

## Paris Peace Conference (1919-1920)

### Commission on International Labour Legislation

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## CHAPTER I.

# The Commission on International Labour Legislation.

### Terms of Reference and Constitution of Commission.

The Commission on International Labour Legislation was appointed by the Peace Conference on 31 January 1919. The terms of reference were as follows :—

“That a Commission, composed of two representatives apiece from the five Great Powers, and five representatives to be elected by the other Powers represented at the Peace Conference, be appointed to inquire into the conditions of employment from the international aspect, and to consider the international means necessary to secure common action on matters affecting conditions of employment, and to recommend the form of a permanent agency to continue such inquiry and consideration in co-operation with and under the direction of the League of Nations.”

At a meeting of the other States on 27 January, 1919, it was agreed that Belgium should nominate two representatives on the Commission, and Cuba, Poland and the Czecho-Slovak Republic one each.

The Commission was composed as follows :—

#### *United States of America—*

Mr. Samuel Gompers, President of the American Federation of Labour ; Hon. A. N. Hurley, President of the American Shipping Board, (substitutes : Hon. H. M. Robinson, Dr. J. T. Shotwell, Professor at Columbia University).

#### *The British Empire—*

The Rt. Hon. G. N. Barnes, M.P., Member of the War Cabinet (substitute : Mr. H. B. Butler, C.B., Assistant Secretary, Ministry of Labour) ; Sir Malcolm Delevingne, K. C. B., Assistant Under-Secretary of State, Home Office.

*France—*

Mr. Colliard, Minister of Labour, (substitute : Mr. Arthur Fontaine, Counsellor of State, Director of Labour) ; Mr. Loucheur, Minister of Industrial Reconstruction, (substitute : Mr. Léon Jouhaux, General Secretary of the Confédération générale du Travail).

*Italy—*

Baron Mayor des Planches, Hon. Ambassador, Commissioner-General for Emigration ; Mr. Cabrini, Deputy, Vice-President of the Supreme Labour Council, (substitute : Mr. Coletti).

*Japan—*

Mr. Otchiai, Envoy Extraordinary, Minister Plenipotentiary of His Majesty The Emperor of Japan at The Hague ; Mr. Oka, formerly Director of Commercial and Industrial Affairs at the Ministry of Agriculture and Commerce.

*Belgium—*

Mr. Vandervelde, Minister of Justice and of State, (substitute : Mr. Lafontaine, Senator) ; Mr. Mahaim, Professor at Liège University, Secretary to the Belgian Section of the Association for the Legal Protection of Workmen.

*Cuba—*

Mr. de Bustamante, Professor at Havana University, (substitutes : Mr. Raphael Martinez Ortiz, Minister Plenipotentiary ; Mr. de Blanck, Minister Plenipotentiary).

*Poland—*

Count Zoltowski, Member of the Polish National Committee, afterwards replaced by Mr. Stanislas Patek, Counsellor of the Court of Cassation, (substitute : Mr. François Sokal, Director-General of Labour).

*Czecho-Slovak Republic—*

Mr. Benes, Minister for Foreign Affairs, afterwards replaced by Mr. Rudolph Broz.

The following were appointed officers of the Commission :—

President, Mr. Samuel Gompers (U. S. A.) ;

Vice-Presidents : The Rt. Hon. G. N. Barnes, M. P. (British Empire) ; Mr. Colliard (France) ;

General Secretary, Mr. Arthur Fontaine (France) ;

Assistant General Secretary, Mr. H. B. Butler (British Empire) ;

Secretaries : Baron Capelle (Substitute, Count de Grunne), (Belgium) ; Mr. di Palma-Castiglione, (Italy) ; Mr. Oyster, (U. S. A.) ; Mr. Yoshisaka, (Japan) .

# Proceedings of the Commission.

## Minutes of Proceedings No. 1.

*The First Meeting of the Commission on International Labour Legislation was held at the Ministry of Labour on 1 February 1919 at 11 a.m.*

### Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Hurley . . . . .	{	
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .	{	
Mr. Colliard . . . . .	{	France.
Mr. Loucheur . . . . .	{	
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .	{	
Mr. Martinez Ortiz . . . . .	{	Cuba.
Count Zoltowski . . . . .	{	Poland.
Mr. Benes . . . . .	{	Czecho-Slovak Republic.

*Mr. Colliard*, Minister of Labour, in opening the sitting, delivered the following address :—

Gentlemen,

I am happy to welcome you here at the Ministry of Labour, which is specially interested in promoting your deliberations. At a time when representatives of the nations are gathered together to endow the world with a real organisation of its associated democracies, the work which we are to undertake assumes a special importance. Indeed, the task which we are called upon to perform will assure the establishment of the democratic idea in the economic sphere, and will complete the significance of the Peace Treaty by guaranteeing the dignity and liberty of human labour by means of international conventions. By the enquiries and researches which we think should be undertaken, as well as by the decisions which we shall take here, we shall have to establish the organisation of a conference at which the productive forces of every nation shall be represented. On that conference will devolve the duty of actually drawing up the International Labour Charter and of guaranteeing its observance. In order that the conference may arrive at the results for which we hope as rapidly and as effectively as possible, it would certainly be desirable that our Commission should indicate the questions it should first examine. Its first duty would appear to be

to review and complete the work of the previous conferences held with similar aims, then to examine the most urgent problems connected with the condition of employment and the protection of the workpeople, and boldly to devise the necessary measures for dealing with these matters.

In the first place we are called upon to appoint the officers who will direct our proceedings. I take the liberty of proposing Mr. Samuel Gompers as President of the Commission. No one appears to be better qualified for this position than the president of the largest and most powerful Trade Union organisation in the world, and our choice would, moreover, be an appropriate testimony to one whose life has been devoted to the interests of the workers and to the struggle for social justice.

The Commission then proceeded to elect its officers.

*Mr. Barnes* associated himself with the sentiments expressed by Mr. Colliard, and seconded his proposal that Mr. Gompers should be appointed President of the Commission.

*Baron Mayor des Planches* thanked Mr. Colliard for his words of welcome, and also supported the proposal to appoint Mr. Gompers as President.

*Mr. Hurley* thanked Mr. Colliard on behalf of Mr. Gompers and the American people.

*Mr. Vandervelde* also associated himself with the proposal to appoint Mr. Gompers as President. He regarded Mr. Gompers as representing the effective combination of Trade Union and legislative action in Labour matters.

*Mr. Benes* emphasised the industrial importance of the Czechoslovak Republic, which comprised the greater part of the industrial production of the former Austro-Hungarian Monarchy.

*Count Zoltowski* said he would be glad to see Mr. Gompers elected President. Polish workers had always been warmly welcomed in the United States. They were dispersed in the factories of many countries, and were therefore much concerned with the question of establishing a code of International Labour Legislation.

Mr. Gompers was then elected President of the Commission.

*Mr. Gompers*, in taking the chair, thanked the Commission for the honour which they had conferred upon him. The whole world was in process of reconstruction, and the work which the Commission was undertaking was of the first importance. It was a great privilege to have lived in such an epoch, and to have contributed to the defeat of militarism and autocracy. If the Commission could make a real contribution to the welfare of humanity, the whole world would hold it in grateful remembrance.

*Mr. Barnes* proposed to appoint two General Secretaries, one French and one English, Mr. Arthur Fontaine and Mr. Butler,

since the proceedings of the Commission would be in French and English.

*Mr. Loucheur* thought that as the official language of the conference would be French, there should be a French General Secretary, and in order to meet the situation suggested that there should be an English Assistant General Secretary.

*Mr. Barnes* said that the question of the official language had not yet been settled by the Peace Conference.

*Mr. Colliard* thought there should be only one General Secretary, who should be responsible for the Secretariat, and an Assistant General Secretary.

*Mr. Vandervelde* observed that, although the question of the official language was not settled, most of the members present appeared to speak French. He added that it was necessary that there should be only one official version of the proceedings, and he accordingly proposed that it should be in French.

*Mr. Loucheur* agreed that the settlement of the question of the official language should be left to the Peace Conference. He proposed simply to create a General Secretariat, to appoint a French General Secretary and an Assistant General Secretary, who could be English, and, if necessary, other Secretaries.

*Baron Mayor des Planches* thought that several Assistant Secretaries would be necessary.

*Sir Malcolm Delevingne* accepted *Mr. Loucheur's* proposal to reserve the question of the language for settlement by the Peace Conference. He supported the appointment of *Mr. Fontaine* as General Secretary.

The Commission unanimously adopted this proposal. The question of language was reserved. A General Secretariat was appointed, and *Mr. Arthur Fontaine* was nominated General Secretary to the Commission.

• *Mr. Barnes* proposed *Mr. Butler* as Assistant General Secretary.

*Mr. Loucheur* seconded this proposal, which was adopted.

*Mr. Loucheur* proposed the appointment of two other Secretaries, one nominated by Italy, as *Baron Mayor des Planches* had requested, the other nominated by the other Powers.

*Mr. Vandervelde* remarked that among the other Powers Belgium was industrially the most important country. He, therefore, asked that a Belgian should be included in the Secretariat.

*The President* proposed to the Commission that two Secretaries should be appointed, and this proposal was adopted.

*Baron Mayor des Planches* proposed the appointment of *Mr. di Palma Castiglione*, who was accordingly elected.

With regard to the election of the second Secretary, *Mr. Benes* suggested that this position should be reserved for the smaller States. He again drew attention to their industrial importance,

but he willingly agreed that the representative nominated by Belgium should also represent the other States.

*Count Zoltowski* seconded *Mr. Benes'* proposal.

*Mr. Martinez Ortiz* (Cuba) laid stress on the great importance of the industrial interests of Latin America.

The Commission, on the motion of the *President*, agreed to *Mr. Benes'* proposal, and it was accordingly agreed that the appointment of another Secretary should rest with Belgium.

*Mr. Loucheur* proposed that before the adjournment the date of the next meeting should be fixed. He understood that the British Delegation had drawn up detailed proposals for an International Conference<sup>1</sup>, and asked that they might be circulated at the earliest possible moment.

*Mr. Barnes* promised to distribute copies of this document to the members of the Commission as soon as possible.

*Mr. Colliard* asked that the Delegations which had prepared proposals should communicate them either directly to the members or to the General Secretary, who would see to their distribution.

*Mr. Vandervelde* proposed that the next meeting should be fixed for a date which would enable them to study and consider the documents circulated. They could then meet again on fixed dates.

*Mr. Barnes* thought that there should be four meetings weekly, and that the first meeting should take place on Tuesday.

After some discussion the meeting was fixed for Tuesday, 4 February, at 5 p.m.

*The President* thought that information should be given to the press. The Commission agreed that after each sitting a communiqué, prepared by the General Secretariat and approved by the President, should be distributed to the press.

As regards the present sitting, it would be sufficient to announce the inauguration of the work of the Commission and the names of the officers appointed.

*(The Commission rose at 1 p.m.)*

Samuel GOMPERS, *President*.

Arthur FONTAINE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

<sup>1</sup> See pp. 9-16

## Minutes of Proceedings No. 2.

*The Second Meeting of the Commission on International Labour Legislation, held at the Ministry of Labour on 4 February 1919 at 5 p.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	}	United States of America.
Mr. Robinson ( <i>vice</i> Mr. Hurley). . . . .		
Mr. Barnes . . . . .	}	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Colliard . . . . .	}	France.
Mr. Loucheur . . . . .		
Baron Mayor des Planches . . . . .	}	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	}	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	}	Belgium.
Mr. Mahaim . . . . .		
Mr. Martinez Ortiz . . . . .		Cuba.
Count Zoltowski . . . . .		Poland.
Mr. Broz ( <i>vice</i> Mr. Benes). . . . .		Czecho-Slovak Republic.

Mr. Broz asked if he might take the place of Mr. Benes, who was unable to attend.

The President proposed that Mr. Robinson should take the place of Mr. Hurley, who had been recalled to America.

Mr. Loucheur asked that any substitute introduced might be vouched for by credentials in writing. He was not, however, raising any objection to the admission of the two substitutes in question on that occasion. They were accordingly admitted. (Mr. Benes arrived later during the sitting.)

Mr. Barnes stated that it would be necessary for him to absent himself from the Commission, in order to attend the opening of the new Parliament in England, and offered his apologies to the Commission.

Mr. Arthur Fontaine, General Secretary, drew attention to an error in the French text of the Minutes of the previous Meeting on p. 3, line 18, where, instead of "Conférence", the word "Commission" should be read.

On the President's motion, the Minutes were adopted with the necessary amendment.

Mr. Vandervelde moved that two Vice-Presidents should be appointed, and proposed the names of Mr. Barnes, Member of



the British Cabinet, and Mr. Colliard, French Minister of Labour. The motion was carried.

*Mr. Barnes* then moved that the British draft<sup>1</sup> should be taken as the immediate basis of discussion, seeing that it was the only document which had actually been communicated in both languages to all the members of the Commission, since the French proposals had not yet been translated.

*Mr. Robinson* seconded the motion.

*Baron des Planches* supported Mr. Barnes' motion subject to the presentation of a statement by the Italian Delegation before the debate commenced.

*Mr. Vandervelde* pointed out that the British proposal contemplated that the first meeting of the International Conference would not take place until after the Treaty of Peace had been signed. He thought that the French and Belgian Workers' Organisations would prefer that it should meet before the conclusion of the Peace Treaty, and that certain general principles ought to be included in the Treaty of Peace itself.

*Mr. Colliard* asked what countries would be represented in the event of the Conference meeting before the signature of the Peace Treaty, and, in particular, whether the enemy countries would be invited. He felt bound to point out this difficulty.

The Commission decided to adopt the British draft as a basis of discussion.

*Baron Mayor des Planches* then read a statement by the Italian Delegation, generally supporting the British proposals, and putting forward certain questions<sup>2</sup>. (This statement is circulated with the Minutes.)

*Mr. Barnes* then explained the general principles of the British scheme, after which the President declared it open for discussion.

*Mr. Gompers* stated that, for his own part, he was in agreement with the principles of the scheme, but he raised some objections on certain points, notably, in regard to the financial arrangements proposed in connection with the International Organisation, on the method of voting, and of selecting representatives of the work-people. He further stated that the American Federation of Labour had drawn up a certain number of propositions<sup>3</sup> which they wished included in the Treaty of Peace, namely, an eight hours' day, abolition of home work, freedom of association, of meeting, and of the press.

*Mr. Benes* asked for an explanation as to the number of votes allotted to the Government Delegates at the International Conference.

<sup>1</sup> See pp. 9-16.

<sup>2</sup> See p. 240.

<sup>3</sup> See p. 225.

*Mr. Colliard* observed that that was a question which should be dealt with in the discussion of the particular articles, rather than in the general discussion.

*Mr. Mahaim* asked that the general discussion should not be regarded as finished. For his own part, he had still some observations to make, and therefore requested that the general discussion might be continued at the next sitting.

*Sir Malcolm Delevingne* seconded this proposal. It was then put to the Commission and adopted.

After discussion, the next meeting was fixed for Wednesday, 5 February at 2.30. p.m. It was agreed that the days and hours of the ordinary sitting of the Commission should be settled at that meeting.

*(The Commission rose at 7 p.m.)*

Samuel GOMPERS, *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

## PROPOSAL SUBMITTED BY THE DELEGATES OF THE BRITISH EMPIRE.

### **A Draft Convention creating a Permanent Organisation for the Promotion of the International Regulation of Labour Conditions.**

#### *Preamble.*

WHEREAS the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon the prosperity and contentment of all classes in all nations ;

And whereas conditions of labour exist which involve injustice, hardship, and privation to large numbers of people, and which are productive of unrest which is a menace to the peace and harmony of the world; and an improvement of these conditions is urgently required : as for example, by the regulation of the hours of work, the prevention of unemployment, the provision of a living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of child and female labour, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, and other measures ;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following convention :—

## CHAPTER I. — *Organisation.*

1. The High Contracting Parties, being the States members of the League of Nations, agree to establish a permanent organisation for the promotion of the objects set forth in the Preamble, and for this purpose agree to accept the provisions contained in the following Articles.

2. The permanent organisation shall consist of (i) a General Conference of representatives of the High Contracting Parties, and (ii) an International Labour Office controlled by the Governing Body described in Article 7.

3. A General Conference of representatives of the High Contracting Parties shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of three representatives of each of the High Contracting Parties, of whom one shall be the Government delegate and the others shall be delegates representing respectively the employers and the workpeople of each of the High Contracting Parties.

The High Contracting Parties undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organisations most representative of employers or workpeople, as the case may be, in their respective countries.

Each of the delegates may be accompanied by not more than two advisers. The advisers may attend the meetings of the Conference, but may not speak or vote.

A delegate may in writing, addressed to the President, appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the delegates and their advisers will be communicated to the International Labour Office by the Government of each of the High Contracting Parties.

The credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with the undertaking contained in this Article.

4. A Government delegate shall be entitled to two votes, and a non-Government delegate shall be entitled to one vote at any meeting of the Conference. Every delegate shall be entitled to vote independently on all matters which are taken into consideration by the Conference.

If one of the High Contracting Parties fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the Conference but not to vote.

If in accordance with Article 3 the Conference refuses admission to a delegate of one of the High Contracting Parties, the provisions of the present Article shall apply as if that delegate had not been nominated.

5. The meetings of the Conference shall be held at the capital of the League of Nations.

6. The International Labour Office shall be established at the capital of the League of Nations as part of the organisation of the League.

7. The International Labour Office shall be under the control of a Governing Body consisting of 24 members, appointed in accordance with the provisions of the Protocol hereto.

The Governing Body shall meet from time to time as occasion may require.

8. There shall be a Director of the International Labour Office appointed from time to time by the Governing Body, who shall, subject to the instructions of the Governing Body, be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

Pending the first appointment of a Director, the functions of the Director shall be performed by the person named in the Protocol hereto.

9. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of employment, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the Agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this convention in connection with international disputes.

It will edit and publish a periodical paper in the French and English languages dealing with problems of industry and employment of international interest.

10. The Government Departments of any of the High Contracting Parties which deal with questions of industry and employment may communicate directly with the Director through the representative of their State on the Governing Body of the International Labour Office, or, failing any such representative, through such other qualified official as the Government may nominate for the purpose.

11. The International Labour Office shall be entitled to the assistance of the Chancellor of the League of Nations in any matter in which it can be given.

12. Each of the High Contracting Parties will pay the travelling and subsistence expenses of its representatives attending the meetings of the Conference or Governing Body.

All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Chancellor of the League out of the general funds of the League.

The Director shall be responsible to the Chancellor of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

## CHAPTER II. — *Procedure.*

13. The Agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the Agenda that may be made by the Government of any of the High Contracting Parties or by any representative organisation recognised for the purpose of Article 3.

14. The Director shall act as the Secretary of the Conference, and shall circulate the Agenda to the High Contracting Parties three months before the meeting of the Conference.

15. After the circulation of the Agenda, any of the High Contracting Parties may formally object to the inclusion of any item or items in the Agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the High Contracting Parties. Items to which such objection has been made shall not, however, be excluded from the Agenda, if at the Conference a majority of two-thirds of the votes cast is in favour of considering them.

16. The Conference shall regulate its own procedure, and may appoint Committees to consider and report on any matter.

In all matters covered by this Article, the Conference may decide by a simple majority of the votes cast.

17. The Conference may add to any Committees which they appoint technical experts, who shall be assessors without power to vote.

18. When the Conference has approved any proposals as to an item in the Agenda, these proposals shall be embodied in the form of an international convention.

This convention shall then forthwith be laid for final consideration and decision before the Conference.

If the convention receives the support of two-thirds of the votes cast, it shall be held to be adopted by the Conference, and a copy of the convention authenticated by the signatures of the

President of the Conference and of the Director shall be deposited with the Chancellor of the League of Nations.

Each of the High Contracting Parties undertakes that it will within the period of one year from the end of the meeting of the Conference communicate its formal ratification of the convention to the Director, and will forthwith take all steps necessary to put the convention into operation, unless such convention is disapproved by its legislature.

19. Any convention so ratified shall be registered by the Director with the Chancellor of the League and shall, subject to any conditions as to ratification which may be contained in the convention itself, be binding upon all States which have ratified it or which shall subsequently adhere to it.

20. If any convention laid before the Conference for final consideration fails to secure the support of two-thirds of the votes cast, it shall nevertheless be within the right of any of the High Contracting Parties to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Governments of the States concerned to the Director, who shall register it with the Chancellor of the League of Nations.

21. The High Contracting Parties agree to make an annual report to the International Labour Office on the measures which they have taken to give effect to the provisions of conventions to which they are parties. These reports shall be made in such form and shall contain such particulars as the Governing Body may direct. The Director shall lay a summary of these reports before the next meeting of the Conference.

22. In the event of any representation being made to the International Labour Office that any of the High Contracting Parties has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the State against which it is made and may invite that State to make such statement on the subject as it may think fit.

23. If no statement is received within a reasonable time from the State against which the representation is made, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

24. Any of the High Contracting Parties shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other of the High Contracting Parties is securing the effective observance of any convention.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the State against which the complaint is made in the manner described in Article 22.

If the Governing Body do not think it necessary to communicate the complaint to the State against which it is made, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the complaining State considers to be satisfactory, the Governing Body shall apply for the appointment of a Commission of Enquiry to consider the complaints and to report thereon.

25. The Commission of Enquiry shall be constituted in accordance with the following provisions :—

The High Contracting Parties agree to nominate, within six months of the date on which this convention comes into force, three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workpeople, and one a person of independent standing, who shall together form a panel from which the members of the Commission of Enquiry shall be drawn.

Upon the application of the Governing Body, the Chancellor of the League shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any State directly concerned in the complaint.

26. The High Contracting Parties agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 24, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

27. When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, against the commerce of a defaulting State which it considers to be appropriate, and which other States would be justified in adopting.

28. The report of the Commission of Enquiry shall be communicated by the Chancellor to each of the States concerned in the complaint, and the Chancellor shall cause it to be published.

Each of these States shall within one month inform the Chancellor of the League whether or not it accepts the recommendations contained in the report of the Commission ; and if not, whether it proposes to refer the complaint to an International Court.

Pending the creation of a Permanent Court of International Justice, the International Court referred to in this Article shall

be a tribunal of arbitration nominated by the Chancellor of the League from among the members of the Permanent Court created by the Convention for the Pacific Settlement of International Disputes.

29. In the event of any of the High Contracting Parties failing to take within the specified period the action required by Article 18, any other of the High Contracting Parties shall be entitled to refer the matter to the International Court referred to above.

30. The decision of an International Court to which a complaint has been referred shall be final.

31. The International Court may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, against the commerce of the defaulting State which it considers to be appropriate, and which other States would be justified in adopting.

32. In the event of any State failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the International Court, as the case may be, any other State may take against the commerce of that State the measures indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

33. The defaulting State may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or in the decision of the Court, as the case may be, and may request it to apply to the Chancellor of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 25, 26, 27, 28, 30 and 31 shall apply, and if the report of the Commission of Enquiry or decision of the International Court is in favour of the defaulting State, the other States shall forthwith discontinue the measures that they have taken against the commerce of the defaulting State.

### CHAPTER III. — *General.*

34. The self-governing Dominions of the British Empire and India may become parties to this convention, and have the same rights and obligations thereunder as if they were independent States.

35. Any State not a party to this convention, which may hereafter become a member of the League of Nations, shall be deemed *ipso facto* to have adhered to this convention.

36. Amendments to the provisions of this convention may be submitted to the Conference, but shall only come into effect





Mr. Barnes . . . . .	}	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Colliard . . . . .		France.
Baron Mayor des Planches . . . . .	}	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	}	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	}	Belgium.
Mr. Mahaim . . . . .		
Mr. Broz ( <i>vice</i> Mr. Benes) . . . . .		Czecho-Slovak Republic.
Count Zoltowski . . . . .		Poland.
Mr. Martinez Ortiz . . . . .		Cuba.

After discussion the Commission decided that in future its meetings would take place as follows :—

Monday . . . . .	2.30 p.m.
Wednesday . . . . .	10 a.m.
Thursday . . . . .	10 a.m.
Friday . . . . .	10 a.m.

The Commission then resumed the general discussion of the Draft Convention presented by the British Delegation.

*Mr. Mahaim* said that, in view of the non-representation of enemy and neutral countries, the work of the Commission would be of a preliminary character. It would not have to present the text of an actual Labour Treaty, but only to create a permanent organisation which would be the most effective part of the organisation of the League of Nations. The British scheme rightly laid stress mainly on the question of organisation, but it was deficient in one respect. It did not appear to take account of the existing international labour legislation, *i.e.*, the Berne Convention of 1906 and the Draft Convention drawn up by the technical delegates of the different States at Berne in 1913. All the States signing the Peace Treaty should therefore be invited to adhere to these conventions. He then discussed the three parts of the organisation proposed by the British scheme, namely, the International Conference, the International Labour Office, and the Governing Body. He insisted on the necessity of all States, large or small, being equally represented. He drew attention to the peculiar position of the United States of America, where labour legislation was within the jurisdiction of the individual States and not of the Federal Government. Nevertheless, he hoped that *Mr. Gompers'* presence indicated that some modification of this state of affairs might be expected.

As regards the economic sanctions proposed in the British scheme, he pointed out the danger of encouraging protectionist measures.

*Sir Malcolm Delevingne* replied to some of the criticisms which had been made of the British scheme. The British Delegation agreed that the first meeting of the International Labour Conference should take place as soon as possible, and suggested that for that purpose the Peace Conference should authorise the provisional appointment of a Director and the provisional formation of the Governing Body.

As regards the appointment of the representatives of the workers, he pointed out that Article III of the draft provided that the Governments must agree with the organisations of the employers and workers on the nomination of their delegates, and that the Conference had the right to refuse admission to delegates improperly nominated.

As regards the double vote allotted to the Governments, it was justified by the fact that it was the Governments which undertook the obligation of carrying out the conventions.

In reply to Mr. Mahaim he pointed out that the existing conventions could be dealt with and adopted by the first International Labour Conference, but there was no necessity to include them in the Peace Treaty. The absolute equality of States claimed by Mr. Mahaim was guaranteed by the constitution of the Conference itself. As to the sanctions, they could only be enforced against States which refused to carry out their obligations, and even then only on the authority of the League of Nations, to which the defaulting States would always have the right of appeal.

*Mr. Vandervelde* approved the general lines of the British scheme, but inquired who would set up the proposed organisation. Would it be the Inter-Allied Conference now sitting, or the Peace Congress?

*Baron Mayor des Planches* expressed himself in similar terms.

*Mr. Arthur Fontaine* pointed out that only the Peace Conference could take decisions; the Commission could only make recommendations. Whatever the final decision of the Peace Conference as regards the date of the meeting of the first International Labour Conference, the work of the Commission would be the same. The British scheme was applicable in any event, and could therefore be discussed at once.

*The President* thought that the discussion had thrown much light on the whole matter. As regards the preamble, he pointed out that it was not a question of producing contentment among the workers, but of ensuring progress and a state of industrial justice. In his opinion, the criticism made of the number of votes allotted to Governments' representatives was justified. In every sphere of society there were employers and employed, and together they composed the whole of society. He added that almost in every case the employers and the workmen would vote in different senses.

*Mr. Barnes* moved that the draft should be discussed article by article, the preamble being left aside for the present.

*Baron Mayor des Planches* seconded the motion.

*The President* asked that it might be noted in the Minutes that he had received a copy of the British draft from the General Secretary of the Peace Conference.

*Mr. Barnes'* motion was then put to the Commission and adopted, the general discussion being thereby brought to a close.

Before passing to the discussion of the individual articles, *the President* asked permission to read a declaration by the American Federation of Labour<sup>1</sup>, which constituted its programme of peace. He then read the declaration.

*Mr. Arthur Fontaine* proposed that this declaration of the American Federation of Labour be translated, and that the English and French texts should be circulated to the members of the Commission. This was agreed to.

*(The Commission adjourned at 5.30 p.m.)*

Samuel GOMPERS, *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

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### **Memorandum by the British Delegation on the question of Voting Power at the Conference.**

There are four proposals before the Commission :—

1 The British proposal that each Government Delegate should have two votes and every other Delegate one.

2. The British proposal as modified by the first suggestion of *Mr. Vandervelde*, viz., that each State should have two Government Delegates, with one vote each.

3. The proposal of *Mr. Gompers*, that all parties, State, employer and employed, should have equal representation and equal voting power.

4. The second proposal of *Mr. Vandervelde*, that the State, employer and employed, shall each have one Delegate with one vote, except that at the final stage when the Convention embodying the decisions of the Conference is submitted for the final approval of the Conference, each Government Delegate shall have two votes.

<sup>1</sup> See p. 225.

### *The Procedure at a Meeting of the Conference.*

Before examining the merits of these different proposals, it is necessary to explain the procedure that will be followed at the Conference in connection with the discussion of a proposal for an International Convention, according to the intention of the British scheme. (The procedure is not as clearly indicated as it might be in the British draft, and the British Delegation will suggest amendments to define the procedure more precisely.) For convenience of explanation, let us suppose the question of the weekly rest is the subject under consideration.

The International Labour Office, after collecting the necessary information and examining the question in all its aspects, will prepare a full report on the subject of the weekly rest for the consideration of the Conference, including suggestions as to the general principles and their practical application which might be adopted as the basis of an International Convention ("base d'une Convention internationale").

If any State had objected to the inclusion of this question in the Agenda, the Conference would first have to decide whether the question should be taken into consideration. A two-thirds majority of the votes cast would be necessary to secure its inclusion.

Supposing the question is retained on the Agenda, the Conference would then proceed to consider the subject-matter of the weekly rest and would presumably adopt as a basis for discussion the suggestions of the International Labour Office.

At this stage, at which the general principles, the method of their application in particular industries or circumstances, the exceptions and delays to be allowed, etc., will be decided, all questions will be determined by a *simple majority* of the votes cast.

A simple majority only is required at this stage, and not a two-thirds majority, for this reason. If a two-thirds majority were required to carry a proposal, the decision on a particular point might represent the views of a minority of the Conference. For instance, if a proposal were made to exempt a particular occupation from the general rule as to the weekly rest and a majority of the Conference, but not a two-thirds majority, were in favour of the proposal, the proposal would be lost and the exemption would not be allowed — which would be the view of the minority only of the Conference.

When the foregoing stage is finished, the decisions of the Conference will be cast ("redigées") in the form of an International Convention on the subject of the weekly rest, and will be submitted for the final approval of the Conference.

The Conference would examine and approve the articles of the Convention, article by article, all decisions as to particular articles being determined by a simple majority as at the previous stage, and for the same reason.

The articles having been examined, the Convention as a whole would then be submitted for the final and definitive vote of the Conference. At this stage, it is proposed by the British scheme that a two-thirds majority of all the votes cast should be required for the adoption of the Convention. It seems right that a Convention which imposes definite obligations on all the States which are members of the League of Nations, and which, coming from the Conference, will carry great moral weight, should possess the support of a substantial majority of the Conference. If a Convention could be adopted in cases where there was only a very small majority in its favour, many countries would no doubt refuse to ratify the Convention, and the cause of international labour legislation would not be promoted, but rather hindered.

### *Examination of the different Proposals as to Voting Power.*

We pass now to the consideration of the question of *voting power*. It seems to have been understood by some members of the Commission that the purpose of the British proposal to give the Government Delegate a voting power equal to that of the two non-Government Delegates together was to enable the State to exercise a veto, and the question was naturally asked why the veto possessed by the national legislature was not sufficient. This, however, was not the object of the proposal. The British Delegation have had mainly in view the necessity of devising machinery which would most rapidly and smoothly bring about the adoption by the members of the League of agreements for the improvement of labour conditions, and lay the foundations of that International Labour Charter which it is the desire of all members of the Commission to secure. Unless the Commission can frame an organisation which will produce practical results, and not merely barren discussions and impracticable resolutions, the labour of the Commission will be in vain. Considering the matter from this point of view, and bearing in mind that the final decision has to be taken by the State Governments, the practical question for consideration is under which system is the Conference most likely to reach useful decisions which would be consistent with the interests of the State as a whole and possible for it to accept. The British scheme proposes to secure this by giving one-half of the voting power in the Conference to the State Delegates. It will be observed that it is not proposed to give the State representatives a *dominating* voice. Both the workers' representatives and the employers' representatives will, by their right of free discussion and independent voting, be able to exercise great influence on the decisions of the Conferences. Indeed, if the labour representatives act together and vote wholly or largely as a block, their influence will be powerful, as the views of both the States' representatives and of the employers' representatives will often be divided. What the scheme does is to secure that on questions on which the opinion of a *substantial*

majority of the Governments represented is in agreement, that opinion would usually prevail. This seems desirable. For instance, suppose that a majority of the Governments were opposed to certain proposals on, say, the subject of the position of alien workers, and that the Conference (under the system of one Delegate, one vote) were able to carry the proposals against the opposition of a majority of the Governments, the only result would be that nothing would be done, the labour of the Conference would have been wasted, and the International Labour Organisation would tend to become discredited.

The British Delegation venture to think that their proposal will prove greatly to the advantage of labour itself. If Mr. Gompers' proposal of one Delegate one vote were accepted, it would hardly ever be possible for the labour representatives to carry any proposal against the united opposition of the employers' representatives. Suppose that the number of States which are members of the League of Nations, and therefore also of the International Labour Organisation, is thirty. Under the system of one Delegate one vote, the voting power at the Conference would consist of 30 State votes, 30 employers' votes, 30 workers' votes — 90 in all. To carry the adoption of a Convention, two-thirds of these votes, i.e., 60 votes, would be required; and if only 31 votes were cast against a proposal, it would be defeated. Therefore a combination of all the employers and one State, or the majority of employers and a few States, would be sufficient to defeat the proposals which labour supported. Under such conditions it will be difficult to secure great or rapid advances in the improvement of labour conditions. *Those who support the principle of one Delegate one vote should not overlook the probability that some of the smaller and less advanced States will be unwilling to adopt the standards which exist or are proposed in the advanced countries, and will combine with employers to oppose them.* If, on the contrary, the State has double voting power, the difficulty of carrying Conventions against a strong opposition from the employers will not be so great. Thus, if the number of States represented is taken at thirty, the voting power would be 60 State votes, 30 employers' votes, 30 workers' votes — 120 in all. Forty-one votes will be required to defeat a Convention at the final stage, so that at least six States, as well as all the employers, would have to vote against it in order to defeat it.

The same difficulty would arise, though not so acutely perhaps, at the earlier stages of the proceedings of the Conference when a decision is taken by a majority only. A block consisting of 30 employers' votes, with the votes of the Government and workers' representatives of eight of the backward countries, would be sufficient (under the proposal of one Delegate one vote) to carry its views at every stage. Under the British proposal, on the other hand, the support of more than a third of the Government and workers' representatives, as well as all the employers' representatives, would be necessary.

Another argument which should carry weight is that the task of the Conference is not limited to deciding on certain general principles and leaving it to the State legislatures and executives to work out their practical application. The Conference itself will have to settle the actual provisions of the International Conventions which are to be presented to the different States for adoption. The preparation of Conventions is a matter which up till the present has always been undertaken by the Governments themselves, and requires wide experience of administration, familiarity with the whole industrial and commercial situation and not merely of the situation in a particular industry, and knowledge of the existing labour laws of the State on which the Convention will be grafted.

There is no provision for the alteration of a Convention by the States when it has been presented to them by the Conference : they must either adopt it or reject it as it stands. Those who had experience of the work of drawing up the existing Labour Conventions at Berne will know how many questions and difficulties arise in working out the application of a general principle. The British Delegates believe that their proposal, by giving special weight to the views of the Governments in such matters, will help the Conference to accomplish its task successfully.

The British Delegation therefore submit that on both grounds, viz :—

(1) that the organisation will be useless, and worse than useless, if it fails to produce results which the responsible Governments can accept ;

(2) that labour will be powerless on the Conference against a combination of employers if the State representatives have no greater voting powers than the other Delegates ;

the proposal which they have made is the best, and should be adopted by the Commission.

It is the opinion of Mr. Gompers and some other Delegates on the Commission that labour will have no confidence in a scheme in which the State has greater voting power than itself. This suggestion was dealt with very fully by Mr. Barnes at the fifth meeting of the Commission, who pointed out (a) that British organised labour had not taken that view, and (b) that the Governments of the industrial States are already greatly influenced by the opinions and desires of labour and will be more so in the future. The British Delegation recognise that the position of other countries may not be altogether the same in this respect as the position in the United Kingdom. Organised labour is strongly represented in the British Parliament, it is in direct relations with the Government administration and is constantly consulted by it, and for a long time it has looked to the State to give effect, through national legislation, to the measures it desires for the improvement of labour conditions. In other countries, perhaps, the political action of labour has not been so strongly developed.



The whole object, however, of the proposal now before the Commission for the institution of an international labour organisation is to secure international labour *legislation* — in other words, to secure political action from the States for the improvement of labour conditions. Without the support of the State Governments the labours of the Conference will produce no results. The ideal we are aiming at is that, both nationally and internationally, the Governments of the world will use more and more the powers of the State to bring about the improvement of the conditions of labour.

