimum age to have been attained by and a minimum period of professional experience to have been completed by candidates for each grade of competency certificate;
- (b) provide for the organisation and supervision by the competent authority of one or more examinations for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the duties corresponding to the certificates for which they are candidates.

3. Any Member of the Organisation may, during a period of three years from the date of its ratification, issue competency certificates to persons who have not passed the examinations organised in virtue of paragraph 2 (b) of this Article who—

- (a) have in fact had sufficient practical experience of the duties corresponding to the certificate in question ; and
- (b) have no record of any serious technical error against them.

ARTICLE 5.

1. Each Member which ratifies this Convention shall ensure its due enforcement by an efficient system of inspection.

2. National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this Convention.

3. Where the authorities of a Member which has ratified this Convention find a breach of its provisions on a vessel registered in the territory of another Member which has also ratified the Convention, the said authorities shall communicate with the consul of the Member in the territory of which the vessel is registered.

ARTICLE 6.

1. National laws or regulations shall prescribe penalties or disciplinary measures for cases in which the provisions of this Convention are not respected.

2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which—

- (a) a shipowner, shipowner's agent, master or skipper has engaged a person not certificated as required by this Convention ;
- (b) a master or skipper has allowed any of the duties defined in Article 2 of this Convention to be performed by a person not holding the corresponding or a superior certificate ;
- (c) a person has obtained by fraud or forged documents an engagement to perform any of the duties defined in the said Article 2 without holding the requisite certificate.

ARTICLE 7.

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating :

- (a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification ;
- (b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (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 by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

ARTICLE 8.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 9.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-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 10.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

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 Secretary-General of the League of Nations 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.

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 13.

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 14.

The French and English texts of this Convention shall both be authentic.

Draft Convention [No. 54] concerning annual holidays with pay for seamen.

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 Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to holidays with pay for seamen, which is the fifth item on the Agenda of the Session, and

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

adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Draft Convention which may be cited as the Holidays with Pay (Sea) Convention, 1936 :

ARTICLE 1.

1. This Convention applies to the master, officers and members of the crew, including wireless operators in the service of a wireless telegraphy company, of all sea-going vessels, whether publicly or privately owned, which are registered in a territory for which the Convention is in force and are engaged in the transport of cargo or passengers for the purpose of trade.

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) persons employed in vessels engaged in fishing, whaling or similar pursuits or in operations directly connected therewith ;
- (b) persons employed in any vessel the crew of which consists entirely of members of the owner's family as defined by national laws or regulations ;
- (c) persons not remunerated for their services, or remunerated only by a nominal salary or wage, or remunerated exclusively by a share of profits ;
- (d) persons working exclusively or mainly on their own account ;
- (e) persons employed in wooden ships of primitive build such as dhows and junks ;
- (f) persons whose duties are connected solely with the cargo carried on board and who are not in fact in the employment either of the owner or of the master ;
- (g) travelling dockers.

ARTICLE 2.

1. Every person to whom this Convention applies shall be entitled after one year of continuous service with the same undertaking to an annual holiday with pay the duration of which shall be—

- (a) in the case of masters, officers, and wireless operators, not less than twelve working days ;
- (b) in the case of other members of the crew, not less than nine working days.

2. For the purpose of calculating when a holiday is due—

- (a) service off articles shall be included in the reckoning of continuous service ;

- (b) short interruptions of service not due to the act or fault of the employer and not exceeding a total of six weeks shall not be deemed to break the continuity of the periods of service which precede and follow them ;
- (c) continuity of service shall not be deemed to be interrupted by any change in the management or ownership of the vessel or vessels in which the person concerned has served.

3. The following shall not be included in the annual holiday with pay :

- (a) public and customary holidays ;
- (b) interruptions of service due to sickness ;
- (c) any time off allowed in compensation for weekly rest days and public holidays worked at sea.

4. There may be defined by national laws or regulations or by collective agreement special circumstances in which, subject to conditions prescribed by such laws or regulations or fixed by such agreement,

- (a) an annual holiday with pay due in virtue of this Convention may be divided into parts or be accumulated with a subsequent holiday ;
- (b) there may be substituted for such a holiday, when in exceptional circumstances the service so requires, a cash payment at least equivalent to the remuneration provided for in Article 4.

ARTICLE 3.

1. The annual holiday shall be given in the territory in which the vessel is registered at one of the following ports :

- (a) the port from which the vessel trades ;
- (b) the port at which the person entitled to the holiday was engaged ; or
- (c) the port of the vessel's final destination.

2. Provided that the holiday may be given at any other port by mutual consent.

3. When an annual holiday is due it shall be given by mutual agreement at the first opportunity as the requirements of the service allow.

ARTICLE 4.

1. Every person taking a holiday in virtue of Article 2 of this Convention shall receive in respect of the full period of the holiday his usual remuneration.

2. The usual remuneration payable in virtue of the preceding paragraph shall include a suitable subsistence allowance

and shall be calculated in a manner which shall be prescribed by national laws or regulations or fixed by collective agreement.

ARTICLE 5.

Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.

ARTICLE 6.

National laws or regulations may provide that a person who engages in paid employment during the course of his annual holiday may be deprived of his right to payment in respect of the period of the holiday.

ARTICLE 7.

A person who leaves or is discharged from the service of his employer before he has taken a holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Convention the remuneration provided for in Article 4.

ARTICLE 8.

Each Member which ratifies this Convention shall require employers to keep records for the purpose of facilitating its effective enforcement.

ARTICLE 9.

Each Member which ratifies this Convention shall establish a system of penalties to ensure the application of its provisions.

ARTICLE 10.

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

ARTICLE 11.

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating :

- (a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification ;
- (b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications ;

- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable ;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (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 by a subsequent declaration cancel in whole or in part any reservations, made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

ARTICLE 12.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 13.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force six months after the date on which there have been registered by the Secretary-General of the League of Nations the ratifications of five Members of the Organisation each of which has more than one million tons gross of sea-going merchant shipping.

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

ARTICLE 14.

As soon as the ratifications of five of the Members mentioned in the second paragraph of Article 13 have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 15.

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for

registration. Such denunciation shall not take effect until one year after the date on which it is registered.

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

ARTICLE 16.

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

ARTICLE 17.

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

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 15 above, if and when the new revising Convention shall have come into force ;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

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

ARTICLE 18.

The French and English texts of this Convention shall both be authentic.

Draft Convention [No. 55] concerning the liability of the shipowner in case of sickness, injury or death of seamen.

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 Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the liability of the shipowner in case of sickness, injury or death of seamen, which is included in the second item on the Agenda of the Session, and

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

adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Draft Convention which may be cited as the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 :

ARTICLE 1.

1. This Convention applies to all persons employed on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and ordinarily engaged in maritime navigation.

2. Provided that any Member of the International Labour Organisation may in its national laws or regulations make such exceptions as it deems necessary in respect of—

- (a) persons employed on board,
 - (i) vessels of public authorities when such vessels are not engaged in trade ;
 - (ii) coastwise fishing boats ;
 - (iii) boats of less than twenty-five tons gross tonnage ;
 - (iv) wooden ships of primitive build such as dhows and junks ;
- (b) persons employed on board by an employer other than the shipowner ;
- (c) persons employed solely in ports in repairing, cleaning, loading or unloading vessels ;
- (d) members of the shipowner's family ;
- (e) pilots.

ARTICLE 2.

1. The shipowner shall be liable in respect of—

- (a) sickness and injury occurring between the date specified in the articles of agreement for reporting for duty and the examination of the engagement ;

(b) death resulting from such sickness or injury.

2. Provided that national laws or regulations may make exceptions in respect of :

- (a) injury incurred otherwise than in the service of the ship ;
- (b) injury or sickness due to the wilful act, default or misbehaviour of the sick, injured or deceased person ;
- (c) sickness or infirmity intentionally concealed when the engagement is entered into.

3. National laws or regulations may provide that the shipowner shall not be liable in respect of sickness, or death directly attributable to sickness, if at the time of the engagement the person employed refused to be medically examined.

ARTICLE 3.

For the purpose of this Convention, medical care and maintenance at the expense of the shipowner comprises :

- (a) medical treatment and the supply of proper and sufficient medicines and therapeutical appliances ; and
- (b) board and lodging.

ARTICLE 4.

1. The shipowner shall be liable to defray the expense of medical care and maintenance until the sick or injured person has been cured, or until the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to defray the expense of medical care and maintenance to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance or workmen's compensation for accidents, national laws or regulations may provide—

- (a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to medical benefits under the insurance or compensation scheme ;
- (b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of medical benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not resident in the territory in which the vessel is registered.

ARTICLE 5.

1. Where the sickness or injury results in incapacity for work the shipowner shall be liable—

- (a) to pay full wages as long as the sick or injured person remains on board—
- (b) if the sick or injured person has dependants, to pay wages in whole or in part as prescribed by national laws or regulations from the time when he is landed until he has been cured or the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to pay wages in whole or in part in respect of a person no longer on board to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance or workmen's compensation for accidents, national laws or regulations may provide :

- (a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to cash benefits under the insurance or compensation scheme ;
- (b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of cash benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not resident in the territory in which the vessel is registered.

ARTICLE 6.

1. The shipowner shall be liable to defray the expense of repatriating every sick or injured person who is landed during the voyage in consequence of sickness or injury.

2. The port to which the sick or injured person is to be returned shall be—

- (a) the port at which he was engaged ; or
- (b) the port at which the voyage commenced ; or
- (c) a port in his own country or the country to which he belongs ; or
- (d) another port agreed upon by him and the master or shipowner, with the approval of the competent authority.

3. The expense of repatriation shall include all charges for the transportation, accommodation and food of the sick or injured person during the journey and his maintenance up to the time fixed for this departure.

4. If the sick or injured person is capable of work, the shipowner may discharge his liability to repatriate him by providing him with suitable employment on board a vessel proceeding to one of the destinations mentioned in paragraph 2 of this Article.

ARTICLE 7.

1. The shipowner shall be liable to defray burial expenses in case of death occurring on board, or in case of death occurring on shore if at the time of his death the deceased person was entitled to medical care and maintenance at the shipowners' expense.

2. National laws or regulations may provide that burial expenses paid by the shipowner shall be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased person under laws or regulations relating to social insurance or workmen's compensation.

ARTICLE 8.

National laws or regulations shall require the shipowner or his representative to take measures for safeguarding property left on board by sick, injured or deceased persons to whom this Convention applies.

ARTICLE 9.

National laws or regulations shall make provision for securing the rapid and inexpensive settlement of disputes concerning the liability of the shipowner under this Convention.

ARTICLE 10.

The shipowner may be exempted from liability under Articles 4, 6 and 7 of this Convention in so far as such liability is assumed by the public authorities.

ARTICLE 11.

This Convention and national laws or regulations relating to benefits under this Convention shall be so interpreted and enforced as to ensure equality of treatment to all seamen irrespective of nationality, domicile or race.

ARTICLE 12.

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

ARTICLE 13.

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating :

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

2. The undertakings referred to in sub-paragraphs (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 by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

ARTICLE 14.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 15.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

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

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

ARTICLE 16.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

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 Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

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

ARTICLE 18.

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

ARTICLE 19.

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

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force ;
- (e) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

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

ARTICLE 20.

The French and English texts of this Convention shall both be authentic.

Draft Convention [No. 56] concerning sickness insurance for seamen.

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 Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to sickness insurance for seamen, which is included in the second item on the Agenda of the Session, and

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

adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Draft Convention which may be cited as the Sickness Insurance (Sea) Convention, 1936 :

ARTICLE I.

1. Every person employed as master or member of the crew or otherwise in the service of the ship, on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and engaged in maritime navigation or sea-fishing, shall be insured under a compulsory sickness insurance scheme.

2. Provided that any Member of the International Labour Organisation may in its national laws or regulations make such exceptions as it deems necessary in respect of—

- (a) persons employed on board vessels of public authorities when such vessels are not engaged in trade ;
- (b) persons whose wages or income exceed a prescribed amount ;
- (c) persons who are not paid a money wage ;
- (d) persons not resident in the territory of the Member ;
- (e) persons below or above prescribed age-limits ;
- (f) members of the employers' family ;
- (g) pilots.

ARTICLE 2.

1. An insured person who is rendered incapable of work and deprived of his wages by reason of sickness shall be entitled to a cash benefit for at least the first twenty-six weeks or one hundred and eighty days of incapacity from and including the first day for which benefit is payable.

2. The right to benefit may be made conditional upon the completion of a qualifying period and of a waiting period of a few days to be counted from the beginning of the incapacity.

3. The cash benefit granted to the insured person shall never be fixed at a rate lower than that fixed by the general scheme of compulsory sickness insurance, where such a scheme exists but does not apply to seamen.

4. Cash benefit may be withheld—

- (a) while the insured person is on board or abroad ;
- (b) while the insured person is maintained by the insurance institution or from public funds : Provided that in such case it shall only partially be withheld when the insured person has family responsibilities ;
- (c) while in respect of the same illness the insured person receives compensation from another source to which he is entitled by law, so however that in such case benefit shall only be wholly or partially withheld if and so far as such compensation is equal to or less than the amount of the benefit payable under the sickness insurance scheme.

5. Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

ARTICLE 3.

1. The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires, to medical treatment by a fully qualified medical practitioner and to the supply of proper and sufficient medicines and appliances.

2. Provided that the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

3. Medical benefit may be withheld while the insured person is on board or abroad.

4. Whenever the circumstances so require, the insurance institution may provide for the treatment of the sick person in hospital and in such case shall grant him full maintenance together with the necessary medical attention and care.

ARTICLE 4.

1. When the insured person is abroad and by reason of sickness has lost his right to wages, whether previously payable in whole or in part, the cash benefit to which he would have been entitled had he not been abroad shall be paid in whole or in part to his family until his return to the territory of the Member.

2. National laws or regulations may prescribe or authorise the provision of the following benefits :

- (a) when the insured person has family responsibilities, a cash benefit additional to that provided for in Article 2 ;
- (b) in case of the sickness of members of the insured person's family living in his home and dependent on him, aid in kind or in cash.