At the same time, let us recognise that the Government is the representative of the whole people, and must safeguard, so far as possible, the welfare of all. The principle of one Delegate one vote assumes that the interest of each of the three parties represented is equal, and could only be justified if that assumption is correct. If the assumption is not correct, we can see no infringement of the principle of equality of representation in giving to the State, which represents the whole population, a greater voice than the representation of a particular section only of the population, however important.

There remains for consideration the compromise suggested by Mr. Vandervelde. The British Delegation are not disposed to accept it for the simple reason that, in their opinion, it is impracticable. We have explained above the manner in which we conceive the deliberations of the Conference will be carried on. If Mr. Vandervelde's suggestion were adopted, decisions taken in the first stage of the proceedings of the Conference would be liable to be overthrown in the second stage, as the Conference would have the power to reject either the whole Convention or any particular part of it. The Conference would consequently be placed in a position of great difficulty at the first stage, as it would have no certainty that any decision it might take on the different questions arising in connection with the proposal before it would be the final decision, nor could it forecast with any accuracy what the decision at the final stage would be likely to be. The British Delegation fear that great dissatisfaction and friction would result if proposals adopted at the first stage were rejected at the final stage. It seems to the British Delegation that the same system of voting should prevail throughout the proceedings of the Conference.

Finally, it is necessary to bear in mind that the Commission is preparing a scheme, not only for the States represented at the Peace Conference, but for all States which will hereafter be members of the League of Nations. These other States are at very different stages of political and industrial development, and the Commission must take account of the conditions in other countries besides the United States, France, Great Britain, etc. It is, to say the least, extremely probable that many Governments would object very strongly to a scheme under which they exercised only one-third of the voting power in respect of their State.

The British Delegation are of opinion that if the reasons for the systems proposed in the scheme are fully explained in the Report which will be submitted by the Commission to the Peace Conference, and are placed before the world, the representatives of labour will give their support to the scheme, as they have already done in Great Britain.

### Minutes of Proceedings No. 4.

*The Fourth Meeting of the Commission on International Labour Legislation, held at the Ministry of Labour on 6 February 1919 at 10 a.m.*

Mr. GOMPERS *in the Chair.*

Delegates present :

Mr. Gompers . . . . .	United States of America.
Mr. Barnes . . . . .	} British Empire.
Sir Malcolm Delevingne . . . . .	
Mr. Colliard . . . . .	France.
Baron Mayor des Planches . . . . .	} Italy.
Mr. Cabrini . . . . .	
Mr. Otchiai . . . . .	} Japan.
Mr. Oka . . . . .	
Mr. Vandervelde . . . . .	} Belgium.
Mr. Mahaim . . . . .	
Mr. Broz ( <i>vice</i> Mr. Benes). . . . .	Czecho-Slovak Republic.
Count Zoltowski . . . . .	Poland.

The Minutes of the Second Meeting of the Commission were approved.

The Commission commenced to discuss the British draft article by article. After a discussion arising out of a statement by Mr. Otchiai that for the moment the Japanese Delegation must reserve their opinion, Mr. Barnes proposed that the discussion concluded at the previous sitting should be regarded as the first reading. The discussion of the draft article by article should be regarded as the second reading, and that between the second and third readings the delegates should be given time to consult confidentially their Governments, their trade unions, and employers' associations. This motion was carried.

### *Article I.*

*Mr. Barnes* read the article and pointed out that it implied that all members of the League of Nations should become parties to the proposed convention. For the moment the Allies alone were concerned, but later neutral and even enemy countries would be included on their becoming members of the League of Nations.

Arising out of an observation by *Mr. Mahaim* as regards the wording of the French version of the article, it was decided that the General Secretary should be invited to draft a French translation corresponding exactly to the English text.

On the motion of *the President* the Commission agreed to adopt the following text :—

“The High Contracting Parties, being the States members of the League of Nations, hereby establish a permanent organisation for the promotion of the objects set forth in the Preamble, and for this purpose hereby accept the provisions contained in the following articles.”

### *Article II.*

The article was agreed to after discussion.

### *Article III.*

After reading the article *Mr. Barnes* dealt with the question of the relative weight which should be accorded to the Government representatives of each country. Article III of the British draft provided for one representative of the Government, one of the employers, and one of the workpeople ; on the other hand, Article IV gave two votes to the Government representative. *Mr. Gompers* had objected to one delegate exercising two votes. In these circumstances he wished to support the suggestion made by *Mr. Vandervelde* that each national delegation should include two Government representatives.

*Mr. Vandervelde* agreed that it was desirable, seeing that each delegate would vote individually, and that the Government should be given equal voting power to that of the employers and workpeople combined. He emphasised the necessity of giving weight to the interests of society as a whole equal to that of the employers and workpeople. As regards the allegation that Governments must be regarded as representing capitalist interests he would point out that, in fact, as regards labour legislation Governments frequently adopted, at least partially, the point of view of the working classes against that of the employers. He, therefore, favoured the idea that the Government should have two representatives, thus avoiding the objection that might be raised against giving two votes to one man. The consumers, as a whole, would thus have equal representation to the producers as a whole. On the other hand, the Governments, as being responsible for entering into engagements, would be able to impose their vote on the

proposals which they considered would not be acceptable to their Parliaments.

*The President* raised a small point of drafting on paragraph 4 of the article. He remarked that the reference made to the "President" in the article under consideration required that rules be inserted in the convention for the appointment of a President. No provision to that effect had so far been made; it was, therefore, desirable that the words "as herein provided" should be inserted after the word "President". On the question at issue he regretted that he could not agree with Mr. Barnes and Mr. Vandervelde, but he did not think it was necessary that the Governments should have the right of veto at the Conference since such a right was already vested in their respective Parliaments. On the contrary, he thought it necessary, in order to create confidence in the minds of the working-classes, that they should be given representation in the Conference at least equal to that of the State and the employers. There was no justification for dividing the people into consumers and producers. The whole of the population should be considered as consisting only of employers and employees; and it was they alone who had to discuss labour problems. The Commission should not lose the unique opportunity which they now had of giving the workers confidence of the efforts of the Conference to ensure them really humane conditions of life.

*Mr. Colliard* said that he was of the same opinion as Mr. Gompers. He thought there should be one delegate for the Government, one for the workers' organisations, one for the employers' organisations. It was necessary to prevent any possibility of the working-classes being disillusioned by the results of the work of the Commission, which might occur if each Government were granted two delegates.

*(The Commission rose at 12.30 p.m.)*

Samuel GOMPERS, *President*.

Arthur FONTAÎNE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

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### Minutes of Proceedings No. 5.

*The Fifth Meeting of the Commission on International Labour Legislation was held at the Ministry of Labour on 7 February 1919 at 10 a.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	United States of America.
Mr. Barnes . . . . .	{ British Empire.
Sir Malcolm Delevingne . . . . .	
Mr. Colliard . . . . .	{ France.
Mr. Loucheur . . . . .	
Baron Mayor des Planches . . . . .	{ Italy.
Mr. Cabrini . . . . .	
Mr. Otchiai . . . . .	{ Japan.
Mr. Oka . . . . .	
Mr. Vandervelde . . . . .	{ Belgium.
Mr. Mahaim . . . . .	
Mr. Broz ( <i>vice</i> Mr. Benes) . . . . .	Czecho-Slovak Republic.
Count Zoltowski . . . . .	Poland.

The Commission resumed the debate on Article III of the British draft and the amendment proposed by Mr. Vanderveide.

*Mr. Oka* enquired : (1) how the delegations of the employers and the workpeople should be constituted in countries where no organisations of employers or workpeople existed ; (2) whether women could be included among the delegates of workers' or employers' organisations.

On the first point *Mr. Barnes* said that the scheme was designed to develop organisation. There were very few countries in which there did not exist at least some elementary form of organisation. If it were necessary, it would, under the drafting of the convention, be open to the Governments to choose on their own responsibility the representatives of the employers and workpeople.

On the second point, the Commission, on the motion of *Mr. Gompers*, resolved that women could be appointed for any purpose under the convention on a footing of complete equality with men.

*Baron Mayor des Planches* resumed the general discussion, and said that the Italian Delegation intended, when Article XVIII was reached, to ask that the permanent International Conference should be given wider powers than were at present assigned to it in the draft. Subject to this reservation, the Italian

Delegation agreed in principle with the proposals in the draft, as amended by the proposal of the Belgian Delegation. At the same time they reserved to themselves the right of consulting the employers' and workers' organisations in Italy, when the present discussion had been concluded.

*Mr. Loucheur*, after expressing his regret for having been unable to be present at the previous sitting, and for not knowing, therefore, what had been said by the previous speakers, said that he agreed with *Mr. Vandervelde's* proposal. He thought with him that any decision which the Conference might take would necessarily demand the most serious consideration by the Governments concerned; it was, therefore, just as necessary that they should be strongly represented at the Conference.

*Mr. Gompers* wished to repeat in the presence of *Mr. Loucheur* the statement which he had made on the previous day. It appeared to him impossible to accept either the original proposal contained in the British draft, or *Mr. Vandervelde's* amendment. If they were to relegate in advance the representation of the workpeople to a minority of one in four, it would be useless to go any further, and all the efforts of the present Commission would be in vain. It was necessary to take account of the sentiments of the working classes. How was it possible to avoid the fear that they would be dissatisfied, if an organisation was set up which allowed an absolute veto being put upon their claims? He was surprised that the representatives of the British workers should have accepted such a proposal. He excused himself for expressing his views with such vigour, since his duties as President imposed upon him a certain restraint, but it appeared to him that this was a question of a fundamental principle on which everyone ought to give vent to his opinion with complete frankness.

*Mr. Colliard* said that he adhered to the view which he had expressed on the previous day. The working classes would never accept a system which gave two votes to the Government while the workers' representatives only had one. He was convinced that, in defending this view, he was defending not merely the interests of one class, but those of the whole country. At the present time it was essential to give the labour world a proof of confidence to which no exception could be taken.

*Mr. Barnes* said he was not surprised that the discussion had been protracted, and recognised the conviction which had prompted the various speakers in expressing their views. Nevertheless, he thought, since everyone was animated by a sincere desire to arrive at positive results, it ought to be possible to find a formula which would be generally acceptable. He would point out that the British proposal had been accepted by the Parliamentary Committee of the Trade Union Congress, which was, without doubt, the most representative body of workpeople in Great Britain. He asked *Mr. Gompers* not to forget that the

question had two aspects. Mr. Gompers had said that if two votes were given to the Governments the workpeople would not take part in the proceedings, but it had also to be considered whether the Governments would themselves agree to participate if they were only allowed one vote. He suggested that on this question of fact the Governments concerned might be consulted, and particularly the Government of the United States. He went on to criticise two assertions which Mr. Gompers had made that no agreement was possible ever between employers and workpeople or between the latter and the representatives of the State. He reminded the Commission that collusion between employers and workpeople had often taken place in the past, and he was surprised that it should be alleged that Governments were always hostile to the workers, seeing that the representatives chosen by Governments were in so many cases, and notably on the present occasion, men who commanded the complete confidence of the workpeople. So far from the interests of the workers being in danger of being ignored in the future, might it not rather be expected that they would be in a privileged position, and would play an increasing part in government themselves? In any case he saw nothing in the arguments hitherto put forward which impaired the soundness of the proposal in the draft as proposed to be amended by Mr. Vandervelde, and in these circumstances he repeated his suggestion that the point in dispute should be referred to the different Governments.

*Mr. Vandervelde*, after remarking that the majority of the Commission appeared to share his view and that of Mr. Barnes, went on to say that Mr. Gompers' statement had made a great impression on him. It was evident that if the working classes, rightly or wrongly, regarded the permanent Conference which was proposed with suspicion, the object which they were aiming at would not be achieved. It was therefore necessary to consider whether, on the one hand, the divergence of view which appeared to exist among people who were all equally anxious to promote the interests of the workpeople did not arise from a misunderstanding, and, on the other hand, whether it was not possible to find some common ground of agreement between them. On the first point, Mr. Vandervelde thought it should be made clear whether the proposed Conference was to be a gathering of employers and workpeople, with the object simply of passing resolutions, or whether it was to be a Conference of diplomats, with full power to prepare international conventions. It appeared to him that the question whether the method of representation proposed by Mr. Gompers or that proposed by the British Delegation were preferable depended for its answer on whether the one or the other of these conceptions were adopted. For his own part, if the Conference was only to be a gathering for the passing of resolutions, he would entirely agree with Mr. Gompers; if, on the other hand, it was to be a diplomatic Conference with power to engage the Governments, subject only to the requirements of

ratification by the national legislative assemblies, it seemed to him essential to give the representatives of the Governments the power of exercising a veto as against the non-Government representatives. He pointed out that, in fact, the British proposal contained both these conceptions. It appeared to be the result of negotiation. The principle of giving two votes to the Government representative accorded with the idea that the Conference should be of a diplomatic character. On the other hand, the right of each delegate to speak and vote independently was contrary to all diplomatic tradition, and appeared to arise out of the other conception of the functions of the Conference. But, as might be seen from Article XVIII, the idea that the Conference was to be a diplomatic assembly was by no means abandoned, since it was expressly provided that international conventions should be prepared and submitted to it. He then put forward the following proposal based on his analysis of the British draft:—

1. There should be three representatives of each of the High Contracting Parties, of whom one should be appointed by the Government, one by the employers' organisations, and one by the workers' organisations.
2. On any proposal presented to the Conference each delegate should be entitled to vote independently in all respects, except in the case of the final vote relating to a proposal drafted in the form of an international convention.
3. The final vote on any convention should be on a basis of nationality, and for such a vote each Government delegate should have two votes and each non-Government delegate one vote.

*Mr. Loucheur* said that he accepted *Mr. Vandervelde's* new proposal, which appeared to him to reconcile the two divergent views placed before the Commission. He agreed with him in thinking that, if the Conference was only to pass resolutions, the representation of the three parties should be equal; but he, too, considered that in so far as it was to undertake the preparation of diplomatic conventions, the Governments should have a stronger representation than the employers or workpeople. He therefore suggested a fresh amendment to the effect that two votes should be given, not only to the Government, but also to the employers and to the workpeople. By this means it would be possible to find a place for representatives of agriculture on the side both of the employers and the workpeople, which, especially for a country like France, was eminently desirable.

*Mr. Colliard* thought that *Mr. Vandervelde's* new text required careful examination. He asked that it might be circulated, and that the discussion should be resumed on Monday.

*Baron Mayor des Planches* seconded this proposal, and asked that *Mr. Loucheur's* proposal should also be taken into consider-



ation, since Italy, where the agricultural class was very numerous, and there were a large number of agricultural organisations, was equally interested in it.

*The President* agreed that the discussion should be continued on Monday, and that the various proposals before the meeting should be immediately circulated. He nevertheless maintained his previous position, which he formulated as follows :—

“In principle we declare there should be equal representation of the Government, of the employers, and of the workers, both in numbers and voting power.”

*(The Commission rose at 12.30 p.m.)*

Samuel GOMPERS, *President*.

Arthur FONTAINE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

### Minutes of Proceedings No. 6.

*The Sixth Meeting of the Commission on International Labour Legislation held at the Ministry of Labour on 10 February 1919 at 2.30 p.m.*

*Mr. GOMPERS in the Chair.*

Delegates present :

Mr. Gompers . . . . .	United States of America.
Sir Malcolm Delevigne . . . . .	British Empire.
Mr. Butler ( <i>vice</i> Mr. Barnes) . . . . .	
Mr. Colliard . . . . .	France.
Baron Mayor des Planches . . . . .	Italy.
Mr. Cabrini . . . . .	
Mr. Otchiai . . . . .	Japan.
Mr. Oka . . . . .	
Mr. Vandervelde . . . . .	Belgium.
Mr. Mahaim . . . . .	
Mr. Broz ( <i>vice</i> Mr. Benes) . . . . .	Czecho-Slovak Republic.
Count Zoltowski . . . . .	Poland.

The Minutes of the Fourth and Fifth Meetings (6 and 7 February) were passed subject to a modification proposed by the Italian Delegation and a correction at the request of Mr. Vandervelde.

The debate on the question of the number of votes to be allotted to Government delegates was resumed.

*Sir Malcolm Delevigne* pointed out that Article IV dealing with this question and Article XVIII were interdependent. He there-

fore proposed to omit provisionally the sentence of Article IV relating to this point, and to postpone the examination of the whole question until Article XVIII was discussed. In the meanwhile the British Delegation would circulate a memorandum explaining the system which was proposed.

*Mr. Vandervelde* and the *President* agreed with this proposal on the understanding that the amendments which they had proposed should also be discussed when Article XVIII was considered. With this reservation the British motion was accepted.

The Commission then proceeded to a consideration of Article III :—

#### *Paragraph 1.*

*Mr. Colliard* supported the amendment proposed on the previous day by *Mr. Loucheur*, with a view to adding one employer and one worker representing agriculture to the delegates representing industry. In support of this proposal *Mr. Colliard* laid particular emphasis on the hardships and the backward state of rural conditions. It was therefore urgently necessary to bring the conditions of agricultural labour within the scope of international labour legislation. Such being the case the workers on the land would not understand why they should not be able to put their claims before the Conference. Their resentment would be all the greater and the more comprehensible because during the war they had made greater sacrifices than any other class.

*Mr. Mahaim* raised the objection that if the number of delegates were too great no practical results could be achieved. The British text did not require that the delegates should be the same for every sitting. Hence it would be possible to appoint from among the technical advisers the delegate best qualified to deal with each particular subject, as it arose. In this way an agricultural representative could be chosen when agricultural questions came up for discussion.

*Mr. Vandervelde* supported *Mr. Mahaim's* contention, and pointed out that in a highly industrialised country like Belgium, it would not be understood if separate representation were given to agriculture.

*The President* took the same view. In some countries like the United States, where agricultural workers were numerous, they were nevertheless very badly organised, with the result that it would be impossible to appoint men who could be considered as truly representing them.

*Baron Mayor des Planches* moved that *Mr. Loucheur's* amendment should be worded as follows, in order to meet the objection raised to *Mr. Colliard's* proposal :—

“Each Delegation should consist of two representatives of the Government, two representatives of the workers,

and two representatives of the employers, but their industrial qualifications should not be specified whereby it would be possible to select them from the most important national industry in each case without it being necessary to draw them from any specified industry."

*Count Zoltowski* seconded this motion.

*Mr. Colliard*, in reply to *Mr. Mahaim* and *Mr. Gompers*, maintained that it was possible to give special representation to agriculture without being obliged to extend it to all trades and industries, and that the objection to the representation of agricultural workers on the ground of their deficient organisation was not conclusive.

*Mr. Butler* pointed out that in the United Kingdom there were nearly 1,500,000 agricultural workers, whose organisation had recently improved considerably. Agriculture could not, however, be sharply distinguished from other industries, especially as the agricultural workers were organised as part of the general trade union movement; they would, therefore, be represented like any other class of workers, and the facilities given by the British scheme for the nomination of advisers as substitutes would afford them ample opportunity of being heard on questions which concerned them.

*The President* then put *Mr. Loucheur's* amendment to the vote. It was lost. The text of paragraph 1, as originally drafted, was accordingly adopted.

#### *Paragraph 2.*

*Mr. Mahaim* proposed to delete the word "industrial" before "organisation." After a discussion, in which *Mr. Vandervelde* and *Mr. Fontaine* took part, and in the course of which *Sir Malcolm Delevingne* explained that the English word "industrial" included agriculture as well as industry, and therefore bore a different meaning from the French word "industriel", it was decided to leave the word "industrial" in the English text, but to render it by the word "professionnel" in the French text.

#### *Paragraph 3.*

*Mr. Broz* asked that the appointment of advisers should be obligatory, and not optional as provided in the text. After discussion, the amendment was lost.

*Count Zoltowski* insisted upon the importance of ensuring the defence of agricultural interests, and proposed the following amendment:—

"Each delegate shall be accompanied by two advisers, one of the advisers accompanying the workers' delegate and one accompanying the employers' delegate should represent agricultural interests when questions relating to agriculture are discussed."

In the course of discussion it was made clear that there was nothing to prevent this procedure being adopted, but that it could not be made compulsory, as there would be no effective sanction. The amendment was dropped.

*Mr. Oka* asked whether the total number of advisers might not be more than two and whether it would not be sufficient that there should not be more than two advisers at any sitting. After a discussion, in which *Mr. Gompers*, *Mr. Vandervelde*, *Mr. Fontaine*, and *Sir Malcolm Delevingne* took part, it was decided that the total number of advisers in each national delegation might be more than two per delegation, but that there should not be more than two for each subject on the agenda.

In the second sentence of paragraph 3, *Mr. Colliard* pointed out that the wording appeared to go further than was intended, as it would prevent the advisers not only from voting, but even from speaking during the sitting. After a discussion, in which *Mr. Vandervelde*, *Mr. Fontaine*, and *Sir Malcolm Delevingne* took part, it was decided that paragraph 3 should be worded as follows :—

“Each of the delegates may be accompanied by not more than two advisers. The advisers may attend the meetings of the Conference, but shall not speak, except on a request made by the delegate, and with the special authority of the President, and shall not vote.”

*Paragraph 4* was passed without discussion.

*Paragraph 5.*

At the request of *Mr. Oka*, it was agreed that the names of all the advisers should be communicated to the International Labour Office, even if they exceeded two in number per delegate. Their special qualifications should be indicated.

*Paragraph 6.*

Arising out of a remark made by *Mr. Vandervelde*, a discussion took place on the question whether the verification of the credentials of the delegates should not be decided by a simple majority. The British text providing for a two-thirds majority was finally agreed to.

As regards Article III generally, *Mr. Vandervelde* asked whether the period of office for the delegates to the Conference should not be fixed. He suggested that it should be one year. The suggestion was noted, and its further consideration was postponed.

(*The Commission rose at 6.30 p.m.*)

Samuel GOMPERS, *President*.

Arthur FONTAINE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

## Minutes of Proceedings No. 7.

*The Seventh Meeting of the Commission on International Labour Legislation, held at the Ministry of Labour on 12 February 1919 at 10 a.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson ( <i>vice</i> Mr. Hurley) . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Colliard . . . . .		France.
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Mahaim . . . . .		Belgium.
Mr. Broz ( <i>vice</i> Mr. Benes) . . . . .		Czecho-Slovak Republic.
Count Zoltowski . . . . .		Poland.

The Minutes of the Sixth Meeting of the Commission were passed subject to the correction of certain errors in the reproduction of the English text.

### *Article IV.*

*Paragraph 1* was then discussed. It was agreed that the first sentence, together with the amendment proposed by Mr. Vandervelde, should be reserved for discussion until Article XVIII was reached.

*The President* suggested that the word "individually" should be substituted for the word "independently".

*Paragraph 2.*—In reply to a question from Mr. Gompers, Mr. Barnes and Sir Malcolm Delevingne explained that the paragraph had been drafted as it stood with a view to safeguarding the interests of the workers. It was feared that in the less advanced industrial countries the Government might only nominate an employers' representative and no workmen's representative. By providing that the one would not be allowed to vote unless the other were able to do the same, the balance would be maintained.

*Paragraph 3.*—After a discussion in which Count Zoltowski, Mr. Barnes, Mr. Mahaim and Sir Malcolm Delevingne took part, it was agreed that if necessary Governments could nominate new delegates for each meeting of the Conference. If a delegate was not permitted to sit, he could not be replaced until the following meeting.

## Article V.

*Mr. Mahaim*, in the name of the Belgian Delegation, asked the Commission to record its opinion in favour of locating the capital of the League of Nations in Belgium. In support of this proposal *Mr. Mahaim* adduced reasons of a moral, industrial, and practical character. He reminded the Commission of the intense economic activity of Belgium, and of the ties which it had thereby formed with the great Latin, Anglo-Saxon, and Germanic peoples. He laid stress on the special sufferings which Belgium had undergone during the war, and pointed out, in conclusion, that Brussels was the seat of 112 international associations, of which a great number were concerned with the study of social questions.

*Baron Mayor des Planches* in the name of the Italian Delegation supported *Mr. Mahaim's* proposal.

*Mr. Colliard* remarked that the Commission was not competent to deal with the question of the choice of the capital of the League of Nations.

The British Delegation proposed a new wording of the article in conformity with that adopted by the League of Nations Commission, providing that the Conference could, if necessary, meet elsewhere than at the capital of the League.

On *Mr. Robinson's* motion the following wording was finally adopted:—

“The meetings of the Conference shall be held at the capital of the League of Nations, or at such other place as may be decided by the Conference at the previous meeting by two-thirds of the votes cast by the delegates present.”

## Article VI.

The article was adopted without discussion.

## Article VII.

*Mr. Mahaim* pointed out that the question of the number of the members of the governing body and that of their method of appointment were closely connected. As this latter point was to be considered when the Protocol was discussed, he proposed that the first paragraph of Article VII should be adopted, leaving the number of the governing body provisionally undecided. After a discussion, in which *Mr. Colliard*, *Mr. Gompers*, and *Sir Malcolm Delevingne* took part, the Commission adopted the first paragraph with the amendment proposed by *Mr. Mahaim*.

*Paragraph 2.*—*Mr. Mahaim* pointed out that the text did not indicate whose duty it was to convene the meetings of the governing body.

In this connection *Mr. Broz* asked whether it should not be explicitly provided that there should be a chairman, and how he should be appointed. After a discussion, in which *Mr. Mahaim*,

Mr. Barnes. Sir Malcolm Delevingne and Count Zoltowski took part, the following text proposed by *Mr. Robinson* was adopted :—

“The governing body shall from time to time elect one of their members to act as its chairman, and shall regulate its own procedure. It shall fix its own times of meeting. A special meeting of the body shall be held if a written request is made by at least ten members of the body.”

*Article VIII.*

*Paragraph 1.*—On the suggestion of *Mr. Mahaim* it was agreed to delete the words “from time to time” in the English text.

*Paragraph 2* was adopted without discussion.

*Paragraph 3.*—*Mr. Barnes* drew the attention of the Commission to the necessity of naming the first director, or at least the provisional director, of the International Labour Office. This would have to be done in a provisional manner before the governing body had drawn up any rules as to the appointment, since otherwise the machinery proposed could not be put in motion. The first director might be named in the protocol, but for the moment the further consideration of the matter might be postponed.

*Baron Mayor des Planches* proposed the following additional paragraph :—

“The regulations will lay down the method of working for the Office, and will provide for the choice of the other officials in such a way as to ensure that as large a number as possible of the contracting States shall have an official of their nationality attached to the Office.”

*Mr. Barnes* suggested that the consideration of this amendment should be taken during the discussion of Article IX.

*Baron Mayor des Planches* accepted this suggestion.

The third paragraph of Article VIII was then adopted as originally drafted.

In the course of the sitting *the President* proposed that the votes of the delegates should be recorded individually in the minutes, whenever there was a division on an important question. He asked the secretariat to circulate a pamphlet presented by the American Federation of Labour on the subject of social reconstruction after the war. Finally, he reminded the Commission that 12 February was a national holiday in the United States in commemoration of Abraham Lincoln.

At *the President's* suggestion the Commission rose as a sign of respect for the late President Lincoln.

(*The Commission rose at 12.30 p.m.*)

Samuel GOMPERS, *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

## Minutes of Proceedings No. 8.

*The Eighth Meeting of the Commission on International Labour Legislation, held at the Ministry of Labour on 13 February 1919 at 10 a.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	}	United States of America.
Mr. Robinson ( <i>vice</i> Mr. Hurley) . . . . .		
Mr. Barnes . . . . .	}	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Colliard . . . . .		France.
Baron Mayor des Planches . . . . .	}	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	}	Japan.
Mr. Oka . . . . .		
Mr. Mahaim . . . . .		Belgium.
Mr. Broz ( <i>vice</i> Mr. Benes) . . . . .		Czecho-Slovak Republic.
Count Zoltowski . . . . .		Poland.

Baron Mayor des Planches said that an Italian translation of the previous Minutes had been furnished by the Italian Delegation for circulation to the members of the Commission. It would also be supplied to the General Secretariat. The Italian Delegation proposed to follow the same course as regards the subsequent Minutes. This procedure was in consonance with that which had been adopted in the case of the other Commissions appointed by the Peace Conference.

The discussion was then resumed on the amendment proposed at the end of the previous sitting by Baron Mayor des Planches.

Sir Malcolm Delevingne proposed the following wording :—

“The staff of the International Labour Office shall be appointed by the director who shall, so far as is possible, with due regard to the efficient working of the office, select persons of different nationalities.”

This text was adopted and was incorporated as Article VIIIa in the draft.

### Article IX.

*Paragraph 1.* — After a discussion in which Mr. Barnes, Sir Malcolm Delevingne, Mr. Arthur Fontaine, Mr. Mahaim, and Mr. Robinson took part, it was agreed, at the suggestion of Mr. Robinson and Sir Malcolm Delevingne, to insert the words “industrial life, labour and” after the words “conditions of” in line 5 of the paragraph.



*Paragraph 2.* — In reply to a remark by *Mr. Broz*, it was pointed out that the final determination of the agenda prepared by the office would lie with the Governing Body. The paragraph was adopted without discussion.

*Paragraph 3.* — Adopted without discussion.

*Paragraph 4.* — After a discussion in which *Mr. Mahaim*, *Mr. Barnes*, *Baron Mayor des Planches*, and *Mr. Gompers* took part, it was decided that the paragraph should read as follows :—

“It will edit and publish a periodical paper in the French and English languages, and in such other languages as the Governing Body may think convenient, dealing with problems of industry and employment of international interest.”

*Additional paragraph.* — On the motion of *Mr. Robinson*, supported by *Sir Malcolm Delevingne*, the following addition was agreed to :—

“And generally, in addition to the functions set out in this article, it shall have such functions, powers, and duties as may be entrusted to it by the Conference.”

Arising out of an enquiry by *Mr. Mahaim*, it was agreed that all interested parties would have access to the information collected by the office. This was implied by the wording of the first paragraph of Article IX.

#### *Article X.*

A discussion, in which *Mr. Robinson*, *Mr. Gompers*, *Mr. Arthur Fontaine*, *Mr. Broz*, and *Mr. Barnes* took part, made the precise meaning of the article clear. It was intended expressly to authorise the Government Departments concerned to communicate directly with the International Labour Office without the mediation of their Foreign Offices.

*The President* asked that it should be stated somewhere that all other interested parties might communicate direct with the office.

*Mr. Barnes* suggested that this proposal, and, generally speaking, anything that concerned the drafting of the text agreed to, should be referred to a special committee.

On this understanding Article X was adopted.

#### *Article XI.*

In explanation of the text, *Mr. Barnes* emphasised the desirability of establishing the closest possible relations between the machinery which they were creating and the other departments of the League of Nations. The article in question had been officially submitted to the League of Nations Commission, which had raised no objection to it.

The article was adopted.

## Article XII.

*Paragraph 1.* — On the motion of *Mr. Oka*, and after a discussion in which *Mr. Barnes*, *Mr. Arthur Fontaine*, and *Mr. Gompers* took part, it was agreed that the expenses not only of the Government delegates but of all the delegates of each national delegation would fall to the Governments. In order to make the meaning of the article clearer it was agreed to substitute the words "delegates and their advisers" for the word "representatives."

*Paragraph 2.* *Mr. Barnes* pointed out that the International Labour Office being essentially a department of the League of Nations, it was right that its working expenses should be borne by the budget of the League.

*Mr. Mahaim* asked that some provisional arrangements should be made which would permit the Conference and the office to begin work without waiting for the final establishment of the organisation of the League of Nations.

The Commission, on the motion of *the President*, decided that additional articles should be drafted giving effect to all the necessary provisional arrangements.

*Paragraph 3.* — Adopted without discussion.

## Chapter II : Procedure. Article XIII.

The article was adopted without discussion.

## Article XIV.

At the request of *Mr. Robinson* and *Mr. Colliard*, it was agreed that the period of three months contemplated between the communication of the agenda and the meeting of the Conference should commence from the time when the agenda reached the Governments concerned.

At the request of *Mr. Otchiai*, and after a discussion in which *Mr. Barnes*, *Mr. Mahaim*, and *Baron Mayor des Planches* took part, it was decided to increase this period to four months. The text was then amended to read as follows :

"The director will act as the secretary of the office, and will circulate the agenda so as to reach the High Contracting Parties four months before the meeting of the Conference."

## Article XV.

On the motion of *Mr. Arthur Fontaine*, supported by *Mr. Barnes*, it was decided to insert the words "of the Governments" after "any" in line 2, in order to correspond with Article XIII, and to avoid any ambiguity.

In connection with Article XV, the precise meaning of Article XIII was again discussed. In reply to an observation by *Mr. Gompers*, *Mr. Barnes* agreed that the text proposed left the

Governing Body solely responsible for drawing up the agenda of the meetings. In other words, an item proposed by a national delegation could not be discussed unless the Governing Body had approved its inclusion in the agenda. This provision was necessary because the Governing Body was the administrative body appointed by the Conference, because it was intended that it should keep the agenda within practical limits, and, finally, because no useful discussion could take place unless it was preceded by a careful collection of information on the subject, which could only be undertaken by the International Labour Office on the instructions of the Governing Body.

*Mr. Arthur Fontaine* proposed to modify this regulation in order to allow the Conference to decide on the exclusion as well as the inclusion of items in the agenda. If a proposal duly made by a Government or by a recognised association was not included by the Governing Body, the latter's decision could be reversed by a two-thirds vote of the Conference.

*Sir Malcolm Delevingne* suggested that this idea should be expressed in a more general form. If the decision of the Governing Body, which represented the whole of the High Contracting Parties, was to prevail over the views of any particular Government, it followed that the decision of the full Conference should, where necessary, override that of the Governing Body. He therefore proposed that Article XVa should read as follows:—

“If the Conference decides by a two-thirds majority of the votes cast that any item shall be considered by the Conference, that item shall be included in the agenda of the following meeting of the Conference.”

This additional article was adopted.

#### *Article XVI.*

*Paragraph 1.* *Mr. Arthur Fontaine* suggested that the question of the chairmanship of the Conference should be dealt with in this paragraph. He suggested that it should accordingly read:—

“The Conference shall regulate its own procedure, elect its own President, and may appoint...”

This amendment was approved.

*Paragraph 2.* *Mr. Arthur Fontaine* pointed out that the method of voting during the discussion of points of principle before the actual examination of draft conventions was not dealt with. To meet the point he made the proposal, which he believed was in accordance with the views of the British Delegation, that at this stage a simple majority should be decisive. An article or paragraph to this effect should be inserted.

No objection was raised to this suggestion.

*Mr. Arthur Fontaine* further thought that it was necessary to define more precisely in a separate article the method of voting

and of calculating the majority. This question was postponed for further consideration.

At the close of the sitting it was decided to set up a Drafting Committee consisting of the four secretaries of the Commission. This Committee would find suitable forms of words to give effect to the decisions of the Commission, and where necessary would draft any additional articles which might be required.

On the motion of *the President*, who had to leave Paris in the evening, it was agreed that the next sitting should take place on Monday, 17 February at 2.30 p.m.

*(The Commission rose at 1.15 p.m.)*

Samuel GOMPERS. *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

### Minutes of Proceedings No. 9.

*The Ninth Meeting of the Commission on International Labour Legislation, held at the Ministry of Labour on 17 February 1919 at 2.30 p.m.*

Mr. GOMPERS *in the Chair.*

Delegates present :

Mr. Gompers . . . . .	}	United States of America.
Mr. Robinson . . . . .		
Mr. Barnes . . . . .	}	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Colliard . . . . .		France.
Baron Mayor des Planches . . . . .	}	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	}	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	}	Belgium.
Mr. Mahaim . . . . .		
Mr. Broz ( <i>vice</i> Mr. Benes). . . . .		Czecho-Slovak Republic.
Count Zoltowski . . . . .		Poland.
Mr. de Bustamante . . . . .		Cuba.

The discussion of the second paragraph of Article XVI was resumed.

*Sir Malcolm Delevingne* put forward an amendment suggested by Mr. Arthur Fontaine, in order to make quite clear the meaning of this article.

*Mr. Colliard* supported the suggestion.

The second paragraph of Article XVI was accordingly amended as follows :—

“Except as otherwise provided in this Convention, all matters shall be decided by a simple majority of the votes cast by the delegates present.”

*Mr. Colliard* also secured the addition of the following supplementary paragraph :—

“No vote will be valid if the number of the votes cast is less than half the number of delegates appointed to the Conference.”

#### *Article XVII.*

A discussion, in which *Mr. Gompers*, *Mr. Robinson*, and *Mr. Barnes* participated, took place on the suitability of the word “assessors” in the English text. It was proposed to replace it by the word “advisers”. The question was referred to the Drafting Committee, and on this understanding the article was adopted.

#### *Article XVIII.*

*Paragraph 1.* — *Mr. Barnes* explained the meaning of the paragraph. It provided that the Conference should put in the form of international conventions and submit to the Governments every measure the general principle of which had been adopted.