1. National laws or regulations shall prescribe the conditions under which an insured woman, while in the territory of the Member, shall be entitled to maternity benefit.

2. National laws or regulations may prescribe the conditions under which the wife of an insured man, while in the territory of the Member, shall be entitled to maternity benefit.

ARTICLE 6.

1. On the death of the insured person, a cash benefit of an amount prescribed by national laws or regulations shall be paid to the members of the family of the deceased or be applied for defraying the funeral expenses.

2. Where there is in force a pension scheme for the survivors of deceased seamen, the grant of the cash benefit provided for in the preceding paragraph shall not be compulsory.

ARTICLE 7.

The right to insurance benefit shall continue even in respect of sickness occurring during a definite period after the termination of the last engagement, which period shall be fixed by national laws or regulations in such a way as to cover the normal interval between successive engagements.

ARTICLE 8.

1. The insured persons and their employers shall share in providing the financial resources of the sickness insurance scheme.

2. National laws or regulations may provide for a financial contribution by the public authorities.

ARTICLE 9.

1. Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the public authorities and shall not be carried on with a view to profit.

2. Insured persons, and in the case of insurance institutions set up specially for seamen under laws or regulations the employers also, shall participate in the management of the institutions under such conditions as may be prescribed by national laws or regulations, which may also provide for the participation of other persons concerned.

3. Provided that the administration of sickness insurance may be undertaken directly by the State where and so long as its administration by self-governing institutions is rendered difficult or impossible by reason of national conditions.

ARTICLE 10.

1. The insured person shall have a right of appeal in case of dispute concerning his right to benefit.

2. The procedure for dealing with disputes shall be rendered rapid and inexpensive for the insured person by means of special courts or any other method deemed appropriate under national laws or regulations.

ARTICLE 11.

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

ARTICLE 12.

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating :

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

2. The undertakings referred to in sub-paragraphs (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 by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

ARTICLE 13.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 14.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

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

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

ARTICLE 15.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 16.

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

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

may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

ARTICLE 17.

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 16 above, if and when the new revising Convention shall have come into force ;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

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

ARTICLE 19.

The French and English texts of this Convention shall both be authentic.

Draft Convention [No. 57] concerning hours of work on board ship and manning.

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 Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work on board ship and manning in conjunction with hours of work on board ship, 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 twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Draft Convention which may be cited as the Hours of Work and Manning (Sea) Convention, 1936 :

PART I. — SCOPE AND DEFINITIONS.

ARTICLE 1.

1. This Convention applies to every sea going mechanically-propelled vessel, whether publicly or privately owned, which—

- (a) is registered in a territory for which the Convention is in force ;
- (b) is employed in the transport of cargo or passengers for the purpose of trade ; and
- (c) is engaged on an international voyage, by which is meant any voyage from a port of one country to a port outside such country, every colony, overseas territory, protectorate or territory under suzerainty or mandate being regarded as a separate country.

2. This Convention does not apply to—

- (a) sailing vessels with auxiliary engines ; or
- (b) vessels engaged in fishing, whaling or similar pursuits, or in operations directly connected therewith.

3. Any Member may exempt vessels registered in its territory from the application of this Convention while such vessels are exclusively engaged in voyages upon which they do not proceed further from the country from which they trade than the nearby ports of neighbouring countries within geographical limits which—

- (a) are clearly specified by national laws or regulations ;
- (b) are uniform in respect of the application of all the provisions of this Convention ;
- (c) have been notified by the Member when registering its ratification by a declaration annexed thereto ; and
- (d) have been fixed after consultation with the other Members concerned.

ARTICLE 2.

For the purpose of this Convention the following expressions have the meanings hereby assigned to them :

- (a) “ tons ” means gross registered tons ;
- (b) “ officer ” means a person other than a master ranked as an officer by national laws or regulations, collective agreement or custom ;

- (c) "rating" means a member of the crew other than an officer ;
- (d) "hours of work" means time during which a member of the crew is required by the orders of a superior to do any work on account of the vessel or the owner, or to be at the disposal of a superior outside the crew's quarters.

PART II. — HOURS OF WORK.

ARTICLE 3.

This Part of this Convention does not apply to—

- (a) officers in charge of departments who do not keep watch ;
- (b) wireless operators and telephonists ;
- (c) pilots ;
- (d) doctors ;
- (e) nursing staff exclusively engaged on nursing duties or hospital staff ;
- (f) persons working exclusively on their own account ;
- (g) persons remunerated exclusively by a share of profits ;
- (h) persons whose duties are connected solely with the cargo carried on board and who are not in fact in the employment either of the owner or of the master ;
- (i) travelling dockers ;
- (j) crews consisting entirely of members of the family, as defined by national laws or regulations, of the owner of the vessel.

ARTICLE 4.

1. In vessels of over 2,000 tons the hours of work at sea and on arrival and sailing days of deck ratings whose time is divided into watches shall not exceed eight in the day nor shall they exceed fifty-six in the week.

2. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of deck ratings employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

3. Hours in excess of the limits prescribed in paragraphs 1 and 2 may be worked on arrival and sailing days. Whether or not such hours are to be worked and where such hours are allowed the conditions under which they may be worked shall be determined by national laws or regulations or collective agreements.

ARTICLE 5.

1. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of engine-room and stokehold ratings whose time is divided into watches shall not exceed eight in the day nor shall they exceed fifty-six in the week ; Provided that extra time may be worked for the normal relieving of watches and the hoisting and dumping of ashes.

2. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of engine-room and stokehold ratings employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

3. Hours in excess of the limits prescribed in paragraphs 1 and 2 may be worked on arrival and sailing days. Whether or not such hours are to be worked and where such hours are allowed the conditions under which they may be worked shall be determined by national laws or regulations or collective agreements.

ARTICLE 6.

1. In vessels of over 2,000 tons the hours of work at sea and on arrival and sailing days of deck officers shall not exceed eight in the day nor shall they exceed fifty-six in the week.

2. Provided that one additional hour per day may be worked at sea and on arrival and sailing days for navigational or clerical purposes.

3. Provided also that additional hours may be worked occasionally when the master deems it necessary to order two officers to keep watch simultaneously, so however that in no case shall any officer be required in virtue of this paragraph to work more than twelve hours in any day.

4. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of deck officers employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

5. Hours in excess of the limits prescribed in paragraphs 1 and 4 may be worked on arrival and sailing days. Whether or not such hours are to be worked and where such hours are allowed the conditions under which they may be worked shall be determined by national laws or regulations or collective agreements.

6. The provisions of this Article apply to apprentices and cadets in the deck department.

ARTICLE 7.

1. In vessels required under Article 16 to carry three or more engineer officers the hours of work of such officers at sea

and on arrival and sailing days shall not exceed eight in the day nor shall they exceed fifty-six in the week.

2. In vessels of over 700 tons the hours of work at sea of engineer officers employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

3. The provisions of this Article apply to apprentices and cadets in the engine-room department.

ARTICLE 8.

1. In vessels to which this Convention applies the following provisions shall apply to deck, engine-room and stokehold ratings and to deck and engineer officers, including apprentices and cadets in the deck and engine-room departments, whenever sea watches are suspended in any port :

- (a) hours of work shall not exceed eight in the day nor shall they exceed forty-eight in the week ;
- (b) the weekly rest day shall be observed and on that day no work shall be required except as overtime or for the purpose of ordinary routine and sanitary duties, any work required for the purpose of such duties to be included in the weekly limit of forty-eight hours ;
- (c) exceptions to these provisions may be made in accordance with national laws or regulations or collective agreements in the case of ratings required for the safety of the vessel or persons on board or for the preservation of the cargo.

2. Sea watches shall normally be suspended if the vessel is expected to stay in the port for more than twenty-four hours following its arrival, unless in the judgment of the master the safety of the vessel would be prejudiced thereby.

3. If sea watches are maintained in port, all time worked in excess of the limits of hours prescribed by or permitted under paragraph 1 of this Article shall, except in the case of—

- (a) watches maintained for the safety of the vessel ; and
- (b) watches worked within twelve hours after arrival or within twelve hours before sailing,

be regarded as overtime for which the rating or officer shall be entitled to be compensated.

ARTICLE 9.

1. In all vessels to which this Convention applies in respect of which there is in force—

- (a) a safety certificate issued in accordance with the provisions of the International Convention for the Safety of Life at Sea for the time being in force ; or
- (b) a passenger certificate,

the hours of work at sea of ratings in the catering and clerical departments shall be so arranged as to ensure to each such rating not less than twelve hours' rest during any period of twenty-four hours, including a rest period of at least eight consecutive hours.

2. In all vessels to which this Convention applies, other than vessels in respect of which there is in force one of the certificates referred to in the preceding paragraph, the hours of work at sea and on arrival and sailing days of ratings in the catering and clerical departments shall not exceed ten in the day.

3. In all vessels to which this Convention applies the hours of work in port of ratings in the catering and clerical departments shall not exceed eight in the day, subject to such exceptions as may be permitted by national laws or regulations.

ARTICLE 10.

1. Ratings and deck and engineer officers including apprentices and cadets may be required to work in excess of the limits of hours prescribed by or permitted under the preceding Articles of this Part of this Convention, subject to the conditions that—

- (a) all such time worked shall be regarded as overtime for which they shall be entitled to be compensated; and
- (b) there shall be no consistent working of overtime.

2. The manner or rate or rates of such compensation shall be prescribed by national laws or regulations or be fixed by collective agreement.

ARTICLE 11.

1. No rating under the age of 16 years shall work at night.

2. For the purpose of this Article the expression "night" means a period of at least nine consecutive hours between times before and after midnight to be prescribed by national laws or regulations.

ARTICLE 12.

The provisions of this Part of this Convention do not apply to—

- (a) work which 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;
- (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 resulting from the sickness of or from injury to any officer or rating or from any unforeseeable reduction in the number of officers or ratings in the course of the voyage;

- (c) extra work for the purpose of customs, quarantine or other health formalities ;
- (f) work by officers for the determination of the position of the vessel at noon.

PART III. — MANNING.

ARTICLE 13.

Every vessel of over 700 tons shall be sufficiently and efficiently manned for the purposes of—

- (a) safety of life at sea ; and
- (b) making possible the application of the rules relating to hours set forth in Part II of this Convention,

and more particularly every such vessel shall comply with the minimum requirements as to manning set forth in this Part of this Convention.

ARTICLE 14.

1. In vessels of over 700 but not exceeding 2,000 tons there shall be carried at least two certificated deck officers in addition to the master.

2. In vessels of over 2,000 tons there shall be carried at least three certificated deck officers in addition to the master.

ARTICLE 15.

1. In vessels of over 700 tons the number of deck ratings carried shall be sufficient to allow of three ratings being available for each navigational watch.

2. In particular, the following minimum numbers of ratings shall be carried :

- (a) in vessels of over 700 but not exceeding 2,000 tons : 6 ;
- (b) in vessels of over 2,000 tons : 9 or such larger number as may be prescribed by national laws or regulations or fixed by collective agreement.

3. The following minimum numbers of the ratings required to be carried by paragraph 2 shall comply with the conditions as to physical capacity and efficiency stated in paragraph 4 :

- (a) in vessels of over 700 but not exceeding 2,000 tons : 4 ;
- (b) in vessels of over 2,000 tons : 5 or such larger number as may be prescribed by national laws or regulations or fixed by collective agreement.

4. The conditions as to physical capacity and efficiency to be fulfilled by certain ratings in accordance with paragraph 3 are that each such rating—

- (a) is 18 years of age ; and
- (b) either has had at least three years' sea service on deck or holds a certificate, issued by the competent authority, that his standard of efficiency is equal to that of the average rating who has had three years' sea service on deck.

5. National laws or regulations or collective agreement shall limit the number of ratings with less than one year's sea service on deck who may be counted as deck ratings for the purpose of satisfying the requirements of this Article.

6. No rating signed on in a dual capacity whose services may be required in any department other than the deck department shall be counted as a deck rating for the purpose of satisfying the requirements of this Article.

7. Whether or not a wireless operator or telephonist is to be considered as belonging to the deck department for the purpose of the preceding paragraph shall be determined by national laws or regulations or collective agreement.

ARTICLE 16.

1. In vessels to which this Article applies at least three certificated engineer officers shall be carried.

2. This Article applies either—

- (a) to vessels of over 700 tons ; or
- (b) to vessels with engines exceeding 800 indicated horse-power,

according as a tonnage or horse-power criterion is prescribed by national laws or regulations.

3. Provided that any Member may postpone the application of this Article for a period not exceeding five years from the coming into force of this Convention in the case of existing vessels not exceeding 1,500 tons or with engines not exceeding 1,000 indicated horse-power according as the Member applies the tonnage or horse-power criterion.

ARTICLE 17.

If in the course of a voyage as a result of death, accident or any other cause a vessel ceases to have available the number of officers or ratings required by the preceding Articles the master shall make up the deficiency at the first reasonable opportunity.

PART IV. — GENERAL PROVISIONS.

ARTICLE 18.

The shipowners', officers' and seamen's organisations concerned shall, so far as is reasonable and practicable, be taken into consultation in the framing of all laws or regulations for giving effect to the provisions of this Convention.

ARTICLE 19.

1. Each Member which ratifies this Convention shall be responsible for the application of its provisions to vessels registered in its territory and shall maintain in force national laws or regulations which—

- (a) determine the respective responsibilities of the shipowner and the master for ensuring compliance therewith ;
- (b) prescribe adequate penalties for any violation thereof ;
- (c) provide for adequate public supervision of compliance with Part III before a vessel leaves a home port on an international voyage ;
- (d) require the keeping of records of all overtime worked in pursuance of Article 10 and of the compensation granted in respect thereof ; and
- (e) ensure to seamen the same remedies for recovering extra payments in respect of overtime as they have for recovering other arrears of wages.