*Mr. Arthur Fontaine* drew the attention of the Commission in this connection to the second paragraph of Article XVI. It implied that in the first discussion of Conventions, article by article, as in the general discussion of the principles, the voting should be by a simple majority, the majority of two-thirds being only required in the final voting on the Convention as a whole.

At this point in the discussion *Mr. Vandervelde* proposed that the question held over during the discussion of Articles III and IV should be reopened, and the number of votes allotted to each Government should be settled definitely.

*Mr. Vandervelde* referred to the amendment, which he had put forward in the course of the fifth sitting of the Commission, which provided that the Government delegates should only have the right of casting a double vote in the final voting on the Convention as a whole. To his mind, this amendment represented a compromise between the American and British proposals. However, it had not been accepted by one or the other. On the other hand, Belgian technical advisers and, in particular, representatives of the Belgian workpeople, including Trade Unionists and Socialists, had accepted the British proposal as modified by his first amendment. In these circumstances, *Mr. Vandervelde* abandoned the compromise proposed at the fifth meeting and adopted the first amendment of the Belgian Delegation, which

provided that two delegates should be allotted to the Governments.

In support of this proposition Mr. Vandervelde pointed out that if, on the one hand, plural voting was contrary to the traditions of democratic countries, on the other hand the system of two delegates might be found useful in countries where there were a number of different interests and where several working-class parties existed. It would allow the Government to give a representative in the National Delegation to the parties or to the interests which, without such provision, would be ignored, as, for example, in the countries which had demanded representation for agricultural interests.

*Mr. Colliard* spoke in support of his former proposal. The masses of the population would not understand why two votes were given to the Government representatives. If the system proposed by Mr. Vandervelde were adopted there would be a risk of losing the confidence of the working classes, in whose favour it was proposed to legislate.

Mr. Colliard called upon Mr. Jouhaux, technical adviser to the French Delegation, to state whether he did not agree with this point of view.

*The President* recalled the objections which he had put forward when Articles III and IV were first discussed, and which he based both on consideration of fact and principle.

The system of the plural vote was, in the first place, anti-democratic. The amendment of Mr. Vandervelde amounted simply to the same thing in another form. Mr. Gompers was unable to understand how it was possible at the present time to imagine that the Governments would be out-voted by collusion between the employers and the employees. Was it not a fact that, in general, labour legislation had been opposed by employers? Was it not a fact that Governments had been very often opposed to this same legislation, and that it had only been after a bitter struggle and by the danger of revolutions that it had been possible to secure from them little by little the measures which had been obtained up to the present? Did not the Commission agree that since no Convention could be adopted unless it had obtained a majority of two-thirds, it had already taken sufficient precautions against the adoption of too bold measures? Had it forgotten that the veto of the Legislative Authorities could always be brought into effect in the last resort? The unrest and agitation amongst the masses should not be lost sight of. If the Commission did not rise to the height of its opportunity its work would be met with ridicule from the masses, and the consequences might be very grave.

Finally, Mr. Gompers reaffirmed his opposition to the British proposal, even including the Belgian amendment, and demanded that at the proper time the names of those voting for and against should be recorded in the Minutes.

*Mr. Jouhaux* supported *Mr. Colliard's* point of view. The French working-class organisations would fail to understand the giving of two votes or two delegates to each Government. He was afraid that if this decision were taken the working classes would hesitate to take part in the proposed scheme. The time for conciliatory legislation seemed to him to have passed. He was astonished that *Mr. Vandervelde* did not appreciate this as he did.

*Mr. Robinson* supported *Mr. Gompers's* point of view.

*Mr. Vandervelde* repeated that he had taken care to consult the representatives of the working classes and of the Socialist party in Belgium, and they, like himself, having regard to the main point of securing the maximum result, declared themselves without hesitation in favour of the system of two votes for the Government. In defending this system, therefore, he spoke, not only as a delegate of his Government, but in the name of the workpeople of his country. He thought the memorandum circulated by the British Delegation had shown irrefutably that the system of equality of votes had this dangerous consequence, that the body of employers' delegates, if they voted together, and if they could secure a single other vote from the workers or from the Government, would be able to veto all legislation. *Mr. Vandervelde* also urged that very often the Governments were more sympathetic towards the workers' claims than towards the interests of the employers; everything depended upon the influence which the working classes could exercise on the Governments of their respective countries. Was this not in fact the explanation of the difference in the opinions expressed at the Commission? Were not America and France opposed to the British proposals because for different reasons the working classes in these two countries did not exert on their respective Governments so effective an influence as the working-class organisations in Great Britain, Belgium, and Italy? It should not be forgotten that sooner or later the neutral countries and our present enemies would adhere to the convention and among them also, and in particular in the new German Republic, the Government would often be under the direct influence of the workers.

*Baron Mayor des Planches*, in the name of the Italian Delegation, supported the British proposal, as amended by *Mr. Vandervelde*. To his mind, this system was justified above all because it was desirable that the decisions of the Conference should carry as much weight as possible. The Italian resolution submitted to the Commission was as follows:—

“The Commission is of the opinion that the Conventions adopted by two-thirds of the delegates should have statutory effect, as regards the States adhering, after the lapse of one year. In all cases the Governments would reserve to themselves the right of appealing to the Tribunal of the League of Nations concerning the decisions which

they considered they were unable to accept. The Tribunal would have power to secure that statutory force should be given to Conventions so appealed against, or that they should be referred back to the Conference for fresh consideration."

*The President* announced that the Commission would consider this proposition at a later stage.

*Mr. Barnes* expressed his profound regret at not being able to find himself in agreement with Mr. Gompers, but asked whether the difference between them might not after all be due to a misunderstanding. If the proposed conference were to concern itself simply with the expression of aspirations and to put forward the claims of the workers, there would evidently be no need to give two votes, or, indeed, any vote, to the Governments. But in reality the end in view was quite different. Aspirations and claims had been expressed over and over again by the working classes in hundreds of congresses and meetings of different kinds. What good had resulted from them? Very little. Even when joint conferences had taken place, in which Governments had been represented side by side with voluntary organisations, the results obtained had been very small. Why? Because there was no obligation on the part of the State to carry out the decisions reached. This was the system which they wished to change now, and in order to change it three things were necessary. First, to secure international action, so that the claims put forward by the workpeople as regards improvements in their own countries should not be refused for the reason that similar improvements were not being enforced elsewhere. Secondly, to associate the Governments with voluntary associations so that the agreements reached should receive statutory form. And, finally, to obtain the consent of the Government to this striking innovation—namely, that they should consider themselves bound by decisions for which they were not solely responsible. The system of the individual vote allowed for the formation of an effective majority not defined by national frontiers, and in this way the principles of State sovereignty were clearly infringed. By the obligation imposed on the Governments to submit to their legislative authorities the decisions arrived at by this majority, even if they themselves did not agree, the principle of State sovereignty was again infringed. It should not be forgotten in this connection that the veto which could be employed in the last resort was not that of the Governments, but only that of the Parliaments. All these were considerable innovations far in advance of those which the Commission of the League of Nations had thought possible to propose to the Conference of the Plenipotentiaries in matters affecting its own work. In fact, as regards the League of Nations, it had not seemed possible to abandon the principle of unanimity, nor even to compel any particular Government to carry out the decisions of the League. Within its sphere, on the contrary, the Commission was asked to decide that the Governments should abandon half their



sovereignty. Henceforth, they would only have two votes out of four, and they bound themselves nevertheless to put before their Parliaments decisions in which, under the most favourable circumstances possible, they would not have participated except to the extent of 50 per cent. The view thus put forward was indeed so bold that what was to be feared was that it would not be accepted by the Peace Conference. If it were, and if those concerned undertook the work with the fullest goodwill, it would certainly be possible to secure great results.

Mr. Gompers referred to what had been said by a preceding speaker on the subject of American social legislation. Evidently the reference could not have been to federal legislation, since labour legislation was the affair of the separate States, but in each of the forty-eight States the progress of this legislation had been such as to bear favourable comparison with that which had been made in any other country. It was not exact further to claim that the American working classes exert no influence on their Government. In this connection Mr. Gompers pointed out that the American Federation of Labour had in 1906 put forward to the Government a programme of claims, including six main points, and these six points had all become the law of the United States. It should not be forgotten that in America each member of Congress could bring forward a Bill, and that in consequence every claim with sufficient popular opinion behind it could become incorporated in the law. Mr. Gompers preferred that the Commission should send to the Peace Conference a bold scheme, as it was better to risk going further than the Peace Conference would approve, rather than submitting a moderate proposal, which it would still further reduce. He would prefer, for his own part, to refer the question, as soon as the vote had been taken, to his own Government. Even if he were not supported by them in his view, he would not be prepared to change it. In conclusion, Mr. Gompers asked the representatives of the other States sitting at the table, who had not yet expressed an opinion on this point, to do so.

Count Zoltowski declared himself in favour of the British proposal, as amended by Mr. Vandervelde. In particular, he pointed out that the two votes given to the Governments would permit of the representation of special interests, and in particular of agricultural interests. He argued that in countries in which industrial organisations were at a low level the Governments would be able to look after the interests of the working classes better than such organisations themselves.

Mr. Broz declared that, after a careful examination of the English memorandum,<sup>1</sup> he supported their point of view. His particular reason was that alluded to by Mr. Vandervelde. There were in his country, as in Belgium, two organisations of the workers, and hence the advantage of being able to make two appointments.

<sup>1</sup> See pp. 19-25.

*Mr. Oka* also supported the British proposal. First, because if one Government was liable to take the side of the employers while another Government was likely to take the side of the workers, the Governments, as a whole, would present a very fair balance of opinion. Secondly, because, in particular as regards Japan, the Government was more concerned with the progress of labour legislation than were the working classes themselves. To give strong representation to the Government was therefore to secure the success of this legislation.

*Mr. de Bustamante* said that he was in favour of the American idea. He recognised that the claim, as already put forward, was a bold one, since for the first time representatives of the employers and workers were placed on the same footing as the representatives of the Governments. But he saw no reason not to go further, and believed that he interpreted the opinion of the whole of Latin America in asking that equality should be maintained between the three representatives. *Mr. de Bustamante* added that in the countries of Latin America the two Government delegates would represent a single point of view, and consequently would vote as a block. In these circumstances, whether they had one vote or two, their action would suffice to turn the balance on the side of the employers or on the side of the workers, and the system of two votes would not afford any real advantage.

*The President*, considering that the discussion had been completed, proposed to put the matter to the vote, and asked that the names of the delegates voting for and against should be recorded. This was agreed to. The American amendment, providing that the Government should be represented by one delegate having one vote, was put to the vote with the following result :—

For the American amendment : *Mr. Gompers*, *Mr. Robinson*, *Mr. Colliard*, *Mr. de Bustamante*.

Against the American amendment : *Mr. Barnes*, *Sir Malcolm Delevingne*, *Baron Mayor des Planches*, *Mr. Cabrini*, *Mr. Vandervelde*, *Mr. Mahaim*, *Mr. Otchiai*, *Mr. Oka*, *Count Zoltowski*.

Absent : *Mr. Loucheur*.

The amendment was accordingly rejected by ten votes against four.

*The President* then put to the vote the amendment of *Mr. Vandervelde*, supported by the British Delegation, which was as follows :

1. Substitute for the second sentence of the first paragraph of Article III the following :—

“The Conference will consist of four representatives of each of the High Contracting Parties, of whom two shall be the delegates of the Governments concerned, and of whom the other two shall be delegates representing the employers and workers respectively.”

## 2. Delete the first sentence of Article IV.

The amendment was carried by ten votes to four.

For the Belgian amendment : Mr. Barnes, Sir Malcolm Delevingne, Baron Mayor des Planches, Mr. Cabrini, Mr. Vandervelde, Mr. Mahaim, Mr. Otchiai, Mr. Oka, Count Zoltowski, Mr. Broz.

Against the Belgian amendment : Mr. Gompers, Mr. Robinson, Mr. Colliard, Mr. de Bustamante.

At the end of the meeting *the President* asked that Mr. Oyster, Secretary of the American Delegation, should be appointed as one of the secretaries of the Commission, and to the Drafting Committee.

*Mr. Otchiai* put forward the same request as regards Mr. Yoshisaka, the Secretary of the Japanese Delegation.

The two proposals were accepted.

*(The Commission rose at 6.30 p.m.)*

Samuel GOMPERS, *President*.

Arthur FONTAINE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

## Minutes of Proceedings No. 10.

*The Tenth Meeting of the Commission on International Labour Legislation, held at the Ministry of Labour on 19 February 1919 at 10 a.m.*

*Mr. GOMPERS in the Chair.*

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Colliard . . . . .		France.
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .		
Mr. Broz ( <i>vice</i> Mr. Benes). . . . .		Czecho-Slovak Republic.
Count Zoltowski . . . . .		Poland.
Mr. de Bustamante . . . . .		Cuba.

At the President's request, *Mr. Colliard*, Minister of Labour, gave the Commission the latest information about the attempt made on the life of the Prime Minister of France.

Mr. Barnes then proposed the following resolution :—

“That this Commission puts on record its profound indignation at the dastardly attempt on the life of the Prime Minister of France, and extends to him and to the people of France the expression of an ardent hope for his speedy recovery.”

Mr. Vandervelde, Baron Mayor des Planches, Mr. Otchiai, Count Zoltowski, Mr. Broz, and Mr. de Bustamante supported Mr. Barnes’ motion, and expressed their indignation and sympathy.

The President reminded the Commission that three Presidents of the United States—Garfield, Lincoln, and McKinley— had been victims of similar attacks. The people of the United States would therefore feel a special sympathy for the people of France on the present occasion. The resolution was signed by all the members of the Commission and addressed to the Prime Minister.

#### Article XVIII.

The discussion was then resumed on Article XVIII.

Paragraphs 1 and 2 were adopted without discussion.

Paragraph 3.—Mr. Barnes proposed that it should read : “If on the final vote the convention . . .”

Mr. Arthur Fontaine proposed to give effect to this amendment in the French version as follows :—

“A la majorité de deux tiers des votes exprimés par les membres présents dans le scrutin final sur l’ensemble, ces conventions sont déclarées adoptées par la Conférence.”

Both proposals were adopted.

Arising out of an observation made by Mr. Mahaim, the President proposed that in all articles where the “Chancellor of the League of Nations” was mentioned the title of “Secretary-General” should be substituted for it, as the latter expression was that used in the draft Covenant of the League of Nations now under discussion.

This proposal was adopted.

Paragraph 4.—Mr. Barnes explained the meaning of the English text. Every country would be obliged to carry out without delay any convention ratified by its Parliament.

Baron Mayor des Planches, referring to the draft resolution proposed by the Italian Delegation at the previous sitting, again brought forward this resolution in the following form :—

“The Commission resolves that all States participating in the Conference shall be obliged to carry out within one year Conventions approved by a two-thirds majority of the Conference. Governments have the right of appealing against the decisions of the Conference to the Executive

Council of the League of Nations, which may order the question to be reconsidered by the Conference. Against the second decision of the Conference there is no appeal."

In support of this resolution *Baron Mayor des Planches* pointed out that in all countries it was felt more and more strongly, both by workpeople and employers, that their needs were better understood and better served by industrial bodies than political assemblies. He feared that the right of veto reserved to the national Parliaments in the English text would considerably reduce the effectiveness of the decisions of the Conference. In order to guard against mistakes on the part of the latter, which were always possible, the Italian Delegation proposed that instead of the national Legislatures having the right to intervene there should be an appeal to the Executive Council of the League of Nations, which would not pronounce on the questions at issue, but would be competent to refer conventions to which objection had been taken back to the Conference for further consideration. The text of the observations submitted by the Italian Delegation on this subject would be circulated by them to all the members of the Commission.

*Mr. Vandervelde*, while expressing his sympathy with the Italian proposal, stated that the Belgian Delegation would not support it for two reasons—one of principle, one of expediency.

In law it was impossible to deprive the various national Parliaments of the right of decision as regards the laws which were to apply in their respective countries. The system outlined by the Italian Delegation amounted to the creation of a super-Parliament. One might hope that this would be a system of the future, but it was not practical at the present moment, and if it were adopted there would be a grave risk of raising such opposition as to render the work of the Commission nugatory.

On the practical side one must not lose sight of the fact that the economic conditions of the different countries were not identical. Even if one were convinced, as he himself was, that labour legislation in the long run promoted rather than retarded the economic development of a country, it was nevertheless certain that during the period of transition it might appear to be an obstacle to production. Backward or impoverished countries, Belgium, for instance, which had been ruined by invasion, could not be in a position to bear restrictions which could be quite acceptable to prosperous countries.

*Mr. Robinson*, *Mr. Barnes*, *Mr. Otchiai*, *M. de Bustamante*, and *Count Zoltowski* supported *Mr. Vandervelde's* view.

The American representatives emphasised the constitutional obstacles which existed in their countries to the adoption of the Italian proposal.

*Mr. Otchiai* said that the Government and people of Japan were much concerned with labour questions, but their conditions were very different from those of Western Nations, and therefore

there might be certain measures of reform embodied in proposed conventions which were necessary for a large number of other countries, but which, if adopted immediately and unconditionally, would be contrary not only to the interests of industry, but also to those of the workers themselves in Japan. Consequently, in accepting and carrying out such proposed reforms, he thought Japan should have the opportunity of subjecting their execution to a period of delay or of introducing some exceptions or modifications.

*Baron Mayor des Planches* withdrew his proposal in view of the objections which had been put forward.

On the motion of *Mr. Colliard* it was decided, however, to adjourn the further discussion and the vote on the 4th paragraph of Article XVIII until the next sitting in order to allow the different delegations time to consider more carefully the question raised by the Italian Delegation.

#### *Article XIX.*

*Mr. Barnes* made the following commentary on this article :—

(a) There was no provision as to the manner in which a convention should be ratified by a Government. It would therefore be open to each Government to observe the requirements of its own constitution in this respect.

(b) The conditions as to ratification referred to, which might be included in a convention, might include, for instance, a condition that a convention should not be regarded as finally adopted unless it had been ratified by a sufficient number of States.

(c) The meaning of the words "adhere to" used at the end of the article might be obscure. It would therefore be better to substitute the word "ratified" for them.

After a discussion, in which *Mr. Robinson* and *Sir Malcolm Delevingne* took part, Article XIX was adopted as amended.

#### *Article XX.*

Adopted without discussion.

#### *Article XXI.*

It was decided to substitute the word "request" for "direct" in the penultimate sentence. With this amendment the article was adopted without discussion.

(*The Commission rose at 12.45 p.m.*)

*Samuel GOMPERS, President.*

*Arthur FONTAINE, General Secretary.*

*Harold BUTLER, Assistant General Secretary.*

### Minutes of Proceedings No. 11.

*The Eleventh Meeting of the Commission on International Labour Legislation, held at the Ministry of Labour on 20 February 1919 at 10 a.m.*

Mr. GOMPERS *in the Chair.*

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson . . . . .	{	
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .	{	
Mr. Colliard . . . . .		France.
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .	{	
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .	{	
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .	{	
Mr. Broz ( <i>vice</i> Mr. Benes). . . . .		Czecho-Slovak Republic.
Count Zoltowski . . . . .		Poland.
Mr. de Bustamante . . . . .		Cuba.

At the request of the President, *Mr. Colliard*, Minister of Labour, gave the Commission the latest information as to the condition of Mr. Clemenceau.

The Italian Delegation handed in to the Secretariat the text of the resolution and the memorandum submitted at the previous sitting by Baron Mayor des Planches.

The discussion of the last paragraph of Article XVIII was then resumed.

*Mr. Colliard*, in the name of the French Delegation, submitted the following resolution for the consideration of the Commission :—

“The Commission, while agreeing to the text of the last paragraph of Article XVIII as being alone compatible with the dispositions provisionally adopted for the working of the League of Nations, expresses the hope that, as regards international labour legislation, a deliberative international assembly will be constituted as soon as possible, and endowed with the powers proposed by the Italian Delegation.

“It further recognises that regard should be had to the relative importance of the economic interests of each country in connection with the voting for the purpose of passing Conventions in such an assembly.”

*The President* was surprised that a fresh discussion should have been opened on the motion presented by the Italian Delegation since the latter had withdrawn it.

*Mr. Mahaim* pointed out that a new resolution was now before the Commission, on which the French Delegation requested an expression of opinion.

*Mr. Barnes* thought it would be preferable not to debate the French resolution, but only to insert it in the Minutes of the sitting, as had been done in the case of the Italian resolution.

*Mr. Colliard* insisted, however, that a vote should be taken. He, nevertheless, agreed that the vote should be deferred until after the discussion of the last paragraph of Article XVIII, if the Commission preferred it.

*Mr. Barnes* pointed out that the resolution before the Commission was so drafted that, if it were to be thoroughly debated, a very long discussion would be necessary. He therefore repeated his suggestion that the French motion should simply be inserted in the Minutes.

*Mr. Robinson* supported *Mr. Barnes'* proposal.

*Mr. Vandervelde* said that in principle he was in favour of the resolution proposed by the French Delegation. It seemed to him important to express the sympathy of the Commission with a point of view which was certainly that of the organised workers. He only took exception to the mention of the Italian proposal in the text of the resolution. If this view was accepted, the objections raised by *Mr. Gompers* on the point of order would be met, and at the same time the objections in principle which might be raised to the adoption of the Italian scheme as being too precise. There was no question of the Commission pronouncing in favour of any particular system, but only of its affirming its desire to see an international labour parliament established and endowed with real autonomy.

In order to meet *Mr. Vandervelde*, *Mr. Arthur Fontaine* proposed to substitute the words "and endowed with power to take, under certain conditions, resolutions which will have the force of international law" in place of the words "endowed with the powers proposed by the Italian Delegation".

*Mr. Barnes* reminded the Commission that it had more important work to do than to pass platonic resolutions. Its business was to work out practical ways and means by which the conditions of life and labour of the working classes might be brought by international action to the highest possible level. At the same time, he would not be opposed to the adoption of a resolution of the kind proposed by *Mr. Colliard*, provided that the Commission did not pronounce in favour of any particular system, and especially if it were understood that the desired re-



form could only be realised when it was demanded by the different peoples and their representatives. Mr. Barnes accordingly proposed the following wording :—

“The Commission, while agreeing to the text of Article XVIII, expresses the hope that in course of time there may be such international agreement on the part of the High Contracting Parties as will enable effect to be given to Conventions with the least possible delay.”

*Mr. Robinson* still thought it was undesirable to take any formal decision on the French resolution. It had to be remembered how jealous the States and their legislative bodies were of their independence. Even if the resolution as drafted by Mr. Barnes was harmless, it would be better not to warn people, whose opposition might compromise the success of the Commission's work by adopting it.

At Mr. Colliard's request, the President then called upon *Mr. Jouhaux*.

In the latter's opinion it was not simply a question of echoing the aspirations of the working classes, but rather of taking account of their determination to achieve practical results. That determination had been manifested since July 1916. At that time the General Federation of Labour had presented a scheme of labour legislation, which implied an international organisation of the kind outlined in the French resolution. It was only by taking the initiative in such directions that an outburst of labour unrest could be avoided. Mere rejuvenation of the International Association for the Legal Protection of Workmen would not satisfy the working classes. This was not the view of an idealist, but of a practical man in daily contact with the labour movement. What the workers desired as a consequence of the war was nothing less than the creation of a new world. Let this principle be accepted, not merely in the form of resolutions, but as an indication of intention of future action; otherwise, the distrust of labour would only be increased, and in present circumstances might produce serious results.

*Mr. Broz*, while sympathising with views expressed by Mr. Jouhaux, asked that the discussion on the French resolution might be adjourned until the consideration of the English draft had been completed. This procedure would have the advantage of allowing the resolution to be recast and put into a satisfactory form.

*Mr. Vandervelde* asked that the discussion should be closed, but the vote should be postponed until the next day in order to allow a form of words to be formed, which would reconcile the French and the English resolutions. He emphasised the importance of giving the largest possible degree of satisfaction to the claims of organised labour.

*Mr. Colliard*, in the name of the French Delegation, said he was ready to omit the last paragraph of the resolution : "It further recognises....."

*Mr. Gompers* and *Mr. Robinson* said that, if a revised draft were prepared, they desired the omission of the words "while agreeing to the text of the last paragraph of Article XVIII," for they were bound to make a reservation on the adoption of that paragraph.

The discussion was then closed and the vote postponed until the next sitting.

The consideration of the last paragraph of Article XVIII was then resumed.

*Mr. Colliard* asked that it should be made clear that the period of one year provided in the text was a maximum period.

*Mr. Otchiai* referred to the declarations which he had made at the previous sitting, and at the 4th Meeting of the Commission, and said that the Japanese Delegation had to enter a reserve as to the adoption of the last paragraph of Article XVIII, which was so important, both from a legal and a practical point of view. As to the period of one year provided in the draft, it appeared too short, in view of the fact that the Japanese Parliament met ordinarily once a year, and that its sessions only lasted about three months.

The amendment was adopted.

*Mr. de Bustamante* was obliged to make a reservation on Article XVIII on account of the constitution of his country.

*Mr. Robinson* said that he had consulted Professor James Brown Scott, President of the American Institute of International Law, on the subject. In the latter's opinion, the paragraph as drafted could not be signed by the President of the United States, since he could not engage his country without previous reference to the Senate. As regards Conventions adopted in the future by the International Labour Conference, it would not be possible for the American Delegates to accept a provision which would render it obligatory to put such Conventions into operation unless they were disapproved by the Legislature. It had to be remembered that the first article of the Federal Constitution conferred upon Congress the sole right of legislation. That right could not be delegated to the executive power, even with the reservation of a right of veto to Congress. *Mr. Robinson* accordingly proposed the addition of the following words at the end of the paragraph :—

"and, except where this undertaking is inconsistent with the constitution or organic law of any of the High Contracting Parties, and in such case, it shall be obligatory on such High Contracting Party to use its utmost efforts to bring about such legislation as shall give full effect to any Convention so approved."

Mr. Gompers pointed out that the Federal Constitution was a written constitution, that the forty-eight States retained all the rights that were not expressly conferred on the federal power, and finally, that any change in the constitution was extremely difficult to effect, since it required the separate ratification of three-quarters of the States of the Union. What use therefore would it be to agree to the text proposed if the Senate, or, failing that, the Supreme Court, subsequently declared it to be unconstitutional? The only provision to which the American representatives could agree would be one which maintained the obligations of the Federal Executive within limits permissible under the constitution. It might, for instance, be said that the Federal Government would make every effort to induce the States to renounce their right to legislate on labour matters, or that it would use its best endeavours to secure the adoption by the different State Legislatures of the measures agreed to by the Conference.

In view of the importance of the question which had been raised by the American Delegation, Sir Malcolm Delevingne asked that the debate might be adjourned.

*(The Commission rose at 12.30 p.m.)*

Samuel GOMPERS, *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

### Minutes of Proceedings No. 12.

*The Twelfth Meeting of the Commission on International Labour Legislation, held at the Ministry of Labour on 21 February 1919 at 10 a.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	(	United States of America.
Mr. Robinson ( <i>vice</i> Mr. Hurley) . . . . .	)	
Mr. Barnes . . . . .	(	British Empire.
Sir Malcolm Delevingne . . . . .	)	
Mr. Arthur Fontaine . . . . .	(	France.
Baron Mayor des Planches . . . . .	)	Italy.
Mr. Cabrini . . . . .	(	
Mr. Otchiai . . . . .	)	Japan.
Mr. Oka . . . . .	(	
Mr. Vandervelde . . . . .	)	Belgium.
Mr. Mahaim . . . . .	(	
Mr. Broz ( <i>vice</i> Mr. Benes) . . . . .	)	Czecho-Slovak Republic.
Count Zoltowski . . . . .	(	Poland.
Mr. de Bustamante . . . . .	)	Cuba.

The Minutes of the Ninth and Tenth Meetings were adopted with a correction at the request of Mr. Otchiai.

*The President* communicated the following letter which he had just received from Mr. Loucheur :

"Sir,

"Having been unable to attend the meetings of the Commission on International Labour Legislation for some time past, as I have been engaged on the Reparation Commission, I have none the less kept myself daily in touch with it through my substitute, Mr. Ader, and I am writing you the present letter in the hope that you will be good enough to read it at this morning's sitting to the Commission.

"The Delegates of the United States, and also of certain other countries, have stated that their national legislation does not permit them to accept the last paragraph of Article XVIII in view of the terms of their constitutions. While agreeing that the consideration of the draft submitted by the British Delegation should be pushed forward as rapidly as possible, I cannot refrain from making the following observations :—

"(1) We are assembled not merely to lay down the rules of a permanent organisation for the international regulation of conditions of employment, but more particularly to take the first steps in the direction of international regulation.

"(2) It therefore seems to me that our Commission ought immediately to undertake the examination of the principal questions of which the working classes demand the settlement, among which I need only mention the hours of work, measures to be taken for the protection of workers employed outside their own country, limitation of the age of employment, etc.

"The decisions which might be taken on these questions, which evidently cannot have the force of law until they have been ratified by the Parliaments concerned, will permit us at any rate to submit these questions immediately to our Parliaments, and will therefore enable us to see whether it is possible to arrive at the international legislation, which we wish to create, on specific questions.

"Believe me, &c.

"(Signed) LOUCHEUR."

*The President* remarked that the contents of this letter corresponded to a considerable extent with the declaration submitted by him on behalf of the American Fédération of Labour.

*Baron Mayor des Planches*, in the name of the Italian Delegation, referred to his previous declarations, and in particular to that made in the course of the fourth sitting, and stated that he would distribute forthwith to the members of the Commission, the text, in English and French, of certain proposals which the Italian Delegation intended to submit for discussion as soon as the consideration of the British draft was finished.

The Commission decided that Mr. Loucheur's letter should be inserted in the Minutes.

The debate was then resumed on the last paragraph of Article XVIII.

*Sir Malcolm Delevingne* summed up the difficulties pointed out by the American delegates as follows:—

1. The reservation "unless such Convention is disapproved by its Legislature" imposes too strict an obligation on the Federal Executive.
2. In the United States labour legislation is a matter for the individual States, and not for the Federal Legislature.
3. Any law passed by a State Legislature or by Congress may be declared unconstitutional by the Supreme Court.

In *Sir Malcolm Delevingne's* opinion the second difficulty was perhaps the most formidable, but the first and third were in reality of the same kind. The British proposal placed the Government in the dilemma of either ratifying the Convention, or reporting the formal disapproval of its Parliament. Mr. Robinson had objected that the President of the United States could not compel Congress to take a decision on any question. This difficulty might equally arise under any constitution. In England the Government might have more control over the order of business of Parliament than in the United States, but the House of Commons could always postpone the discussion of any subject indefinitely. The amendment proposed by Mr. Robinson<sup>1</sup> was clear, but it reduced the obligation imposed on the United States to such a point that it destroyed the intention of the whole paragraph. It was necessary to find a form of words which would impose on all States, if not an exactly similar obligation, at least an obligation which would be equally effective. The issue was one of constitutional law, which could not be dealt with by the members of the Commission. *Sir Malcolm Delevingne* therefore proposed that the debate should be adjourned, and that meanwhile the representatives of the United States, as well as the other members of the Commission should seek the advice of their legal advisers with a view to finding a new formula.

<sup>1</sup> "And except where this undertaking is inconsistent with the constitution or organic law of any of the High Contracting Parties, and in such case it shall be obligatory on such High Contracting Party to use its utmost effort to bring about such legislation as shall give effect to any convention so approved."

Mr. Mahaim emphasised the necessity of all States being equally bound by the decisions of the future Labour Conference. It was clearly beyond the competence of the Commission to solve the problem which had been raised. He therefore suggested, with Mr. Vandervelde's concurrence, that it should be presented to the Peace Conference, and accordingly moved the following resolution :—

“The Commission notes that the Constitution of certain States does not permit them to conclude treaties on the subject of labour legislation, and it would notify the Peace Conference that this circumstance renders the creation of an organisation for securing international labour legislation precarious. It therefore requests the Peace Conference to ask for a declaration on the part of such States to the effect that they will undertake such steps as will enable them to acquire the power of assuming international obligations in regard to labour matters before the first meeting of the International Labour Conference.”

After a discussion, in which Mr. Robinson, Mr. Barnes, Count Zoltowski, and Mr. Gompers took part, Mr. Mahaim withdrew his motion, in place of which the Commission accepted Mr. Barnes' proposal to adjourn the debate of the last paragraph of Article XVIII until the consideration of the British draft had been concluded, on the understanding that the different delegations would avail themselves of the interval to find a satisfactory formula.

Articles XIX, XX and XXI having been previously adopted, the discussion was then opened on

#### *Article XXII.*

Mr. Mahaim proposed to substitute the following words for the text proposed by the British Delegation :

Article XXII. “In the event of any representation being made to the International Labour Office *by any of the High Contracting Parties or by an employers' or workers' organisation* that any of the High Contracting Parties *has flagrantly violated* or has failed to secure in any respect the effective observation within its jurisdiction of a Convention to which it is a party, the Governing Body *shall* communicate this representation to the State against which it is made, and may invite that State to make such statement on the subject as it may think fit.”

Mr. Barnes objected to Mr. Mahaim's amendment on the ground that it lacked elasticity.

Mr. Vandervelde considered that the British proposal was at once too wide and too restricted. It was too wide in that it admitted all kinds of complaints, even those lodged by individuals, without distinction (Article XXII), and it was too restricted in that the machinery of enquiry could not be put in motion except on a complaint being filed by one of the High Contracting Parties

(Article XXIV). Mr. Vandervelde accordingly proposed the following double amendment :—

Article XXII. "Any representation made to the International Labour Office by a properly constituted employers' or workers' organisation that any of the High Contracting Parties..." should be communicated by the Governing Body to the State in question. The latter *might* be invited to make such statement on the subject as it thought fit.

Article XXIV. To add at the end the following sentence :—

"The International Labour Office may adopt the same procedure either on its own motion (if it has reason to believe that a Convention is not being observed), or on receipt of a complaint from any delegate to the Conference."

*Baron Mayor des Planches* supported Mr. Vandervelde's proposal.

In order to reconcile the different proposals before the Commission, Mr. *Arthur Fontaine* proposed to modify Mr. Vandervelde's amendment as follows :—

Article XXII. Only to alter the commencement of the article :—

"Any representation made to the International Labour Office by a recognised employers' or workers' organisation that any of the High Contracting Parties..."

Article XXIV. To introduce a new conception at the beginning of the article :—

"Any of the High Contracting Parties, or any of the delegates to the International Labour Conference may file..."

Mr. *Robinson* supported Mr. *Arthur Fontaine's* proposal, with the addition of the following further amendment :—

"Should the complaining party be a non-Government delegate he would have the right to be heard by the Governing Body. The latter would retain full discretion to open an enquiry or not as it might think fit."

On *Sir Malcolm Delevingne's* suggestion, the President put Mr. *Fontaine's* amendment on Article XXII to the vote. It was adopted.

The President then put Mr. *Mahaim's* amendment to the Commission. After an exchange of views, in which Mr. *Barnes*, Mr. *Vandervelde*, and Mr. *Arthur Fontaine* took part, the amendment was rejected.

The part of Mr. *Vandervelde's* amendment, which differed from that of Mr. *Arthur Fontaine*, was not adopted.

The whole of Article XXII was then passed.

### Article XXIII.

*Mr. Vandervelde* asked that the period might be fixed at the end of which the Governing Body should have the right of publishing representations made as to failure to observe a Convention.

After *Mr. Barnes* had given an explanation, the text as originally drafted was accepted.

### Article XXIV.

A preliminary discussion took place in regard to the amendments proposed by *Mr. Vandervelde* and *Mr. Arthur Fontaine*. It would be necessary to decide (1) whether the International Labour Office should take the initiative in ordering an enquiry, or whether it should act on receipt of a complaint from a delegate to the Conference or a Government; (2) whether the lodging of a complaint rendered it obligatory on the Governing Body to put the machinery of enquiry in motion, when the complaint was not lodged by a Government.

The debate was then adjourned until Monday.

*(The Commission rose at 12.50 p.m.)*

Samuel GOMPERS. *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER. *Assistant General Secretary.*

## Minutes of Proceedings No. 13.

*The Thirteenth Meeting of the Commission on International Labour Legislation held at the Ministry of Labour on 24 February 1919 at 2.30 p.m.*

Mr. GOMPERS *in the Chair.*

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson ( <i>vice</i> Mr. Hurley) . . . . .	}	
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .	}	
Mr. Colliard . . . . .	{	France.
Mr. Jouhaux ( <i>vice</i> Mr. Loucheur) . . . . .	}	
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Coletti ( <i>vice</i> Mr. Cabrini) . . . . .	}	
Mr. Oka . . . . .	{	Japan.
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .	}	
Mr. Broz ( <i>vice</i> Mr. Benes). . . . .	{	Czecho-Slovak Republic.
Mr. Patek ( <i>vice</i> Count Zoltowski) . . . . .	{	Poland.
Mr. de Bustamante . . . . .	{	Cuba.