2. In any case in which it comes to the knowledge of the competent authority of a port that a vessel registered in a territory for which this Convention is in force in virtue of ratification by another Member is not carrying the number of officers and ratings required by Part III of this Convention the said authority shall so notify the consul of the said Member.

ARTICLE 20.

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

ARTICLE 21.

1. Vessels existing at the date of the coming into force of this Convention in respect of which the competent authority of the territory of registration is satisfied, after consulting the organisations interested, that the circumstances are such that

the provision of fresh accommodation or other permanent equipment necessary for an increased crew is not reasonably possible may be exempted from the application of the Convention.

2. Such exemption shall be granted by the issue of an exemption certificate, which shall be carried on the vessel, exempting the said vessel from such of the requirements of this Convention as are specified in the said certificate.

3. Exemption certificates shall not be issued for a period exceeding four years at a time.

4. Every Member taking advantage of the provisions of this Article shall communicate to the International Labour Office in its annual report upon the application of this Convention :

- (a) the texts of all laws and regulations relating to the grant of exemption under this Article ;
- (b) particulars as to the number of vessels and total tonnage in respect of which exemption certificates are for the time being in force ; and
- (c) any observations as to the grant of exemption made by the shipowners', officers' and seamen's organisations concerned.

PART V. — FINAL PROVISIONS.

ARTICLE 22.

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating :

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

2. The undertakings referred to in sub-paragraphs (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 by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

ARTICLE 23.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 24.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force six months after the date on which there have been registered by the Secretary-General of the League of Nations the ratifications of five Members of the Organisation each of which has a mercantile marine tonnage of not less than one million tons.

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

ARTICLE 25.

As soon as the ratifications of five of the Members mentioned in the second paragraph of Article 24 have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 26.

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force by an act communicated to the Secretary-General of the League of Nations 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.

ARTICLE 27.

At the expiration of each period of five 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 28.

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 26 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 29.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 49] concerning hours of work on board ship and manning.

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 Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work on board ship and manning in conjunction with hours of work on board ship, which is the first item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Recom-

mentation which may be cited as the Hours of Work and Manning (Sea) Recommendation, 1936 :

Having regard to the fact that the Hours of Work and Manning (Sea) Convention, 1936, does not regulate hours of work or manning in vessels engaged only in national coasting trade ;

That it allows each Member to except from the application of its provisions the vessels referred to in Article 1, paragraph 3. of the said Convention ; and

That some of its provisions do not apply to vessels below a certain tonnage ;

The Conference recommends that each Member which has not already regulated hours of work and manning in these different classes of vessels should investigate the conditions obtaining in them in the light of the rules laid down in the said Convention ; and

Further recommends that each such Member should take all necessary measures to prevent overwork and insufficient manning in such vessels.

TWENTY-SECOND SESSION**(Closing date, 24 October 1936.)****Draft Convention [No. 58] fixing the minimum age for the admission of children to employment at sea (revised 1936).¹**

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 Twenty-second Session on 22 October 1936, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to employment at sea adopted by the Conference at its Second Session, the question forming the Agenda of the present Session, and

Considering that these proposals must take the form of a Draft International Convention,

adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Draft Convention which may be cited as the Minimum Age (Sea) Convention (Revised), 1936 :

ARTICLE 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned ; it excludes ships of war.

ARTICLE 2.

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

¹ This Draft Convention had been ratified on 1 September 1937 by Norway.

ARTICLE 3.

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

ARTICLE 5.

This Convention shall not come into force until after the adoption by the International Labour Conference of a Draft Convention revising the Convention fixing the minimum age for admission of children to industrial employment, 1919, and a Draft Convention revising the Convention concerning the age for admission of children to non-industrial employment, 1932.

ARTICLE 6.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 7.

1. The Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. Subject to the provisions of Article 5 above it shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-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 8.

As soon as the ratifications of two Members of the International Labour Organisation have registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 9.

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 Secretary-General of the League of Nations 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 10.

At the expiration of each period of ten years after the coming 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 11.

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 9 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 12.

The French and English texts of this Convention shall both be authentic.

TWENTY-THIRD SESSION**(Closing date, 23 June 1937.)****Recommendation [No. 50] concerning international co-operation
in respect of public works.**

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 Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to international co-operation in respect of public works, which is included in the third item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-second day of June of the year one thousand nine hundred and thirty-seven, the following Recommendation which may be cited as the Public Works (International Co-operation) Recommendation, 1937 :

Whereas the advance planning of public works is a useful method of preventing unemployment and counteracting economic fluctuations ; and

Whereas action for this purpose can be effective only if it is based on adequate information and international co-operation ;

The Conference recommends that :

1. Each Member of the International Labour Organisation should communicate annually to the International Labour Office, on the most suitable date, statistical and other information concerning public works undertaken or planned on its territory, including orders for plant, equipment and supplies.

2. The information communicated by Members in accordance with paragraph 1 should be supplied as far as possible in accordance with a uniform plan relating more particularly to the expenditure involved, the method of financing the works and the number of workers engaged.

3. Each Member should co-operate in the work of any international committee which may be set up by the Governing Body of the International Labour Office for the purpose, more particularly, of studying the information communicated in

accordance with paragraph 1 and preparing the uniform plan referred to in paragraph 2.

4. Each Member should carefully consider what action to take on the basis of any reports which the Governing Body of the International Labour Office may send it as a result of the discussions of the committee contemplated by paragraph 3.

Recommendation [No. 51] concerning the national planning of public works.

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 Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the national planning of public works, which is included in the third item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-second day of June of the year one thousand nine hundred and thirty-seven, the following Recommendation which may be cited as the Public Works (National Planning) Recommendation, 1937 :

Whereas in the absence of advance planning expenditure on public works tends to increase in years of prosperity and to diminish in years of depression ;

Whereas fluctuations in the volume of employment of workers engaged on public works are thereby superimposed on the fluctuations in the volume of employment arising out of commercial demand, thus aggravating successively the shortage of certain classes of workers in periods of prosperity and the extent of unemployment in periods of depression ;

Whereas it is desirable to time public works in such a way as to reduce industrial fluctuations as far as possible ;

Whereas the uniform application of such a policy of timing to all public works involves the co-ordination of the administrative and financial methods applied by the various authorities ; and

Whereas it is also desirable, if public works are to be fully effective as a remedy for unemployment, that measures should be adopted relating to the conditions of recruitment and employment of the workers engaged on the works ;

The Conference recommends that each Member should apply the following principles :

PART I. — TIMING OF PUBLIC WORKS.

1. (1) Appropriate measure should be adopted for the purpose of achieving a suitable timing of all works undertaken or financed by public authorities.

(2) This timing should involve an increase in the volume of such works in periods of depression and for this purpose it is desirable to provide for the preparation in advance, during periods of prosperity, of works capable of being held in reserve or exceeding ordinary requirements and which should be ready for execution as soon as the need is felt.

(3) Special attention should be paid to public works which stimulate heavy industries or public works which create a more direct demand for consumers' goods, as changing economic conditions may require.

2. The policy of timing public works should apply to all such works (including works in colonies) undertaken by central authorities, regional or local authorities, public utility undertakings, or any body or individual in receipt of subsidies or loans from a public authority.

3. There should be established a national co-ordinating body the duties of which should be, more particularly—

- (a) to centralise information relating to the various kinds of public works ;
- (b) to ensure or encourage the preparation of works in advance ; and
- (c) to give instructions or advice as to when works should be held in reserve and when works held in reserve should be undertaken, account being taken of fluctuations in the volume of unemployment, changes in the index of wholesale prices, changes in the rate on interest and any changes in other indices which indicate an alteration in the economic situation.

PART II. — FINANCING OF PUBLIC WORKS.

4. Among the financial measures necessitated by the policy embodied in the present Recommendation the following should receive special consideration :

- (a) the placing to reserve in periods of prosperity of the resources necessary for carrying out works prepared for periods of depression ;
- (b) the carrying forward of unexpended balances from one year to another ;
- (c) restricted borrowing by public authorities in periods of prosperity and accelerated repayment of loans previously contracted ;

- (d) the financing by loan in periods of depression of public works likely to stimulate economic recovery, and, generally speaking, the application of a monetary policy which will make possible the expansion of credit required at such a time for the speeding up of the public works and which will ensure the lowest possible rate of interest on the loans.

5. The co-ordinating body provided for in paragraph 3 or a special body acting in co-operation with it should be entrusted with all or some of the following duties in connection with the financing of public works :

- (a) to advise the central authority on financial policy and, if necessary, taxation policy relating to public works ;
- (b) to assist in achieving proper co-ordination between the credit policy and market operations of the central bank, or corresponding institution, and the public works policy of the Government ;
- (c) to co-ordinate the borrowing policy of the different public bodies referred to in paragraph 2 ; and
- (d) to take such measures as may be necessary to ensure that the policy of the central authority in respect of loans and subsidies is made effective.

PART III. — EMPLOYMENT OF CERTAIN CLASSES OF WORKERS.

6. In applying the policy of timing provided for in this Recommendation, consideration should be given to the possibility of including works which will give employment to special classes of workers such as young workers, women and non-manual workers.

PART IV. — CONDITIONS OF RECRUITMENT AND EMPLOYMENT.

7. The recruitment of workers for employment on public works should be effected for preference through the public employment exchanges.

8. Foreign workers authorised to reside in the country concerned should be accepted for employment on public works in the same conditions as nationals, subject to reciprocal treatment.

9. The rates of wages of workers on public works should be not less favourable than those commonly recognised by workers' organisations and employers for work of the same character in the district where the work is carried out ; where there are no such rates recognised or prevailing in the district, those recognised or prevailing in the nearest district in which

the general industrial circumstances are similar should be adopted, subject to the condition that the rates should in any case be such as to ensure to the workers a reasonable standard of life as this is understood in their time and country.

Draft Convention [No. 59] fixing the minimum age for admission of children to industrial employment (revised 1937).

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 Twenty-Third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to industrial employment adopted by the Conference at its First Session, which is the sixth item on the Agenda of the Session, and

Considering that these proposals must take the form of a Draft International Convention,

adopts, this twenty-second day of June of the year one thousand nine hundred and thirty-seven, the following Draft Convention which may be cited as the Minimum Age (Industry) Convention (Revised), 1937 :

PART I. — GENERAL PROVISIONS.

ARTICLE 1.

“ the purpose of this Convention undertaking ” includes particularly :

- (a) mines, quarries, and other works for the extraction of minerals from the earth ;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind ;
- (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure ;

(d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

1. Children under the age of fifteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof.

2. Provided that, except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

ARTICLE 3.

The provisions of this Convention shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of eighteen years employed by him, and of the dates of their births.

ARTICLE 5.

1. In respect of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws shall either—

- (a) prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents; or
- (b) empower an appropriate authority to prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents.

2. The annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation shall include full information concerning the age or ages pre-

scribed by national laws in pursuance of sub-paragraph (a) of the preceding paragraph or concerning the action taken by the appropriate authority in exercise of the powers conferred upon it in pursuance of sub-paragraph (b) of the preceding paragraph, as the case may be.

PART II. — SPECIAL PROVISIONS FOR CERTAIN COUNTRIES.

ARTICLE 6.

1. The provisions of this Article shall be applicable in Japan in substitution for the provisions of Articles 2 and 5.

2. Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof: Provided that national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

3. Children under the age of sixteen years shall not be employed or work on dangerous or unhealthy work as defined by national laws or regulations in mines or factories.

ARTICLE 7.

1. The provisions of Articles 2, 4 and 5 shall not apply to India, but in India the following provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

2. Children under the age of twelve years shall not be employed or work in factories working with power and employing more than ten persons.

3. Children under the age of thirteen years shall not be employed or work in the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays or wharves, but excluding transport by hand.

4. Children under the age of fifteen years shall not be employed or work—

- (a) in mines, quarries, and other works for the extraction of minerals from the earth;
- (b) in occupations to which this Article applies which are scheduled as dangerous or unhealthy by the competent authority.

5. Unless they have been medically certified as fit for such work—

- (a) persons who have attained the age of twelve years but are under the age of seventeen years shall not be permitted to work in factories working with power and employing more than ten persons ;
- (b) persons who have attained the age of fifteen years but are under the age of seventeen years shall not be permitted to work in mines.

ARTICLE 8.

1. The provisions of this Article shall be applicable in China in substitution for the provisions of Articles 2, 4 and 5.

2. Children under the age of twelve years shall not be employed or work in any factory using machines driven by motor power and regularly employing thirty persons or more.

3. Children under the age of fifteen years shall not be employed or work—

- (a) in mines regularly employing fifty persons or more ; or
- (b) on dangerous or unhealthy work as defined by national laws or regulations in any factory using machines driven by motor power and regularly employing thirty persons or more.

4. Every employer in an undertaking to which this Article applies shall keep a register of all persons under the age of sixteen employed by him, together with such evidence of their age as may be required by the competent authority.

ARTICLE 9.

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

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

3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Secretary-General of the League of Nations for registration.

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

PART III. — FINAL PROVISIONS.

ARTICLE 10.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 11.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

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

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 13.

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

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

ARTICLE 14.

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 13 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

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

ARTICLE 16.

The French and English texts of this Convention shall both be authentic.

Draft Convention [No. 60] concerning the age for admission of children to non-industrial employment (revised 1937).

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 Twenty-Third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning the age of admission of children to non-industrial employment adopted by the Conference at its Sixteenth Session, which is the seventh item on the Agenda of the Session, and

Considering that these proposals must take the form of a Draft International Convention,

adopts, this twenty-second day of June of the year one thousand nine hundred and thirty-seven, the following Draft Convention

which may be cited as the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 :

ARTICLE 1.

1. This Convention applies to any employment not dealt with in the Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921), the Minimum Age (Sea) Convention (Revised), 1936, or the Minimum Age (Industry) Convention (Revised), 1937.

2. The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions.

3. This Convention does not apply to—

- (a) employment in sea-fishing ;
- (b) work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised by public authority.

4. It shall be open to the competent authority in each country to exempt from the application of this Convention—

- (a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous within the meaning of Articles 3 or 5 of this Convention ;
- (b) domestic work in the family performed by members of that family.

ARTICLE 2.

Children under fifteen years of age, or children over fifteen years who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter otherwise provided.

ARTICLE 3.

1. Children over thirteen years of age may, outside the hours fixed for school attendance, be employed on light work which—

- (a) is not harmful to their health or normal development ; and
- (b) is not such as to prejudice their attendance at school or capacity to benefit from the instruction there given.

2. No child under fourteen years of age shall—

- (a) be employed on light work for more than two hours per day whether that day be a school day or a holiday ; or
- (b) spend at school and on light work a total number of hours exceeding seven per day.

3. National laws or regulations shall prescribe the number of hours per day during which children over fourteen years of age may be employed on light work.

4. Light work shall be prohibited—

- (a) on Sundays and legal public holidays ;
- (b) during the night.

5. For the purpose of the preceding paragraph the term “ night ” means—

- (a) in the case of children under fourteen years of age, a period of at least twelve consecutive hours comprising the interval between eight p. m. and eight a. m. ;
- (b) in the case of children over fourteen years of age, a period which shall be prescribed by national laws or regulations but the duration of which shall not, except in the case of tropical countries where a compensatory rest is accorded during the day, be less than twelve hours.

6. After the principal organisations of employers and workers concerned have been consulted, national laws or regulations shall :

- (a) specify what forms of employment may be considered to be light work for the purpose of this Article ; and
- (b) prescribe the preliminary conditions to be complied with as safeguards before children may be employed on light work.

7. Subject to the provisions of subparagraph (a) of paragraph 1 above,

- (a) national laws or regulations may determine work to be allowed and the number of hours per day to be worked during the holiday time of children referred to in Article 2 who are over fourteen years of age ;
- (b) in countries where no provision exists relating to compulsory school attendance, the time spent on light work shall not exceed four and a half hours per day.

ARTICLE 4.

1. In the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films ;

2. Provided that—

- (a) no such exception shall be allowed in respect of employment which is dangerous within the meaning of Article 5, such as employment in circuses, variety shows or cabarets ;
- (b) strict safeguards shall be prescribed for the health, physical development and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education ; and
- (c) children to whom permits are granted in accordance with this Article shall not be employed after midnight.

ARTICLE 5.

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to any employment which, by its nature, or the circumstances in which it is to be carried on, is dangerous to the life, health or morals of the persons employed in it.

ARTICLE 6.

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

ARTICLE 7.

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall—

- (a) provide for an adequate system of public inspection and supervision ;
- (b) require every employer to keep a register of the names and dates of birth of all persons under the age of eighteen years employed by him in any employment to which this Convention applies other than an employment to which Article 6 applies ;
- (c) provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6 ; and
- (d) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.

ARTICLE 8.

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provisions of this Convention, including—

- (a) a list of the forms of employment which national laws or regulations specify to be light work for the purpose of Article 3 ;
- (b) a list of the forms of employment for which, in accordance with Articles 5 and 6, national laws or regulations have fixed ages for admission higher than those laid down in Article 2 ; and
- (c) full information concerning the circumstances in which exceptions to the provisions of Articles 2 and 3 are permitted in accordance with the provisions of Article 4.

ARTICLE 9.

1. The provisions of Articles 2, 3, 4, 5, 6 and 7 of this Convention shall not apply to India, but in India the following provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

2. Children under thirteen years of age shall not be employed—

- (a) in shops, offices, hotels or restaurants ;
- (b) in places of public entertainment ; or
- (c) in any other non-industrial occupations to which the provisions of this paragraph may be extended by the competent authority.

3. In the interest of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of the preceding paragraph in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.

4. Persons under seventeen years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organisations of employers and workers concerned, may declare to involve danger to life, health or morals.

5. The International Labour Conference may, at any Session at which the matter is included in its Agenda, adopt by a two-thirds majority draft amendments to the preceding paragraphs of this Article.

6. Any such draft amendment shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the Session of the Conference, be submitted in India to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

7. India will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Secretary-General of the League of Nations for registration.

8. Any such draft amendment shall take effect as an amendment to this Convention on ratification by India.

ARTICLE 10.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 11.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

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

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 18.

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 Secretary-General of the League of Nations for

registration. Such denunciation shall not take effect until one year after the date on which it is registered.

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

ARTICLE 14.

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 18 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.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 52] concerning the minimum age for admission of children to industrial employment in family undertakings.

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 Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to industrial employment which is the sixth item on the Agenda of the Session, and

Having adopted a Draft Convention revising the said Convention and having decided to supplement the revised Convention by a Recommendation,

adopts, this twenty-second day of June of the year one thousand nine hundred and thirty-seven, the following Recommendation which may be cited as the Minimum Age (Family Undertakings) Recommendation, 1937 :

Whereas the Minimum Age (Industry) Convention (Revised), 1937, while restricting the scope of the exception for family undertakings contained in the 1919 Convention, still permits such undertakings to be excluded from its scope except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein ; and

Whereas it is reasonable to hope that it will be possible to suppress this exception completely in the not distant future ;

The Conference recommends that the Members of the Organisation should make every effort to apply their legislation relating to the minimum age of admission to all industrial undertakings, including family undertakings.

Draft Convention [No. 61] concerning the reduction of hours of work in the textile industry.

The General Conference of the International Labour Organisation,

Having met at Geneva in its Twenty-third Session on 3 June 1937 ;

Considering that the question of the reduction of hours of work in the textile industry is the second item on the Agenda of the Session ;

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living ;

Considering it to be desirable that this principle should be applied by international agreement to the textile industry ;
adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven, the following Draft Convention which may be cited as the Reduction of Hours of Work (Textiles) Convention, 1937 :

ARTICLE 1.

1. This Convention applies to—

- (a) persons employed in an undertaking which fulfils the condition stated in paragraph 2 of this Article, including persons employed in any branch of such an undertaking which branch does not fulfil that condition ; and
- (b) persons employed in a branch of an undertaking which branch fulfils the condition stated in paragraph 2 of this Article, even though the undertaking does not fulfil that condition.

2. The condition referred to in the preceding paragraph is that the undertaking or branch of an undertaking is engaged wholly or mainly in one or more of the series of operations delimited in paragraphs 3, 4 and 5 of this Article in the course of the manufacture of any kind of thread, yarn, twine, cord, rope, netting or felt, or any woven, piled, knitted or lacework fabric from any one or more of the following materials : cotton, wool, silk, flax, hemp, jute, rayon or other synthetic fibre, or any other textile material whether of vegetable, animal or mineral origin.

3. The series of operations referred to in paragraph 2 of this Article begins—

- (a) in the case of cotton, with the reception of the bales of ginned cotton for breaking up and cleaning ;
- (b) in the case of wool, with the reception of the raw wool for sorting and cleaning (excluding the process of anthrax disinfection) ;

- (c) in the case of silk, with the reeling of the silk from the cocoon or the steeping of the silk waste ;
- (d) in the case of flax, jute and hemp, with the operation of retting, except where this operation is effected as work accessory to that of an agricultural undertaking ;
- (e) in the case of rayon or other synthetic fibre, with the reception of the materials used in the chemical production of the fibre ;
- (f) in the case of rags, with the sorting of the rags or the reception of the sorted rags ; and
- (g) in the case of any other textile material, with the operation prescribed by the competent authority as corresponding to the operations set out above.

4. The series of operations referred to in paragraph 2 of this Article includes the operations of bleaching, dyeing, printing, and finishing and similar operations, and ends with the packing and despatch of the products specified in that paragraph.

5. The series of operations referred to in paragraph 2 of this Article includes the making in whole or in part of any garment or other article only in the following cases :

- (a) the case of hosiery manufacture ; and
- (b) cases in which the garment or other article is made by the same process as the fabric thereof.

6. In any case in which it is doubtful whether an undertaking or branch of an undertaking fulfils the condition stated in paragraph 2 of this Article, the question shall be determined by the competent authority after consultation with the organisations of employers and workers concerned where such exist.

7. Where and so long as the principle of a forty-hour week is applied to persons to whom this Convention applies in accordance with the provisions of any international labour Convention other than this Convention, the competent authority may exclude such persons from the application of this Convention.

8. This Convention applies to persons employed in both public and private undertakings.

ARTICLE 2.

The competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from the application of this Convention—

- (a) persons employed in undertakings in which only members of the employer's family are employed ;
- (b) classes of persons who by reason of their special responsibilities are not subjected to the normal rules governing the length of the working week.

ARTICLE 3.

1. For the purpose of this Convention the term "hours of work" means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

2. Where at the date of the adoption of this Convention it is the practice not to regard time spent in the cleaning or oiling of machines as part of ordinary working time, the competent authority may permit any time not exceeding one-and-a-half hours in any week which is so spent to be disregarded in reckoning for the purpose of this Convention the hours of work of the persons concerned.

ARTICLE 4.

1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.

2. In the cases of persons who work in successive shifts on processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two.

3. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the processes to which paragraph 2 of this Article applies.

4. Where hours of work are calculated as an average, the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which the average may be calculated and the maximum number of hours that may be worked in any week.

ARTICLE 5.

The competent authority may, by regulations made after consultation with the organisations of employers and workers concerned where such exist, provide that the limits of hours authorised by the preceding Article may be exceeded to an extent prescribed by such regulations in the case of—

- (a) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking, branch or shift;
- (b) persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls;

- (c) persons employed in connection with the transport, delivery or loading or unloading of goods.

ARTICLE 6.

1. The limits of hours authorised by the preceding Articles may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking,

- (a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*;
- (b) in order to make good the unforeseen absence of one or more members of a shift.

2. The employer shall notify the competent authority without delay of all time worked in virtue of this Article and of the reasons therefor.

ARTICLE 7.

1. The limits of hours authorised by the preceding Articles may be exceeded in cases where the continued presence of particular persons is necessary for the completion of a bleaching, dyeing, finishing or other operation, or of a succession of such operations, which for technical reasons cannot be interrupted without damage to the material worked and which by reason of exceptional circumstances it has not been possible to complete within the normal limit of hours.

2. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which and the conditions subject to which the preceding paragraph applies and the maximum number of hours which may be worked in virtue of that paragraph by the persons concerned.

ARTICLE 8.

1. Upon application by an employer, the competent authority may, after consultation with the organisations of employers and workers concerned where such exist, grant an allowance of overtime for specified classes of persons in exceptional cases in which overtime on one or more operations is necessary in order to enable the workers engaged in subsequent operations in the same undertaking to be employed up to the authorised limits of hours.

2. The competent authority shall determine, after consultation with the organisations of employers and workers con-

cerned where such exist, the maximum number of hours of overtime which may be worked in virtue of paragraph 1 of this Article, so however that no such allowance shall permit of any person being employed for more than sixty hours of such overtime in any year or for more than four hours of such overtime in any week.

3. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

4. The competent authority may attach to the grant of an allowance of overtime such conditions as it deems expedient with a view to securing a progressive reduction in the amount of overtime.

ARTICLE 9.

1. The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded subject to the conditions that—

- (a) all time worked in virtue of this Article shall be regarded as overtime and shall be remunerated at not less than one-and-a-quarter times the normal rate; and
- (b) no person shall be employed in virtue of this Article for more than seventy-five hours of overtime in any year.

2. In cases in which national laws or regulations apply the weekly limit of hours as a strict limit applicable to each week, the competent authority may permit not more than one hundred additional hours of overtime in any year to be worked, subject to the condition that such additional hours of overtime shall be remunerated at not less than one-and-a-quarter times the normal rate.

3. When granting permission in virtue of the preceding paragraphs, the competent authority shall satisfy itself that there will be no consistent working of overtime.

4. The competent authority shall only grant permission to work overtime in virtue of this Article in accordance with regulations made after consultation with the organisations of employers and workers concerned where such exist.

5. The regulations referred to in the preceding paragraph shall prescribe—

- (a) the procedure by which permission may be granted to employers to work overtime in virtue of this Article; and
- (b) the maximum number of hours for which the competent authority may grant permission and the minimum overtime rate to be paid for such hours.

ARTICLE 10.

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall—

- (a) notify in a manner approved by the competent authority, by the posting of notices or otherwise,
 - (i) the hours at which work begins and ends ;
 - (ii) where work is carried on by shifts, the hours at which each shift begins and ends ;
 - (iii) where a rotation system is applied, a description of the system including a time-table for each person or group of persons ;
 - (iv) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks ; and
 - (v) effective rest periods as defined in Article 3 ; and
- (b) keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 7, 8 and 9 of this Convention and of the payments made in respect thereof.

ARTICLE 11.

Any Member may suspend the operation of the provisions of his Convention during any emergency which endangers the national safety.

ARTICLE 12.

During a period which shall not exceed two years from the coming into force of this Convention for the Member concerned, the competent authority may approve transitional arrangements in virtue of which—

- (a) the reduction of hours of work to the limits authorised by the preceding Articles may be accomplished by stages during the said period ;
- (b) specified classes of workers or undertakings may be exempted from all or any of the provisions of the Convention during the said period.

ARTICLE 18.

The annual reports upon the application of this Convention to be submitted by Members under Article 22 of the Constitution of the International Labour Organisation shall include more particularly full information concerning—

- (a) decisions taken in virtue of Article 1, paragraph 3 (g) ;

- (b) exemptions made in virtue of Article 2, and any conditions subject to which such exemptions are made ;
- (c) any recourse to the provisions of Article 3, paragraph 2 ;
- (d) determinations made in pursuance of Article 4, paragraph 4 ;
- (e) regulations made in virtue of Article 5 ;
- (f) determinations made in pursuance of Article 7, paragraph 2 ;
- (g) allowances of overtime granted in virtue of Article 8 : and
- (h) the extent to which recourse has been had to the provisions of Article 9.

ARTICLE 14.

In accordance with Article 19, paragraph 11, of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions to the workers than those provided for by this Convention.

ARTICLE 15.