*The President* communicated to the Commission a telegram which he had received from Mr. Clemenceau, dated 21 February, in the following terms :—

“I have been deeply touched by the sympathy which the Commission on International Labour Legislation have been kind enough to express and by the good wishes which they have addressed to me. I thank you most heartily for the friendly letter which you have sent to me on behalf of your colleagues, and I should be obliged if you would convey to them the expression of my sincere gratitude.”

*The President* also read letter from Mr. Loucheur appointing Mr. Jouhaux as his substitute on occasions when he was unable to be present.

*The President* announced that Mr. Patek had been appointed to take the place of Count Zoltowski as representing Poland.

The Minutes of the Eleventh and Twelfth Meetings were adopted subject to corrections asked for by Mr. Otchiai in those of the Eleventh, and by the General Secretariat in those of the Twelfth.

The debate on the amendments proposed by Mr. Vandervelde, Mr. Arthur Fontaine, and Mr. Robinson on Article XXIV was then resumed.

*Mr. Barnes* said that the amendment proposed by Mr. Vandervelde might create serious difficulties, because it would be possible for a trade union to complain against its own Government, and also it was likely that, if the amendment were adopted, some States would refuse to adhere to the Convention.

*Mr. Vandervelde* pointed out that his amendment was in the interests of the High Contracting Parties, since complaints could be formulated by the delegates themselves, and not only by the States. In this way the susceptibilities of the Governments would be better safeguarded than if one of them was bound to appear as the accusing party. It was of course understood, on the other hand, that a complaint lodged by a delegate would not oblige the Governing Body to act. Further, it was desirable that the Governing Body should be able to act on its own motion, even without having received a complaint from a delegate, but simply having regard to the observations received under Article XXII.

*Mr. Arthur Fontaine* withdrew his amendment as it appeared to be covered by Mr. Vandervelde's proposal. The latter was eventually adopted with the following wording :—

*Article XXIV.*

Add the following sentence :—

“The Governing Body may adopt the same procedure either on its own motion or on receipt of a complaint from any delegate to the Conference”.

### Article XXV.

At the President's request *Mr. Barnes* explained the view of the British Delegation as to the "persons of independent standing" mentioned in the second paragraph. They had in view persons of note who were neither employers nor employed in the strict sense of the word; for instance, retired lawyers, chosen as far as possible for their known impartiality in regard to the various economic questions of the day.

*Mr. Mahaim* proposed the following amendment:—

"The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may, by two-thirds of the votes cast by the members present, refuse to accept the nomination of any person who in its opinion does not possess the qualifications required by the present article."

This amendment was adopted.

*Mr. Patek* asked that it should be laid down that the President of a Commission of Enquiry must be chosen from among the persons of independent standing. *Mr. Vandervelde* and *Baron Mayor des Planches* supported this amendment, which was opposed by *Mr. Barnes* and *Mr. Gompers*.

*Sir Malcolm Delevingne* pointed out that the point raised was not really relevant. It was not a question of adjudicating on differences between employers and workers, since the enquiries would be dealing with the failure on the part of a Government to carry out its obligations under a convention.

*Mr. Patek's* amendment was rejected.

The whole of Article XXV, as amended by *Mr. Mahaim*, was then adopted.

### Article XXVI.

*Mr. Robinson* pointed out that it would be more correct from the legal point of view to employ the phrase "Each of the High Contracting Parties" instead of "The High Contracting Parties." The point was noted for consideration by the drafting committee.

The whole of Article XXVI was adopted without discussion.

### Article XXVII.

*Mr. Barnes* explained that the British Delegation had found it necessary to confine itself to formulating the sanctions in general terms. He also pointed out all the precautions which would have to be taken before sanctions could come into operation, and especially the provision allowing the defaulting State a period within which to come into line and to fulfil its obligations.

*Mr. Robinson* asked that the question of sanctions might be reserved until that of the obligations undertaken by the signatory States (Article XVIII) had been determined.

*Mr. Jouhaux* pressed that a decision should be taken on Article XXVII without delay. It was of supreme importance that sanctions should be provided, for without them all attempts to reach uniformity in international labour legislation would be in vain.

*Mr. Vandervelde* supported *Mr. Jouhaux*' view. It was not a question of measures to compel a State to accept international labour legislation, but only of sanctions against Governments which, having signed a Convention, failed to honour their word. The measures contemplated had been devised with extreme caution. The employers who had advised the Belgian Delegation had, indeed, shown themselves somewhat alarmed by the fact that no scales of penalties had been provided, but that the application of the penalty clauses was left to the discretion of the League of Nations. But he recognised with the British Delegates that it was impossible to lay down the nature of the penalties at present. *Mr. Vandervelde* therefore confined himself to proposing the following verbal amendment :—

Instead of the words "it shall indicate in this report the measures, if any, against the commerce of the defaulting State." substitute the words : "it shall also indicate in this report the measures, if any, of an economic character, against a defaulting State."

*Mr. Robinson* again pressed for the adjournment of this article. He feared that the proposed drafting would not meet with the approval of the Plenipotentiaries.

*Mr. Barnes* was unable to see the connection between Article XVIII and Article XXVII which *Mr. Robinson* had alleged. The Commission must arrive at some conclusion as regards the wording of Article XVIII. A formula would have to be found allowing States with federal constitutions to bind themselves as effectively as other States. That was such an essential point that one could not admit the supposition that the difficulty could not be overcome. That being so, there was nothing to prevent the article dealing with the penalties being discussed at once.

*Mr. Barnes* also emphasised the care which had been taken by the British Delegation to avoid offending the susceptibilities of the States. The whole of Article XXVII, as amended by *Mr. Vandervelde*, was then put to the vote and carried.

### *Article XXVIII.*

*Mr. Barnes* showed that the article provided a sort of Court of Appeal open to defaulting States, that is to say, one more intervening stage before the economic sanctions provided in Article XXVII could become operative.

In reply to the President, *Mr. Barnes* agreed that it was perhaps placing too great a responsibility on the Secretary General of the League of Nations to leave him to choose unaided the mem-

bers of the Court of Appeal, even agreeing that they should be recruited, when necessary, from the members of the Permanent Court at The Hague. After a discussion, in which Mr. Barnes, Mr. Mahaim, and Mr. de Bustamante took part, as to the desirability of provisionally utilising the services of the Members of The Hague Court of Arbitration in forming tribunals under Article XXVIII, Mr. Barnes proposed the following wording :—

To delete the words from “nominated by” to “international disputes” and to substitute the following words :—

“consisting of three members, one selected by the complaining State, one by the State complained of, and one by the Executive Council of the League of Nations.”

This amendment, and the whole of Article XXVIII as amended, were then adopted.

#### *Article XXIX.*

On Mr. Barnes' motion, the discussion of this article which referred expressly to Article XVIII was postponed until agreement had been reached as to the wording of Article XVIII.

At the end of the sitting the Commission agreed to consider the desirability of holding, if necessary, extraordinary meetings from Wednesday morning onwards in order that the second reading of the draft might be completed that week.

The debate was then adjourned until Wednesday at 10 a.m.

*(The Commission rose at 6.10 p.m.)*

Samuel GOMPERS, *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary*

#### **Minutes of Proceedings No 14.**

*Minutes of the Fourteenth Meeting 26 February 1919 at 10 a.m.*

Mr. GOMPERS *in the Chair.*

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Colliard . . . . .	{	France.
Mr. Jouhaux . . . . .		
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Coletti . . . . .		

Mr. Otchiai . . . . .	}	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	}	Belgium.
Mr. Mahaim . . . . .		
Mr. de Bustamante . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

The Minutes of the Thirteenth Meeting were adopted with a correction asked for by *Mr. Barnes*.

#### *Article XXX.*

Adopted without discussion.

#### *Article XXXI.*

*Mr. Barnes* pointed out that the article left it open to the signatory States to decide for themselves whether the penalties recommended by the Commission of Enquiry or the International Court should be applied.

On an observation by *Mr. Patek* the exact meaning of the word "reverse" in the English text was discussed.

After an exchange of views between *Mr. Barnes*, *Mr. Vandervelde* and *Mr. Arthur Fontaine*, it was suggested to the Drafting Committee that it should be translated by "annuler".

*Mr. Barnes* pointed out that in this article as well as in Articles XXXII and XXXIII, the phrase "measures of an economic character" should be substituted for the phrase "measures against the commerce of" in order to conform to Article XXVII as amended.

Article XXXI was adopted.

#### *Article XXXII.*

Adopted without discussion.

#### *Article XXXIII.*

The article was adopted without discussion, after an explanation given by *Mr. Barnes*.

#### *Article XXXIV.*

The British Delegation withdrew the article as printed, and instead, proposed the following wording :—

"The British Dominions and India, and also the fully self-governing Colonies or Possessions of other Powers shall have the same rights and obligations under this Convention as if they were separate High Contracting Parties.

"Each of the High Contracting Parties engages to consider the application of the Conventions adopted under the foregoing provisions to those of its Colonies, Possessions and Protectorates which are not fully self-governing."

*Mr. Barnes* pointed out that this version differed from the first principally in that it dealt with the case of self-governing Colonies other than those of Great Britain, and also with all the Colonies which were not self-governing of all countries without distinction.

*Mr. Vandervelde*, while recognising that the new English drafting met certain objections raised by the Belgian Delegation, stated that the latter still preferred the following version :—

"The British Dominions and India shall have the same rights and obligations under this Convention as if they were separate High Contracting Parties.

"Subject to the approval of the Executive Council of the League of Nations, the self-governing Protectorates and Colonies of other Powers shall have the same rights and obligations if their mother country has agreed to their exercising them.

"In all other cases a labour Convention adopted by the Conference shall be applicable to a Colony, Possession or Protectorate only by virtue of the express consent of the mother country.

"Each of the High Contracting Parties engages to consider the application of the Conventions adopted under the foregoing provisions to those of its Colonies, Possessions and Protectorates, which are not fully self-governing."

As a commentary to his counter amendment, *Mr. Vandervelde* pointed out :—

(a) That as the principle of colonial autonomy had not been applied by any other country as thoroughly as by Great Britain, it was not possible to treat the Colonies of other countries on exactly the same footing as the British Dominions. In fact, the Colonies of other countries could not adhere in their own names to labour Conventions without the previous consent of the mother country, and before they could adhere in their own names it would be necessary for the General Conference to agree to it.

(b) That the second paragraph of the British amendment implied that it would not be obligatory to apply Conventions to Colonies which were not self-governing, that is to say, the application would require an express decision to that effect by the Government of the mother country. It would be better to make this point explicit.

*Mr. Robinson* thought that it would be useful to distinguish more precisely than was done by the English amendment or even

by Mr. Vandervelde's amendment the different kinds of independent States. In view of the constitutional difficulties in the case of the United States which had already been pointed out, namely that labour legislation was in principle the affair of the constituent States of the Union and not of the Federal Government, he proposed that in the first paragraph of the new Article XXXIV "the Sovereign States members of Federal States" (which was the definition of the constituent States of the Union) should be placed in the same position as the British Dominions.

*Mr. Barnes* replied to Mr. Robinson and Mr. Vandervelde in turn. He thought that the constitutional difficulties to which Mr. Robinson had referred could only be dealt with by finding some suitable form of words for Article XVIII. It was moreover necessary that neither in Article XVIII nor in Article XXXIV should the unity of the United States be rendered doubtful. What would be the consequences if they admitted that each State within a Federation was entitled to separate representation in the General Conference? Canada and Australia would follow the example of the United States, the Conference would become an enormous Congress and the difficulty of doing useful work would be greatly increased.

*Mr. Barnes* objected to Mr. Vandervelde's proposal that, as regards the Colonies of countries other than Great Britain, the Conference would have to decide questions of international law, which were obviously not within its competence. The relations between a State and one of its self-governing Colonies could not be placed under the control of an assembly of the representatives of other States, and particularly an assembly in which, besides the representatives of other States, representatives of voluntary organisations took part.

The British Delegation considered that the precaution taken in specifying that the Colonies must be fully self-governing was sufficient.

*Mr. Barnes* did not see the use of specifying that the application of a Convention to a Colony should form the object of a special decision on the part of the Government concerned. The British Government considered it sufficient to indicate as regards the Colonies, which were not self-governing, that the decision of the mother country took the place of ratification by the legislative authority.

*Mr. Jouhaux* asked that it should be laid down that the extension of labour legislation in any Colony was not dependent upon the conclusion of an International Convention.

*Mr. Barnes* replied that this was clearly not the case, but international pressure appeared to be the most effective means of stimulating progress in the regulation of labour in the Colonies, which was certainly desired as keenly by the British as by the French workers.

*Mr. Broz* asked whether the words "shall have the same rights" had been intentionally substituted for the words "may become parties to this Convention and have the same rights".

*Mr. Barnes* explained that the two forms of words might be regarded as having the same meaning.

*Sir Malcolm Delevingne* thought it was possible to find a formula which would meet *Mr. Vandervelde's* point. It might, for instance, be laid down that the admission of a self-governing Colony as an adherent to a Convention should be approved by the Executive Council of the League of Nations, instead of by the Conference. On the other hand, the application ought to be made not by the Colony, but by the mother country. Moreover, the British Delegation had no objection to the paragraph requiring an express decision on the part of the mother country in respect of the application of a Convention to a Colony which was not self-governing.

The whole wording of the article was referred to the Drafting Committee, and the vote on the amendments proposed deferred until the next Meeting.

#### *Article XXXV.*

Adopted without discussion after an explanation by *Mr. Barnes*.

#### *Article XXXVI.*

*Mr. Barnes* recognised that the article as drafted would make subsequent modification of the Convention too difficult.

*Sir Malcolm Delevingne* proposed to substitute for the original wording one based on Article XXVI of the League of Nations Covenant, which ran as follows :—

"Amendments to this Covenant will take effect when ratified by the States whose representatives compose the Executive Council and by three-fourths of the States whose representatives compose the Body of Delegates."

*Mr. Vandervelde*, while recognising that the wording of Article XXVI of the Covenant was more satisfactory than the original wording of Article XXXVI, asked that the machinery for revising the Convention might be made still more elastic. Neutral States, and eventually enemy States, would have the right to put forward their views in regard to labour legislation. It would be contrary to the common interest if necessary modifications were to be blocked by the requirement of unanimity. The Belgian Delegation therefore pressed that modifications in the Convention might be made on a two-thirds majority of the votes cast.

*Mr. Barnes* feared that *Mr. Vandervelde* went too far in his desire to facilitate subsequent modifications of the Convention, and that his amendment would alarm the States to whom it would have to be submitted for signature.



*Mr. Mahaim* supported *Mr. Vandervelde's* view. He recognised that it was bold to substitute a two-thirds majority for the traditional principle of unanimity, but this innovation had already been admitted in Article XVIII as regards adhesion to a Convention; and it seemed both justifiable and desirable to settle the question of the vote on amendments to the present Convention in the same sense.

*Mr. de Bustamante* asked that the vote on this article might be postponed. The Belgian amendment raised the same constitutional problem with regard to the modification of the Convention as arose in regard to its original ratification. Was it possible to admit that an obligation could be imposed on a Sovereign State by a decision in which it had not in fact concurred?

In order to reconcile the Belgian amendment with Article XXVI of the Covenant, *Mr. Vandervelde* proposed that any subsequent amendments to the present Convention should be submitted to two successive ratifications, both requiring a two-thirds majority of the votes cast, the first by the Governing Body of the International Labour Office, the second by the full Conference.

On *the President's* motion, it was decided that the different texts should be circulated by the Secretariat to the members of the Commission, and that the vote should be taken at the next Meeting.

At the end of the Meeting an exchange of views took place in regard to the further work of the Commission.

It was decided that the second reading should be finished by 28 February at the latest; that the Secretariat would then edit the text with the amendments, which had been voted with a view to the third reading; and that, in the meanwhile, the Commission would proceed to consider the preamble and the general questions submitted by the different Delegations.

*Baron Mayor des Planches* asked that it should be understood that the Commission would not sit for eight or ten days, during which the text as amended could be submitted by the Delegates for consideration by the Governments and the Trade Organisations concerned.

It was decided that the Commission would sit both morning and afternoon on 27 February.

*(The Commission rose at 12.50 p.m.)*

Samuel GOMPERS, *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

## Minutes of Proceedings No. 15

*Minutes of the Fifteenth Meeting, 27 February 1919 at 10 a.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	}	United States of America.
Mr. Robinson . . . . .		
Mr. Barnes . . . . .	}	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Colliard . . . . .	}	France.
Mr. Jouhaux . . . . .		
Baron Mayor des Planches . . . . .	}	Italy.
Mr. Coletti . . . . .		
Mr. Oka . . . . .		Japan.
Mr. Vandervelde . . . . .	}	Belgium.
Mr. Mahaim . . . . .		
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

The discussion of Articles XXXIV and XXXVI was continued.

### *Article XXXIV.*

*Sir Malcolm Delevingne* put forward the following modified text agreed to by the Belgian Delegation :—

“The British Dominions and India shall have the same rights and obligations under this Convention as if they were separate High Contracting Parties.

“The same shall apply to any Colony or Possession of any of the High Contracting Parties which on the application of such High Contracting Party is recognised as fully self-governing by the Executive Council of the League of Nations.

“Conventions adopted in pursuance of the provisions of this Convention shall not be applicable to a Colony, Possession or Protectorate which is not fully self-governing of any of the High Contracting Parties unless the High Contracting Party expressly decides that the Convention shall apply, and each of the High Contracting Parties engages to consider the application of such Conventions to those of its Colonies, Possessions, or Protectorates which are not fully self-governing.”

*Mr. Robinson* proposed that after the word “Possessions” in the first paragraph of the article so amended, should be inserted the words “and the several States of a Federation of States.” He

explained that the different States in the United States had the right to conclude treaties, provided that the Federal Authority agreed. Consideration should be given to the peculiar situation of the United States, just as the authors of the amendment in the text which they had proposed had given consideration to the position of Great Britain and her Dominions. Since labour legislation was in principle the affair of the individual American States, the text should be adjusted to allow for this fact. Any attempt to force things on the States would be strongly resented.

*Mr. Arthur Fontaine* pointed out that the position outlined by Mr. Robinson was peculiar to the United States. In most of the Federal States with which the work of the Commission would be concerned, labour legislation was a matter for the Federal authority. It would be necessary, therefore, to say, if one followed Mr. Robinson's lines "the States which belong to a Federation, and which have autonomy in Labour Legislation. . . ." He thought that even if so modified the amendment would not be suitable. No doubt the objection urged against the number of Delegates who would represent the United States at the Labour Conference if the Robinson amendment were adopted would not be insurmountable. It would perhaps be possible to combine the States in a number of groups so that they could be represented by a more limited number of representatives. But there was another objection, and that was that if the separate American States were really sovereign as regards labour legislation, it was difficult to say what form of economic sanction could be applied against any one of them which failed to carry out a Convention.

*Mr. Vandervelde* pointed out that the only radical solution of the difficulty in question was that of securing an alteration in the Constitution of the United States. Failing this solution, the alternative was to be satisfied with a makeshift compromise. As a matter of fact, the United States could not be represented in International Conferences otherwise than by a representative of the Executive Federal Authority. There remained the question of considering how the decisions taken by a Conference in which the United States was so represented could be ratified, for, in fact, the difficulty arising out of Article XXXIV could not be separated from the question which had been postponed in connection with Article XVIII. Provisions for such ratification must be made in accordance with the facts as they actually were. If it was the State Legislatures which were competent, then the Federal Power must submit its decisions for ratification by the forty-eight Legislatures, and bind itself to take all steps in its power to obtain within the fixed limit of time these forty-eight ratifications. This would be a complicated procedure, and not a very satisfactory one. It was, however, the only one possible unless the Constitution of the United States were altered. Nevertheless, it was better than that proposed by Mr. Robinson. By increasing considerably the representation given to the separate States, it would have the

effect, paradoxical though it might seem, of putting to some extent a premium on their decentralised labour legislation to the detriment of other countries, which had abandoned this decentralisation, and which had recognised that labour legislation should be uniform for the whole country.

According to *Mr. Barnes*, the proper and logical place to deal with this difficulty was in connection with Article XVIII. Moreover, since Article XXXIV was only concerned with the case of Colonies, there was no reason to deal in the same article with the case of the different States belonging to the United States of America.

*Mr. Gompers* opposed the arguments of *Mr. Vandervelde* and *Mr. Barnes* on the following grounds :—

1. It was not correct to say that the American States were not "self-governing." They were "self-governing" as regards precisely the questions under consideration, namely, labour legislation. Such legislation came under the heading of what was called the "Police Power" of the separate States, and this power was specially reserved under the American Constitution to the separate States. The decision recently given by the Supreme Court declaring unconstitutional the Federal Child Labour Law, was the best evidence in support of the attitude taken up by the American Delegation.
2. Whether one liked it or not, it was a very difficult thing to change the American Constitution. It was the result of historical circumstances which could not be altered. It had provided a system of legislative precautions which had to be overcome before the Constitution could be amended, and they made the voting of such amendments extremely difficult. The decentralisation of powers in the Constitution of the United States corresponded to the diversity of its territory and its great geographical extent.
3. The proposal put forward by *Mr. Robinson* was not inequitable in any way. It should not be forgotten that under the alternative system a population of 100,000,000 like the United States would have the same number of votes as a tiny State. The American Delegation did not demand to go to the other extreme, and was ready to accept the compromise suggested by *Mr. Arthur Fontaine*. What was wanted was to secure a practical formula which would admit of effective development of labour legislation.

*Mr. Robinson* proposed the following text :—

"The British Dominions and India and the several States of a Federation of States where the States have reserved in whole or in part their autonomy in respect to labour legislation shall have the same rights and obliga-

tions, and in such case the representation at the Conference shall in number have reference to the population and industrial importance of the Federation of States, such representation to be fixed by the Conference."

*The President* put the question to the vote, the names of the Delegates voting for and against being recorded with the following result :—

For : Messrs. Gompers, Robinson, Broz.

Against : Messrs. Barnes, Sir Malcolm Delevingne, Jouhaux, Baron Mayor des Planches, Coletti, Oka, Vander-velde, Mahaim, Patek.

Abstentions : Mr. Colliard.

Absent : Mr. Otchiai, Mr. de Bustamante.

The amendment was accordingly lost.

The discussion of the British proposal was then resumed.

In reply to a question asked by Mr. Gompers, *Mr. Barnes* explained that the principle applied in the third paragraph to the Colonies was simply the same principle which it had been decided to apply to the mother countries. It was necessary to say what was the authority which should ratify the Convention as regards such Colonies. The powers exercised by the legislatures as regards the mother countries belonged, as regards Colonies, to the Central Executive Power. It was, therefore, logical to provide that it should be this latter which should ratify Conventions as regards their application to Colonies.

*The President* suggested that there should be a separate vote on each of the three paragraphs of Article XXXIV.

Paragraphs 1 and 2 were adopted by a show of hands.

Paragraph 3 was then put to the vote, a record being made of those voting for and against with the following results :—

For : Mr. Barnes, Sir Malcolm Delevingne, Mr. Colliard, Baron Mayor des Planches, Mr. Coletti, Mr. Vander-velde, Mr. Mahaim, Mr. Patek.

Against : Mr. Gompers, Mr. Robinson, Mr. Broz.

Abstained : Mr. Jouhaux.

Paragraph 3 was accordingly adopted.

#### *Article XXXVI.*

*Sir Malcolm Delevingne* proposed the following text :—

"Amendments to this Convention which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present, shall take effect when ratified by the States whose representatives compose the Executive Council of the League of Nations, and by three-fourths of the States whose representatives compose the body of Delegates of the League."

He explained that this text was founded on that of Article XXVI of the Covenant of the League of Nations. It differed from it in one important point. The initiative as regards amendments would be taken by the Labour Conference, and only amendments approved by it could be submitted to the higher authority of the League of Nations.

*Mr. Vandervelde* was of opinion that this proposal, although more elastic than that formerly put forward, was still too rigid. He recognised, however, that it was logical to follow, as regards the organisation of labour legislation, the general rules decided upon as regards the scheme for the League of Nations. It might be hoped, moreover, that an amendment proposed by the Labour Conference would have so much authority behind it that it would be accepted by the high authority of the League of Nations.

*Mr. Vandervelde* for this reason agreed to the proposal.

Article XXXVI was adopted.

#### *Article XXXVII.*

The *British Delegation* proposed to withdraw this article. They understood that President Wilson was in favour of inserting the Convention regarding labour legislation in the Treaty of Peace rather than in the agreement relating to the League of Nations. Accordingly there was no case for inserting the article as originally proposed. The article was withdrawn.

#### *New Articles proposed by the British Delegation.*

*Mr. Barnes* proposed to the Commission certain additional articles.

*First New Article* (to be incorporated as an addition to Article XXIV) :—

“When any matter arising out of Article XXIII or Article XXIV is being considered by the Governing Body, the State against which the complaint is made shall, if not already represented, be entitled to send a representative to attend the meetings of the Governing Body while the matter is under consideration.”

After some discussion in which *Mr. Robinson* and *Mr. Gompers* took part, it was decided to refer this article to the Drafting Committee, drawing attention to the fact that provision was to be made in the text to ensure in the first place that the representative of the State concerned should have equal rights with those of the other members of the Governing Body at the meetings to which he was invited ; and in the second place, that he should be informed of the date on which the Meetings would take place.

*Second new Article* :—

“Any question or dispute relating to the interpretation of the present Convention, or of any subsequent Conven-

tion agreed on by the High Contracting Parties in pursuance of the provisions of this Convention, shall be referred for decision to the International Court herein provided.

"The decision of the International Court on such questions and disputes shall be final."

After some discussion in which Mr. Gompers, Mr. Arthur Fontaine, Mr. Jouhaux, Mr. Patek, Mr. Barnes and Sir Malcolm Delevingne took part, it was decided to delete the last paragraph of the proposed article, so as to remove any ambiguity as to the powers of the International Tribunal. The article so amended was adopted.

*(The Commsision adjourned at 12.50 p.m.)*

Samuel GOMPERS, *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

### **Minutes of Proceedings No. 16.**

*Minutes of the Sixteenth Meeting, 27 February 1919 at 3 p.m.*

**Mr. GOMPERS** *in the Chair.*

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .	{	France.
Mr. Jouhaux . . . . .		
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Coletti . . . . .		
Mr. Oka . . . . .		Japan.
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .		
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

### **Article XXXVIII.**

*Mr. Barnes*, in the name of the British Delegation, withdrew the original text proposed, and moved the following in substitution for it under the title of Chapter IV, Transitory Provisions

(Article XXXVIII) :—

“The first Meeting of the Conference shall take place in October 1919. — The place and agenda for this Meeting shall be as specified in the schedule hereto.

“Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the schedule. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as set out in the schedule.

“The expenses of the first meeting, other than the travelling and subsistence expenses of the Delegates and their advisers, and of all subsequent meetings held before the League of Nations has been able to establish a general fund, will be borne by the High Contracting Parties in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

“Until the League of Nations has been constituted, all communications which under the provisions of the foregoing articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League of Nations when appointed.

“Pending the creation of a Permanent Court of International Justice, the International Court for the purposes of this Convention shall be a tribunal of three persons appointed by the Executive Council of the League of Nations.”

*Mr. Barnes* suggested that the place chosen for the first Conference should be Washington.

Before proceeding to discuss the British amendment, *Mr. Vandervelde* asked leave to propound two questions of a general character : (1) Would the draft Convention be finally signed and given statutory effect by the Preliminary Peace Conference now sitting, or only by the final Peace Conference ? (2) Was it to be understood that the adhesion of neutral and enemy countries could only follow their inclusion in the League of Nations, or could it take place prior to such inclusion ?

*Mr. Barnes* stated that it was an essential point of the draft that only countries admitted to the League of Nations could be included in the present Convention. He admitted that that course was not without its drawbacks, but it was one which he had no power to modify. As regards the date from which the Convention would take effect, *Mr. Barnes* pointed out how important it was from a practical point of view that it should be as early as possible. What was required was that the first Labour Conference should meet in October. That implied that a beginning could be made with the preliminary arrangements in April. That would not be



impossible if the Convention was given statutory effect as between the countries now participating in the Preliminary Peace Conference, whereas it would clearly be impossible if it was necessary to wait for the signature of the final Peace Treaty.

Mr. Vandervelde declared that it was profoundly regrettable, on the one hand, that neutral countries should not be consulted as to the proposed organisation now under discussion, and on the other hand, that Germany and the other enemy Powers should be kept outside the organisation for international labour legislation until they had been admitted into the League of Nations. Mr. Vandervelde agreed that the question was outside the competence of the Commission to decide, but he asked none the less that the Commission should indicate the desirability of consulting the neutrals by considering the following resolution :—

“The Commission, having regard to the fact that the whole labour world is expecting concrete results from the work of the Peace Conference, and to the fact that international labour legislation of a really effective character cannot be established without the co-operation at any rate of the neutral countries, expresses the hope that without awaiting the final signature of the Peace Treaty, the Peace Conference will consult the neutral Powers in regard to the present draft Convention before finally adopting it.”

Mr. Jouhaux supported Mr. Vandervelde's view, and emphasised the disappointment which would be created among the working classes of the Allied countries if the proposed Convention did not apply to all the big industrial nations. It was not merely an economic question, but also a moral question.

Baron Mayor des Planches, while emphasising his agreement with Mr. Vandervelde and Mr. Jouhaux, asked on a point of order whether the discussion which had been begun was not out of place. What the Commission had now before them was purely a technical and practical question raised by Article XXXVIII.

The President accepted Baron Mayor des Planches' view, and asked the Commission to postpone the consideration of the resolution proposed by Mr. Vandervelde and to resume the discussion of Article XXXVIII.

Mr. Arthur Fontaine proposed an additional transitory provision imposing provisionally on the Chairman of the Governing Body the duties which attached to the office of the Secretary-General of the League.

On Sir Malcolm Delevingne's suggestion this question was reserved for later consideration, and the whole of Article XXXVIII as proposed by the British Delegation was adopted.

#### *Article XVIII, paragraph 3.*

On the motion of the President, the debate was then opened on the last paragraph of Article XVIII.

*Mr. Barnes* proposed the following amendment :—

- (a) Instead of the words “unless such Convention is disapproved by its Legislature,” insert the words “unless the Convention fails to obtain the consent of the National Authorities concerned.”
- (b) Add the following paragraph :—

“In the case of a Federal State, if the power of legislation on any matter dealt with in any Convention rests with the Legislatures of the Constituent States, the High Contracting Party shall communicate the Convention to the Constituent States and each State may adhere separately to the Convention. Notification of the adhesion of any such State through the Federal Government to the Director shall be deemed to be the ratification of the Convention in respect of that State.”

*Mr. Barnes* explained that the proposals which he now put forward involved the principle that a Federal State was a unit. That principle had already been previously recognised by the vote on Article IV, and the discussion on that article could not be reopened, at any rate before the third reading. On the other hand, inasmuch as the final ratification rested with the local Legislatures, it appeared to him that their autonomy was sufficiently safeguarded.

*Mr. Robinson*, after thanking *Mr. Barnes* for the suggestion which he had previously made that the first session of the Labour Conference should be held at Washington, declared that in his opinion the modification proposed at the end of paragraph 4 was not sufficient. On the other hand, he did not feel himself in a position to express a definite opinion on the additional paragraph now proposed. It was a delicate question and Articles IV, XVIII, and XXXIV were all connected. If the principle had been recognised that the particular States had the right to send Delegates to the Conference, or to adhere individually, it would have been easier to find a satisfactory form of words for Article XVIII. If the proposal now made were adopted, he feared that though it might be suitable for Great Britain, it would not suit either the United States or the numerous other States which had modelled their constitutions on that of the United States. The real difficulty seemed to be the following : If a convention could not be given effect to in the case of the United States owing to the fact that its signature by the Federal Government did not commit the Constituent States to pass the necessary legislation, the country might find itself in the impossible situation of being held responsible for falling to carry out the Convention, although it was not its fault that the Convention had not been carried out.

In *Mr. Vandervelde's* opinion the following dilemma presented itself : either the forty-eight States must take part individually, or else a hybrid system would have to be adopted, namely, that the

United States would be represented by the Federal Executive in respect of the signature of a Convention, but that the ratification would have to be obtained by the central authority from the different legislatures. As the difficulty had not yet been met, it seemed desirable to vote at once on the proposals before them, and to reopen the discussion on the third reading if necessary.

On the motion of *Mr. Robinson*, who remarked that he had not had time to consider the British amendment carefully, the discussion was adjourned until the following day.

*The President*, being called away unexpectedly, asked Baron Mayor des Planches to take the Chair.

*Baron Mayor des Planches* then put the additional schedule regarding the appointment of the members of the Governing Body to the Commission.

*Mr. Vandervelde* proposed the following amendment :—

“The Governing Body shall be constituted as follows :—

“Twelve members shall be elected by the Government Delegates—no State being entitled to more than one member ; Six members shall be elected by the Delegates representing employers ; Six members shall be elected by the Delegates representing the workpeople.

“The period of office of the members of the Governing Body shall be three years.

“The Governing Body shall determine the rules for filling vacancies, subject to the approval of the Conference.”

In support of the first paragraph of the amendment, *Mr. Vandervelde* adduced reasons of principle. Even if, in fact, each of the Great Powers was certain of having representatives on the Governing Body, it would offend the smaller Powers if this privilege were actually affirmed in the text of the Convention. In order that the machinery provided should work smoothly, it was essential to secure the goodwill of all. It would therefore be a mistake to give the Great Powers, especially in a matter of this kind, a dominating position, which corresponded to the situation during the war, but which would be out of place in the peaceful world of to-morrow.

*Sir Malcolm Delevingne* defended the British text, pointing out that the absolute equality of all States was assured in the full Conference. It was therefore only just to modify their position slightly in the constitution of the Governing Body, as otherwise the principle of equality might be regarded by some as having been pushed too far. Moreover, the actual proposal before the Commission did not go nearly as far as that in regard to the Executive Council of the League of Nations. If it were rejected, it was possible that the plenipotentiaries at the Peace Conference might raise objections.

*Mr. Robinson* pointed out to the Belgian Delegation that if in accordance with their proposal the whole of the Government Delegates were freely elected by the Government Delegates present at the Conference, it would be possible for the British Empire to obtain a larger number on the Governing Body than under the British proposal.

*Mr. Patek* suggested an amendment to the effect that elections should take place by successive stages. First, the Government Delegates, then the employers', then the workers' or *vice versa*, and it would be understood that the nationalities which obtained seats at the first stage could not obtain any seats in the subsequent stages, and that those countries which were successful in the second stage should be eliminated from the third stage.

*Sir Malcolm Delevingne* and *Mr. Arthur Fontaine* drew attention to reasons which made this amendment unacceptable.

On *Sir Malcolm Delevingne's* proposal it was decided to adjourn the debate on *Mr. Vandervelde's* amendment until the following Meeting.

*(The Commission rose at 6.15 p.m.)*

Samuel GOMPERS, *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

### Minutes of Proceedings No. 17.

*Minutes of the Seventeenth Meeting, 28 February 1919 at 10 a.m.*

*Mr. GOMPERS in the Chair.*

Delegates present :

Mr. Gompers . . . . .	}	United States of America.
Mr. Robinson . . . . .		
Mr. Barnes . . . . .	}	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .	}	France.
Mr. Jouhaux . . . . .		
Mr. Coletti . . . . .	}	Italy.
Mr. di Palma-Castiglione . . . . .		
Mr. Otchiai . . . . .	}	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	}	Belgium.
Mr. Mahaim . . . . .		
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

*The General Secretary read —*

1. A letter from Baron Mayor des Planches, who had had to go to Italy, appointing Mr. di Palma-Castiglione as his substitute ;
2. A letter from the Secretary-General of the Peace Conference asking the Commission to present its report to the Conference not later than 8 March.

*Mr. Barnes* pointed out that the Commission was not among those to which this communication referred.

The discussion as regards the method of nomination of the members of the Governing Body was continued.

*Protocol, Paragraph I.*

The British Delegation withdrew its original proposal and proposed the following text :—

“Of the twelve members representing the Governments, eight shall be nominated by the High Contracting Parties which are of the chief industrial importance, and four shall be elected by the Government Delegates to the Conference.

“The question as to which are the High Contracting Parties of the chief industrial importance shall be decided by the Executive Council of the League of Nations.”

A discussion took place on the following three points :—

- (a) As to whether this proposal allowed for a sufficient representation of the working classes in countries where agriculture plays an important part. (Question raised by Mr. di Palma-Castiglione.)
- (b) Whether this proposal eliminated the possibility of the autonomous Dominions of a particular State or of the individual States of a Federation being represented separately on the Governing Body in addition to the representation which might have been accorded to the mother country or to the Federal Power. (Question raised by Mr. Gompers.)
- (c) Whether this proposal did not imply that the Government Delegates of the Great Powers would take part in the election of the representatives of the second category, although a place on the Governing Body would already have been allotted to them. (Question raised by Mr. Mahaim.)