In the event of the Conference adopting a further Convention determining such modifications of the provisions of this Convention as may be required to meet the case of countries to which Article 19, paragraph 3, of the Constitution of the International Labour Organisation applies, this Convention and the aforesaid further Convention shall be deemed to form one Convention.

ARTICLE 16.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 17.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

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

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 19.

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 Secretary-General of the League of Nations 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 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 19 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

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

ARTICLE 22.

The French and English texts of this Convention shall both be authentic.

Draft Convention [No. 62] concerning safety provisions in the building industry.

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 Twenty-third Session on 3 June 1937, and

Considering that building work gives rise to serious accident risks which it is necessary to reduce both on humanitarian and on economic grounds, and

Having decided upon the adoption of certain proposals with regard to safety provisions for workers in the building industry with reference to scaffolding and hoisting machinery, which is the first item on the Agenda of the Session, and

Considering that, in view of the desirability of standardising minimum safety provisions without prescribing requirements too rigid for general application, the most appropriate form for these proposals is that of a Draft International Convention accompanied by a Recommendation embodying a Model Code of Safety Regulations,

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-seven the following Draft Convention which may be cited as the Safety Provisions (Building) Convention, 1937 :

PART I. — OBLIGATIONS OF PARTIES TO CONVENTION.

ARTICLE 1.

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes that it will maintain in force laws or regulations —

(a) which ensure the application of the General Rules set forth in Parts II to IV of this Convention ; and

- (b) in virtue of which an appropriate authority has power to make regulations for the purpose of giving such effect as may be possible and desirable under national conditions to the provisions of, or provisions equivalent to the provisions of, the Model Code annexed to the Safety Provisions (Building) Recommendation, 1937, or any revised Model Code subsequently recommended by the International Labour Conference.

2. Each such Member further undertakes that it will communicate every third year to the International Labour Office a report indicating the extent to which effect has been given to the provisions of the Model Code annexed to the Safety Provisions (Building) Recommendation, 1937, or of any revised Model Code subsequently recommended by the International Labour Conference.

ARTICLE 2.

1. The laws or regulations for ensuring the application of the General Rules set forth in Parts II to IV of this Convention shall apply to all work done on the site in connection with the construction, repair, alteration, maintenance and demolition of all types of buildings.

2. The said laws or regulations may provide that the competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from all or any of their provisions work of such a character that reasonably safe conditions normally obtain.

ARTICLE 3.

The laws or regulations for ensuring the application of the General Rules set forth in Parts II to IV of this Convention, and regulations made by the appropriate authority for the purpose of giving effect to the Model Code annexed to the Safety Provisions (Building) Recommendation, 1937, shall—

- (a) require employers to bring them to the notice of all persons concerned in a manner approved by the competent authority ;
- (b) define the persons responsible for compliance therewith ; and
- (c) prescribe adequate penalties for any violation thereof.

ARTICLE 4.

Each Member which ratifies this Convention undertakes to maintain, or satisfy itself that there is maintained, a system of inspection adequate to ensure the effective enforcement of its laws and regulations relating to safety precautions in the building industry.

ARTICLE 5.

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 economic 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 the Convention either generally or with such exceptions in respect of particular localities or particular kinds of building operations 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 Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

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

ARTICLE 6.

Each Member which ratifies this Convention undertakes to communicate annually to the International Labour Office the latest statistical information relating to the number and classification of accidents occurring to persons occupied on work within the scope of this Convention.

PART II. — GENERAL RULES AS TO SCAFFOLDS.

ARTICLE 7.

1. Suitable scaffolds be provided for workmen for all work that cannot be safely done from a ladder or by other means.

2. A scaffold shall not be constructed, taken down, or substantially altered, except—

- (a) under the supervision of a competent and responsible person; and
- (b) as far as possible by competent workers possessing adequate experience in this kind of work.

3. All scaffolds and appliances connected therewith and all ladders shall—

- (a) be of sound material;

- (b) be of adequate strength having regard to the loads and strains to which they will be subjected ; and
- (c) be maintained in proper condition.

4. Scaffolds shall be so constructed that no part thereof can be displaced in consequence of normal use.

5. Scaffolds shall not be overloaded and so far as practicable the load shall be evenly distributed.

6. Before installing lifting gear on scaffolds special precautions shall be taken to ensure the strength and stability of the scaffolds.

7. Scaffolds shall be periodically inspected by a competent person.

8. Before allowing a scaffold to be used by his workmen every employer shall, whether the scaffold has been erected by his workmen or not, take steps to ensure that it complies fully with the requirements of this Article.

ARTICLE 8.

1. Working platforms, gangways and stairways shall—

- (a) be so constructed that no part thereof can sag unduly or unequally ;
- (b) be so constructed and maintained, having regard to the prevailing conditions, as to reduce as far as practicable risks of persons tripping or slipping ; and
- (c) be kept free from any unnecessary obstruction.

2. In the case of working platforms, gangways, working places and stairways at a height exceeding that to be prescribed by national laws or regulations—

- (a) every working platform and every gangway shall be closely boarded unless other adequate measures are taken to ensure safety ;
- (b) every working platform and gangway shall have adequate width ; and
- (c) every working platform, gangway, working place and stairway shall be suitably fenced.

ARTICLE 9.

1. Every opening in the floor of a building or in a working platform shall, except for the time and to the extent required to allow the access of persons or the transport or shifting of material, be provided with suitable means to prevent the fall of persons or material.

2. When persons are employed on a roof where there is a danger of falling from a height exceeding that to be prescribed by national laws or regulations, suitable precautions shall be taken to prevent the fall of persons or material.

3. Suitable precautions shall be taken to prevent persons being struck by articles which might fall from scaffolds or other working places.

ARTICLE 10.

1. Safe means of access shall be provided to all working platforms and other working places.

2. Every ladder shall be securely fixed and of such length as to provide secure handhold and foothold at every position at which it is used.

3. Every place where work is carried on and the means of approach thereto shall be adequately lighted.

4. Adequate precautions shall be taken to prevent danger from electrical equipment.

5. No materials on the site shall be so stacked or placed as to cause danger to any person.

PART III. — GENERAL RULES AS TO HOISTING APPLIANCES.

ARTICLE 11.

1. Hoisting machines and tackle, including their attachments, anchorages and supports, shall—

- (a) be of good mechanical construction, sound material and adequate strength and free from patent defect ; and
- (b) be kept in good repair and in good working order.

2. Every rope used in hoisting or lowering materials or as a means of suspension shall be of suitable quality and adequate strength and free from patent defect.

ARTICLE 12.

1. Hoisting machines and tackle shall be examined and adequately tested after erection on the site and before use and be re-examined in position at intervals to be prescribed by national laws or regulations.

2. Every chain, ring, hook, shackle, swivel and pulley block used in hoisting or lowering materials or as a means of suspension shall be periodically examined.

ARTICLE 13.

1. Every crane driver or hoisting appliance operator shall be properly qualified.

2. No person under an age to be prescribed by national laws or regulations shall be in control of any hoisting machine, including any scaffold winch, or give signals to the operator.

ARTICLE 14.

1. In the case of every hoisting machine and of every chain, ring, hook, shackle, swivel and pulley block used in hoisting or lowering or as a means of suspension the safe working load shall be ascertained by adequate means.

2. Every hoisting machine and all gear referred to in the preceding paragraph shall be plainly marked with the safe working load.

3. In the case of a hoisting machine having a variable safe working load each safe working load and the conditions under which it is applicable shall be clearly indicated.

4. No part of any hoisting machine or of any gear referred to in paragraph 1 of this Article shall be loaded beyond the safe working load except for the purpose of testing.

ARTICLE 15.

1. Motors, gearing, transmissions, electric wiring and other dangerous parts of hoisting appliances shall be provided with efficient safeguards.

2. Hoisting appliances shall be provided with such means as will reduce to a minimum the risk of the accidental descent of the load.

3. Adequate precautions shall be taken to reduce to a minimum the risk of any part of a suspended load becoming accidentally displaced.

PART IV. --- GENERAL RULES
AS TO SAFETY EQUIPMENT AND FIRST AID.

ARTICLE 16.

1. All necessary personal safety equipment shall be kept available for the use of the persons employed on the site and be maintained in a condition suitable for immediate use.

2. The workers shall be required to use the equipment thus provided and the employer shall take adequate steps to ensure proper use of the equipment by those concerned.

ARTICLE 17.

When work is carried on in proximity to any place where there is a risk of drowning, all necessary equipment shall be provided and kept ready for use and all necessary steps shall be taken for the prompt rescue of any person in danger.

ARTICLE 18.

Adequate provision shall be made for prompt first-aid treatment of all injuries likely to be sustained during the course of the work.

PART V. — FINAL PROVISIONS.

ARTICLE 19.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 20.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-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 21.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

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 Secretary-General of the League of Nations

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.

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 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 25.

The French and English texts of this Convention shall both be authentic.

Recommendation [No. 53] concerning safety provisions in the building industry.

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 Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to safety provisions for workers in the building industry with reference to scaffolding and hoisting machinery, 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 accompanied by a Recommendation embodying a Model Code of Safety Regulations,

adopts, this twenty-third day of June of the year one thousand nine hundred and thirty-seven, the following Recommendation which may be cited as the Safety Provisions (Building) Recommendation, 1937 :

Whereas it is desirable, with a view to intensifying the efforts being made by the Members of the Organisation to reduce the risk of accident in the building industry, to submit for their consideration model safety provisions and to arrange for an exchange upon an international scale of the experience acquired in the application of these provisions ;

Whereas the Safety Provisions (Building) Convention, 1937, embodies a series of general principles which require to be supplemented by detailed safety regulations ;

Whereas it is therefore desirable that Members of the Organisation which ratify that Convention should have at their disposal a Model Code of safety regulations which have been proved by experience to be calculated to reduce the risk of accidents ; and

Whereas it is also desirable that such a Model Code should be available for the guidance of any Members which may be unable to ratify immediately the Safety Provisions (Building) Convention, 1937 :

The Conference recommends that :

1. Each Member of the International Labour Organisation should give the fullest effect possible and desirable under national conditions to the provisions of, or provisions equivalent to the provisions of, the annexed Model Code.

2. Any Members of the International Labour Organisation which have not ratified the Safety Provisions (Building) Convention, 1937, should communicate every third year to the

International Labour Office on a voluntary basis a report indicating the extent to which effect has been given to the Model Code.

ANNEX.

MODEL CODE

PART I. — SCAFFOLDS.

Regulation 1. — Necessity for Scaffolding.

Suitable and sufficient scaffolds shall be provided for workmen for all work that cannot safely be done from a ladder or by other means.

Regulation 2. — Erection of Scaffolds.

A scaffold shall not be constructed, taken down or substantially altered except under the direction of a competent and responsible person and as far as possible by competent workers possessing adequate experience in this kind of work.

Regulation 3. — Quality of Materials.

1. All scaffolds and appliances connected therewith and all ladders shall be of sound material and be of adequate strength having regard to the loads and strains to which they will be subjected.

2. The wooden parts used for scaffolds, gangways, runs and ladders shall be of good quality, shall have long fibres, shall be in good condition, and shall not be painted or treated in a manner likely to hide defects.

3. Timber used for scaffolds shall have the bark completely stripped off.

4. Where necessary, boards and planks used for scaffolds shall be protected against splitting.

5. Metal parts of scaffolds shall have no cracks and shall be free from any corrosion or other defect likely to affect their strength.

6. Cast-iron nails shall not be used.

Regulation 4. — Inspection and Storage of Materials.

1. Scaffold parts, including scaffolding machines and ropes and cables, shall be examined by an experienced person on each occasion before erection and shall not be used on any occasion unless in every respect they possess the qualities required for their purpose.

2. Any rope that has been in contact with acids or other corrosive substances or is defective shall not be used.

3. All materials used in the construction of scaffolds shall be stored under good conditions and apart from any material unsuitable for scaffolds.

Regulation 5. — Supply and Use of Material and Maintenance of Scaffolds.

1. Sufficient material shall be provided for and shall be used in the construction of scaffolds.

2. (1) Every scaffold shall be maintained in good and proper condition and every part shall be kept fixed or secured so that no part can be displaced in consequence of normal use.

(2) No scaffold shall be partly dismantled and left so that it is capable of being used unless it continues to comply with these Regulations.

Regulation 6. — Pole and Gabbard Scaffolds.

1. Pole standards and the legs of gabbard scaffolds shall be—

- (a) vertical or slightly inclined towards the building; and
- (b) fixed sufficiently close together to secure the stability of the scaffolds having regard to all the circumstances.

2. The stability of pole standards shall be secured—

- (a) by letting the pole the necessary distance into the ground according to the nature of the soil; or
- (b) by placing the pole on a suitable plank or other adequate sole plate in such a manner as to prevent slipping; or
- (c) in any other sufficient way.

3. When two scaffolds meet at the corner of a building a pole standard shall be placed at the corner on the outside of the scaffolds.

4. (1) Ledgers shall be practically level and securely fastened to the uprights by bolts, dogs, ropes or other efficient means.

(2) The ends of two consecutive ledgers at the same level shall be securely joined together at an upright except when special devices are used which ensure equivalent strength.

5. (1) Putlogs shall be straight and securely fastened to the ledgers.

(2) If ledgers are not used the putlogs shall be fastened to the uprights and supported by securely fastened cleats.

(3) Putlogs which have one end supported by a wall shall have at that end a plane supporting surface at least 10 cm. deep.

(4) The dimensions of the putlogs shall be appropriate to the load to be borne by them.

(5) The distance between two consecutive putlogs on which a platform rests shall be fixed with due regard to the anticipated load and the nature of the platform flooring.

(6) As a general rule the said distance shall not exceed 1 m. with planks less than 40 mm. thick, 1.50 m. with planks less than 50 mm. thick, and 2 m. with planks at least 50 mm. thick.

(7) The requirements of paragraph 5 (6) of this Regulation shall not apply in the case of platforms used for carrying light building materials only, but in the case of such platforms the distance between the putlogs shall not exceed 2 m.