After a discussion in which Mr. Vandervelde, Mr. Mahaim, Mr. Gompers, Mr. Barnes, Mr. di Palma-Castiglione and Sir Malcolm Delevingne took part, the following conclusions were arrived at :—

- (a) The text as proposed, which referred to States of the greatest industrial importance, did not exclude the western countries, in which a large proportion of the wage-earning classes were employed in agriculture. The English version,

taking into account the meaning of the word "industrial," was clear. It would be satisfactory if the French translation were made equally explicit. The question was referred to the Drafting Committee.

Mr. Barnes pointed out that the second paragraph which, when necessary, would refer the question of the relative industrial importance of the different countries to the Executive Council of the League of Nations, left the Executive Council quite free as to the method of ascertaining this industrial importance. The States signing the Convention were not therefore bound to any special interpretation.

(b) The Commission adopted a form of words proposed by Mr. Arthur Fontaine, as follows :—

"Each Sovereign State, with its Colonies whether self-governing or not, can only have one Government representative on the Governing Body."

The question of principle so raised was agreed to on these lines, and its exact wording and incorporation in the text of the Protocol was left to the Drafting Committee.

(c) In order to avoid States with the right of representation on the Governing Body participating in the election of Government representatives of the second category, and at the same time to make it clear that when States are mentioned reference is only made to those which can be considered as High Contracting Parties, the following text was proposed and adopted :—

"No State, including its Dominions or Colonies, whether they be self-governing or not, can have more than one Government representative on the Governing Body."

#### *Protocol, Paragraphs 2 and 3.*

Mr. Patek asked that the word "workpeople" should be translated by "travailleurs", and not by "ouvriers".

This was agreed to, and paragraphs 2 and 3 were adopted without discussion.

#### *Protocol, Paragraph 4.*

The members of the Belgian Delegation proposed the following amendment :—

"The period of office of the members of the Governing Body shall be three years."

With this amendment the fourth paragraph was adopted.

#### *Article XVIII, Paragraph 3.*

The President asked Mr. Robinson to speak on the third paragraph of Article XVIII.

Mr. Robinson spoke as follows :—

"I just learned this morning that we do not keep a complete record of our discussions here, it is only what the Secretaries conclude are the results of our discussion.

"Inasmuch as the main difficulty which confronts the American Delegation in connection with the British proposal has been under discussion repeatedly, and inasmuch as I think we should be in a position to know why—everybody should be in a position to know why—the American Delegation feel that the British proposal should be modified, I would ask that what I have to say this morning should be taken down *in extenso* as a record.

"I notice that Mr. Barnes wants to limit my conversation. I do not blame him, but at the same time, I cannot pass over his suggestion that Article XVIII does not include the question of representation, because the suggestion of proportional representation grew out of an attempted proposal on our part that we said we believed would obviate our internal difficulties, and it tied into XVIII and also tied into IV.

"Sir Malcolm Delevingne said that we unanimously passed Article IV, I suspect he is correct. I am sure that if I was here and voted aye, I did it without the full knowledge of the effect of the Protocol which was to be passed upon later, and I did not suppose the question would arise in quite that form.

"I want to say our proposal put forward, possibly improperly, under Article XXXIV, but which should have been made under Article IV, is met by an objection which technically is correct. The proposal was made for the purpose of officially bringing this Convention to the point where we might expect that States which have internal organisations similar to that of the United States would consider this Convention as a paper that they could fully subscribe to ; and it was absolutely sincerely that we recognised the fact that, in asking it to be applied to each of the individual States, we multiplied the number of members of the Conference to a point that it did not seem right, and to meet that objection, the suggestion that proportional representation based on population and industry might be determined on some fair basis was made. The Commission thought fit to vote against that theory which was submitted under XXXIV, and the British Delegation do not want to have Article IV discussed again, so we are now down to XVIII, third paragraph of XVIII, with a proposed amendment submitted by the British Delegation. I am going this morning into no long constitutional discussion. I am just as tired of it as you are. The first suggested amendment is paragraph 4 to be added to Section XVIII. In paragraph 4, Section XVIII, instead of the words 'unless such Convention is disapproved by its Legislature,' insert the words 'unless the Convention fails to obtain the consent of their national authorities concerned.' I said last night that it had a distinct objection from the standpoint of constitutional States which have organi-

sations similar to that of the United States, because it was conceivable that the national authorities might approve, and the separate States decline to approve, and the nation be held up to the contumely of the world at large. Coming to the new paragraph which is suggested, I would say that this runs against—seriously against—the idea advanced by Mr. Jouhaux that we must be standardised. With such a provision as this we would lack the power and pressure that we would have under the plan which I am going to offer a little later to try and get standardisation.

“There are also some other considerations which arise under the internal organisation that would not make that work out as Great Britain expects. I want to make as brief a statement as possible of the American Delegation’s position, and in doing that to give you the result of several Conferences with our constitutional lawyers, and in doing that I am going to read it and turn into the record.

“The objections to the third paragraph of Article XVIII are four in number :—

“(1) The Senate has the constitutional power and duty to advise and consent to treaties. To allow a foreign body to make a treaty to bind the United States would be, in effect, a delegation of the treaty-making power to the extent of the provisions of the treaty.

“(2) The Congress of the United States is the Legislative Body of the United States in such matters as have been delegated to it by the States of the Union. And, it is generally understood that the Police Power, as such, is not among the powers granted to the Union, but among those reserved to the States. Legislation required to give effect to a treaty would need to be passed by the Congress as a whole, and it is for the Congress to determine, notwithstanding the terms of the treaty, whether it will or will not pass such legislation. Furthermore, the Congress of the United States cannot be bound in advance to pass such legislation, either affirmatively or negatively.

“(3) In regard to the reserved powers, including therein the so-called Police Powers, the States retain the right of legislating for their citizens. Neither the executive nor the legislative branch of the Federal Government can give any assurance that any legislative action will be taken in any of the States.

“(4) In ultimate resort the constitutionality of a treaty or of an act of Congress may be tested in the Supreme Court of the United States. The legislation passed by a State Legislature may be tested in the State Courts and in the Supreme Court of the United States. The legislation of Congress may be declared unconstitutional by the federal judiciary, and that of the States by the State judiciary or the federal judiciary.

“While we have taken up the question and discussed it from the standpoint of the United States, we are confident that other



of the proposed High Contracting Powers are in a somewhat similar situation. That is to say, while they may undertake to have this Convention executed and the terms carried out from a legal standpoint, at least, it will be no more binding in its effect than it would be on States, such as the United States, having written constitutions of like form. It is a fundamental proposition of parliamentary forms of government that one Legislature cannot bind its successor.

"I have to offer this as a suggested amendment to Article XVIII, but, in doing that, I do not withdraw from the position of proportional representation. I also want to say in conclusion that we ask the right to present further statements and reasons and further expositions of the views of the United States to cover this as we consider it further. We have only had a short time to do it. It may be that more careful consideration will disclose another line of thought. I present this as an amendment to Article XVIII in the way of an additional paragraph, and as the only solution we have been able to find to meet our constitution. The theory as stated embodies a principle, and one which we all are desirous of establishing. Our internal organisation does not permit us to accept it in the form in which it is written, so that although we admit the principle, in order to fit our constitution we offer an additional paragraph. This would read as follows :

"In derogation of the foregoing, and because of the fact that certain of the High Contracting Parties, by reason of their internal organisation, may be unable to make a valid binding agreement in accordance with the terms of this Convention, it is understood, in that event, it shall be obligatory on such High Contracting Powers to use their best endeavour to obtain a substantial compliance with the provisions of this article. However, if, for any reason, any such Power shall fail for the period of ..... months (after the submission of any Convention adopted hereunder) to bring about legislatively or otherwise a substantial compliance with such Convention, then, and in that event, the other High Contracting Parties who may be bound under this provision, shall, if they so elect, be released from the operation of this provision of the said Convention."

"That would be certainly as strong a provision in its practical result as the one submitted by the British, as we view it from the point of view of operation in our country.

"I think I have nothing more to say on the subject, except that we want to make reservations to submit further what lawyers call briefs in connection with this question."

*Mr. Gompers* added the following observations to the remarks made by *Mr. Robinson* : — He pointed out that the Constitution of the United States was a true declaration of the rights of man.

Its object was to guarantee the life, liberty and property of every citizen. The citizens themselves, if they thought that a law was unconstitutional, could challenge it in the courts. It would be understood, therefore, that it would be impossible for the American Plenipotentiaries to agree to a Convention of any kind which was contrary to the Constitution. This would be the case with the present Convention if Article XVIII was retained. This opinion, which Mr. Gompers had already formed at an earlier stage, had been strengthened by the advice which he had received from specialists in the matter. Mr. Gompers added that, as a citizen, he would be the first to have grave misgivings, if any International Convention could be regarded as binding on his country.

*Mr. Jouhaux* said he did not wish to enter into a constitutional discussion, but he referred to the last statement of Mr. Gompers, and said that he was astonished that he did not perceive that such an attitude would ruin every effort which might be made to level up working conditions.

*Mr. Mahaim*, dealing with the general argument put forward by Mr. Robinson, declared that the legal advice which had been obtained had introduced no new considerations into the discussion. The Commission had been aware of the constitutional difficulties which were raised, and had hoped that the presence of Mr. Gompers as President of the Commission was a sign of the desire of the United States to make a break with their traditions in this respect, or at all events, to attempt to progress in the direction desired by all sincere supporters of labour legislation. The right which belonged to the individual citizen to protest against the application of a law was precisely the mechanism which had been used to secure a declaration that the Federal Child Labour Law of 1916 was unconstitutional. The father of a family in the State of Northern Carolina had declared that he would be deprived of his liberty if he could not send his children to work in a factory before the age of 14, or if in any way the work in which his children were engaged was supervised up to the age of 21 years. Was this the kind of liberty which should be perpetuated? It gave rise to very serious reflections in the minds of the Belgian Delegates. Their country, ruined by the war, would certainly suffer by a too rapid progress of labour legislation and they asked at least in compensation that the industrial States should accept the same labour regulations and restrictions. Mr. Mahaim pointed out that the system proposed was that which had been used with regard to the ratification of the Berne Conventions in 1906. The difficulty put forward by the United States now was the same as that which existed at that time. The States entered into an engagement to obtain the ratification of their parliaments, and they did obtain it. Affairs would again follow the same course if the United States would consent to undertake the same obligation.

Finally, he pointed out that the Commission was faced by the following alternatives: either to vote the British text, and then the adhesion of the United States would not be secured, or on the other hand to accept the Robinson amendment, and then the obligations assumed by the United States would be considerably diminished.

In this grave dilemma Mr. Mahaim asked for a further postponement before the Commission voted.

*(The Commission rose at 12.50 p.m.)*

Samuel GOMPERS, *President*.

Arthur FONTAINE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

### **Minutes of Proceedings No. 18.**

*Minutes of the Eighteenth Meeting, 28 February 1919 at 3 p.m.*

*Mr. GOMPERS in the Chair.*

Delegates present:

Mr. Gompers . . . . .	/	United States of America.
Mr. Robinson . . . . .	\	
Mr. Barnes . . . . .	/	British Empire.
Sir Malcolm Delevingne . . . . .	\	
Mr. Arthur Fontaine . . . . .	/	France.
Mr. Jouhaux . . . . .	\	
Mr. Coletti . . . . .	/	Italy.
Mr. di Palma Castiglione . . . . .	\	
Mr. Otchiai . . . . .	/	Japan.
Mr. Oka . . . . .	\	
Mr. Vandervelde . . . . .	/	Belgium.
Mr. Mahaim . . . . .	\	
Mr. Patek . . . . .	/	Poland.
Mr. Broz . . . . .	/	Czecho-Slovak Republic.

*Mr. Gompers* replying to the points brought forward by Mr. Mahaim at the previous sitting, pointed out that the Child Labour Law of 1916 was declared unconstitutional because it infringed on the domain of legislation reserved to the separate States, and in no sense because it was contrary, as was maintained by the father of the family by whom it was challenged. to the prin-

ciple of individual liberty. As a matter of fact, public opinion in America was unanimous on the subject of the protection of children in industrial employment. In the textile trade in particular the Trade Union, which was of recent formation, had already almost secured its aims as regards the eight-hour day. No doubt legal enactment was useful, and even necessary, to secure the protection of the workers, but America depended at least as much on the pressure exercised by the Trade Union movement.

*Sir Malcolm Delevingne* summarised the difficulties which had been raised as regards the United States as follows :—

- (a) The possibility that a law might be declared unconstitutional by the Supreme Court.
- (b) The possibility that the State Legislatures would not pass the measures required to fulfil the obligations assumed under an International Convention.
- (c) Assuming that labour legislation belonged exclusively to the separate States, the possibility that a law passed by any Legislature might be modified by its successor.

The first point did not constitute a serious difficulty.

In order to meet the second point, the British Delegation proposed to provide in general terms at the end of the fourth paragraph that the consent required should be that of the "national authorities." If this wording was not suitable, "the consent of the competent authorities" could be substituted.

Finally, to meet the third difficulty, the British Delegation put forward a text which expressly maintained the rights of the separate States, and so far as he could see no valid criticism had been brought against this text. On the other hand, the text proposed by Mr. Robinson had the disadvantage that it imposed on the United States an obligation infinitely less rigorous than that placed upon the other States. A Federal State bound itself only to use its best endeavours to carry out a Convention. If it failed, it was free from all liability, while the other States remained subject to the application of the clauses concerning enquiry and penalties. This inequality would ruin the whole scheme, and the working classes in all countries would suffer a grave disappointment. What a contrast between the facts with which they were faced and the hope of securing a Super-Parliament, the decisions of which would be straightway binding on the States !

*Mr. Barnes* was pleased to note from what Mr. Gompers had said that the root of the difficulty was to be found in the right of the separate States to legislate in labour matters, and not in a too narrow conception of the individual rights of each citizen. In these circumstances the English text, which expressly put the Federal Power in the position of an intermediary and allowed

for ratification by the separate States, apparently offered a solution of the problem. In any case, Mr. Barnes could only see two possible solutions: either to agree to the text proposed by the British Delegation, or to lessen the obligation imposed on all the States, as it was proposed to do as regards the United States, and thus to destroy the whole machinery of enquiry and penalty. If the second of these alternatives were followed it would produce such a reaction on public opinion that Mr. Barnes urged strongly the adoption of the British proposal. It would then remain for the Peace Conference, if it thought fit, to assume the responsibility of replacing it by another proposal.

*Mr. Robinson* pointed out the situation in which the United States might find themselves, if Congress passed a law approving a Convention, and if the separate States or a number of the separate States refused to take the necessary measures. The Federal Government would then be responsible for the non-fulfilment of the Convention as if it had broken its word, although it would be in fact incapable of fulfilling the engagement which it had made. It was impossible, given the actual constitutional situation, that any Convention should bind the Legislature as regards a future Convention. This difficulty was not solved in the English text. As a matter of fact, the solution proposed in this text was less satisfactory than that proposed by himself. If the ratification were a matter for all the States there would be a risk of the Convention not being ratified by any of them, as each State would hesitate to bind itself for fear of its neighbours not doing so. On the other hand, if the Federal Power entered into an obligation to secure the operation of a Convention "in a substantially satisfactory manner", which meant the observance of the convention by the majority of States, this would secure a system which would tend much more strongly than the former to the equalisation of working conditions.

*Mr. Vandervelde* said that he did not quite clearly understand the working of the system proposed by Mr. Robinson. So far as he was concerned, the whole question was whether the British system was compatible or not with the American constitution, and on this point the arguments put forward by Mr. Robinson did not seem to him to be conclusive. On the other hand, it did not appear to him that the positive results to be expected would be less under the British system than under the system proposed by the American Delegation, at least if it were admitted that in one case or the other public opinion was in favour of legislation. He considered that the discussion need not be continued, and asked that the question be put to the vote.

*Mr. Otchiai* stated that he had asked for instructions from his Government, but these, unfortunately, had not yet arrived. In these circumstances the Japanese Delegation felt obliged to abstain from voting.

The text proposed by the American Delegation was put to the vote, the names of those voting for and against being recorded with the following results :—

For : Mr. Gompers, Mr. Robinson.

Against : Mr. Vandervelde, Mr. Mahaim, Mr. Barnes, Sir Malcolm Delevingne, Mr. Patek, Mr. Broz.

Abstained : Mr. Arthur Fontaine, Mr. Jouhaux, Mr. di Palma-Castiglione, Mr. Coletti, Mr. Otchiai, Mr. Oka.

Absent : Mr. de Bustamante.

The amendment was lost.

The English text was then put to the vote, the names of those voting for and against being recorded with the following results :—

For : Mr. Barnes, Sir Malcolm Delevingne, Mr. Arthur Fontaine, Mr. Jouhaux, Mr. Vandervelde, Mr. Mahaim, Mr. Patek, Mr. Broz.

Against : Mr. Gompers, Mr. Robinson.

Abstained : Mr. di Palma-Castiglione, Mr. Coletti, Mr. Otchiai, Mr. Oka.

Absent : Mr. de Bustamante.

The amendment of the British Delegation was accordingly adopted.

Article XVIII as a whole was then put to the vote by a show of hands and adopted.

#### *Article XXIX.*

*Mr. Barnes* proposed the adoption of Article XXIX, which had been held over as it depended on Article XVIII. On the understanding that a slight modification of wording as suggested by the President should be made, the article was adopted without discussion.

*Mr. Arthur Fontaine* asked that the Commission should now decide as regards the resolution put forward by the French and Belgian Delegations on 20 February on the lines of a former resolution of the Italian Delegation which had been withdrawn. The resolution appeared to summarise the principles involved in the long discussion which had just taken place on Article XVIII. It was agreed that it should be put to the vote without fresh discussion. *Mr. Fontaine* pointed out that the wording of the resolution was as follows :—

“The Commission expresses the hope that as soon as may be possible an agreement may be arrived at between the High Contracting Parties, with a view to endowing the International Labour Conference under the auspices of the League of Nations with power to take, under conditions to be determined, resolutions possessing the force of international law.”

The names of those voting for and against were recorded with the following results :—

For : Mr. Fontaine, Mr. Jouhaux, Mr. di Palma-Castiglione, Mr. Coletti, Mr. Vandervelde, Mr. Mahaim, Mr. Patek, Mr. Broz.

Against : Mr. Gompers, Mr. Robinson, Sir Malcolm Delevingne, Mr. Otchiai, Mr. Oka.

Abstained : Mr. Barnes.

Absent : Mr. de Bustamante.

The resolution was adopted.

### *Preamble.*

The Commission then undertook the examination of the Preamble which had been held over.

After a discussion in which the President and Mr. Vandervelde took part, the first paragraph was amended as follows :—

“Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice.”

On the second paragraph, *the President* proposed some alterations in wording, in particular to secure not only the regulation of hours of work, but also the fixing of a maximum working day and week.

After an exchange of views on certain questions raised as regards the French translation, the second paragraph was adopted on the understanding that the President's points would be included.

The third and fourth paragraphs were adopted without discussion.

*Mr. Barnes* said that now that the second reading of the proposals of the British Delegation had been completed he wished to thank his colleagues on the Commission, and in particular the American Delegation, for the kindness and the courtesy with which they had been good enough to examine and to welcome the British proposals.

*Mr. Vandervelde* asked the Commission to express its opinion on the resolution put forward by the Belgian Delegation as regards approaching, as soon as possible, the neutral countries.

*Mr. Arthur Fontaine* urged the importance of this resolution, and read a letter addressed by the Swiss Legation to the President of the Peace Conference which had been sent on to the Commission by the Secretariat-General of the Peace Conference, and which ran as follows :—

“The Government of the French Republic is aware that Switzerland has always given special attention to questions relating to international labour legislation.

"Now that these problems are being examined by a Commission instituted by the Preliminary Peace Conference, the Swiss Federal Council consider it an opportune moment to call the attention of the Allied Governments to the fact that they would be very glad to co-operate in a useful manner in a work which they have at heart.

"In conformity with the instructions of their Government, the Swiss Legation have the honour to transmit herewith to the Ministry for Foreign Affairs several copies of a note which the Swiss Federal Council would be glad to have distributed to the members of the competent Commission for their information.

"The Swiss Legation consider it important that they should be able to transmit to the Swiss Government the views that this note will have given rise to in the minds of the members of the Commission.

"Paris, February 21, 1919."

"Switzerland has always devoted special attention to questions regarding International Labour Legislation and in particular it was Switzerland which took the initiative in the negotiations which resulted, in 1905 and 1906, in the two Conventions concerning the prohibition of night work for women in industry, and in the prohibition of the use of white phosphorus in the manufacture of matches.

"A preliminary conference took place in 1913 at Berne, in which almost all the industrial States of Europe took part, and in the course of which two agreements were prepared relating to the prohibition of nightwork for juveniles employed in industry, and to the fixing of a maximum working day of ten hours for women and juveniles in industry.

"The interest of Switzerland in the problems of International Labour Legislation has never been greater than at the present moment.

"The Swiss Federal Council has learnt from the communiqués of the Paris Conference of the proposed creation of an International Labour Office to be placed under the control of an International Commission. The Swiss Federal Council would accordingly be glad to be informed of the intentions of the Allied Governments, and to have the opportunity of collaborating in a useful way in work which it has so much at heart."

*Mr. Barnes and Mr. Vandervelde* stated that the Commission was now officially concerned with the question, which was a further reason for supporting the resolution before them.



*Mr. Arthur Fontaine*, in accord with the Belgian Delegation, proposed the following text :—

“The Commission, being of opinion that a code of international labour legislation cannot be really effective without the co-operation of all industrial countries, expresses the hope that, pending the signature of the Treaty of Peace which will allow all these countries to be approached, the Peace Conference should communicate the present draft Convention to the neutral Powers for their information before definitely adopting it.”

Arising out of a question put by Mr. Barnes, it was made clear that it would not be necessary to await the replies of the neutral Powers before definitely adopting the draft Convention.

The question of addressing invitations to the neutral Powers with a view to their participation in the Conference proposed for October 1919 could be dealt with in the Protocol, which would deal with matters appertaining to this first Conference.

The resolution was put to the vote, it being understood that the above observation would be borne in mind, and was adopted.

To meet the wish of Delegations who desired to return to their respective countries in order to confer with their Governments and organisations of employers and workpeople on the proposals as adopted at the second reading, the Commission decided to adjourn for ten days. The next meeting was fixed for 11 March at 10 a.m.

*(The Commission rose at 5.45 p.m.)*

Samuel GOMPERS, *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

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## PROPOSAL SUBMITTED BY THE DELEGATES OF THE BRITISH EMPIRE.

### **Draft Convention creating a Permanent Organisation for the Promotion of the International Regulation of Labour Conditions.**

*Text as Passed on the Second Reading and Revised by the Drafting Committee.*

#### *Preamble.*

WHEREAS the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice ;

And whereas conditions of labour exist which involve such injustice, hardship, and privation to large numbers of people as to produce unrest so great as to be a menace to the peace and harmony of the world; and an improvement of those conditions is urgently required : as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease, and injury arising out of his employment, the protection of child and female labour, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries :

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following convention :--

#### CHAPTER I. — *Organisation.*

##### *Article 1.*

The High Contracting Parties being the States members of the League of Nations, hereby decide to establish a permanent organisation for the promotion of the objects set forth in the Preamble, and for this purpose hereby accept the provisions contained in the following Articles.

## *Article 2.*

The permanent organisation shall consist of (i) a General Conference of Representatives of the High Contracting Parties, and (ii) an International Labour Office controlled by the Governing Body described in Article 7.

## *Article 3.*

The meetings of the General Conference of Representatives of the High Contracting Parties shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the High Contracting Parties, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the High Contracting Parties.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the Agenda of the meeting.

The High Contracting Parties undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Each Delegate may be accompanied at each sitting of the Conference by not more than two advisers. The advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

A Delegate may in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the High Contracting Parties.

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with the undertaking contained in this Article.

## *Article 4.*

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the High Contracting Parties fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article 3 the Conference refuses admission to a Delegate of one of the High Contracting Parties, the

provisions of the present Article shall apply as if that Delegate had not been nominated.

#### *Article 5.*

The meetings of the Conference shall be held at the seat of the League of Nations or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

#### *Article 6.*

The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

#### *Article 7.*

The International Labour Office shall be under the control of a Governing Body consisting of 24 members, appointed in accordance with the provisions of the Protocol hereto.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least 10 members.

#### *Article 8.*

There shall be a Director of the International Labour Office, appointed by the Governing Body, who shall, subject to the instructions of the Governing Body, be responsible for the efficient conduct of the International Labour Office, and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

#### *Article 9.*

The staff of the International Labour Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities.

#### *Article 10.*

The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the Agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this Convention in connection with international disputes.

It will edit and publish a periodical paper in the French and English languages, and in such other languages as the Governing Body may think desirable, dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this Article, it shall have such other functions, powers and duties as may be assigned to it by the Conference.

#### *Article 11.*

The Government Departments of any of the High Contracting Parties which deal with questions of industry and employment may communicate directly with the Director through the Representative of their State on the Governing Body of the International Labour Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

#### *Article 12.*

The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

#### *Article 13.*

Each of the High Contracting Parties will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

### CHAPTER II, — *Procedure.*

#### *Article 14.*

The Agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the Agenda that may be made by the Government of any of the High Contracting Parties or by any representative organisation recognised for the purpose of Article 3.

#### *Article 15.*

The Director shall act as the Secretary of the Conference, and shall circulate the Agenda to reach the High Contracting Parties four months before the meeting of the Conference.

### *Article 16.*

Any of the Governments of the High Contracting Parties may formally object to the inclusion of any item or items in the Agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the High Contracting Parties. Items to which such objection has been made shall not, however, be excluded from the Agenda if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favour of considering them.

If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the Agenda for the following meeting.

### *Article 17.*

The Conference shall regulate its own procedure, elect its own President, and may appoint Committees to consider and report on any matter.

Except as otherwise expressly provided in this Convention, all matters shall be decided by a simple majority of the votes cast by the Delegates present.

A vote shall be void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

### *Article 18.*

The Conference may add to any Committees which they appoint technical experts, who shall be assessors without power to vote.

### *Article 19.*

When the Conference has decided on the adoption of proposals with regard to an item in the Agenda, these proposals shall be embodied in a draft international convention. This draft convention shall then forthwith be laid for final consideration and decision before the Conference.

If on the final vote the convention receives the support of two-thirds of the votes cast by the Delegates present, it shall be held to be adopted by the Conference, and a copy of the convention authenticated by the signatures of the President of the Conference and of the Director shall be deposited with the Secretary-General of the League of Nations.

Each of the High Contracting Parties undertakes that it will within the period of one year at most from the end of the meeting of the Conference communicate its formal ratification of the convention to the Director, and will forthwith take all steps necessary to put the convention into operation, unless such convention fails to obtain the consent of the competent authorities.

In the case of a Federal State, if the power of legislation on any matters dealt with in a convention rests with the legislatures

of the constituent States, the High Contracting Party shall communicate the convention to the constituent States, and each such State may adhere separately to the convention. Notification of the adhesion of any such State through the Federal Government to the Director shall be deemed to be the ratification of the convention in respect of that State.

*Article 20.*

Any convention so ratified shall be registered by the Director with the Secretary-General of the League of Nations and shall, subject to any conditions which may be contained in the convention itself, be binding upon all States which have ratified it or which shall subsequently ratify it.

*Article 21.*

If any convention laid before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the High Contracting Parties to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Governments of the States concerned to the Director, who shall register it with the Secretary-General of the League of Nations.

*Article 22.*

Each of the High Contracting Parties agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

*Article 23.*

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workpeople that any of the High Contracting Parties has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the State against which it is made and may invite that State to make such statement on the subject as it may think fit.

*Article 24.*

If no statement is received within a reasonable time from the State against which the representation is made, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

*Article 25.*

Any of the High Contracting Parties shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other of the High Contracting Parties is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the State against which the complaint is made in the manner described in Article 23.

If the Governing Body do not think it necessary to communicate the complaint to the State against which it is made, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the complaining State considers to be satisfactory, the Governing Body shall apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.

The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

When any matter arising out of Articles 24 or 25 is being considered by the Governing Body, the State against which the representation or complaint is made shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the State against which the representation or complaint is made.

*Article 26.*

The Commission of Enquiry shall be constituted in accordance with the following provisions:—

Each of the High Contracting Parties agrees to nominate within six months of the date on which this Convention comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workpeople, and one a person of independent standing, who shall together form a panel from which the members of the Commission of Enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the members present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry and shall designate one of them as the President of the Commission. None of these three persons shall be a person



nominated to the panel by any State directly concerned in the complaint.

*Article 27.*

The High Contracting Parties agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 25, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

*Article 28.*

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting State which it considers to be appropriate, and which it considers other States would be justified in adopting.

*Article 29.*

The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the States concerned in the complaint, and shall cause it to be published.

Each of these States shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

*Article 30.*

In the event of any of the High Contracting Parties failing to take within the specified period the action required by Article 19, any other of the High Contracting Parties shall be entitled to refer the matter to the Permanent Court of International Justice.

*Article 31.*

The decision of the Permanent Court of International Justice to which a complaint has been referred shall be final.

*Article 32.*

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, of an economic character against a default-

ing State which it considers to be appropriate, and which other States would be justified in adopting.

*Article 33.*

In the event of any State failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other State may take against that State the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

*Article 34.*

The defaulting State may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 26, 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Enquiry or decision of the Permanent Court of International Justice is in favour of the defaulting State, the other States shall forthwith discontinue the measures of an economic character that they have taken against the defaulting State.

CHAPTER III. — *General.*

*Article 35.*

The British Dominions and India shall have the same rights and obligations under this Convention as if they were separate High Contracting Parties.

The same shall apply to any colony or possession of any of the High Contracting Parties which on the application of such High Contracting Party is recognised as fully self-governing by the Executive Council of the League of Nations.

Conventions adopted in pursuance of the provisions of this Convention shall not be applicable to a colony, protectorate or possession which is not fully self-governing of any of the High Contracting Parties, unless the High Contracting Party concerned expressly decides that the Convention shall apply. Each of the High Contracting Parties engages to consider the application of such Conventions to those of its colonies, possessions or protectorates which are not fully self-governing.

*Article 36.*

Any State not a party to this Convention, which may hereafter become a member of the League of Nations, shall be deemed *ipso facto* to have adhered to this Convention.

*Article 37.*

Amendments to this Convention which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified by the States whose representatives compose the Executive Council of the League of Nations and by three-fourths of the States whose representatives compose the body of delegates of the League.

*Article 38.*

Any question or dispute relating to the interpretation of this Convention or of any subsequent Convention concluded by the High Contracting Parties in pursuance of the provisions of this Convention shall be referred for decision to the Permanent Court of International Justice.

CHAPTER IV. --- *Transitory Provisions.**Article 39.*

The first meeting of the Conference shall take place in October, 1919. The place and Agenda for this meeting shall be as specified in the schedule annexed hereto.

Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the said schedule. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said schedule.

The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the High Contracting Parties in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

*Article 40.*

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League when appointed.

*Article 41.*

Pending the creation of a Permanent Court of International Justice, disputes which in accordance with this Convention would be submitted to it for decision will be referred to a tribunal of

three persons appointed by the Executive Council of the League of Nations.

#### PROTOCOL TO ARTICLE 7.

The Governing Body of the International Labour Office shall be constituted as follows :—

Twelve representatives of the Governments,

Six members elected by the Delegates to the Conference representing the employers,

Six members elected by the Delegates to the Conference representing the workpeople.

Of the 12 members representing the Governments eight shall be nominated by the High Contracting Parties which are of the chief industrial importance, and four shall be nominated by the High Contracting Parties selected for the purpose by the Government Delegates to the Conference excluding the Delegates of the eight States mentioned above. No High Contracting Party, together with its Dominions and Colonies, whether self-governing or not, shall be entitled to nominate more than one member.

Any question as to which are the High Contracting Parties of the chief industrial importance shall be decided by the Executive Council of the League of Nations.

The period of office of members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

#### SCHEDULE REFERRED TO IN ARTICLE 39.

##### *First Meeting of Annual Labour Conference, 1919.*

Place of Meeting . . . . .	.
Convening Government . . . . .	.
Constitution of International Committee . . . . .	.
Agenda for First Meeting . . . . .	.

#### Resolutions adopted by the Commission.

28 February, 1919.

##### *I. — Resolution proposed by the Belgian, French and Italian Delegations :*

"The Commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the High Contracting Parties with a view to endowing the International Labour Conference under the auspices of the League of Nations with power to take, under conditions to be determined, resolutions possessing the force of international law."

## II. — *Resolution proposed by the Belgian and French Delegations:*

"The Commission being of opinion that an international code of Labour legislation which will be really effective cannot be secured without the co-operation of all industrial countries, expresses the wish that pending the signature of the Treaty of Peace, which will permit all such countries to be approached, the Peace Conference will communicate the present draft Convention to the neutral Powers for their information before finally adopting it."

### Minutes of Proceedings No. 19.

*Minutes of the Nineteenth Meeting, 11 March 1919 at 10 a.m.*

Mr. GOMPERS *in the Chair.*

Delegates present :

Mr. Gompers . . . . .	United States of America.
Mr. Barnes . . . . .	{ British Empire.
Sir Malcolm Delevingne . . . . .	
Mr. Arthur Fontaine . . . . .	{ France.
Mr. Jouhaux . . . . .	
Baron Mayor des Planches . . . . .	{ Italy.
Mr. Coletti . . . . .	
Mr. Otchiai . . . . .	{ Japan.
Mr. Oka . . . . .	
Mr. Vandervelde . . . . .	{ Belgium.
Mr. Mahaim . . . . .	
Mr. de Blanck . . . . .	Cuba.
Mr. Patek . . . . .	Poland.
Mr. Broz . . . . .	Czecho-Slovak Republic.

*The President* stated that the Minutes of the Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Meetings had yet to be approved. He asked the members of the Commission to examine them with a view to making any observations they might have to present at the next Meeting.

He communicated to the Commission a letter from Mr. de Bustamante stating that he was indisposed, and appointing Mr. de Blanck as his substitute.

The President asked the Commission to come to a decision as to the order of its future business.

After an exchange of views between Mr. Gompers, Mr. Barnes, Mr. Vandervelde and Baron Mayor des Planches, it was decided that any Delegation wishing to move amendments should circulate the texts that day, which would allow of their being considered at the next Meeting. If discussion was concentrated on the alterations formally moved it would be possible to arrive quickly at the final vote on the whole draft. In the meanwhile *the President* asked the various Delegations to summarise the results of their consultations during the recess, and the general nature of the proposals which they intended to make.

*Mr. Barnes* gave an account of his journey to London. He had seen representatives of the employers and the principal leaders of the Trade Union movement. Generally speaking, everybody appeared satisfied with the Convention as passed by the Commission. Nevertheless, in order to meet certain requests made to him by Miss Margaret Bondfield, one of the leading personalities in the women's Trade Union movement, the British Delegation would move two amendments. One dealing with Article III would lay down that when any question concerning women's labour was under discussion one of the advisers chosen should be a woman. The other on Article IX would require the Director of the International Labour Office to employ a certain number of women on his staff. Besides these corrections of detail, the British Delegation intended to move an amendment to the text of the new Article XXV. The object of that amendment would be to give the Governing Body the same liberty in dealing with complaints formulated by Governments as with complaints put forward by industrial associations. In either case the Governing Body could set the machinery of enquiry in motion or not at its discretion.

*Baron Mayor des Planches* was glad to state that the Royal Italian Government, as well as the workers and employers, expressly convened for the purpose by the Minister of Industry and Commerce, had fully endorsed the attitude taken by the Italian Delegation in the course of the discussion of the British draft. Unanimous agreement was reached on the five following points:—

1. Adhesion to the British proposal in regard to the institution of a permanent International Conference for labour legislation.
2. The endowment of the said Conference with deliberative powers subject to the right of appeal for a second examination of Conventions which the Governments or Parliaments regarded as intolerable in view of the economic conditions of their countries.

3. Admission of all nations without exception to participation in the International Organisation for Labour Legislation which is being set up.
4. Augmentation of the number of delegates to the Conference, so that nations which have an agricultural proletariat of considerable importance, in addition to their industrial proletariat, may secure the representation of their agricultural interests at the Conference concurrently with their industrial interests.
5. Insertion in the Peace Treaty of a chapter consisting of social clauses constituting a Labour Charter.

During the third reading the Italian Delegation would have amendments to move with a view to giving effect to their mandate on the above points.