6. No plank used for a platform shall be less than 30 mm. thick.

Regulation 7. — Ladder Scaffolds.

1. Ladder scaffolds shall be used only for light work requiring little material (renovation, painting and the like).

2. The ladders serving as the uprights of ladder scaffolds—

(a) shall be of adequate strength ; and

(b) shall either—

(i) be let into the ground to the necessary depth according to the nature of the soil ; or

(ii) be placed on sole plates or boards so that the two uprights of each ladder rest evenly on the base, and be suitably fastened at the feet to prevent them from slipping.

3. If a ladder is used to extend another, the two shall overlap at least 1.50 m. and shall be securely fastened together.

Regulation 8. — Stability of Pole, Gabbard and Ladder Scaffolds.

1. Every scaffold shall be sufficiently and properly braced.

2. Every scaffold shall, unless it is an independent scaffold, be rigidly connected with the building at suitable vertical and horizontal distances.

3. If the scaffold is an independent scaffold, at least one-third of the putlogs shall remain in position until the scaffold is finally dismantled and remain securely fastened to the ledgers or the uprights as the case may be.

4. All structures and appliances used as supports for working platforms shall be of sound construction, have a firm footing, and be suitably strutted and braced to make them stable.

5. Loose bricks, drain pipes, chimney pots or other unsuitable material shall not be used for the construction or support of scaffolds.

Regulation 9. — Cantilever or Jib Scaffolds.

1. Cantilever or jib scaffolds shall—
 - (a) be securely fixed and anchored from the inside ;
 - (b) have outriggers of adequate length and cross-section to ensure their solidity and stability ; and
 - (c) be properly braced and supported.
2. Only solid parts of the building shall be used as supports for scaffold parts.
3. If working platforms rest on bearers let into the wall the bearers shall be efficiently braced, shall go right through the wall and shall be securely fastened on the far side.

Regulation 10. — Bracket Scaffolds.

No figure or bracket scaffold supported or held by dogs or spikes driven into the wall shall be used unless the brackets are of suitable strength, are made of suitable metal, and are securely anchored in the wall.

Regulation 11. — Heavy Suspended Scaffolds with Movable Platforms.

1. Heavy suspended scaffolds shall comply with the provisions of this Regulation.
2. Outriggers shall be—
 - (a) of adequate strength and cross-section to ensure the solidity and stability of the scaffold ;
 - (b) installed at right angles to the building face ; and
 - (c) carefully spaced to suit the putlogs or deck irons.
3. The overhang of the outriggers from the building shall be such that the platform is fixed to hang not more than 10 cm. from the building face.
4. (1) The outriggers shall be securely anchored to the building by bolts or other equivalent means.
(2) Anchor bolts shall be properly tightened and shall securely tie down the outrigger to the framework of the building.
5. No counterweight shall be used as a means of securing the outriggers of such scaffolds.
6. Stop bolts shall be placed at the end of each outrigger.

7. The shackles serving to fasten the cables to the outriggers shall be placed vertically above the drum centres of the winches on the movable platforms. The eye of the cable shall be placed in the centre of the bent shackle bolt.

8. Suitable putlogs or deck irons shall be used to support the platforms and shall be suitably fastened so as to prevent displacement. Deck irons shall be adequately jointed by fish plates.

9. The cables or wire ropes used for suspension shall—

- (a) have at all times a factor of safety of at least ten, based on the maximum load that the ropes may have to support, and
- (b) be of such length that at the lowest position of the platform there are at least two turns of rope on each drum.

10. The scaffolding machines shall be so constructed and installed that their moving parts are readily accessible for inspection.

Regulation 12. — Light Suspended Scaffolds with Movable Platforms.

1. Light suspended scaffolds shall comply with the provisions of this Regulation.

2. The outriggers shall be of adequate length and cross-section and shall be properly installed and supported.

3. (1) The inside ends of the outriggers shall be firmly secured.

(2) When the outriggers are anchored by bags of ballast or other loose counterweights the bags or counterweights shall be securely lashed to the outriggers.

(3) The suspension ropes shall have a factor of safety of at least ten.

4. The maximum length of the platform shall be 8 m.

5. The platform shall hang on at least three ropes which shall be not more than 3 m. apart. No intermediate rope shall at any time be tauter than either of the end ropes.

6. The pulley blocks shall be fastened to the platforms by stout iron bands which shall be properly secured, shall be continued round the sides and bottom of the platform, and shall have eyes in the iron to receive the ropes.

7. Suspended scaffolds on which the workers sit to work shall be provided with devices to keep the platform at a distance of at least 30 cm. from the wall and to prevent the workers from knocking their knees against the wall if the scaffold swings.

Regulation 13. — Other Suspended Scaffolds.

1. A skip, large basket, boatswain's chair or similar equipment shall only be used as a suspended scaffold in exceptional circumstances for work of short duration, and under the supervision of a responsible person.

2. When such equipment is used as a suspended scaffold—

- (a) it shall be supported by ropes having a safety factor of at least ten based on the total load including the dead weight ; and
- (b) the necessary precautions shall be taken to prevent the workers from falling out.

3. When a skip or large basket is used as a suspended scaffold :

- (a) it shall be at least 75 cm. deep ; and
- (b) it shall be carried by two strong iron bands which shall be properly fastened, shall be continued round the sides and bottom, and shall have eyes in the iron, to receive the ropes.

Regulation 14. — Transport and Storage of Materials on Scaffolds : Distribution of the Load.

1. In transferring heavy loads on or to a scaffold no sudden shock shall be transmitted to the scaffold.

2. The load on the scaffold shall be evenly distributed as far as is practicable and in any case shall be so distributed as to avoid any dangerous disturbance of the equilibrium.

3. During the use of a scaffold care shall constantly be taken that it is not overloaded and that materials are not unnecessarily kept upon it.

Regulation 15. — Installation of Lifting Gear on Scaffolds.

1. When lifting gear is to be used on a scaffold—

- (a) the parts of the scaffold shall be carefully inspected, and, if need be, adequately strengthened ;
- (b) any movement of the putlogs shall be prevented ; and
- (c) if possible the uprights shall be rigidly connected to a solid part of the building at the place where the lifting gear is erected.

2. When the platform of the lifting gear does not move in guides or when the load is liable to come into contact with the scaffold during hoisting or lowering, a vertical hoarding shall be erected to the full height of the scaffold to prevent loads from being caught in it.

Regulation 16. — Periodic Inspection of Scaffolds.

Scaffolds shall be inspected by a competent person—

- (a) at least once a week ; and
- (b) after every spell of bad weather and every material interruption in the work.

Regulation 17. — Examination of Scaffolds before Use, especially Scaffolds constructed by Other Contractors.

Every scaffold, whether or not it has been erected by the employer whose workmen are about to use it—

- (a) shall before use be examined by a competent person to ensure more particularly—
 - (i) that it is in a stable condition ;
 - (ii) that the materials used in its construction are sound ;
 - (iii) that it is adequate for the purpose for which it is to be used ; and
 - (iv) that the required safeguards are in position ; and
- (b) shall during use be maintained in good condition.

Regulation 18. — Working Platforms.

1. Every working platform which is more than 2 m. above the ground or floor shall be closely boarded or planked.

2. (1) The width of the platform shall be adequate having regard to the nature of the work, and shall be such that at every part there is not less than 60 cm. clear passage free from fixed obstacles and deposited material.

(2) In no case shall the width of the platforms be less than :

- (a) 60 cm. if the platform is used as a footing only and not for the deposit of any material ;
- (b) 80 cm. if the platform is used for the deposit of material ;
- (c) 110 cm. if the platform is used for the support of any higher platform ;
- (d) 180 cm. if the platform is one upon which stone is dressed or roughly shaped ;
- (e) 150 cm. if the platform is used for the support of any higher platform and is one upon which stone is dressed or roughly shaped.

3. The maximum width of a platform supported on putlogs shall as a rule not exceed 160 cm.

4. Every working platform shall, if part of a pole or gabbard scaffold, be at least 1 m. below the top of the standards.

5. Boards or planks which form part of a working platform or which are used as toe-boards shall— :

- (a) be of a thickness which is such as to afford adequate security having regard to the distance between the putlogs but is in no case less than 30 mm. ; and
- (b) be of a width not less than 15 cm.

6. No board or plank which forms part of a working platform shall project beyond its end support to a distance exceeding four times the thickness of the board or plank.

7. Boards or planks shall not overlap one another unless precautions such as the provision of bevelled pieces are taken to reduce the risk of tripping to a minimum and to facilitate the movement of barrows.

8. Every board or plank which forms part of a working platform shall rest on at least three supports, unless the distance between the putlogs and the thickness of the board or plank are such as to exclude all risk of tipping or undue sagging.

9. Platforms shall be so constructed that the boards or planks cannot be displaced in consequence of normal use.

10. Whenever possible a platform shall extend at least 60 cm. beyond the end of the wall of the building.

11. Every part of a working platform or working place from which a person is liable to fall a distance exceeding 2 m. shall be provided—

- (a) with a suitable guard-rail or guard-rails having a cross-section of at least 30 cm². fixed at least 1 m. above the platform or above any raised standing place on the platform and so that the vertical opening below any guard-rail does not exceed 85 cm. ;
- (b) with toe-boards which are of sufficient height to prevent the fall of materials and tools from the platform and in no case less than 15 cm. high and are as close as possible to the platform.

12. Guard-rails, toe-boards and other safeguards used on a scaffold platform shall be maintained in position, except that they may be removed for the time and to the extent required to allow the access of persons or the transport or shifting of materials.

13. The guard-rail and toe-boards used on a scaffold platform shall be placed on the inside of the uprights.

14. The platforms of suspended scaffolds shall be provided with guard-rails and toe-boards on all sides, subject to the reservations that—

- (a) on the side facing the wall the guard-rail need not be at a height of more than 70 cm. if the work does not allow of a greater height ;

- (b) the guard-rail and toe-boards shall not be compulsory on the side facing the wall if the workers sit on the platform to work, but in such case the platform shall be provided with cables, ropes or chains affording the workers a firm hand-hold and capable of holding any worker who may slip.

15. The space between the wall and the platform shall be as small as practically possible except where workmen sit on the platform during their work, in which case it shall not exceed 45 cm.

Regulation 19. — Gangways, Runs and Stairs.

1. Every gangway or run any part of which is more than 2 m. above the ground or floor shall be—

- (a) closely boarded or planked ; and
- (b) at least 50 cm. wide.

2. The maximum slope of any gangway or run shall be 60 cm. per metre.

3. Where the gangway or run is used for the passage of materials there shall be maintained a clear passageway which—

- (a) is adequate in width for transport of materials without the removal of the guard-rails and toe-boards ; and
- (b) is in any case of a width not less than 60 cm.

4. All planks forming a gangway or run shall be so fixed and supported as to prevent undue or unequal sagging.

5. When the slope renders additional foothold necessary, and in every case where the slope is more than 25 cm. per metre, there shall be proper stepping laths which shall—

- (a) be placed at suitable intervals ; and
- (b) be the full width of the gangway, except that they may be interrupted over a breadth of 10 cm. to facilitate the movement of barrows.

6. Stairs shall be provided with guard-rails throughout their length.

7. Gangways, runs and stairs from which a person is liable to fall a distance exceeding 2 m. shall be provided—

- (a) with a suitable guard-rail or guard-rails having a cross-section of at least 30 cm.² fixed at least 1 m. above the gangway, run or stair and so that the vertical opening below any guard-rail does not exceed 85 cm. ; and
- (b) with toe-boards which are of sufficient height to prevent the fall of material and tools from the gangway, run or stair and in no case less than 15 cm. high, and are as close as possible to the gangway, run or stair.

Regulation 20. — General Provisions concerning Platforms, Gangways, Runs and Stairs.

1. Every platform, gangway, run or stairway shall be kept free from any unnecessary obstruction, rubbish, etc.

2. Suitable precautions shall be taken to prevent any platform, gangway, run or stairway from becoming slippery.

3. No part of a working platform, gangway or run shall be supported by loose bricks, drain pipes, chimney pots or other loose or unsuitable material.

4. No working platform, gangway or run shall be supported by an eaves gutter, a balcony or its coping, a lightning-conductor or other unsuitable parts of a building.

5. No working platform, gangway or run shall be used for working upon until its construction is completed according to these Regulations and the prescribed safeguards properly fixed.

Regulation 21. — Trestle Scaffolds.

1. There shall not be used any trestle scaffold which—

- (a) is of more than two tiers ; or
- (b) exceeds a height of 3 m. from the ground or floor ;
- (c) is erected on a suspended scaffold.

2. The width of a trestle scaffold erected on a platform shall be such as to leave sufficient unobstructed space on the platform for the transport of materials or the passage of persons.

3. Trestles shall be firmly fixed so as to prevent displacement.

Regulation 22. — Ladders.

1. Every ladder used as a means of communication shall rise at least 1 m. above the highest point to be reached by any person using the ladder, or one of the uprights shall be continued to that height to serve as a hand-rail at the top.

2. Ladders shall not stand on loose bricks or other loose packing but shall have a level and firm footing.

3. Every ladder—

- (a) shall be securely fixed so that it cannot move from its top or bottom points of rest ; or
- (b) if it cannot be secured at the top, shall be securely fastened at the base ; or
- (c) if fastening at the base is also impossible, shall have a man stationed at the foot to prevent slipping.

4. The undue sagging of ladders shall be prevented.

5. Ladders shall be equally and properly supported on each upright.

6. Where ladders connect different floors—

- (a) the ladders shall be staggered ; and
- (b) a protective landing with the smallest possible opening shall be provided at each floor.

7. A ladder having a missing or defective rung shall not be used.

8. No ladder having any rung which depends for its support on nails, spikes or other similar fixing shall be used.

9. Wooden ladders shall be constructed with—

- (a) uprights of adequate strength made of wood free from visible defects and having the grain of the wood running lengthwise ; and
- (b) rungs made of wood free from visible defects and mortised into the uprights, to the exclusion of any rungs fixed only by nails.