*Mr. Arthur Fontaine* stated that the French Advisory Committee had not yet finished its work. It had, however, already examined the first twenty articles in the draft, which included those which were likely to raise any important difficulties. The points on which the French Advisory Committee asked for amendments were the following :—

1. In the Preamble, to mention expressly, in addition to the prevention of unemployment, the problem of recruitment of labour.
2. In the same paragraph to deal with social insurance generally, or else to enumerate all the forms of social insurance and not only two of them.
3. In Article III to insist once more that the number of Delegates for the Governments, the employers, and the work-people should be the same.
4. In Article XV to lay down that the Director should communicate the agenda for meetings of the Conference not only to the High Contracting Parties but individually to each Delegate.
5. To modify Article XIX in order to make it clear that decisions taken by the Labour Conference should become binding.

The Committee recognised that in insisting on endowing the Labour Conference with the real power to take decisions under conditions to be determined, there would be to that extent an infringement of the sovereignty of the different nations ; they thought, however, that this was a necessity which could not be avoided if it was desired that all the efforts made in the direction of uniformity should not be condemned to failure. The limited character of the questions which would come up for dis-

cussion, the fact that the nature and range of the subjects for discussion would be settled in advance, should make it easier to entrust the Conference with the wider powers which the Advisory Committee desired it to have. The French Delegation would therefore renew in the course of the third reading the attempt which it had previously made to secure the adoption of this idea.

*Mr. Vandervelde* stated that the draft had been completely approved by the Belgian joint committee which had examined it; at the same time, two observations of general character were worth recording. In the first place, there was the demand for an eight-hours' day on the part of the workers' representatives. *Mr. Vandervelde* reminded the Commission that this demand had been put forward with the greatest insistence in Belgium as elsewhere. No doubt it was impossible at the present moment to do more than decide the question in principle, but it seemed highly desirable that a formal engagement should be taken in the Peace Treaty by the signatory Governments in the sense which the working masses demanded. It was interesting to note that on this question of an eight-hours' day the employers' representatives made no objection of principle. They recognised that economic evolution was in the direction desired by the workers. They only made certain reservations as to the method of application of the principle, and expressed the hope that in this respect the text adopted would be drafted in such a manner as to allow of the necessary modifications. From the employers' side another question of principle was raised, and, after discussion, the work-people accepted their view entirely. The demand was made that the Preamble of the Convention should bring out the connection between the reduction of tariffs and the progress of labour legislation. For Belgium especially measures like dumping and economic war would make the industrial situation very difficult. In fact, the country could only maintain itself economically under a general régime of free trade. He instanced the case which an employer had quoted to the Belgian Committee in which the United States had imposed a duty of about 60 per cent. on glass. *Mr. Vandervelde*, while pointing out that the Belgian Delegation had no intention of making the establishment of free trade a preliminary condition for the development of international labour legislation, thought it undeniable that if protection diminished labour legislation would progress the more easily, and he proposed to move an amendment in order to give expression to that view.

*Mr. Otchiai* recalled the peculiar situation of Japan by reason of its great distance. The English text adopted at the second reading had only been received on 3 March. A telegram from the Japanese Government dated 6 March had reached them on the 9th. That telegram obliged him to renew the reservations which he had already made, particularly in the course of the



11th Meeting. The economic situation of Japan was such that it could not agree to bind itself in the manner indicated in the 3rd paragraph of Article XIX. Measures which might be suitable to the general conditions of western countries might have disastrous effects not only for Japanese interests, but also for the workers. The Government must therefore reserve to itself the right not only of refusing its adhesion to a Convention, but also of not adhering except under certain special conditions particularly as regards the period within which effect should be given to it.

*Mr. Patek* stated that, as in the case of Japan, the period allotted to the Delegates in which to consult their Governments had not been sufficiently long to enable him to obtain a reply from Poland.

*Mr. Broz* deposited a memorandum by the Czecho-Slovak Delegation on the subject of the eight-hours' day<sup>1</sup>. He pointed out in explanation that the draft now under discussion had been approved in his country, but that the Government and the working classes considered that the question which demanded most immediate settlement was that of the eight-hours' day. The National Assembly recently elected had established the eight-hours' day by the law of 9 December 1918, for all industrial establishments, large or small, and for all wage earners in commerce, transport, and agriculture. It was of the greatest possible importance for his Republic that this matter should be made general by means of international regulation. *Mr. Broz* therefore proposed the following amendment:—

“The High Contracting Parties undertake to introduce in principle a working day of eight hours in establishments where persons are employed as wage-earners. It should be left to the International Conference and the Legislature of each individual State to decide what exceptions may be admitted to the principle of the eight-hours' day and to work out the details of its application.”

*Mr. de Blanck* presented the following observations in the name of the Cuban Delegation:—

1. In the Preamble mention was made of the protection of the interests of workers employed abroad. It would be necessary to reserve the right to protect the interests of native workers, the full freedom of national Legislatures to deal with immigration and the sovereignty of States in which foreign workers reside.

2. In Article III, it should be clearly specified that only the nationals of countries could appoint Delegates or be appointed as Delegates.

3. In Article XIX, Paragraph 4, the difficulty pointed out as regards Federal States applied to the Cuban Republic. The text

<sup>1</sup> See p. 245.

proposed could not be ratified by that State. An amendment would be required which might be worded as follows :—

“The whole subject to the approval of the Convention by the competent authorities.”

4. Article XXXVII, dealing with the conditions under which the Convention could be amended, did not sufficiently safeguard the rights of States, and particularly of small States, which had not permanent representatives on the Council of the League of Nations. The text would not be accepted by the Cuban Delegation.<sup>1</sup>

*Mr. Barnes* thought that many of the amendments which the various Delegations proposed to move were mainly concerned with questions of working, and did not raise any real difficulties. He therefore hoped that the discussion might be quickly brought to a close.

*Mr. Vandervelde* pointed out that the final decision on the British draft would not terminate the work of the Commission. It was impossible for it to separate without having affirmed certain principles ; in particular, it must take some stand on the subject of the eight-hours' day. A preliminary question would also present itself, to which he hoped a reply would be given as soon as possible. Were they to content themselves with including the fundamental questions of the kind to which he had referred in the Agenda for the first Meeting of the Labour Conference, or did they consider it opportune to make some declaration of principle on these questions immediately ? In the first case, the Belgian Delegation and no doubt other Delegations would be able to vote without special reference to their Governments. In the second case, if there was any question of drawing up a Labour Charter it was evident that the Delegates would have to consult their Governments before voting. It was therefore important to settle as soon as possible which course the Commission proposed to take.

*Mr. Gompers* reminded the Commission of the attitude which he had taken and which he proposed to maintain. He represented the American Government but also the American working classes. When he found himself in agreement with his Government he would accept the responsibility of representing it, but as soon as he deemed it incompatible with the dignity or interests of the workers of the United States to accept the doctrine which as a Delegate of his Government he ought to accept, he would not hesitate to support the interests of the workers. Nevertheless no divergence of that character had so far manifested itself. In particular, as regards the constitutional problem *Mr. Gompers* agreed with the official representatives of his Government in considering it necessary that the Convention should be so drafted

<sup>1</sup> For Memorandum by the Cuban Delegation on the above points see p. 233.

as to respect the constitution as it stood at present. To prepare a Treaty which would not be ratified by the Senate would be to invite complete defeat in advance, and it was above all things necessary to avoid that. The political situation in the United States was particularly delicate at that moment. The result of the campaign conducted by Senator Lodge was generally known. Thirty-seven members of the Senate had signed a document declaring that they would not ratify the Peace Treaty if it contained the Covenant of the League of Nations as at present drafted. It was true, on the other hand, that at a by-election which had just taken place it turned in a remarkable manner in favour of the policy of President Wilson. However that might be, it was necessary to be careful and not to risk compromising the whole work of the Peace Conference. It did not seem opportune to raise the question of free trade. It ought not to be forgotten that protective tariffs were an important source of revenue. In present circumstances such revenue appeared more necessary than ever. He recalled a memorandum<sup>1</sup> which the American Federation of Labour had deposited at the beginning of the sittings of the Commission. He thought it indispensable that the latter should declare itself in favour of the fundamental principles which were mentioned in that declaration. It was the more important to arrive at some conclusions on this subject, as it was possible to foresee serious difficulties in regard to the proposed permanent organisation.

At the end of the sitting *the President* read the following communication from the Secretary-General of the Preliminary Peace Conference :—

“All Commissions and Committees appointed by the Conference are requested to attach to their report a draft Convention formulating their recommendations and intended for insertion in the Preliminaries of Peace, subject to the approval of such recommendations by the Peace Conference.

“The members of the Commissions or Committees should consult their respective legal advisers in the preparation of these Draft Conventions.”

On the motion of *the President*, the Commission decided to resume its regular sittings and to meet next morning, 12 March, at 10 o'clock. The Meeting would take place in the Committee Room at 80, Rue de Varenne.

(*The Commission rose at 1 p.m.*)

Samuel GOMPERS, *President*.

Arthur FONTAINE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

<sup>1</sup> See p. 225.

## Minutes of Proceedings No. 20.

*Minutes of the Twentieth Meeting, 12 March 1919 at 10 a.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .	{	France.
Mr. Jouhaux . . . . .		
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Coletti . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .		
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.
Mr. de Blanck . . . . .		Cuba.

The Commission adopted the Minutes which had been previously circulated.

*Mr. Vandervelde* asked the Commission to come to a decision as soon as possible as to the way in which it intended to deal with the problem of the eight-hours' day. Was it its intention simply to put it on the agenda of the first Labour Conference, or did it intend to draft a declaration which would be inserted in the Treaty of Peace? In the second case, it would be necessary to say so immediately, so that the different Delegations could consult their respective Governments.

*Baron Mayor des Planches* referred to the instructions on this point which he had just received in Italy. They urged that a decision should be taken without delay in favour of the application of the eight-hours' day in industry and commerce. It was a question of inserting clauses in the Treaty of Peace which would form part of the Labour Charter. The Italian Delegation urged that the question should be considered without delay.

*The President* asked the Commission to keep to the agenda agreed to at the preceding Meeting, and to discuss the amendments which had been circulated.

### *Preamble.*

*Mr. Vandervelde*, in the name of the Belgian Delegation, proposed the following amendments:—

(a.) Replace in the French text the words :

1. "salaire suffisant pour vivre" by "salaire vital" or "salaire normal."
2. "liberté d'association" by "liberté syndicale".
3. "et attendu que" by "attendu que."

(b.) Add at the end of paragraph 2 the words "an organisation of technical and vocational education."

(c.) Add in the French text after the words "assurance contre la vieillesse, les accidents" the words "et autres risques sociaux."

After a discussion, in which *Mr. Arthur Fontaine*, *Mr. Gompers*, *Mr. Vandervelde*, and *Mr. Barnes* took part, it was decided to leave to the Drafting Committee all responsibility as regards the translation of the English text. The Committee, instead of seeking a literal translation, should attempt to reproduce the general sense of the English text, taking account, as far as it might be necessary, of the difference between the idiom of the two languages. With this recommendation the Commission approved the insertion of the words "organisation of technical and vocational education" at the end of paragraph 2.

*Mr. Arthur Fontaine* brought forward the resolution of the French Advisory Committee asking that after the words "la fixation d'une durée maxima de la journée et de la semaine de travail" there should be added the words "le recrutement de la main-d'œuvre". Some discussion took place on the subject of the best English equivalent of this phrase.

The proposed amendment was adopted.

### *Article III.*

*Mr. Barnes* proposed to add at the end of the fourth paragraph the following words:—

"When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman."

The amendment was adopted.

*Mr. Arthur Fontaine*, referring to the resolution of the French Advisory Committee, asked the Commission to consider once more the question of the number of Delegates allowed to each of the High Contracting Parties. He accordingly put forward the following amendment:—

"It (the General Conference) shall be composed of three representatives of each of the High Contracting Parties, of

whom one shall be a Delegate of the Government, and of whom the two others..."

*Mr. Robinson* spoke in the following terms :—

"Gentlemen,

"I will try to be as brief as possible. I want to say, as I have said before repeatedly, that the United States Delegation is in sympathy with the plan—has been, and is in sympathy with the plan—for the creation of an International Conference of legislation for labour. During the sittings here we have several times endeavoured to go as far as possible to meet the situation, as it appeared to be in the desire of the several members of the Commission. During the recess which we have had, jointly and severally, the United States Delegation has met with representatives of the working men of the United States, with the authorities on the constitutional law in the United States, and with the Government authorities, and has very carefully considered the British proposal as it was passed for the second reading. There is no change in the difficulty of our situation, both from the standpoint of our organisation and from the practical standpoint. If we are to be put in a position where the United States—and other States—can become party to this Convention, it will be necessary to change to a great degree the British proposal. In our endeavours of the last week to try and get a text which was close to the British proposal and to use its organisation, we have apparently wasted our time, because we have found in the last two days that, in order to have a Convention to which the signature of the United States—and quite a number of other countries—can be given effect to, the modifications and changes from this proposed text are so great and time has been so limited that we are not in a position to submit what would be an amendment to the British text, and we are here to ask—we are getting others to help us, we are getting up quite an organisation to work it out now—for an adjournment. When the text of the British proposal was submitted, we began in good faith to try and meet the idea which it contained. We very early discovered that the international organisation of the United States would not permit the signing of the Convention on the part of our Government if it contained the provisions of the British proposal. We called attention to it as soon as we were sure that the way was not clear. We have had many discussions here and elsewhere. We have submitted in writing a full description of our internal organisation and the reasons why we were not able to accept the proposal. During the recess we have been struggling with it, with the result that we feel there is but one thing for us to do, and that is to offer an amendment to the British proposal, one that will in a sense possibly be, to a great extent, considered a substitute, which will embody, so far as possible, the effective provisions of the British draft, and which will be effective under our constitution, and to the end that an International Labour

Conference shall be established, and shall have the same official body and organisation substantially as outlined in the British proposal, and this substitute will, so far as possible, be consistent with the draft of the Covenant of the League of Nations, and in full accord with President Wilson's statement when he submitted the Covenant of the League of Nations to the world. If time is to be given us to draft these principles, we believe we can submit an amendment to the British proposals or a substitute. We expect to be able to use very largely the British text for it, which can become a Convention that we believe can be signed by every country, and in the end prove a most effective instrument for carrying out the proposals described in the preamble, and we specifically ask that we be allowed until Monday, 17 March, to present this amendment."

*Mr. Barnes* replied in the following terms :—

"Well, Mr. Gompers, this statement of Mr. Robinson's, I think, puts the Conference in a very unfortunate position. At all events, it puts us in an almost impossible position. Here we have been sitting for a month, I suppose, discussing the main principles of a scheme which was placed before the Commission, and I think I can say for the British Delegates responsible for that scheme, we have not tied ourselves or endeavoured to tie the Commission to any particular form of words. We have agreed to a good many alterations, one of which cuts into the principle of the scheme, but we accepted it ; and now, Mr. Gompers, as I understand the matter, we had come to a decision on the main principles by a majority of the Conference, and we had decided that the scheme, as amended and altered in various respects, should then be taken forward for consultation on the part of each of us with our respective voluntary organisation and Government representatives. If now we assent to an adjournment until next Monday, it seems to me that we shall have to agree to a further adjournment thereafter in order that we may go through the same process as we have gone through this last week ; and might I call attention to the fact that there is in all countries—at all events there is in our country—a feeling of disappointment, a feeling already, that we have been—I won't say too long, but at all events, that we have been a considerable time debating on this scheme which is eagerly awaited by all the countries, and I am being alarmed at the prospect that if we now adjourn until next Monday in order to bring forward a proposition which is not a verbal amendment, but to bring forward a proposition which alters the whole character and structure of the scheme, then we must in fairness to our people submit it to them again. As I say, that is a very unfortunate position. I don't see how it can be done because I have in my mind this thought, if we stay here much longer and go back and consult our people, our people will not only be impatient, but will say that we are not competent to do the business. and we had better get along. But I might

say further that I think Mr. Robinson has put an interpretation upon our scheme which we had not intended when he says that this scheme involves binding the affiliated Governments to carrying out Conventions. We do not propose anything of the kind. On the contrary, we carefully safeguarded the national rights of each nation subscribing to the Convention. We carefully provided that each nation through its own competent authorities shall say whether or not it accepts or rejects a Convention, and therefore to say, as Mr. Robinson has just said, that we are asking a State to accept the Convention, or bind itself to accept the Convention, is not a correct description of the scheme as we intended. We should not be averse to accepting any amendments, which would make the meaning, as I have stated it, more precise, more definite, but as I understand Mr. Robinson, he wants to do something which will alter the intentions of the scheme. In so far as I understand, the slight degree of obligation, or whatever it may be called, of the States being expected to carry out the decrees of the International Labour Conference, is as little as the working people, so far as I understand, will accept as satisfactory. My mind goes back to the proposal made by Mr. Robinson a week or two ago, which would have put the United States in a different position to other States—which expected of the United States very little, while the other States should be expected, and not only expected, but obliged to put a Convention to their competent authorities. I think it not unfair to assume that Mr. Robinson intends that that proposal which he made a week ago should be made applicable not only to the United States but to all the States, and if that be so, I can only say that that proposal would be met by the working people of the European countries with feelings of intense disappointment. They expect an international organisation of labour established which will hold out some prospect of Conventions being given effect to, and if we amend the scheme in the direction indicated by Mr. Robinson's amendment of a fortnight ago, I think that the organisation of labour that we are now trying to set up would be regarded by the working people, in the main, merely as a debating society. We do not need a debating society, and therefore we are up against a fundamental difference of opinion. We want an organisation of labour with certain machinery by which Conventions will be given effect to. Mr. Robinson, as I understand, means an organisation which will simply induce people to come together once a year and give expression to the aspirations of labour, and as I said, it is a fundamental difference of opinion. We don't want an organisation of labour merely to give expression to pious opinions, we want an organisation with a prospect of some practical results following immediately thereon, and it is for us to say now what we intend. If we intend to get on with our scheme, let us get on with it. If we intend on the other hand that the American proposal of a fortnight ago is to be embodied in this scheme, or rather that the scheme



should be transformed by the substitution of Mr. Robinson's proposal, this, as I said before, means that we shall not only have to adjourn until next Monday, but we shall have to adjourn thereafter to consult our people again: and that means putting off the submission of your organisation to the Peace Conference to an indefinite period."

*Mr. Mahaim* drew attention to the special conditions of Belgium. Being a small country ruined by the war, it was menaced by the competition of the great States. How could it be asked to bind itself under a Convention restricting its industry, particularly if its competitors refused to bind themselves in the same way? Perhaps they should, nevertheless, defer to the American request and agree to the adjournment until Monday of the rest of the discussion on the British draft, but let the Commission then begin without delay the consideration of the concrete questions which remained to be dealt with and which were of primary importance, in particular the fixing of the Agenda for the First Conference.

*The President* pointed out that this was the idea of the American proposal. It was not suggested to adjourn until Monday, but to take immediately the discussion of the different proposals handed in by the Delegations, and during the time so employed to have the American amendment prepared.

*Mr. Jouhaux* drew attention to the gravity of the question before them. As the examination of the British draft proceeded, it had become more and more evident that the different countries were anxious to arrive at practical results. With this idea France and Italy asked that the obligation attaching to decisions taken by the Labour Conference should be strengthened. It was a real question of principle which had been raised, that of the effectiveness of the covenant creating the League of Nations. The working classes of all countries desired this League. It would be paradoxical if the United States, whose President had been the promoter and the most ardent advocate of the League of Nations, were unable to arrive at a text giving effect to their own obligations as Members of this League. In every way the International Labour Legislation of which they were now considering the development would only realise a minimum of welfare and liberty for the working masses. It would therefore be the business of the organisations of workpeople within each country to secure the maximum advantage possible. But at least the economic inequalities which were obstacles under the conditions of the present time between one country and another to the realisation of this minimum progress would have been removed. If one did not succeed, was there not a risk that the organised workers would give to the principles they had adopted an interpretation different from that which they had given them heretofore?

*Baron Mayor des Planches* supported the view put forward by Mr. Jouhaux. The working classes in Italy asked not only that

the work which the Commission had begun should be carried through quickly, but, in addition, that the Conference which was going to be constituted should have effective powers. Italy would be profoundly surprised if she learnt that the whole of the scheme actually under consideration had been upset and the whole question reopened.

*Mr. Vandervelde* thought it was impossible to agree to the proposal of *Mr. Robinson*. It was most urgent that the work of the Commission should be finished. To adjourn, or even merely to interrupt the discussion of the scheme, was to confess in advance to some degree that all the efforts which had been made or might be made were condemned to be ineffective.

*Mr. Arthur Fontaine* put forward the compromise suggested by *Mr. Mahaim*. It was certainly impossible to adjourn the discussion, but everything possible should be done to secure the adhesion of the United States. The important question as to the Agenda of the Conference in October would probably be more than enough to occupy the rest of the discussion which could take place this week. It would seem, therefore, that there would not be any serious inconvenience in postponing until Monday the rest of the discussion on the articles setting up the new organisation.

*Mr. Patek* seconded the proposal of *Mr. Arthur Fontaine*

*Mr. Barnes* wished to point out that the British Delegation were in no wise opposed to the principle of the eight-hours' day. He insisted that in any case the discussion should be carried on as rapidly as possible.

On a proposal made by *Mr. Barnes*, it was decided that the Commission should sit next day both morning and afternoon.

Samuel GOMPERS, *President*.

Arthur FONTAINE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

### Minutes of Proceedings No. 21.

*Minutes of the Twenty-first Meeting, 13 March 1919 at 10 a.m.*

*Mr. GOMPERS in the Chair.*

Delegates present :

Mr. Gompers . . . . .	}	United States of America.
Mr. Shotwell . . . . .		
Mr. Barnes . . . . .	}	British Empire.
Sir Malcolm Delevingne . . . . .		

Mr. Arthur Fontaine . . . . .	{	France.
Mr. Jouhaux . . . . .		
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .		
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

*The President* pointed out that there had been submitted to him for signature twelve sets of Minutes printed in French and not in English. He had signed them, but he pointed out that two languages were recognised by the Commission.

*Mr. Butler* said that the Minutes of the first Twelve Sittings had been printed in English, and would be distributed almost immediately.

*Baron Mayor des Planches* pointed out that the question of language had not yet been settled by the Peace Conference.

*Mr. Arthur Fontaine* drew attention to the fact that the Minutes of the Commission were drawn up in French and in English, that they were distributed in draft in both these languages to the members of the Commission, and that, after having been approved by the Commission, the Minutes in both languages were signed by the Chairman. The Minutes printed by the Peace Conference, which had been put before Mr. Gompers for his signature, were a reproduction, word for word, of the typed Minutes which he had already signed.

*The President* pointed out that, at the previous Meeting, Mr. Robinson had asked that the final vote on the third reading of the British scheme should be adjourned until Monday, 17 March, in order to give the American Delegation time to bring forward a counter proposition.

After a discussion between Mr. Gompers and Mr. Barnes, the Commission, without coming to a decision on the motion for adjournment, decided to continue the consideration of the amendments already laid before it by the various Delegations.

### *Article III.*

*Mr. Arthur Fontaine* again read the amendment to Article III brought forward at the previous Meeting in conformity with the resolution of the French Advisory Committee of Employers and Workpeople. The employers' and workpeople's representatives on this Committee had been of opinion that the general Conference should be composed of three Delegates, of whom only one

should be a Delegate of the Government, and not, as had been decided at the second Meeting, of four Delegates, of whom two should be Delegates of the Government.

*Mr. Barnes* said that after the vote on the second reading he had told his Government and the British organisations of employers and workpeople, whom he had recently seen, that the system of four Delegates had been adopted by the Commission by a large majority, and it seemed to him that it would be very difficult to reopen this question. He referred to the arguments which he had already put forward in favour of the system of four Delegates.

*Mr. Arthur Fontaine* asked if there were any Delegations which had changed their minds or had doubts on this question. If there were not, it would be useless to continue the discussion.

*The President* recalling the arguments which he had previously put forward, criticised the system of two Government Delegates.

*Baron Mayor des Planches* said that, being in favour of the principle of equality, the Italian Delegation was of opinion that the number of Delegates to the Conference should be six, *i.e.*, two Delegates for the Government, two for the employers, and two for the workpeople. It was a solution which, at the same time, would be in accordance with the principle of equality of representation, but he thought that it would be preferable to await the result of the discussion, which would take place on Article XIX. He proposed, therefore, that the question should be postponed until after the vote on that article.

This proposal was adopted.

#### *Article IX.*

*Mr. Barnes* proposed to add to the end of Article IX the words "a certain number of these persons should be women." He pointed out that, as a matter of fact, there was nothing to prevent the Director from appointing women, but that the object of the amendment was to make it an obligation that he should do so.

The amendment was adopted.

#### *Article XV.*

On Article XV, *Mr. Arthur Fontaine* proposed to add after the words "Faire parvenir l'ordre du jour de chaque session aux autres parties contractantes" the words "et aux délégués non gouvernementaux".

*Mr. Barnes* was in agreement with the principle of the amendment, but he asked how the Director of the International Office would know who were the non-Government Delegates who would come to the Conference.

After a discussion between Sir Malcolm Delevingne, Mr. Arthur Fontaine and Mr. Barnes, the following text was adopted :—

“The Director shall act as the Secretary of the Conference, and shall circulate the agenda to reach the High Contracting Parties, and *through them the non-Governmental Delegates when appointed, four months before the meeting of the Conference.*”

#### *Article XVI.*

On Article XVI, Mr. Arthur Fontaine proposed to alter the French text at the beginning to read as follows :—

“Chacun des Gouvernements des autres parties contractantes aura le droit de *contester* l’inscription.”

This modification, which rendered the English text more accurately, was referred to the Drafting Committee.

#### *Article XIX.*

On Article XIX, the President asked whether the Commission preferred to discuss this article, which was of considerable importance, immediately, or to examine first the different amendments which had been put in on subsequent articles.

After a discussion between Mr. Arthur Fontaine, Mr. Gompers, Mr. Barnes and Baron Mayor des Planches, the Commission decided to postpone the discussion of Article XIX.

#### *Article III.*

On Article III, Mr. Patek proposed an amendment suggesting that the words “employés et ouvriers” should be replaced by the word “travailleurs”.

Following upon an observation by Mr. Arthur Fontaine, the question was referred to the Drafting Committee.

#### *Article XXV.*

On Article XXV, paragraph 3, Sir Malcolm Delevingne proposed to replace the words “which the complaining State considers to be satisfactory, the Governing Body shall,” by the words “which the Governing Body considers to be satisfactory, the Governing Body may.” The object of this amendment was to avoid imposing on the Governing Body the obligation to take action in cases where a complaint was made by a State without sufficient foundation.

Sir Malcolm Delevingne proposed as a consequential amendment of paragraph 2 of the same article to omit the words “before referring such a complaint to a Commission of Enquiry as hereafter provided”.

The amendment was adopted.

### Article XXVIII.

Speaking on Article XXVIII, *Mr. Arthur Fontaine* said that the French Advisory Committee had asked for a modification of the wording of paragraph 2. Was the expression "d'ordre économique" to be understood in a general sense, or did it merely imply industrial and commercial sanctions? *Mr. Arthur Fontaine* asked that after the words "d'ordre économique" there should be added the words "ou autres".

*Mr. Mahaim* pointed out that the expression "d'ordre économique" had been introduced into the text on the motion of the Belgian Delegation, in place of the words "against commerce," which in English had a more general application than in French. He further pointed out that the Belgian Delegation was opposed to any return to a system of protectionism of a penal character, and had therefore asked that recourse should be had to penalties of an economic character (financial tariffs, transit facilities, etc.), but barring any penalty of a military character.

*Sir Malcolm Delevingne* asked *Mr. Arthur Fontaine* not to press his amendment, pointing out that the term "penalties of an economic character" had a very wide application, and included all measures affecting the economic life of a country and all those matters mentioned in the third of President Wilson's fourteen points.

*Mr. Arthur Fontaine* noted that the penalties of an economic character excluded definitely penalties of a military character, but added that this interpretation would of course not exclude the possibility of inserting in a Convention clauses establishing a system of fines in the case of violation of certain agreements. In these circumstances *Mr. Arthur Fontaine* declared that he was satisfied.

### Article XXXIII.

On Article XXXIII, *Mr. Arthur Fontaine* proposed to replace the words "any other State may take action against that State" by the words "the penalties shall be applied to the State in question..." He pointed out that the actual text allowed too much discretion to the States as to whether they would apply the penalties or not. There could, of course, be no question of making States which were not guilty of any offence bear the consequences of the delinquencies of a defaulting State by imposing prohibitions which would hit them more severely than the latter. At the same time, the whole system of penalties must not be made illusory. It would be for the Commission or the Court of Justice, as the case might be, to decide which State should apply the penalties.

In reply to *Mr. Butler*, *Mr. Arthur Fontaine* said that all the States ought to take the measures indicated except those excused

specially by the Court by reason of the difficulties which would thereby be created for them.

*The President* summed up the question by saying that Article XXXIII gave the States discretion as to the application of penalties, whereas the amendment was intended to impose an obligation on them.

*Mr. Jouhaux* thought that Article XXXIII ought to provide an obligation, otherwise the League of Nations would be only an empty shell.

*Mr. Butler* asked what would happen if some of the States omitted or declined to fulfil the obligation in question.

*Mr. Arthur Fontaine* replied that the penalties provided in the organisation of the League of Nations would be applied to such States.

*Mr. Jouhaux* hoped that it would not be necessary to go that length, for if the Court had not sufficient authority to secure respect for its decisions, the whole system of the League would quickly collapse.

*Mr. Vandervelde* thought that they should consider not what they might desire, but what could actually be done. In his opinion, the obligation which the French amendment was designed to impose on the States might be very severe, and might consequently cause them to hesitate to take part in the International Conference. He would therefore vote, though with regret, against the amendment.

*Mr. Butler* spoke in the same sense.

*Mr. Mahaim* considered that the French amendment was important, because the words "may take" in Article XXXIII were not sufficiently explicit. There were two ideas which had not been sufficiently distinguished. In the first place, the Commission or the Court would decide as to the measures which might be taken against the industry of a State which had not fulfilled its obligations. Every State might, when that decision had been given, take action against the defaulting State. That did not mean, however, that States might not be designated by the Court for the application of the penalties deemed to be appropriate, for one might be sure that, before designating these States, the Court would have to ascertain that they could and would take the necessary action.

*Baron Mayor des Planches* thought that the wording of the article was too wide, and supported the French amendment.

*Mr. Gompers* observed that if the amendment was adopted, it would make it more difficult, or even impossible, for the American Senate to ratify the present Convention.

*Mr. Arthur Fontaine* was convinced that the United States would do their best to apply the provisions of international labour legislation as far as they were concerned, even if they were not bound by a formal Convention, but the scheme which they were now discussing would simply be completely ineffective if it did not result in the establishment of a certain number of real obligations recognised by the States.

*Mr. Patek* supported these arguments, but proposed to postpone the discussion of the amendment until after the vote on Article XIX.

This proposal was adopted.

#### *Article XXXV.*

On Article XXXV, *Mr. Arthur Fontaine* proposed that paragraph 3 should read as follows :—

“Conventions adopted in pursuance of provisions of this Convention shall be applicable to all Colonies. Protectorates or Possessions, which are not fully self-governing of any of the High Contracting Parties, subject to such modifications as local conditions may render indispensable. Such modifications shall be notified in the manner indicated in Article XIX, and shall be subject to review in in the manner provided by Articles XXIII to XXXIV.”

The text adopted on the second reading was not clear as to the situation of a Colony or Possession which was not fully self-governing. He certainly did not think that international labour legislation could be applied without discrimination to all kinds of Colonies, but they had gone too far in excluding Colonies from the application of such legislation. It would be better to say that such legislation should apply to them in principle, subject to the right of the mother country to introduce such modifications as local conditions required, which it would bring to the notice of the International Conference. In cases where such modifications had not been made in good faith, the League of Nations could require their suppression.

As far as the Conference was concerned, *Mr. Arthur Fontaine* added, the working population of Algeria, which had shed their blood for France, ought, as far as possible, to have the same guarantees in regard to their working conditions as the working classes of the mother country.

*Sir Malcolm Delevingne* thought that the amendment could not be accepted, and feared that by extending the field of the application of international Conventions so widely, they would render it more difficult for countries with numerous Colonies to adhere to them. In fact, before ratifying, the mother country would be obliged to examine in detail the consequences which their application to its various Possessions would entail. That would be particularly the case with the British Empire.



*Mr. Jouhaux* said that hitherto Colonies had only been mentioned in order to put them in an inferior position. They had now said that international labour legislation had no interest for the working people of the Colonies. He considered that this was not the case. He could lay before the Commission innumerable protests emanating from the workpeople's organisation of numerous Colonies against the abuses committed by nations which pretended to bring them civilisation. They could not leave the native workers out of account. Of course, there was no question of applying international labour legislation in its entirety to the Colonies, for there were differences which had to be taken into account, but it must not be possible for the work of the present Commission to be used hereafter in order to refuse all benefits from labour Conventions to Colonial workers. It was not simply a question of sentiment, but one of the development of civilisation.

*Mr. Arthur Fontaine* remarked that there was no fundamental difference between the English point of view and that of the French amendment; both had the same ends in view. It was therefore a question of finding a formula which would not leave the Colonies outside the sphere of international labour legislation. He pointed out that every country would wish to know before ratifying a Convention how far it would be applied to the Colonies of a neighbouring State. He therefore requested the British Delegation to collaborate with the French Delegation in finding a suitable form of amendment to Article XXXV.

*Sir Malcolm Delevingne* having accepted this proposal, it was adopted by the Commission.

*(The Commission rose at 12.50 p.m.)*

George N. BARNES, *Vice-Président*.

Arthur FONTAINE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

## Minutes of Proceedings No. 22.

*Minutes of the Twenty-second Meeting, 13 March 1919 at 3.15 p.m.*

*Mr. GOMPERS in the Chair.*

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Shotwell . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		

Mr. Arthur Fontaine . . . . .	}	France.
Mr. Jouhaux . . . . .		
Baron Mayor des Planches . . . . .	}	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	}	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	}	Belgium.
Mr. Mahaim . . . . .		
Mr. de Blanck . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

#### *Article XLI.*

*Baron Mayor des Planches* proposed an amendment which might be added to Article XLI, as follows :—

“If the League of Nations should find itself unable to exercise the powers which are attributed to it under the present Convention, these powers shall be exercised by The Hague Conference.”

The idea of this amendment was to ensure the existence of machinery for labour legislation, even if the project of a League of Nations was not realised. No doubt the adoption of the Court of The Hague as a substitute could be criticised, but the essential thing was not to set up a bond between the League of Nations and the International Organisation for Labour Legislation of such a kind that, if it did not mature, an alternative could not be adopted.

*Sir Malcolm Delevingne*, in the name of the British Delegation, expressed his agreement with the principle underlying the idea put forward by the Italian Delegation, but pointed out that it would be dangerous to adopt a paragraph anticipating an eventuality so grave as that to which the Italian Delegation alluded. It could be taken for granted that if the League of Nations did not materialise, the scheme for international labour legislation could not be allowed to fall through, but would have to be revised. The whole scheme would then have to be reconsidered in its entirety, and a solution could not be provided in this brief way. After an observation by *Mr. Vandervelde* to the same effect, the Italian Delegation declared that it was satisfied with the opinions expressed, and withdrew its amendment.

#### *Article XXXV.*

*Sir Malcolm Delevingne* informed the Commission that the French and the British Delegations had agreed, after the consul-

tation which had been suggested, on a form of words, to substitute for paragraph 3 of Article XXXV. Sir Malcolm Delevingne read the agreed text as follows :—

*Substitute for Paragraph 3, Article XXXV.*

“The High Contracting Parties engage to apply Conventions which they have ratified in accordance with the provisions of the present Convention to their Colonies, Protectorates and Possessions which are not fully self-governing :—

“(i.) Except where, owing to the local conditions, the Convention would be inapplicable ; or

“(ii.) Subject to such modifications as may be necessary to adapt the Convention to local conditions ;

“and each of the High Contracting Parties 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.”

*Mr. Arthur Fontaine*, speaking for the French Delegation, thanked the British Delegation for the courtesy with which they had been willing to endeavour to find and adopt a compromise.

After some discussion, in which *Mr. Gompers*, *Sir Malcolm Delevingne*, *Baron Mayor des Planches*, and *Mr. Shotwell* took part, it was made clear :—

1. That the decision taken by a State as to the manner in which it will apply a Convention to its Colonies, should be taken with full independence, and without the control of the International Conference ;
2. That it was not necessary to attempt to co-ordinate closely the provisions of Article XXXV with those which might be introduced in the mandates conferred by the League of Nations, concerning the administration of territories not yet fit to govern themselves. In every way the measures which it would be desirable to take, in order to co-ordinate the provisions in the two cases, would depend rather on the body charged with the formulation of the mandates than on the body charged with international labour legislation.

*Article III.*

*Mr. de Blanck* brought forward the amendment which he had already handed in, to the effect that no nation should be able to be represented by a foreigner, nor should permit foreigners without the political franchise to take part in voting as regards the choice of Delegates to the International Labour Conference.

On the observation of *the President* that, in principle, foreigners ought, if they have been legally admitted to residence in a given country, to be in a position to defend their interests, the proposed amendment was not adopted.