10. Roofers' and painters' ladders shall not be used by workmen in other trades.

Regulation 23. — Fencing of Openings.

1. Every opening left in a floor of a building or in a working platform for an elevator shaft or stairway, or for the hoisting of material, or for access by workmen or for any other purpose shall be provided—

- (a) with a suitable guard-rail or guard-rails having a cross-section of at least 30 cm.² fixed at least 1 m. above the floor or platform, and so that the vertical opening below any guard-rail does not exceed 85 cm. ;
- (b) with toe-boards which are of sufficient height to prevent the fall of materials and tools from the floor or platform and in no case less than 15 cm. high and are as close as possible to the floor or platform.

2. Every opening in a wall which is less than 1 m. from the floor or platform shall be provided—

- (a) with a suitable guard-rail or guard-rails, having a cross-section of at least 30 cm.² and fixed at least 1 m. above the floor or platform ; and so that the vertical opening below any guard-rail does not exceed 85 cm. ; and
- (b) when necessary, with toe-boards which are of sufficient height to prevent the fall of material and tools and in no case less than 15 cm. high and are as close as possible to the floor or platform or to the lower side of the opening.

3. The fencing of openings shall, except in so far as its removal is permitted by the following paragraph, remain in position until it becomes necessary to remove it in order to complete the permanent enclosure.

4. The fencing of openings shall not be removed except for the time and to the extent required to allow the access of persons or the transport or shifting of materials and shall be replaced immediately after.

5. When work is done on or over open joisting, the joisting shall be securely boarded over or other effective measures shall be taken to prevent falls of persons.

Regulation 24. — Roof Work.

1. No person shall be employed on any roof on which, by reason of the pitch, the nature of the surface, or the state of the weather, there is a risk of falling, unless suitable precautions are taken to prevent the fall of persons or materials.

2. On glass roofs, or roofs covered with fragile materials, special precautions shall be taken to prevent the workers from inadvertently stepping on them and to facilitate the safe carrying out of repairs.

3. (1) Only experienced workmen who are physically and psychologically suitable shall be employed on extensive work on the outside of any roof which has a pitch of over 34° (2 : 3) or is slippery.

(2) When persons are so employed—

- (a) whenever possible the following facilities shall be provided :
 - (i) suitable guard-rails ;
 - (ii) a suitable working platform, securely supported and of a width of not less than 40 cm. ; and
 - (iii) suitable, sufficient and properly secured ladders, duck ladders or crawling boards ;
- (b) whenever it is impossible to provide the facilities specified in sub-paragraph (a)—
 - (i) safety belts with ropes enabling the wearers to lash themselves to a solid structure shall be supplied to the workers and used by them ; and
 - (ii) if the safety rope cannot be fixed to a solid structure a second person shall be provided to hold the rope in a secure manner.

Regulation 25. — Miscellaneous Provisions.

1. Any part of the premises where any person at work or passing is liable to be struck by materials, tools, or other arti-

cles falling more than 3.5 m. shall be covered in such a manner as to protect such persons, unless other effective steps are taken to prevent falls of objects from such height.

2. Scaffold materials, tools, or other objects shall not be thrown down, but be properly lowered.

3. Safe means of access shall be provided to all working platforms and other working places.

4. Every working-place and other place to which access is required for any person and every means of approach thereto shall be efficiently lighted.

5. When necessary, special lighting shall be provided at all parts of scaffolds and structures where materials are hoisted.

6. During all construction, repair, alteration, maintenance or demolition of buildings, all necessary precautions shall be taken to prevent the workers from coming into contact with electric wires or equipment, including low-tension wires and equipment.

7. Protruding nails shall be knocked in or removed from all materials used in the construction of scaffolding or falsework.

8. No materials on the site shall be so stacked or placed as to cause danger to any person.

PART II: HOISTING APPLIANCES.

Regulation 26. — General Provisions.

1. Every part of the structure, working gear and anchoring and fixing appliances of every crane, crab and winch and of all other hoisting machines and tackle shall—

- (a) be of good mechanical construction, sound material and adequate strength and substance and free from defect ;
- (b) be kept in good repair and in good working order ; and
- (c) as far as the construction permits be examined in position at least once in every week by the driver or other competent person.

2. Adequate steps shall be taken to ascertain the safe working load of every hoisting appliance.

3. The maximum safe working load shall be plainly marked—

- (a) upon every crab, winch and pulley block used in the hoisting or lowering of any load ;
- (b) upon every derrick pole or mast used in the hoisting or lowering of any load weighing 1,000 kg. or more ; and
- (c) upon every crane.

4. In the case of a crane fitted with a derricking jib, the safe working load at various radii of the jib shall be plainly marked upon it.

5. A crane, crab, winch or any other hoisting appliance, or any part of such appliance, shall not, except as permitted by the following paragraph, be loaded beyond the safe working load.

6. For the purpose of making tests of a crane or other hoisting appliance or gear the safe working load may be exceeded by such amount as the competent person appointed to carry out the tests may authorise.

7. During hoisting operations effective precautions shall be taken to prevent any person from standing or passing under the load.

8. No load shall be left suspended from a hoisting appliance unless there is a competent person actually in charge while the load is so suspended.

9. Every crane driver or hoisting appliance operator shall be properly qualified.

10. No person under 18 years of age shall be in control of any hoisting machine, including any scaffold winch, or give signals to the operator.

11. Under normal working conditions one person only shall be appointed as being responsible for the giving of all signals to the crane driver.

12. When any hoisting or lowering is performed by means of a crane and the crane driver or person operating the crane is unable to see the load in all its positions, one or more look-out or signal men shall be stationed so as to see the load throughout its travel and give the necessary signals to the crane driver or person operating the crane.

13. (1) For each operation to be performed there shall be a distinctive signal of such a character that the person to whom it is given shall be able to hear or see it easily.

(2) Where a sound, colour or light signal is used, it shall be made by an efficient device.

(3) Every signal wire shall be adequately protected from accidental interference.

14. Motors, gearing, transmissions, electric wiring and other dangerous parts of hoisting appliances shall be provided with efficient safeguards which shall not be removed while the machine or apparatus is in use. If the safeguards have to be removed they shall be replaced as soon as possible by the persons removing them and in any case before the machines and apparatus are again taken into normal service.

15. The driver of every crane or similar hoisting appliance shall be provided with a safe and covered stand, cab or cabin.

16. (1) Where reasonably practicable the driver's cab on every crane or other hoisting machine shall, before the crane or other hoisting machine is put into general use, be completely erected or adequate provision made for the protection of the driver from the weather.

(2) During cold weather the cabin of every power-driven crane or other hoisting appliance in use shall be adequately heated by suitable means.

Regulation 27. — Winches, Crabs and Pulleys.

1. Every part of the framework of every crab or winch, including the bearers, shall be of metal.

2. When wire ropes are used, the diameter of the pulleys or drums shall not be less than 400 times the diameter of the wires in the rope excluding the core of the rope.

3. When winch drums are grooved—

- (a) the radius of the grooves shall be approximately the same as, but not less than, the radius of the rope ; and
- (b) the pitch of the grooves shall not be less than the diameter of the rope.

4. Winch drums shall be provided with flanges that prevent the rope from slipping off the drum.

5. Every crane, crab and winch shall be provided with an efficient brake or brakes and with any other safety device required to prevent the fall of the load when suspended.

6. On every crab or winch the control lever shall be provided with a suitable locking device.

7. On steam-driven lifting engines the lever controlling the link motion reversing gear shall be provided with a suitable spring-lock arrangement.

Regulation 28. — Suspension and Attachment.

1. All cables or ropes used on hoisting appliances for raising or lowering materials shall be long enough to leave at least two turns on the drum at every operating position of the appliance.

2. No rope shall be used over a grooved drum or pulley if its diameter exceeds the pitch of the drum grooves or the width of the pulley groove.

3. Wire ropes shall be such as to have a factor of safety of at least six under the maximum load. In calculating the dimensions of wire ropes the ropes shall be assumed to be under tensile stress only.

4. No chain or wire rope which has a knot tied in it shall be used for raising or lowering any load.

5. Every hoisting or derricking rope or chain shall be securely fastened to the barrel of the crane, crab or winch with which it is used.

6. Each temporary attachment or connection of a rope, chain or other appliance used in the erection or dismantling of a crane shall be adequate and secure.

7. Every rope used in hoisting or lowering or as a means of suspension shall be of suitable quality and adequate strength and in good condition.

8. Every chain, ring, hook, shackle, swivel and pulley block used for hoisting or lowering or as a means of suspension shall have been tested and be marked in plain figures and letters with the safe working load and an identification mark.

9. No gear used for attachment or as a means of suspension shall be loaded beyond its safe working load, except for the purpose of making tests.

10. Every chain, ring, hook, shackle and swivel used in hoisting or lowering or as a means of suspension which has been lengthened, altered or repaired by welding shall be adequately tested and examined before being again taken into use.

11. Every hook used for hoisting or lowering shall either—

- (a) be provided with an efficient catch to prevent the displacement of the sling or load from the hook ; or
- (b) be of such shape as to reduce as far as possible the risk of such displacement.

12. The parts of hooks liable to come into contact with ropes or chains during the raising or lowering of loads shall be rounded.

13. Where double or multiple slings are used for hoisting or lowering purposes the upper ends of the slings shall be connected by means of a shackle or ring and not be put separately into a lifting hook ; this requirement shall not apply when the total load lifted is less than one-half of the safe working load of the hook.

14. When bulky objects are being raised or lowered the maximum safe load of slings shall be determined with reference, not only to their strength, but also to the angle of the legs.

15. Sharp edges of a load shall not be in contact with slings, ropes or chains.

16. All chains, ropes, slings and other gear used for hoisting or lowering or as a means of suspension shall be periodically examined by a competent person and this person's findings shall be entered on a certificate or in a special register.

Regulation 29. — Cranes.

1. The stage for every crane shall be built of sound material and be of good mechanical construction having regard to its height and position and to the lifting and reaching capacity of the crane.

2. The platform of every crane shall—

- (a) be close-planked or plated ;
- (b) be securely fenced according to these Regulations ;
- (c) be provided with safe means of access ; and
- (d) be of sufficient area—
 - (i) in all cases, for the driver or operator and signalman ; and
 - (ii) in the case of a guy derrick crane, also for the operator of the slewing mechanism.

3. (1) Every fixed crane shall either be securely anchored or be adequately weighted by suitable ballast firmly secured to ensure stability.

(2) When a crane is weighted by ballast a diagram showing the position and size of the counterweights shall be posted up in the driver's cab.

(3) Every travelling crane shall be provided with a device for anchoring it to the rails of the crane track.

4. On every stage, gantry or other place on which a crane moves there shall in so far as practicable be maintained at every position of the crane an unobstructed passageway of a width of at least 60 cm. between the moving parts of the crane and the fixed parts or edge of such stage, gantry or place.

5. If at any time it is impracticable to maintain a passageway of a width of at least 60 cm. at any place or point, all reasonable steps shall be taken to prevent the access of any person to such place or point at such time.

6. All rails on which a travelling crane moves shall be of adequate section and have an even running surface.

7. The following requirement shall apply to every track of a travelling crane, whether resting on the ground or raised above the ground—

- (a) the whole track shall be properly laid ;
- (b) all the supports shall be of sufficient strength and be maintained in good condition ; and
- (c) the ends of the track shall be provided with shoes or buffers.

8. All rails on which a travelling crane moves shall, unless other adequate steps are taken to ensure the proper junction of, and to prevent any material alteration in the gauge of, the rails—

- (a) be jointed by fish-plates or double chairs ; and
- (b) be securely fastened to sleepers.

9. The track and turntable of every travelling crane shall be installed with the greatest care and in conformity with sound technical principles.

*Regulation 30. Examination of Cranes —
Certificates.*

1. No crane shall be used unless it has been tested and examined by a competent person acting for the inspection authority and there has been obtained from the person who made the test and examination a certificate thereof specifying the safe working load at various radii of the jib, including the maximum radius at which the jib can be worked.

2. The examinations and tests required by this Regulation shall be repeated—

- (a) at such regular intervals as are prescribed by the competent authority ; and
- (b) after all substantial alterations or repairs to the crane.

3. The safe working load at any radius specified in the most recent certificate—

- (a) shall not be more than 80 per cent. of the maximum load which the crane has stood at that radius during the application of the test ; and
- (b) shall not be greater than the working load indicated by the maker.

Regulation 31. — Derrick Cranes.

1. The maximum radius at which the jib may be worked shall be clearly indicated on every derrick crane.

2. When the jib is at the maximum radius there shall not be less than two dead turns of rope on the derricking drum.

3. The jib of a Scotch derrick crane shall not be erected between the back stays of the crane.

4. Every crane having a derricking jib shall be provided with an effective interlocking arrangement between the derricking clutch and the pawl sustaining the derricking drum, except where—

- (a) the hoisting drum and the derricking drum are independently driven ; or
- (b) the mechanism driving the derricking drum is self-locking.

5. Where the guys of a guy derrick crane cannot be fixed at approximately equal spacing, such other measures shall be taken as will ensure the safety of the crane.

6. The whole of the appliances for the anchorage of a crane shall be examined on each occasion before the crane is erected.

7. The erection of cranes shall be supervised by a competent person.

8. Each crane shall after each erection on a building site and before use be tested *in situ* for anchorage by a competent person.

9. Cranes shall be tested for anchorage by the imposition on each anchorage of the maximum uplift or pull exerted either—

- (a) by a load of 25 per cent. above the maximum load to be lifted by the crane as erected ; or
- (b) by a less load arranged to exert an equivalent pull on the anchorage.

10. If the pull applied by the test to any anchorage is less than 25 per cent. in excess of the pull which would be exerted by the maximum safe working load, a loading diagram appropriate to the crane anchorage shall be affixed in a position where it can readily be seen by the crane driver.

Regulation 32. — Automatic Safe Load Indicators.

1. No jib crane whether having a fixed jib or a derricking jib shall be used unless it is fitted with an automatic indicator which—

- (a) indicates clearly to the driver or person operating the crane when the load being moved approaches the safe working load of the crane at any inclination of the jib ; and
- (b) gives an efficient sound signal when the load being moved is in excess of the safe working load of the crane at any inclination of the jib.

2. The preceding paragraph does not apply to—

- (a) any guy derrick crane ;
- (b) any hand crane which is being used solely for erecting or dismantling another crane ; or
- (c) any crane having a maximum safe working load of 1,000 kg. or less,

but in all such cases a table showing the safe working loads at various radii of the jib shall be kept attached to the crane.

*Regulation 33. — Various Rules concerning
Crane Operation.*

1. (1) A crane shall not be used otherwise than for direct lifting or lowering of a load unless its stability is not thereby endangered.

(2) No load which lies in the angle between the back stays of a Scotch derrick crane shall be moved by that crane.

2. Where more than one crane or winch is required to lift or lower one load—

(a) the machinery, plant and appliances used shall be so arranged and fixed that no such crane or winch shall at any time be loaded beyond its safe working load or be rendered unstable in the hoisting or lowering of the load ; and

(b) a person shall be specially appointed to co-ordinate the operation of the appliances working together.

3. When a load is thought to approach the maximum safe working load a trial shall be made by raising the load a short distance to ensure that the hoisting appliance can carry it safely.

Regulation 34. — Hoists.

1. Hoists (i.e. lifting appliances provided with a cage or platform that runs in guides) used for raising and lowering materials shall satisfy the requirements of this Regulation.

2. (1) Hoist shafts shall be provided with solid walls or other equally effective fencing—

(a) at the ground level on all sides ; and

(b) at all other levels on all sides to which access is provided.

(2) The walls of hoist shafts, except at approaches, shall extend at least 2 m. above the floor, platform or other place to which access is provided.

3. Approaches to hoists shall be provided with solid gates or other equally effective fencing which—

(a) are at least 1 m. high ; and

(b) close automatically when the hoist platform leaves the landing.

4. Approaches to hoists shall be adequately lighted.

5. The guides of hoist platforms shall offer sufficient resistance to bending and, in the case of jamming by a safety catch, to buckling.

6. The platform shall be so constructed that safe transport is ensured.

7. On platforms for truck transport the trucks shall be efficiently blocked in a safe position on the platform.

8. Counterweights consisting of an assemblage of several parts shall be made of specially constructed parts rigidly connected together.

9. The counterweight shall run in guides.

10. If two or more wire ropes are used the load shall be equally distributed between them.

11. Each suspension rope shall be in one piece.

12. The rope ends shall be fastened to the platform attachment by splicing and tight binding with steel wire, by sealing or by clamping with the aid of rope clamps; wherever possible, thimbles shall be used.

13. Drum anchorages of suspension ropes shall be adequate and secure.

14. Ropes shall be long enough to leave at least two turns on the drum when the cage or platform is at its lowest position, and be of such diameter as to have a safety factor of at least eight under the maximum load.

15. When wire ropes are used, the diameter of the pulleys or drums shall not be less than 400 times the diameter of the wires in the rope.

16. When winch drums are grooved—

- (a) the radius of the grooves shall be approximately the same as, but not less than, the radius of the rope; and
- (b) the pitch of the grooves shall not be less than the diameter of the rope.

17. Winch drums shall be provided with flanges that prevent the rope from slipping off the drum.

18. It shall not be possible to reverse the motion of the hoist without first bringing it to rest.

19. It shall not be possible to set the hoist in motion from the platform.

20. Pawls and ratchet wheels with which the pawl must be disengaged before the platform is lowered shall not be used.

21. Where the person operating the hoist cannot see clearly every position of the platform, arrangements shall be made for effective signals to be given to the hoist operator by a responsible person who can see the platform at each position.

22. (1) When the platform is at rest the brake shall be applied automatically.

(2) During loading and unloading the platform shall be blocked by catches or other devices in addition to the brake.

23. Hoists shall be provided with devices that stop the winding engine as soon as the platform reaches its highest stopping-place.

24. Above the highest stopping-place a clearance shall be provided high enough to allow sufficient unobstructed travel of the cage or platform in case of overwinding.

25. (1) No hoist shall be used unless it has been tested and examined by a competent person and a certificate of such test and examination has been issued by that person in the prescribed form.

(2) Such test and examination shall be repeated—

- (a) at such regular intervals as are prescribed by the competent authority ; and
- (b) after every substantial alteration or repair and every re-erection.

26. (1) The above provisions apply only to hoists used for raising or lowering materials.

(2) No hoist shall be used for the conveyance of persons unless—

- (a) such use has been authorised by the competent authority ;
or
- (b) the hoist complies with the conditions laid down for the installation and operation of lifts used for the conveyance of persons in industrial undertakings.

27. The following notices shall be posted up conspicuously and in very legible characters :

- (a) on all hoists :
 - (i) *on the platform* : the carrying capacity in kilograms or other appropriate standard term of weight ; and
 - (ii) *on the winding engine* : the lifting capacity in kilograms or other appropriate standard term of weight ;
- (b) on hoists authorised or certified for the conveyance of persons :
on the platform or cage : the maximum number of persons to be carried at one time ;
- (c) on hoists for goods only :
on every approach to the hoist : “ Goods Hoist ! Use by persons prohibited. ”

Regulation 35. — Miscellaneous Provisions.

1. Precautions shall be taken to safeguard the workmen examining or lubricating a crane or hoist.

2. No person shall be lifted or carried by a crane except on the driver's platform or ride in a barrow hoist or in a hod hoist.

3. Every part of a load in course of being hoisted or lowered shall be adequately suspended and supported so as to prevent danger.

4. (1) Every receptacle used for hoisting bricks, tiles, slates or other material shall be so closed as to prevent the fall of any of the material.

(2) If loose materials or loaded wheelbarrows are placed directly on a platform for raising or lowering, the platform shall be closed in.

(3) Materials shall not be raised, lowered or slewed in such a way as to cause sudden jerks.

5. In hoisting a barrow, the wheel shall not be used as a means of support unless efficient steps are taken to prevent the axle from slipping out of the bearings.

6. When a special ginpole is used, it shall be secured by ropes in such a way that it cannot knock against the scaffolds.

7. Jibs for hoisting materials shall not be attached to standards or extension poles.

8. When no jib but only a rope pulley is used the latter may be attached to a cross-beam if the cross-beam—

(a) has sufficient strength and is fixed to at least two standards or extensions in the way prescribed for ledgers; and

(b) does not at the same time serve as a ledger for the scaffold.

9. If a hoisting appliance or any part thereof moves along a scaffold, adequate measures shall be taken to prevent persons on the scaffold from being struck by the appliance or any part of it.

10. The hoisting of loads at points where there is a regular flow of traffic shall be carried out in an enclosed space, or if this should be impossible (e.g. in the case of bulky objects), measures shall be taken to hold up or divert the traffic for the time being.

11. Adequate steps shall be taken to prevent a load in course of being hoisted or lowered from coming into contact with any objects in such a manner that part of the load or object may become displaced.

**PART III. — SAFETY EQUIPMENT AND
FIRST AID.**

Regulation 36. — Safety Equipment.

1. Where necessary the employer shall provide the workmen with a sufficient number of respirators, goggles and safety belts of approved types.

2. Safety belts shall have life lines of sufficient length and strength.

Regulation 37. — Rescue Equipment.

When work is carried on in proximity to any place where there is a risk of drowning, all necessary equipment shall be provided and kept ready for use, and all necessary steps taken for the prompt rescue of any person in danger.

Regulation 38. — First-Aid Equipment.

1. On every place where building work is carried on, adequate provision, such as first-aid boxes or cupboards readily accessible and clearly marked, shall be made for the prompt treatment of all injuries likely to be sustained in the course of the work.

2. Such first-aid boxes or cupboards shall be placed under the charge of a responsible person who shall preferably be trained in first aid.

PART IV. — MISCELLANEOUS.

*Regulation 39. — Communication of
Regulations to Workers.*

Copies of these Regulations or such extracts thereof as may be prescribed by the competent authority shall be handed to the workers or conspicuously posted up and maintained at suitable places.

*Regulation 40. — Duty of Employers to
comply with Parts I to III.*

It shall be the duty of the employer to comply with Part I to III of these Regulations.

*Regulation 41. — Co-operation of Workers
and Other Persons with the Employer.*

1. Every person employed and every person in or upon the work shall cooperate with the employer in carrying out these Regulations.

2. Every person employed shall forthwith remedy or report to the employer or foreman any defect that he may discover in the plant or appliances, or any action by any person liable to cause an accident.

3. No person shall interfere with, displace, take away, damage or destroy any of the plant or safeguards required by the foregoing Regulations without the authority of the employer or his responsible foreman.

4. Every person employed shall make proper use of all safeguards, safety devices or other appliances furnished for his protection and shall obey all safety instructions pertaining to his work.

5. Every worker shall take the necessary precautions for his own safety and for the safety of any other person on the site and abstain from any action which might endanger him or other persons.

6. No employed person shall go to or from his workplace otherwise than by the safe means of access and egress provided.

Recommendation [No. 54] concerning inspection in the building industry.

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 Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to inspection in the building industry which is included in the first item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-third day of June of the year one thousand nine hundred and thirty-seven, the following Recommendation which may be cited as the Inspection (Building) Recommendation, 1937 :

Whereas the Safety Provisions (Building) Convention, 1937, and the Safety Provisions (Building) Recommendation, 1937, contain provisions relating to labour inspection ;

Whereas the Conference adopted at its Fifth Session (1923) a Recommendation concerning labour inspection ;

Whereas it is nevertheless desirable that as regards the building industry the attention of Members should be drawn to certain other provisions not included in the above-mentioned Convention and Recommendations ;

The Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration as regards inspection in the building industry :

1. All work in connection with the construction, repair, alteration, maintenance and demolition of buildings of all kinds should be subject to inspection.

2. The authority responsible for inspection (hereinafter called the inspection authority) should be a public body and should have all powers necessary to ensure that the laws and regulations in force are strictly applied.

3. Inspectors should have previous technical training and have passed examinations covering all suitable technical and administrative matters which should ensure that they are competent to supervise effectively the enforcement of the safety regulations for the workers employed in the building industry.

4. In order to ensure effective collaboration between the inspection authority and the head of the undertaking, national laws or regulations should make the head of the undertaking responsible—

- (a) for providing for constant and adequate supervision of the work so as to ensure compliance with the safety provisions in force ;
- (b) for taking all other practicable steps necessary to prevent accidents, and in particular for not employing on work likely to involve risk of accidents any person whom he knows to be deaf, of defective vision, or liable to giddiness ;
- (c) for informing the inspection authority, in conformity with the national laws or regulations, of the commencement of all building operations undertaken by him ; and
- (d) for reporting to the competent authority, in accordance with the national laws or regulations, accidents occurring in the undertaking.

Recommendation [No. 55] concerning co-operation in accident prevention in the building industry.

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 Twenty-third Session on 8 June 1937, and

Having decided upon the adoption of certain proposals with regard to co-operation in accident prevention in the building industry, which is included in the first item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-third day of June of the year one thousand nine hundred and thirty-seven, the following Recommendation which may be cited as the Co-operation in Accident Prevention (Building) Recommendation, 1937 :

Whereas it is considered that in addition to the Safety Provisions (Building) Convention, 1937, the Safety Provisions (Building) Recommendation, 1937, the Inspection (Building) Recommendation, 1937, and the Prevention of Industrial Accidents Recommendation, 1929, it is desirable to make a specific recommendation concerning the prevention of accidents in the building industry by means of safety organisations ;

The Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration in connection with accident prevention in the building industry :

1. There should be established safety organisations within the industry to secure the collaboration of all concerned in effecting a reduction in the number and severity of accidents with particular regard to accident risks for which there are no statutory requirements.

2. In order to render this collaboration effective there should be set up within each undertaking, where it is possible, a special safety organisation including representatives of the employer and the persons employed.

3. It would also be desirable to have direct collaboration between the competent inspector, the employer and the representatives of the persons employed in the undertaking in the form and within the limits fixed by the inspection authority.

4. Safety propaganda in the building industry would be more effective if there were constant co-operation between the

inspection authority and all the organisations concerned : safety organisations (joint or separate) of employers and workers ; trade unions and employers' associations ; associations of architects or engineers ; standards associations, etc. ; accident insurance institutions (public, semi-official or private).

5. (1) Periodical meetings should be held by representatives of the organisations mentioned in the preceding paragraph and representatives of the inspection authority, together with representatives of any other public bodies concerned.

(2) The purpose of such meetings should be to examine jointly the methods that might be taken to improve accident prevention in the building industry.

6. The inspection authority should promote accident prevention by collaborating with all parties concerned in the necessary propaganda, which might take such forms as safety education by training courses, demonstrations, meetings, lectures and films ; the distribution of manuals, pamphlets, magazines or publications reproducing or analysing accident statistics ; and the distribution of posters and notices which should as far as possible be illustrated.

Recommendation [No. 56] concerning vocational education for the building industry.

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 Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to vocational education for the building industry, which is included in the first item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts, this twenty-third day of June of the year one thousand nine hundred and thirty-seven, the following Recommendation which may be cited as the Vocational Education (Building) Recommendation, 1937 :

The Conference,

Recalling that at its Twelfth Session (1929) it adopted a Recommendation concerning the prevention of industrial accidents, one part of which deals with vocational education ;

Considering that, in view of the risk of accident, vocational education is of special importance in the case of the building industry ;

Recommends that technical and vocational school curricula relating to the building industry should include theoretical and practical instruction concerning—

- (a) the materials used for the construction of scaffolds and the principles of erecting and maintaining scaffolds ;
 - (b) the construction and maintenance of the hoisting appliances used in the building industry ;
 - (c) the organisation and supervision of safety measures on building sites ; and
 - (d) the safety regulations for building work.
-

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