#### *Article XIX and Related Articles.*

No other amendment having been handed in, *the President* asked the Commission whether it desired to return to the discussion of the article which had been adjourned, or whether it was in favour of the American proposal, that this discussion should be postponed until 17 March. The President, in expressing the hope that the second alternative would be adopted, pointed out that in the meantime the Commission would have plenty of work before it in connection with the discussion of the proposals of a general character handed in by the different Delegations.

Mr. Barnes accepted in the name of the British Delegation the postponement until 17 March of the discussion on Article XIX, but on the condition that it should be fully understood that the discussion should take place, and should be completed on 17 March without further postponement. As regards the work of the Commission in the meantime, Mr. Barnes asked that the following order of business should follow :—

1. Discussion of the schedule proposed by the British Delegation ;
2. General proposals.

As regards the latter, the opinion of each Delegation should have been already formed, and it should be easy to arrive at a decision on them.

The text proposed by the British Delegation as regards the Labour clauses in the Treaty of Peace and a new draft of Article XIX were distributed in the name of the British Delegation to the members of the Commission.

On the motion of Mr. Broz, it was decided to remit to a Sub-Commission of Mr. Cabrini, Sir Malcolm Delevingne, Mr. Jouhaux, Mr. Mahaim, Mr. Oka and Mr. Shotwell the co-ordination of the general proposals which had been put forward.

After a discussion in which Mr. Barnes, Sir Malcolm Delevingne, Mr. Gompers and Mr. Mahaim took part, it was made clear :—

- (1.) That each proposal would be reproduced separately and *in extenso* in the Minutes ;
- (2.) That if the composite text submitted by the Sub-Commission did not include all the points put forward in the various proposals handed in, the Delegation concerned should have the right of bringing them before the Commission ;

- (3.) That the principle by which the Commission should generally be guided as to the inclusion of any particular point or not should be the terms of reference of the Commission itself.

*Schedule Referred to in Article XXXIX.*

(a.) *Place of Meeting.*

*Mr. Barnes* proposed Washington. He referred to the arguments he had already brought forward on this point. It was highly desirable to attempt to secure the support of the greatest number of countries possible to the proposed organisation, and above all, of the United States. The choice of Washington would help this double object.

*The President* expressed the gratitude of the American Delegation for the proposal which had been made. He asked the Commission, however, to note the actual state of affairs which existed, and in particular (1) that the proposed Treaty of Peace might not be discussed by the American Senate before December 1919; (2) that it was proposed to have an International Trade Union Conference, for which neither the time nor the place had yet been fixed. *Mr. Gompers* had proposed to the organisers of this Conference that if it took place in August or September it should be held in Paris; if on the other hand, it took place in October that it should be held in Washington. There was no doubt that if the Meeting took place after the Treaty of Peace had been ratified by the Senate, the welcome accorded to the International Labour Conference by the American people would be enthusiastic.

*Mr. Mahaim* asked if Brussels might not be named as an alternative place of Meeting in case the Conference should be held before the Treaty of Peace had been ratified by the American Senate. This amendment was rejected and the proposal to meet at Washington was adopted.

(b.) *Convening Government.*

It was agreed without discussion that the Convening Government should be the Government of the United States in the event of the Meeting taking place at Washington.

(c.) *Constitution of the International Committee.*

*The British Delegation* proposed that this Committee should consist of representatives appointed by the Governments of the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. *The Italian Delegation* proposed an amendment to the effect that, in addition to the seven members

provided for, two places should be kept free to be filled after the signature of the Treaty of Peace.

In support of this amendment the Italian Delegation pointed out the desirability of including all nations without exception in the Permanent International Labour Conference. The arguments in favour of this were so strong that they could be held to justify the admission to the Conference even of countries which for political reasons would not be admitted to the League of Nations.

*Mr. Jouhaux* supported the Italian amendment, and argued that it might not be desirable to give to Switzerland alone the right of representing the neutral Powers on the Organising Committee.

After discussion the Italian amendment was rejected.

*Mr. Broz*, in support of the same idea, suggested saying that the International Organising Committee should have the right of co-opting representatives of other States, if it thought necessary.

*Sir Malcolm Delevingne* supported this proposal and suggested the following text :—

“The Organising Committee may, if it thinks necessary, invite other States to appoint representatives to it.”

After a discussion in which *Mr. Shotwell*, *Mr. Barnes* and *Mr. Arthur Fontaine* took part, the amendment was adopted.

#### (d.) *Place of Meeting of the Organising Committee.*

*Mr. Barnes* proposed that the Committee should meet in London.

*Mr. Mahaim* in the name of the Belgian Delegation asked that it should meet at Brussels. In support of this request he put before the Commission the considerations which had already been urged by Belgium in favour of the seat of the League of Nations being established in the Belgian capital.

*Mr. Barnes* saw no reason for considering the two questions as related. He reminded the Belgian Delegation of the article in the Draft Convention laying it down that the International Labour Office should be established at the seat of the League of Nations. If then, as was possible, if not indeed probable, this seat were to be at Brussels, the Labour Office would be at Brussels, and the place temporarily chosen for the Meetings of the Organising Committee would form no precedent. In order, however, to take account of the desire expressed by the Belgian Delegation, *Mr. Barnes* proposed to leave the choice of the place of Meeting to the decision of the Organising Committee itself.

This proposal was adopted.

*The President* pointed out that there only remained to consider the question of the Agenda of the October Conference, and proposed to adjourn the discussion till the following day.

*(The Commission rose at 6 p.m.)*

George N. BARNES, *Vice-President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

### Minutes of Proceedings No. 23.

*Minutes of the Twenty-third Meeting, 14 March 1919 at 10 a.m.*

Mr. GOMPERS *in the Chair.*

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Shotwell . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .	{	France.
Mr. Jouhaux . . . . .		
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .		
Mr. de Blanck . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

*The President*, in putting the programme of the first International Labour Conference before the Commission, asked whether it was possible to settle it before having drawn up the clauses to be inserted in the Treaty of Peace.

*Mr. Barnes* proposed that the following three points should be put on the Agenda for the first meeting of the Conference :—

- (1) *Application of the principle of an eight hours' day (or 48 hours week).*

The inclusion of this question on the Agenda of the first Conference did not prevent the principle of this reform being adopted in the Preliminary Peace Treaty. The principle once estab-

lished, it would be necessary to consider its application in particular cases, as for instance in regard to agriculture and in countries whose economic development was backward, &c.

- (2) *Application of the principle that every worker is entitled either to employment or to support during unemployment : or consideration of the question of preventing or providing against unemployment.*

This text indicated the view of the British Delegation in regard to this difficult problem, but many important questions were involved :—

Should the unemployed workman be entitled to work, or in default of that, to assistance ?

Should such provision be made by the State ; or by some system of insurance ?

The opinion had been held that society alone was responsible for unemployment and that therefore it must provide a remedy for its results.

Mr. Barnes thought, however, that it was preferable that the workman should contribute towards the insurance fund by which he would benefit in case of need. He considered that this was the only way of assuring the complete liberty of the workpeople who under the other system would not have complete liberty of movement. Moreover, some method of diminishing unemployment should be considered. The question was so complicated that it was doubtful whether the October Conference would be able to come to a decision until it had been placed in possession of more ample information by special sub-committees.

- (3) *Women's employment (a) before and after childbirth, (b) during the night, (c) in unhealthy industries.*

There were some women's organisations that objected to special measures of protection for women. Mr. Barnes thought that it was indispensable that women should be protected before and after childbirth, and that they should be debarred from working at night and in unhealthy industries. In fact the international agreement arrived at concerning night work had already made a first step in this direction. He was of opinion that these three points would alone constitute a sufficiently extensive Agenda to occupy the first Conference.

On the motion of *the President*, the Commission decided to discuss and vote on each of these three proposals separately.

With regard to the eight hours' day, Mr. Fontaine thought that it was probable that if the Treaty of Peace contained the principles of a labour charter, a solemn declaration of the reduction of the hours of work and the principle of an eight hours' day would be included in it. But the affirmation and adoption of this principle would not solve the difficulties relative to certain



industries and certain countries, nor such questions as overtime and the provisional arrangements necessary. It would therefore be desirable that a Convention should be carefully worked out and submitted to the Washington Conference as Mr. Barnes suggested. But, even if the Treaty of Peace did not contain a labour charter, the first question to be looked into would, in view of the trend of opinion at the present time, certainly be the question of the duration of hours of work; and the inclusion of this question in the Agenda of the first Labour Conference would be imperative.

*Mr. Jouhaux* remarked that this was a very big question, as an eight hours' day was unanimously demanded by the working classes in all countries. That reform ought to take the first place among the labour clauses which were to be inserted in the Peace Treaty. In fact, the working classes would be unable to comprehend the action of the Commission if it only resulted in a Conference in October, instead of establishing an eight hours' day.

*Baron Mayor des Planches* supported the view taken by Mr. Barnes and Mr. Arthur Fontaine as regards the inclusion of the eight hours' day in the Agenda for the October Conference. That decision would be all the more welcome in Italy, because an eight hours' day was already in course of realisation by means of collective agreements arrived at in the course of the last few months. The number of hours of work, which used to be at least ten, had been reduced to nine in the following industries: engineering, shipbuilding, iron and steel, textiles (wool, cotton and silk), building, chemicals and printing. Negotiations for the introduction of the eight hours' day for certain agricultural work, on which labourers were employed, were now in progress. He added that the question of the eight hours' day in Italy to some extent created fresh obligations for those foreign countries which employed Italian labour.

*Mr. Mahaim* said that the object of the October Conference was to bring about a Convention under which every country would be obliged to establish an eight hours' day. The fact that collective agreements on the subject had been made in a particular country was not a sufficient reason for excusing that country from passing legislation. Of course, the Parliaments would always be free to pass or reject the Bill presented to them by their Governments for the application of the decisions of the Conference.

*Mr. Patek* said that an eight hours' day already existed in Poland, as it had been established by a decree of the President which had been submitted to the Diet. This decree even reduced the weekly hours of work to forty-six, in view of which he proposed to omit the words "or a forty-eight hours' week," in the English text.

*Mr. Barnes* replied that to set a limit of forty-eight hours did not mean that in all countries the workmen must perform forty-eight hours' work. That figure was a maximum and nothing more. Working weeks of less than forty-eight hours already existed in England in certain trades, and the trade unions would take care that the improved conditions which they had obtained in this respect were maintained. He also agreed with what *Mr. Mahaim* had said.

*The President* asked if he had rightly understood *Mr. Barnes* to say that in some industries the working day might be less than eight hours in winter and more in summer.

*Mr. Barnes* replied that that was what he had said, for in the north of Scotland, for instance, it was impossible to work more than four or five hours in the winter, because of the want of light.

*The President*, speaking in the name of the American Federation of Labour, said that he was absolutely opposed to the working day exceeding eight hours, except in case of emergency or of extraordinary need. He proposed to move an amendment in this sense later.

*Mr. Arthur Fontaine* enquired whether the United States were prepared to engage themselves definitely to apply the eight hours' day as defined by *Mr. Gompers*.

*The President* replied that they were now only considering the Agenda for the International Conference in October. They had obtained the eight hours' day in the United States in a certain number of industries by trade union action. Quite recently the workers employed by the Beef Trust had obtained the eight hours' day. The United States were not behind any other country in the world, and it was the American Federation of Labour which, by its declaration of 1888, had started the eight hours' movement. He was strongly of opinion that nothing which they could obtain for themselves ought to be asked of a Government. In conclusion, the President proposed to substitute the following for the English text :—

"It should be declared that the working day in industry and commerce should not exceed eight hours per day, except in cases of emergency, for instance, when life or property is in danger."

*Mr. Jouhaux* thought it was unnecessary to consider whether some countries were more advanced than others as regards hours of work. It was a fact that nowhere had the eight hours' day been completely established. It was therefore a question which concerned all countries. They ought to adopt the principle of the eight hours' day and the forty-eight hours' week, and they should allow the method of its application to be determined by agreement between the employers' associations and trade unions

in each industry. The law would then intervene in order to give statutory effect to the arrangements made by agreement.

*Mr. Vandervelde* pointed out that, as everyone agreed in including the eight hours' day in the Agenda for the October Conference, it was useless to continue the discussion.

*The President* withdrew his amendment, but proposed another to the effect that the word "maximum" should be inserted so that the English text should read :—

"Application of the principle of a maximum eight hours' day."

*Mr. Barnes* objected to this addition, which would make agreement at the October Conference still more difficult. He agreed with *Mr. Jouhaux* that the details regarding the application of the principle should be settled by the employers' and work-peoples' organisations, but that meant that the working day might exceed eight hours. If the employers and workpeople in any particular industry agreed that the working week should consist of five days of nine hours each, it would be impossible to object. Moreover, what arrangements were to be made for countries which were economically backward? The greatest possible freedom must therefore be left to the October Conference in order to deal with questions of application, and that freedom should not be limited by the insertion of the word "maximum."

The President's amendment was lost, and the text was adopted as submitted by the British Delegation.

*The President* read to the Commission a letter which he had just received from the Secretary-General of the Peace Conference as follows :—

"The Secretary-General of the Peace Conference has the honour to inform the President of the Commission on International Labour Legislation that at its sitting of 11 March, the Supreme Allied Council decided that women's organisations should be received by the Commissions which are specially concerned with matters affecting the interests of women."

He proposed that the women's organisations referred to in this letter should be received by the Commission on 18 March at 10.30 a.m.

*Mr. Jouhaux* asked what organisations would be invited.

*The President* replied that they would be the organisations which the Peace Conference had asked the Commission to receive.

*Mr. Jouhaux* believed that they were not workers' organisations properly speaking, but feminist societies of a political character. If they wished to hear authoritative opinions on the employment of women, they ought to approach women's trade unions.

*Mr. Barnes* pointed out that the Commission had no choice since the latter had not asked to be received. The Commission accordingly decided to receive these women's organisations on 18 March at 10.30 a.m.

*Mr. Barnes*, in moving the second question which the British Delegation proposed to include in the Agenda for the October Conference, pointed out that the Commission had to choose between two alternatives: the first, which recognised the right of every workman to work or to be afforded a means of living during unemployment; the second, which only referred to the prevention of unemployment and the provision for it. He favoured the adoption of the second alternative. The first, while giving a right to assistance, imposed an obligation on the State and a corresponding limitation on the workmen's liberty of movement. If, on the other hand, they approached the question from the standpoint of preventing unemployment, they ought to undertake a careful study of the periodicity of unemployment in order that the Governments might receive timely warning and might take the necessary steps to diminish its effects as far as possible.

*Mr. Barnes* reminded the Commission of the British system for dealing with unemployment and insisted on the part which the Trade Unions in the well organised industries played, whereby the independence of the workers was safeguarded.

*The President* agreed with *Mr. Barnes* in deprecating excessive State interference. If the first alternative were adopted, the State would first have to decide what was unemployment. This would lead it to give orders to the workmen, and it might order them to change their place of residence in order to obtain work. Finally, the right to strike, which the workers ought to preserve at any cost, would be prejudiced.

*Mr. Vandervelde*, while disposed to adopt the second alternative, commented on the reasons put forward in support of it by *Mr. Barnes* and *Mr. Gompers*, which seemed to him to favour the prevention of unemployment and free association as against the system of the right to work and State aid. The Commission ought not to take a decision which might appear to exclude the second alternative from the consideration of the October Conference.

With this reservation he proposed to vote for the second alternative because he thought it was broader. It seemed to him a little vague, however, and he therefore proposed that it should read:—“(2.) The problem of unemployment and the measures which should be taken to deal with it.”

*Mr. Barnes* replied that he certainly did not mean to oppose State assistance entirely, but he thought that the wording proposed by *Mr. Vandervelde* was too narrow and less satisfactory than his own.

*Baron Mayor des Planches* supported the British system, which involved compulsory insurance with contributions from the workers, the employers and the State. Italian organisations had decided in favour of this system.

*Mr. Arthur Fontaine* asked if *Mr. Barnes'* proposal would cover the case of emigrant workmen and the provision of equal wages as between foreign and native workmen.

*Mr. Jouhaux* also claimed that the wages and rights of foreign and native workmen should be the same.

*Baron Mayor des Planches* was glad to note that the question of immigration had been raised both by *Mr. Jouhaux* and *Mr. Arthur Fontaine*, who represented a country which was greatly concerned with immigration, especially from Italy.

The Commission decided that the second item on the Agenda should be that of unemployment and adopted the second alternative proposed by *Mr. Barnes*.

*Mr. Barnes* then moved that the third item on the Agenda should be the employment of women (a) before or after childbirth, (b) during the night, (c) in unhealthy industries.

He said that the consideration of these questions was demanded by public opinion and by the most responsible representatives of the women themselves.

*Mr. Arthur Fontaine* thought that the views of the women should be heard on these points. As regards the third, objection had been raised against the exclusion of women from certain trades on the ground that their exclusion was dictated in the interests of men. As regards night work for women, the Berne Convention was already in existence and he therefore asked what was the object of including this item in the Agenda. Was the intention to extend the prohibitions agreed to in 1906, or only to induce the new States to ratify that Convention?

*Mr. Jouhaux* said that the three points mentioned in the English proposal should certainly be considered, but there were others, especially the Saturday half holiday for women. On the other hand, they ought also to deal with the exploitation of children and to mention them as well as women in the third item of the programme proposed by the British Delegation.

*The President* thought it would be better to deal with the question of the employment of children in a special article which would constitute the fourth item. This proposal was adopted and the text as submitted by the British Delegation was passed.

*Mr. Arthur Fontaine* moved that the fourth item should be worded as follows: "The employment of children during the night and in unhealthy industries." The question of night work for children could easily be dealt with, as it had been the subject of a Draft Convention in 1913. As to the employment of

children in unhealthy industries, that was a more novel question which would naturally require further study.

*Mr. Shotwell* thought that in view of the importance of this question, which was closely related to that of education, the matter would require more thorough discussion.

*Mr. Jouhaux* said it was not only a question of protecting the children but they ought also to deal with that of affording other facilities for general and technical education, to organise apprenticeship and manual education and improve the facilities for obtaining higher education, to fix the age of employment, all of which questions had been considered by the Trade Union Conference and were likewise being considered by the workers' organisations which had not taken part in that Conference, especially those of America and Belgium.

The debate was then adjourned.

*(The Commission rose at 1.30 p.m.)*

Samuel GOMPERS, *President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

### **Minutes of Proceedings No. 24.**

*Minutes of the Twenty-fourth Meeting, 15 March 1919 at 10.30 a.m.*

Mr. GOMPERS *in the Chair.*

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Shotwell . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . .		
Mr. Arthur Fontaine . . . . .	{	France.
Mr. Jouhaux . . . . .		
Baron Mayor des Planches . . .	{	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .		
Mr. de Blanck . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

The Commission continued the discussion of the fourth item of the programme for the International Conference next October.

*Mr. Shotwell* proposed the following text :—

“Application of the principle that no child under 14 years should be allowed to work in industry.”

*Mr. Barnes*, while expressing his agreement with this, asked why a definite age limit should be stated, since for example at the Trade Union Conference at Berne the age of 15 years had been proposed, in America the age of 16 years, &c... It would be better to have a more general formula without mentioning any particular age.

*Mr. Vandervelde* thought that the formula was too vague because, to give only one example, it did not refer to the employment of children in unhealthy industries. It would be better to reproduce as regards children the formula already adopted for women, leaving out the words “before and after childbirth”.

*Mr. Shotwell* agreed.

*Mr. Barnes* pointed out that it was also not desirable to limit the question to the employment of children in industry.

*Mr. Arthur Fontaine* pointed out that the subjects which should be taken up by the October Conference should be laid down with sufficient precision to allow of proper preparation beforehand. He proposed the following formula :—

“Employment of children (without any mention of industry) : commencing age : prohibition of night work : prohibition of employment in unhealthy trades.”

*Mr. Shotwell* accepted this text, which was adopted.

*Mr. Mahaim* asked the Commission not to forget the desirability of including in the programme of the Conference adhesion to the International Conference of Berne, 1906, concerning the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches. It was also desirable to put on the Agenda of the Conference the draft International Conventions prepared at Berne in 1913, which were not yet signed, on the prohibition of night work for juveniles in industry, and on the limitation of the hours of work for women and juveniles employed in industry. This double question could be discussed in a much more useful way at the Washington Conference than at the Peace Conference.

*Mr. Barnes* pointed out that points referred to by *Mr. Mahaim* were already included in the Agenda of the Conference which was to take up the question of the employment of women and children in unhealthy industries.

*Mr. Mahaim* thought this was not quite correct. The question of white phosphorus was not included in the Agenda and it was desirable to make sure that these questions should be brought before the Conference. It was, moreover, possible that the Conference would not be able to discuss in detail more than the first two or three points on the Agenda. If it were necessary to stop, for example, after the adoption of decisions concerning the eight-hour day and unemployment, and to refer to a new conference the rest of the items, it would perhaps be possible to secure very quickly the adoption of the reforms of which he (*Mr. Mahaim*) had just spoken.

*The President* thought that all members of the Commission were not aware of the nature of the results of the two Berne Conferences; and that it would be desirable to summarise them. Why, now that we were entering into a new era, should we trouble about the past? It was clear that the initiative in these questions was a matter for the Commission.

*Mr. Arthur Fontaine* pointed out that the Conventions of 1906 had been signed by 14 States and accepted subsequently by others. Their provisions were therefore now incorporated in the legislation of more than 15 States. It was a question of getting these Conventions confirmed afresh, because among the signatory States there were some, like Austria-Hungary, which no longer existed, and other States now being formed would without doubt sign instead of them. As regards the Conventions of 1913 which had not yet been signed, but only put into draft form, they need not be put on the Agenda of the October Conference. The fixing of a working day for women and juveniles employed in industry, which was considered at Berne, was in reality covered by the first item of the Agenda, which dealt with the establishment of an eight-hour day for all workers without distinction of sex; and the night work of young workmen was also mentioned in the Agenda. *Mr. Arthur Fontaine* proposed therefore to put on the Agenda the application of the 1906 Convention, but not of the 1913 Conventions.

In support of *Mr. Arthur Fontaine's* proposal, with which *Mr. Mahaim* declared himself in agreement, *Mr. Shotwell* proposed the following text for the fifth item of the Agenda:—

“The extension and application of the Conventions adopted at Berne in 1906 as regards the use of white phosphorus in the manufacture of matches and the prohibition of night work for women.”

This proposal was adopted.

*Mr. Broz* proposed that the Commission should recommend to the Organising Committee of the October Conference that they should send to the States at least a month before the opening of the Conference all the documents and proposals which the Organising Committee had prepared.



Mr. Barnes pointed out that it was impossible to say when the Organising Committee would be able to meet. He proposed therefore to replace the expression "One month at least" by the words "As soon as possible."

Mr. Broz's proposal thus amended was adopted. It was decided that it should be attached to the Agenda.

After having consulted the members of the Commission, the President declared that the Agenda was complete and that no further additions were admissible.

Sir M. Delevingne informed the Commission of the results attained by the Sub-Commission established for the purpose of drawing up the list of points which it was proposed to insert in the Peace Treaty. The Sub-Commission had examined the proposals put forward by five Delegations, and when there were several proposals on the same subject it chose that which seemed to it to be the best. It had set out the points in the order of the support which they had secured, and on the other hand it had rejected those proposals which were inadmissible as being outside the terms of reference of the Commission. Sir M. Delevingne added that the Sub-Commission had not made any proposal itself. It had not excluded any proposal except, as pointed out above, where it was ruled out by the terms of reference of the Commission.<sup>1</sup>

Mr. Vandervelde thought that the Sub-Commission had done everything possible, and that it was for the Commission to make a selection, because the Peace Conference could not be asked to accept the whole of the nineteen points in the list drawn up by the Sub-Commission. Some of these points were extremely wide; others, it seemed to him, should be excluded however great their interest and importance, as, for example, Point 17—"The principle that the sale or use for commercial purposes of all articles produced by house work should be prohibited"—which appeared to him likely to raise discussion on fundamental issues. The same might be said of Point 18, relating to the control of emigration. Moreover, it did not seem to him possible to include in the Peace Treaty principles or resolutions such as that indicated in Point 15 relating to the question of seamen, or in Point 9 relating to the organisation of a Labour Inspectorate, &c. What should be presented to the Peace Conference was a very short document affirming certain principles behind which the public opinion of the whole world was united, or would be united. The eight-hour day, the weekly rest, freedom of association, equal pay for equal work, &c. — it would be better to limit the proposal in that way without attempting to include the whole of the programme put forward by the Trade Union

<sup>1</sup> For collection of the various clauses see pp. 191-193.

Congress at Berne ; for the Commission, as a matter of fact, was not in the same position as the Berne Conference. The latter could put forward a detailed list of all the demands of the working classes. The Commission had to deal with the Peace Conference which, both by its constitution and by its acquaintance with labour problems, was not the body best fitted to deal with problems of this character. If some of the principles submitted for the acceptance of the Peace Conference were approved by it, these principles would thereby secure an immense authority, and a force which the Trade Union Congress at Berne could not have given to them, for it only represented the working classes, instead of representing all the Governments. It was quite clear that the acceptance by the Peace Conference of five or six of the articles in the list drawn up by the Sub-Commission would have incalculable influence on future social legislation.

*The President* thought that Point 15, "The principle that seamen of the Mercantile Marine should have the right of leaving their ships while they are in port," had a fundamental importance, for it was a question of the extending to sailors the rights already enjoyed by workers on land.

*Mr. Vandervelde* pointed out that this measure had his complete sympathy, but that it was of too special a kind to be included in the Peace Treaty.

*Mr. Barnes* agreed with *Mr. Vandervelde's* general view. For his part he thought that they would be wise to limit their request to the Peace Conference to the inclusion of a few declarations of principles of a general character. It might not be possible to convert some of them into legislation, but they would nevertheless create a moral atmosphere favourable to the development of labour legislation. In other cases they would smooth the path of the October Conference. But in the document drawn up by the Sub-Commission there was still another class, of which Point 19 was an example : "—The principle that reciprocity of action should be established between voluntary organisations recognised by their Governments for the purpose of the assistance and protection of workpeople." The meaning and intention of this point were not very clear, nor had the Commission discussed it, but it was Point 18 which in particular seemed to him most unsuitable — an article which implied the right of a State to send its officials into another State in order to protect those of its citizens who had emigrated. That was a right which could not be accepted. Serbia had preferred war and all its consequences rather than consent to an interference of this kind in its internal affairs. In conclusion, *Mr. Barnes* pointed out that only a very limited programme had any chance of being accepted by the Peace Conference.

*The President* agreed with a good many of the criticisms of *Mr. Barnes*, in particular as regards Point 19, but he was

anxious to refer to Point 15 which was intended to secure to sailors the right of leaving their ships once they had arrived in port. Generally speaking, workers could leave their work individually or collectively if they so desired, but this was not the case as regards sailors. He thought that sailors should have the right of leaving their ship as soon as the ship was safely in port. An American law passed three or four years ago had given them this right, and it had been pointed out that since then the number of American sailors who deserted from their ships was less than previously. He asked that Point 15 should be retained with a view to its being inscribed later in the Peace Treaty, in order to secure that other States should follow the example of America. In conclusion he proposed that the nineteen points in the list produced by the Sub-Commission should be dealt with *seriatim* in order to decide what course should be taken with respect to each of them.

Mr. Vandervelde was anxious that there should be no misunderstanding between the President and himself: he was in entire agreement with him as to the less favourable conditions which applied to sailors. Also he would be quite ready to vote in favour of any proposals having for their object the securing for sailors of the right which had been refused to them and which would give them special protection. But that was not the question now. The question before them was to draw up the list of reforms which the Peace Conference was to be asked to accept. Sailors were not the only workers who had not the full right of combination. So were also, for example, the employees of the State and any public services, and it would be sufficient, without making special mention of the sailors, to confine themselves to the point covered by Point 3 relating to the principle of the right of combination. This point included sailors along with all other categories of work people. He agreed with the President that the document drawn up by the Sub-Commission should be examined *seriatim*.

Mr. Jouhaux, speaking in the name of Mr. Cabrini and himself, said that he could not agree with Mr. Vandervelde. The International Labour Charter could not be limited in this way. He had come to this Commission with great hopes which coincided with the hopes of all the working classes. He expected from it the first steps towards the realisation of the minimum programme set forth by the Berne Conference. There had been much talk about a new world. This expression implied that there must be great social transformation, but all that had been done at the Commission amounted merely to translating the practice of the past into the terminology of the future. There would certainly be considerable unrest in all countries when the workers learned that the Peace Conference, so anxiously looked forward to, had merely taken a tiny step in advance of what had been done already.

He did not expect that the Delegates would accept the formula desired by the masses, but he did not wish it to be said that he had taken part in this Commission without pointing out at the moment its work was about to be finished what he thought and what was being thought in the world of labour outside ; without having pointed out to the Delegates the real dangers which might arise on the publication of a document in which there was not even a reference to the right of the child to education or to the position of women, of a document which referred to the October Conference urgent questions not involving assertion of new claims.

The Commission had learnt during the war that the value of capital had sensibly diminished, while, on the other hand, the value of labour had considerably increased. It was Labour which was now being asked to repair the disastrous consequences of the war, and instead of offering it a system of satisfactory reform it was presented with a charter, the insufficiency of which would disappoint the workers and make them feel they had been deceived.

*Baron Mayor des Planches* thought he was obliged to reply to Mr. Barnes. He had attacked two proposals (Nos. 18 and 19) put forward by the Italian Delegation. Mr. Barnes had really gone too far when he compared them with the ultimatum sent to Serbia in 1914. As regarded Point 19, Baron Mayor des Planches pointed out that the principle to which Mr. Barnes objected had already been applied, that in all countries there were Consuls to look after the interests of the citizens of other countries, and that the idea involved in this Point was not more than that of an extension of this principle for the purpose of the protection of the workers. Moreover, the Italian Government had already special representatives in foreign countries, whose business it was to look after the interests of immigrant Italian workers. He added that he would deal with this question in detail when the question of retaining Points 18 and 19 among those to be proposed for inclusion in the Peace Treaty was reached.

In reply to the criticisms offered by Mr. Jouhaux, he pointed out that the Labour Charter was in process of being drawn up, and that if what had been done so far appeared insufficient to Mr. Jouhaux, it was open to him to propose the addition of other clauses.

On the proposal of *Mr. Shotwell*, the Commission decided to discuss *seriatim* the points of the list drawn up by the Sub-Commission.

*Mr. Patek* pointed out that the eight-hours' day and other reforms had already been introduced in Poland, and he expressed the hope that the principal points constituting a Labour Charter should be inserted in the Peace Treaty in a clear and binding form.

*Mr. Vandervelde* regretted to find himself in disagreement with Mr. Cabrini and Mr. Jouhaux. He asked in what exactly did

this disagreement consist. It could not refer to the Berne Labour Charter, since he himself had just expressed his complete approval of it. It was true that he counted above all on the efforts of the working classes themselves to secure the application of the Charter. As the representatives of the Belgian working classes he had not had the excessive hopes of M. Jouhaux and Mr. Cabrini as regards the Peace Conference, and for that reason he suffered no disillusion. On the contrary, he was agreeably surprised to see certain reforms which had been desired for many years by the working classes already accepted, such as the eight-hours day, the minimum wage, the right of association, and two or three other reforms which it had been proposed to insert in the Peace Treaty. Mr. Vandervelde said that he was very well satisfied and pointed out that these reforms had been adopted at gatherings in which, generally speaking, the element of labour was hardly represented at all. This showed the progress which social ideas had made during the war.

There were considerable differences between the industrial countries represented. The Belgian and British workers alone had been powerful enough to secure a labour representative at the Peace Conference. The British workers' organisations were the most powerful in the world. They had been strong enough to obtain from their Government the most advanced labour legislation. It was to be noted that they had come here not to obtain a Charter, but in order to propose the establishment of an organisation which had been so carefully designed that their proposal had served as the basis of discussion for the Commission, and secondly, in order to organise a Conference in October. When they returned to their own country the British Delegates would be satisfied, and could report a very definite achievement to those they represented, and tell them that on certain points they would be satisfied with little delay.

As national representative of Belgium Mr. Vandervelde said he was equally satisfied, and he knew that his satisfaction would be shared by the Belgian workers' organisation. He would not fail on his return to point out to them that a number of the reforms set forth in the Berne programme would be found inserted in the Treaty of Peace. Mr. Jouhaux should equally rejoice and not protest when members of the Commission refused to include among the clauses which it was proposed to insert in the Treaty of Peace reforms with which they were in sympathy but which could not be put in a diplomatic instrument.

*Mr. Barnes* asked Baron Mayor des Planches to believe that in the criticism which he had made regarding Points 18 and 19 he had not in the least intended to offend the Italian Delegation, and he would regret it extremely if any expression used by him had caused this impression.

*The President* asked if it was not time for the Commission to consider arrangements for meeting the Peace Conference.

*Mr. Barnes* pointed out that when the resolutions had been adopted a certain time would be required to get them printed.

*The President* said that he must leave for the United States on 22 or 23 March. He proposed that the General Secretary should be authorised to get into communication with the Secretary of the Peace Conference in order to arrange for a meeting between the Commission and the Conference.

The proposal of the President was adopted.

*(The Commission adjourned at 1 p.m.)*

George N. BARNES, *Vice-President*.

Arthur FONTAINE, *General Secretary*

Harold BUTLER, *Assistant General Secretary*.

### Minutes of Proceedings No. 25.

*Minutes of the Twenty-fifth Meeting, 17 March 1919 at 10 a.m.*

*Mr. GOMPERS in the Chair.*

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .		France.
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .		
Mr. de Blanck . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

*The President* stated that the new text proposed by the United States Delegation could not yet be distributed, as the translation had not yet been completed.

*Mr. Vandervelde* said that the same was the case as regards the proposal of the Belgian Delegation, and in the meantime he proposed that the new American text, which several members already had before them in English, should be discussed. While

waiting for the French translation a translation could be made for each article as it was discussed. This was agreed to.

*Mr. Robinson* said that, with the assistance of several persons and in particular with that of Professor Shotwell, he had prepared a new text, which bore essentially on three points :—

1. The modification of Article III of the British draft so as to give one delegate to the Governments represented at the General Conference instead of two.

2. A modification of Article XIX.

3. To delete the whole system of penalties provided in Articles XXIII to XXXIV, and to substitute for them two new articles which would have the effect of leaving the application of penalties to the League of Nations, which, in accordance with the draft now being discussed by the Peace Conference, would possess all the necessary powers for the regulation of disputes and arbitration between the States members. The British scheme created a system which was not only superfluous, but might in certain circumstances be dangerous. It would be preferable to strengthen the organisation of the League of Nations by giving it the right of applying the sanctions provided for in Article XXIII to XXXIV.

Dealing with the American proposals in detail, *Mr. Robinson* pointed out as regards Article III that his own preference would have been for a system in which the representation would have been proportional to the industrial importance of the State. As he did not think that agreement could be obtained on this system, he would be satisfied with the solution which gave three representatives to each of the High Contracting Parties instead of four. He proposed no modification of Articles XIV to XVIII of the British draft. As regards Article XIX, he apologised for not being able to circulate the new text proposed by the United States Delegation, but he pointed out that American opinion so far as he could gauge it, being in France, was not in any way satisfied with the proposals contained in Article XIX, as adopted on the second reading, and it would wish to know more precisely the extent to which the United States would be bound if this text were retained. The new text put forward for this article was as follows :—

“Article XIX. When the Conference has decided on the adoption of proposals with reference to an item on legislation for labour in the Agenda, these proposals shall be embodied in the form of a recommendation for suitable legislation, or other suitable action.

“Such recommendation shall forthwith be laid before the Conference for consideration and decision. If on the final vote the recommendation receives the support of two-thirds of the votes cast by the delegates present, it shall be held to be adopted by the Conference, and a copy of the recommendation, authenticated by the signatures of the President of the Conference and of the Director, shall be deposited with the Secretary-General of the League of

Nations. The Secretary-General shall then communicate a certified copy of the recommendation to each Power represented at the Conference for appropriate legislation or other action necessary to make effective the provisions of such recommendation. Thereupon each of the High Contracting Parties will, within the period of one year at most from the end of the meeting of the Conference, bring the recommendation before the national authority or authorities within whose competence the matter lies, for the enactment of such legislation or other action. If, in the case of any High Contracting Party, no legislation or other action necessary to make such recommendation effective is taken, the submission of the recommendation for such action shall end the obligation of such High Contracting Party."

*Mr. Robinson* pointed out that this article referred not to conventions but to "recommendations." He then read Articles XX and XXI of the new American proposal, as well as a new article to replace Articles XXV to XXXIV of the British draft, as follows :—

"Article XX. The Conference may at any time by two-thirds vote of its members cause any proposal it has adopted and recommended to be embodied in a draft Convention. The Conference, after consideration of any such draft Convention, may by a two-thirds vote of the members of the Conference approve the same, and any draft Convention so approved by the Conference shall be authenticated, deposited, and communicated by the Secretary-General of the League of Nations as provided in Article XIX to the High Contracting Parties as a draft Convention approved by the General Conference. If any one or more of the High Contracting Parties shall sign and ratify a Convention which has been communicated as a draft Convention approved by the Conference, the same shall be deposited with the Secretary-General of the League of Nations, and any subsequent adherence thereto of any one or more of the other High Contracting Parties shall likewise be so deposited.

"Article XXI. Each High Contracting Party in due course will report to the Secretary-General of the League of Nations any action taken upon a recommendation of the General Conference communicated to it."

*Proposed Revision of Articles relative to the Machinery of Enforcement (Old Articles XXV-XXXIV).*

Subject to approval by the Executive Council of the League of Nations, the Governing Body shall formulate the procedure whereby representation may be made in any case where it may be claimed that one of the High Con-



tracting Parties has omitted effectively to execute an agreement made in the manner provided in this Convention.

Wherever in such case representation shall have been made and sustained pursuant to the procedure thus established, the Governing Body may present to the Executive Council of the League of Nations its recommendation, together with the reasons therefor, for securing effective enforcement of such an agreement. The Executive Council of the League of Nations may approve, modify, or reject such recommendations, and may take appropriate action to carry into effect any recommendation which it shall have approved or modified to that end.

The new Articles XIX to XXI would replace Articles XIX and XX of the British proposal. The old Articles XXI to XXIV would be retained, being now numbered XXII to XXV. The old Articles XXV to XXXIV would be replaced by the new numbered articles above.

*Mr. Barnes* said he was not sure that he had completely understood *Mr. Robinson's* explanation. It seemed to him that *Mr. Robinson* had asked for :—

1. The substitution of one Government delegate for two Government delegates ; that was the substitution of a system of three representatives for each State for the system of four representatives.

2. The replacing of Conventions by recommendations.

3. The transformation of a recommendation into a Convention by a majority of two-thirds, but without any obligation on the High Contracting Parties to take any action with respect to its ratification. They would not be bound unless they did ratify.

4. Finally, the penalties were left to the League of Nations.

*Mr. Barnes* added that the whole system proposed by the British Delegation grew out of the Covenant of the League of Nations (*cf.* for example, Article XII), substituting only for an assembly of laymen machinery in the hands of experts of the nations represented and providing an appeal to the League of Nations in the last resort. This system had after the second reading been approved *in toto* by the representatives of the British Trade Unions. The American counter-draft had been presented at a very late hour, and all the work of the Commission would have to be done over again.

*Mr. Robinson* replied that from the very beginning of the discussion, and particularly on the discussion of the old Article XVIII, it had been evident to all the Commission that the United States Delegation with the best of goodwill could not agree completely with the British draft. Everyone remembered the long discus-

sions which arose on the old Article XVIII. It was not correct to say that the work done must be begun all over again. But however that might be, it seemed to be necessary ; for it was not the United States alone who found themselves in the difficulties that the American Delegation had many times pointed out. In reply to the criticisms which Mr. Barnes had levelled against this system of recommendations, he pointed out that recommendations put forward by a body possessing very great authority would no doubt produce the same results as would have followed from Conventions. He asked the Commission to hear Mr. Shotwell, who had played a considerable part in the preparation of the American counter-draft.

*Mr. Shotwell* (United States), speaking more particularly on the question of penalties, said that he had had the impression that if the system proposed by the British Delegation were accepted there was a risk of going too far and creating too many organisations, for what was done for labour might equally be done as regards other questions. It seemed to him in these circumstances that it would be better to put as much as possible on the League of Nations. Although he had not taken part in the early sittings of the Commission, it appeared to him as soon as he began to deal with this work that it was necessary to provide two methods of procedure, if the desired results were to be obtained :—

1. *By means of Conventions.* In this sphere the American counter-draft had preserved the old Article XVIII so far at least as the United States could accept it.

2. *By means of recommendations.* There was reason to fear that if the Conference could only draw up Conventions its work would have very small results. Recommendations would have results because of the moral force which they would be bound to possess in guiding public opinion and bringing its influence to bear on Governments. A Convention would be more difficult to secure because this would as a whole have to be imposed, and consequently it would constitute a much more drastic measure. If the Commission accepted the American counter-draft, he was convinced that the United States would be able to throw the whole weight of their progress behind the general movement of social development which it was hoped to set in motion in all countries.

*Mr. Arthur Fontaine* recognised fully the effort made by the United States Delegation to secure a text which would be generally accepted. Up to the present the United States had never participated in International Labour Conventions, and they therefore had not the experience of European countries. The method of recommendations preferred by the American Delegation was practically that of the Conference of Berlin in 1891. It was evidently not entirely inefficacious, since as a result of that Conference great abuses had been remedied in every country. But those abuses were such as had been condemned by all parties in all

countries. Since then, as it had ceased to be a question of dealing with abuses of so crying a nature that they deeply impressed public opinion, public opinion had not provided the same driving force. Countries had shown themselves more and more reluctant to undertake reforms without an international understanding, because of the fears they felt as to the effect that such reforms might have on competition. It was necessary therefore to consider a new procedure. Thus the Conventions of 1906 and the Draft Conventions of 1913 were arrived at. Mr. Shotwell had said that all these systems had resulted in few reforms. There were two reasons for that :—

1. In 1905 it was an experiment. It was desired to examine the results before going further. The results had been favourable.

2. There was no specific organisation for the purpose. The convocation of each Conference had been preceded by interminable discussions between the Chancelleries, discussions which still continued in another form after the Conference had finished its work. Hence the necessity for a permanent international organisation, a necessity which the British Delegation had thoroughly understood when it drew up its scheme. As for the penalties and enquiries, the latter at any rate had been asked for in 1905. He was convinced that as regards international legislation it would rarely be necessary to have recourse to penalties ; all the same it was necessary that they should be provided as the very basis of international legislation. If the view of the United States Delegation was adopted, it meant a return to the system of 1891. Perhaps it was a possible idea in the United States, where labour opinion exercised a particularly great force ; but it was not possible in Europe, where the Parliaments hesitated to vote important reforms unless countries with whom they were in competition adopted them also. Mr. Arthur Fontaine wondered whether it would not be better if all those who had supported the British scheme as it had been voted on the second reading should hold to their view, and that the United States should explicitly indicate when the Convention was signed the points to which they could not agree and the special conditions under which they would be bound.

*The President* said that from the beginning of the sittings of the Commission the attention of the Delegates had been directed to the difficulties of the United States, difficulties which had been responsible for the reservations of the Delegates from Cuba and Japan also. In the United States the question of the League of Nations had given rise to heated discussion, to which he had already drawn the attention of the Commission. In these circumstances, was it not imprudent to put new obstacles in the way of President Wilson's Covenant by adopting the British scheme, and particularly the clauses of Article XIX and the clauses dealing with penalties ? He added that if the counterdraft were accepted,

the United States would not fail to realise all that had been promised and would not be backward in the development of labour legislation. The case of legislation on white phosphorus was a proof of what could be done without international obligation. The United States had not participated in the 1906 Convention which prohibited the use of this material, and moreover the Federal Government had not the right of taking steps to secure the prohibition of its use in the United States ; but it had been able to prohibit the importation of white phosphorus, and to tax matches made with this material so severely that their manufacture became hopelessly unprofitable. It had had recourse to these two methods and had secured the result desired by the signatories to the Convention, but in its own particular way. If they were allowed a certain liberty as to the means, the Commission might be sure that the United States would never fall behind the European countries in labour legislation. On the other hand if they were obliged to remain outside the Convention now being discussed, there was a fear that the separation might become accentuated with time.

*Baron Mayor des Planches* gave his entire support to the ideas expressed by Mr. Arthur Fontaine. The Italian Delegation had expressed its regret that the Commission had felt itself unable to go so far as to give still greater powers to the Labour Conference. It thought in fact that the British scheme did not give this body sufficient power. It was therefore obliged to oppose the American counterdraft, which proposed to weaken still more the powers given to this Conference. The American counterdraft also resulted in binding the International Labour Organisation more closely with the League of Nations. He had been impressed by the statement just made by the Chairman, that the Covenant of the League of Nations ran some danger in the United States. For him this was a further reason to oppose the new American proposals, which would have the effect of making the International Organisation run the same risks as those run by the Covenant of the League of Nations.

*(The Commission rose at 12.30 p.m.)*

George N. BARNES, *Vice-President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

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## Minutes of Proceedings No. 26.

*Minutes of the Twenty-sixth Meeting, 17 March 1919 at 5.30 p.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .		France.
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Máhaim . . . . .		
Mr. de Blanck . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

*The President* pointed out that the Commission must proceed to vote on the various amendments proposed to Article XIX and the other questions dependent on it.

*Mr. Barnes* said that the British Delegation would do much in order to secure unanimity on Article XIX. They had put forward a new draft in the hope of meeting the American difficulty, and were prepared, if necessary, to make a further effort. The difference between the British and American positions was, as he understood it, as follows:—

The British proposal was that a Convention must be submitted to the competent authorities, but that there was no obligation to carry it out unless approved by them. The American proposal was (a) that recommendations might be made with the same obligation as to submission, but that each State would give effect to them in its own way ; (b) that Conventions might be prepared, but that there should be no obligation to submit them to their competent authorities or to enforce them if adopted.

He feared that the Peace Conference would not accept anything that was not unanimously recommended and hoped that a way out might still be found by appointing a special Sub-Committee.

*The President* welcomed *Mr. Barnes'* statement, but *Mr. Vandervelde* saw little hope of any results coming of his proposal.

The American proposal would emasculate the whole scheme. The majority of the Commission were not in favour of going so far in the direction of a Super-Parliament as the French and Italian Delegations wished, but if they were to remove all real obligation on the States, the whole work of the Commission would be abortive.

*Mr. Barnes* said that he was willing to accept the American proposal as to recommendations, if the United States Delegation would accept the British proposal as to Conventions. The Sub-Committee must have some principle to guide it, and with this principle accepted they could no doubt find suitable wording.

*Mr. Robinson* thought that a Sub-Committee might find a way out, which the United States Delegation had been trying hard to do since Article XVIII was first discussed.

*Mr. Mahaim* agreed that a last effort was worth making, but emphasised that the Sub-Committee must report quickly.

*Mr. Otchiai* stated that he had still to obtain definite instructions from his Government, and had some doubts as to whether the British draft was consonant with the Japanese Constitution, seeing that ratification in Japan was a matter for the Sovereign in consultation with the Privy Council, and not for Parliament. He thought that the American proposal was interesting and favoured its further examination by the Sub-Committee.

*Mr. Arthur Fontaine* and *Baron Mayor des Planches* supported the motion, which *Mr. Vandervelde* thought could only be accepted if the United States Delegation were prepared to accept the principle of Conventions being submitted and ratified as provided in the British draft.

*The President* pointed out that the United States Delegation had already stated that this was impossible. They were confronted by a serious obstacle which could not be ignored, and he felt sure the United States plenipotentiaries would not sign the Convention as now drafted.

*Mr. Robinson* confirmed this view. No convention which would be binding could be signed by the United States, because labour legislation was a matter for the forty-eight States and not for the Federal Government. If there was to be agreement and the United States were to participate in the Labour Conference, no system of Conventions was possible, and ten other States were in the same position as the United States in this matter. The amended draft of Article XX put forward by the United States Delegation was designed to meet the case of those States which could sign Conventions, but had no reference to the case of the United States until their Constitution had been changed.

*Mr. Barnes* asked whether Conventions could not be submitted for approval to each of the forty-eight States, but *Mr. Robinson* replied that this would not overcome the difficulties in their path.

*Mr. Broz* suggested that a formula might be found to the effect that, if a Convention were accepted by the International Labour Conference, all the High Contracting Parties would ratify or make all possible efforts to give effect to it by means of special laws. If the United States could not ratify, they would still be bound to do their utmost.

*Mr. de Blanck* and *Mr. Robinson* agreed, the latter pointing out that this was the original American proposal.

The Commission then decided to appoint the following to be the Sub-Committee :—

Sir Malcolm Delevingne, Mr. Robinson, Mr. Mahaim.

The Commission then proceeded to discuss the labour clauses<sup>1</sup> for insertion in the Peace Treaty.

*Mr. Barnes* asked what was the origin of the draft containing seven points which had been circulated by *Mr. Vandervelde*. He understood that they were to deal with the nineteen points as submitted by the Sub-Committee.

*Baron Mayor des Planches* said that some members of the Commission had thought that they might draw up a real labour charter, which would become as historical a document as the American Declaration of Independence and the Declaration of the Rights of Man. They therefore approached *Mr. Vandervelde*, who had kindly consented to draw up the document which had been circulated.

*Sir Malcolm Delevingne* pointed out that the nineteen points had been carefully drawn up by a representative Sub-Committee after comparing all the various proposals submitted, and thought that they should be taken as the basis of discussion. They should vote on each in turn, and a substantial majority ought to be required for any point which the Peace Conference was to be asked to adopt.

*Mr. Vandervelde* explained that he had taken the wording approved by the Sub-Committee, but had edited and rearranged the points. He suggested that they should take his seven points first and add any others from the nineteen points which might be agreed upon. Moreover the draft of the nineteen points was not above criticism.

<sup>1</sup> See pp. 191-193.

*The President* agreed that the drafting of the nineteen points was not perfect, but the same remark applied at any rate to the English version of the seven points. He thought the proper course was to take the Sub-Committee's nineteen points as the basis of discussion, and to leave the Drafting Committee to put them in order when voted.

*Mr. Arthur Fontaine* supported this proposal, which was agreed to.

*Mr. Barnes* moved that no point should be sent forward to the Peace Conference which had not been approved by a two-thirds majority. This idea had been adopted in the Draft Convention, and its application was equally necessary in the present instance. The Peace Conference was much more likely to accept proposals which they knew had a substantial backing in the Commission.

It was agreed to adopt this proposal, that the voting should be by name, and that the full record of the votes should be transmitted to the Peace Conference.

*Preamble.* Moved by *Sir Malcolm Delevingne* and unanimously adopted.

*Sir Malcolm Delevingne* then moved Point (1) dealing with the principle of the eight-hours' day. He pointed out that this proposal had been put forward by the British Delegation, but that it had been felt necessary to allow latitude for countries like India where conditions were widely different from those in highly developed industrial communities. He regarded the adoption of this principle of equivalents as essential if the adhesion of such countries was to be secured.

*Mr. Mahaim* stated that the Belgian Delegation could not vote for the application of the eight-hours' day to commercial occupations. The special exception mentioned might have to be extended to certain European countries and even to Belgium during its period of recovery from the ravages of the war.

*Baron Mayor des Planches* stated that the Italian Delegation had proposed the extension of the eight-hours' day to commercial occupations particularly in consideration of the long hours of work in shops, but they did not desire to press it.

*Mr. Arthur Fontaine* said that the French Advisory Committee had not yet concluded their work, but the French Government was not likely to recede from its support of the general principle of an eight-hours' day. There were however three points on which he wished to comment :—

1. As regards commercial occupations, he agreed that the eight-hour principle ought to be applied in large shops and had no doubt that this would come about, but he doubted its applicability to small concerns.



2. Was it intended that the basis on which the equivalent was to be calculated should be determined by the Labour Conference ?

*Sir Malcolm Delevingne* replied that this was so.

3. Were the twin principles of the eight-hours' day and the forty-eight hours' week to be alternative or cumulative ? In the case of blast furnaces, for instance, the 48 hour week could not be strictly applied, owing to the necessity of changing shifts. These were points, however, which would have to be dealt with by the Labour Conference later.

*Mr. Barnes* intimated that they were intended to be alternative.

In illustration of his point, *Mr. Arthur Fontaine* drew attention to the case of establishments working continuously, and to those, such as blast furnaces, in which the work had to be continuous for technical reasons. One could not conceive of blast furnaces stopping for twenty-four hours, or even for sixteen hours a week ; in practice, they worked with twenty-one or twenty shifts per week, and periodic rests were arranged in quite a different way from that followed in industries in which production was not continuous ; the shift hours in a blast furnace plant therefore, without exceeding eight per day, exceeded forty-eight per week. It was true that the eight-hour shift in blast furnaces did not involve eight hours actual work. But nevertheless, in order to avoid any ambiguity, these observations should be made.

*Mr. Broz* stated that, as far as Czecho-Slovakia was concerned they were prepared to accept the eight-hours' principle for commercial occupations and for agriculture.

Point 1 was adopted unanimously.

*(The Commission rose at 6 p.m.)*

George N. BARNES, *Vice-President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

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## Minutes of Proceedings No. 27.

*Minutes of the Twenty-seventh Meeting, 18 March 1919 at 3.15 p.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	}	United States of America.
Mr. Shotwell . . . . .		
Mr. Barnes . . . . .	}	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .	}	France.
Mr. Jouhaux . . . . .		
Baron Mayor des Planches . . . . .	}	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	}	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	}	Belgium.
Mr. Mahaim . . . . .		
Mr. de Blanck . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

*The President* pointed out that the sitting would be devoted to hearing the representatives of a certain number of Women's Associations. He added that two or three lady journalists had asked his permission to attend the meeting. He did not think that according to the procedure which had been followed up to the present he could concede this request.

After a remark by *Baron Mayor des Planches*, it was decided that the journalists in question could not be received as such, but only as members of the Women's Delegations.

The women's representatives were then introduced. The Delegations were composed as follows :—

International Women's Council—

Mrs. Jules Siegfried (France).

Mrs. Avril de Sainte Croix (France).

Mrs. Tivoli (Italy).

Conference of Allied Women Suffragists—

Mrs. Brunshvig (France).

Mrs. Corbett Ashby (Great Britain).

Mrs. Borden Harriman (United States).

Mrs. Rublee (United States).

Miss Van den Plas (Belgium).

Office des Intérêts féminins—

Mrs. Duchêne (France).

Syndicats ouvriers confédérés—

Miss Bouvier (France).

Miss Bouillot (France).

Syndicats professionnels indépendants—

Miss Beckmans (France).

Ligue française du Droit des Femmes—

Mrs. Maria Vérone.

A certain number of ladies had been added to the Delegates, among whom were Mrs. La Mazière (France), Miss Drexel and Miss Alice Riggs Hunt (United States).

*The President* welcomed them, and said that the Commission was honoured to receive such an important deputation of ladies. He did not wish to point out at that moment all that the Commission had done in the interest of the workers, nor to anticipate in any way what the Women's Delegation might have to say, but he wished to assure them of the great interest with which the Commission would listen to their representations. He drew the attention of the lady journalists who accompanied the Delegation to the fact that the Commission had not wished to refuse them entry, but he asked them not to publish any statement of the proceedings. It was true that the discussions had not been strictly confidential, but on the other hand the Commission had decided to give a *communiqué* to the press at the end of each sitting, and he desired that in accordance with the practice which had been followed no more detailed statement should appear in the papers. He concluded by saying that the Commission knew the work and the hopes of the Delegation. He assured them in his name, and in the name of all the members of the Commission of their entire sympathy with the women's cause, and of their sincere desire to give satisfaction to the claims of the Associations represented in favour of women, children, and even of men.

*Mrs. Brunschwig*, speaking in the name of the whole Delegation, said that two great associations of women were represented, the International Women's Council and the Conference of Allied Women Suffragists. There were also a number of Delegates of certain national Women's Organisations. All these Associations were in agreement on the claims that they wished to put before the Conference. It seemed, however, necessary to call upon the different ladies to speak in succession.

The President having agreed, *Mrs. Siegfried* stated that she represented, with Mrs. Avril de Sainte Croix, the Inter-Allied Council of Women. Lady Aberdeen, who was President of the Council, had not been able to arrive in time to introduce the Delegation. Mrs. Siegfried thanked the President for his welcome, and thought that the reception of the Delegation by the Commission on International Labour Legislation was a red letter day in the his-

tory of the feminist movement. In associating the representatives of women's organisations with the work of the Peace Conference she and her colleagues wished to aid the Commission in preparing for humanity, and especially for women workers, happier and fairer conditions of life.

*Mrs. Avril de Sainte Croix* handed to the Commission a series of resolutions drawn up by the International Women's Council as follows :—

1. Considering that it is impossible at the present time, when the industrialisation of female labour has transformed the conditions of life of the majority of women, to permit the continuance of inequality of treatment between the workers of the two sexes, and in order to prevent the interests of women being separated from or set up against the interests of men ;
2. Considering the absolute necessity of preventing the too early exploitation of juvenile labour and the right of a child to general and technical education ;
3. Considering the importance of allowing a woman worker time for rest and intellectual development outside the hours passed in the factory or the workshop ;
4. Considering that night work is injurious and detrimental to family life ;
5. Considering the injustice that has too long attached to female labour in respect of salary ;
6. Considering the impossibility of suppressing home work, which is often the moral safeguard of a family as well as a material necessity ;
7. Considering the right of women to be in a position to defend their interests in every respect and discuss exceptional measures proposed concerning them, as for example those pertaining to maternity ;

The International Women's Council adopts the following resolution :—

1. That wherever work is open to women, those equally qualified should have the opportunity of attaining to the same positions as men ;
2. That for apprentices the age of leaving school should be fixed at 15 years, and that from 15 to 18 years they should continue their vocational education and follow technical and supplementary courses ;
3. That the working week should be limited to forty-four hours ;
4. That wherever it may be possible, without creating a situation unfavourable to women, night work should be suppressed ;

5. That the principle of equal pay for equal work should be conceded both as regards men and women ;
6. (a) That severe measures should be taken for the regulation of home work ;  
       (b) That a minimum wage should be established for such work ;
7. (a) That women should be invited to participate on the same footing as men in the deliberations of all international commissions created with a view to labour organisation ;  
       (b) That women's labour commissions should be set up in every country consisting of representatives of Governments, Trade Unions, scientific women, &c., to whom should be submitted all exceptional legislative measures.

After having read them she said that she thought the resolutions presented were not very different from the Charter which the Commission was actually drawing up.

*Mrs. Brunshvig*, speaking in the name of the Conference of Allied Women Suffragists, said that she was asked to put forward the ideas of this organisation on three of the points which had been discussed formally by the Commission :—

1. The organisation of future International Conferences and of the Permanent International Office.
2. The choice of the labour clauses to be sent to the Peace Conference.
3. The organisation of the International Conference at Washington.

On the first point *Mrs. Brunshvig* read to the Commission the following draft proposal which she asked the Commission to take into consideration :—

“International legislation concerning the workers of both sexes shows a happy tendency towards uniformity; nevertheless exceptional measures are proposed concerning women before and during maternity and in unhealthy industries, etc.

“It is for this reason that the associations represented by the women's delegations, speaking in the name of several million women, submit the following proposals to the International Labour Commission :

“That a female labour committee should be set up in every country consisting of women alone (representatives of Governments, Trade Unions, Associations, scientific women, women doctors, etc.) to whom should be submitted for advice all exceptional legislative measures proposed concerning women ;

"The International Commission and the legislators would thus hear the views of authorised women before taking special decisions concerning women workers."

She added that up till now women had sometimes complained, and not always without reason, that certain measures taken apparently in the interests of women had as a direct consequence reacted unfavourably on women's interests. Certain processes prohibited for women had been less unhealthy and better paid than certain others not prohibited. In order to avoid such results it was desirable that a Commission of competent women should be consulted on any legislative measures specially concerning women. If this reform could be realised in all countries, and in particular before the opening of the Washington Conference, the conditions of women workers could quickly be improved. Mrs. Brunschvig then handed in a series of amendments to various Articles of the Draft Convention drawn up by the British Delegation, as follows :—

Preamble—Paragraph 2. Replace the words "the protection of child and female labour, provision for old age and injury" by the following : "the protection of maternity and childhood, the protection of young people in work, insurance against unemployment, accident, illness, invalidity, old age, and generally all forms of social insurance."

Article III. Modify as follows paragraph 1, from the words : "It shall be composed" : "It shall be composed of three representatives of each of the High Contracting Parties, of which one shall be the representative of the Government and of which the other two....."—the end of the paragraph to remain as it stands.

Article IV. Modify paragraph 1 as follows : "Every delegate shall vote individually on all matters which are taken into consideration by the Conference. The vote shall be nominal and public."

Article VII, paragraph 1. Insert after the words "twenty-four members" the following text : "Among whom there must be some women members....."

Article XVI. Modify as follows the end of paragraph 2 : "an absolute majority of the delegates....."

Add a 3rd paragraph worded as follows : "However, at the request of one-third of the delegates present, a question which may have been rejected at two successive sessions may be placed on the Agenda for the next meeting."

Article XIX, paragraph 3. Instead of "one year at most," substitute "six months at most."

Suppress the last part of this paragraph, *i. e.*, "unless such Convention fails to obtain the consent of the competent authorities."

*General Observations.*—In the various articles where the words “two-thirds of the votes” appear, substitute the words “absolute majority of the delegates.”

Specify, in every article where there is a question of nominating for the function of delegate or technical adviser, that women shall be entitled to exercise these functions.

On the second point (clauses proposed to be inserted in the Treaty of Peace) Mrs. Brunschvig asked that Miss Bouillot might be allowed to speak.

*Miss Bouillot*, representing the *Syndicats ouvriers confédérés*, asked for the insertion in the Treaty of Peace not of the principle of the 48 hour week, but, in the name of the association that she represented, of the 44-hour week, in order to secure for women workers the full benefit of the weekly half-holiday which had been conceded to them.

*Mrs. Brunschvig* had been asked to put forward the plea that the commencing age for work for children should be 15 years, since younger children were incapable of doing useful work in industrial and commercial establishments. Before the age of 15 the children's time could be occupied by the continuance of general and manual education.

*Mrs. Duchêne* asked that in fixing a minimum wage account should be taken of equal pay for men and women. She handed to the President several copies of a booklet which she had written on this subject, entitled “*Le Droit à la Vie et le Minimum de Salaire*”. She added that in asking for a minimum wage, it implied not only a wage sufficient for the material needs of a woman, but also sufficient to allow her to satisfy her moral, intellectual, and social needs.

*Mrs. Maria Vérone*, speaking in the name of *La Ligue française du Droit des Femmes*, said that the organisation that she represented would have liked to have been able to send a Delegate to the Commission so that it should not be solely composed of men. She asked that the Treaty of Peace should include not only the eight-hour day but also the principle of the minimum wage, and pointed out that it should be the same for a woman as for a man, when the work was the same. The principle of this reform should be included not in the agenda of the Washington Conference, but in the Treaty of Peace itself, so as to avoid as far as possible competition which was not only harmful to women but injurious to the economic interests of the Allies. Otherwise it was possible that the enemy States might take advantage of the silence of the Treaty on this point to compete to a dangerous degree with the Allies on a basis of long hours and low wages. At the close of her speech Mrs. Vérone handed in the following document :—

It is not out of conceit that women in general, and the French League for the Rights of Women in particular, have asked to collaborate directly in the work of the Peace Conference.

They have done so because they are conscious of the imperative duty laid upon them in the tragic circumstances the world has just come through.

Called through the force of circumstances to bear directly and personally their share of responsibility, of devotion and work in the prolonged effort which determined victory, they believe they have proved that until now the intellectual, moral and social force they represented has been too much neglected.

On these grounds the French League for the Rights of Women has formulated the desire to be called to take part in the deliberations of each of the Commissions considering matters which affect the interests of women.

The League is happy to be able to express here its gratitude to the Supreme Council of the Allies, which decided to hear the women, and to the Labour Commission, which has been the first to recognise the principle of female representation at the Permanent International Conference on Labour Legislation.

The League ventures to hope that the invitation extended to it to-day is only a prelude, and that it will be called upon to take part, whenever occasion demands, in the discussions which may arise in the Commission on questions to which it has taken the liberty of calling their attention to-day.

Economic clauses having to be inserted *in the Treaty of Peace*, the French League for the Rights of Women is of opinion *that it should be clearly stated that protective measures taken in regard to workers are applicable without distinction both to men and women.*

The proposals which the League desires accepted are the following :—

Limitation of the working day to a maximum of eight hours.

The principle of a fixed minimum wage in proportion to the cost of living in each country.

Enforced application of the principle of equal pay for both sexes for equal work.

Suppression of night work except in cases of absolute necessity.

One special measure only should be taken referring to women. It concerns maternity.

A period of rest should be given to women before and after childbirth, with full payment of wages by means of a system of insurance.

Finally, there is a question which should particularly occupy the attention of the members of the Conference, namely, that of the protection of children.



The French League for the Rights of Women holds that it is not possible to approve, and consequently that it is necessary to prohibit, the employment of children under the age of 15 in factories.

Moreover, in order to enable apprentices and young workers to continue their intellectual development and to perfect their vocational education, employers should be bound to allow young men and girls from 15 to 18 years of age the opportunity of continuing their studies during some hours a week.

The French League for the Rights of Women hopes that these measures, which represent the minimum claims of women, will all be accepted not only by the Labour Commission, but by the Conference itself.

In the event of any objections being raised on this subject in the Commission on International Labour Legislation, it desires to be called upon to participate in the debate in order to be able to make known to the members of the Commission the women's arguments which may have escaped them.

*Miss Bouvier*, speaking in the name of the Federated Dress-makers' Trade Union, and referring to the third point mentioned by Mrs. Brunschvig, asked that the women workers should be granted a system of full social insurance not only against the risk of sickness and disease, but also against unemployment.

*Miss Van den Plas*, Belgian Delegate from the Conference of Allied Women Suffragists, asked for the insertion in the Agenda of the October Conference of half-time work for married women. Under such an arrangement a married woman would be able to work without abandoning her household and her children, and without, on the other hand, being subjected to the low wages, which were given to her on the pretext that she only needed a nominal wage. This arrangement, which had been tried under different conditions during the war, was possible in many walks of industry and commerce. Naturally it would not apply to women living alone. She asked also that in the third point of the Agenda for the Washington Conference the following question should be included: "Equal pay for equal work without distinction of sex."

*Mrs. Corbett Ashby*, British Delegate from the Allied Conference of Women Suffragists, asked that in the interests of maternity the State should make a payment to women during the period while they were forbidden to work before and after childbirth, and she asked that an amendment in this sense should be made in the third point of the Agenda adopted for the Washington Conference.

*Mrs. Borden Harriman*, American Delegate from the Conference of Allied Suffragists, urged the importance of including in

the clauses relating to women's work the right of women to enter all professions and industries. It was obvious that certain processes were not possible for women by the nature of things. On the other hand, she asked that the Washington Conference should lay down clearly that girls should have the same facilities for vocational training as boys. She asked that amendements to this end should be made in points 3 and 4 respectively of the Agenda of the Washington Conference.

*Mrs. Brunschwig* asked that in point 3 (c) of the same Agenda the words "unhealthy processes" should be substituted for the words "unhealthy industries" which seemed to her too comprehensive. Referring to night work, she said that the question of its abolition should be considered in the interests of women and men, obviously with special limitations in the case of women, but in such a way that it should be made clear to public opinion that night work should be completely abolished for men. When a man worked at night and slept during the day, there was an end of family life. In conclusion, Mr. Brunschwig handed to the Commission a report containing a series of resolutions adopted by the Women's Delegation during their meetings, as follows :—

#### *Duration of Work.*

- (a) The duration of work must not exceed eight hours a day and 44 hours a week.
- (b) To reconcile home duties with the necessity of outdoor work, half-time shifts must be organised in all vocations. Mothers of families and women nursing their babies will have the right to claim the application of such an arrangement.
- (c) The weekly rest must consist of at least 36 consecutive hours. It shall include—except in cases of absolute necessity—the weekly rest-day generally adopted in each country. In certain industries necessitating exceptions such periods of rest may only be curtailed to the extent of four hours at a time, and not exceeding 72 hours in a year.

The system of allotting the rest days by turns must not be allowed except in cases of proved necessity. It must then be so regulated as to allow the workers the benefit once in every fortnight of the rest day generally adopted in each country.

- (d) Night work—that is from 8 p.m. to 6 a.m.—shall be prohibited except in cases where it is unavoidable either for technical reasons, or by the very nature of the work.
- (e) In the interest of sanitary protection, and to safeguard workers against accidents, the hours of work shall be reduced to less than eight hours in cases where the work is dangerous or necessitates special effort or a continuous strain.

- (f) Employers shall not be allowed to furnish home work after the regular hours of work at the workshop.

### *Unemployment.*

Measures shall be systematically applied to prevent unemployment, and appeal shall be made to the Trade Union organisations in every country.

A system of control of industries shall be established, in order that such speculations as would result in over production may be limited.

Seasonal industries shall be combined in order to prevent unemployment due to the long dead season.

Apprenticeship and technical education shall be so organised as to develop the greatest professional skill among the workers, both men and women.

When new processes bring about the transformation of an industry entailing the suppression of certain classes of workers, measures shall be taken to facilitate the process of adapting such workers to the new methods.

The filling of vacancies shall be properly organised on the basis of equality.

The risk of unemployment from any cause whatsoever shall be covered by a system of social insurance.

### *Hygiene.*

- (a) A list shall be established of poisonous products to be prohibited.

- (b) The use of noxious substances shall be strictly prohibited in all cases in which it is possible to replace them by other products.

In cases where no substitute has yet been discovered, sanitary measures shall be taken to reduce the danger to a minimum.

- (c) The hygiene of workshops or other work premises shall be assured. These premises shall be rendered as comfortable and as agreeable as possible. Sanitary inspection shall be extended to premises where certain categories of workpeople are lodged by their employers, and to the dwellings of workers living in rooms.

- (d) Home work shall only be allowed in premises conforming to fixed sanitary conditions.

- (e) There shall be excluded from inhabited premises—

(1) Processes injurious to health.

(2) Industries concerned with the production or preparation of foodstuffs or the manufacture of all accessory articles, cardboard, sacks, etc., intended to contain foodstuffs or medicines.

(f) The declaration of contagious diseases of every description shall be made obligatory for all industries carried on in the homes of the workers. Work shall be suspended in premises where such diseases shall be declared to exist. A compensatory indemnity equal to the usual salary, and which shall in no case be less than the salary fixed for the region, shall be paid during such period of suspension. This indemnity shall be guaranteed by means of insurance.

(g) Women shall not be employed in work known to be really dangerous for them in the event of maternity. Such prohibitions shall be strictly limited, after consultation with Women's Commissions consisting of delegates from the organisations of workers engaged in such work, women inspectors of work, physiologists, hygienists, women doctors, or other women competent in any other respect to deal with the matter.

Before coming to a decision, such commissions shall consider whether the detriment to women is due to unhealthy processes or to conditions capable of being changed.

Prohibition may be justified in individual cases on pathological grounds.

During the period of pregnancy, work which has to be done standing shall be prohibited, work requiring considerable physical effort shall be suppressed, and the hours of work reduced optionally according to the system of half-time work.

Every woman, whether a wage earner or not, shall have a right to an indemnity during the six weeks before and after childbirth. This maternity indemnity shall not be less than the minimum living wage fixed in that region.

Every pregnant woman being able to prove by medical certificate that her state of health prevents her from carrying on her duties shall have a right from that moment—and for as long as may be necessary—to a maternity indemnity which shall be equal to the minimum living wage fixed for the region.

Every woman whose working capacity shall be diminished owing to her having to nurse her child herself shall continue to receive the maternity indemnity during the three months following childbirth; during the next six months she shall receive half such indemnity.

The maternity indemnity allowed for by the State is independent of any social insurance effected by those concerned with or without the participation of the employers.

### *Child Labour.*

Free primary education shall be obligatory in every country up to the age of 15 years. It shall be the same for all without distinction of sex, class, race or religion.

Primary practical training shall be established with a view to developing any vocational bent during the educational period.

In agricultural districts practical agricultural and domestic training shall be organised.

Physical training and the medical inspection of such training shall be obligatory in all educational establishments.

The inspection of the corporal hygiene of children shall be obligatory up to the age of 15 years.

Elementary instruction in contagious diseases, and particularly on tuberculosis and venereal diseases, shall be imparted to young people.

Vocational education shall be open to all, and organised on a basis of equality for the two sexes.

Vocational training for such branches of industry as are subject to long seasons of inactivity shall allow of the acquirement of two alternate specialities.

Children under the age of 15 years shall not be employed in industry, commerce or any other salaried work.

Medical examination shall be obligatory before any work is entered upon.

Young people from 15 to 18 years of age shall not be employed for more than six hours a day—vocational and supplementary education shall be compulsorily secured to them during these three years.

The employment of young people between the ages of 15 and 18 shall be prohibited :—

1. Between 8 p.m. and 6 a.m. ;
2. In unhealthy industries ;
3. In underground work in mines.

Heavy unskilled labour shall not be allotted to young people, but shall be done by machinery or by unqualified adults.

*Miss Beckmans*, Delegate of the Independent Trade Unions, asked that in paragraph 3 of Article III of the British scheme the words "most representative" should be deleted so as to put all associations of employers and workpeople on the same footing. She handed in the following document :—

Preamble—Paragraph 2 : Replace the words "protection of child and female labour....." by "the protection of maternity and childhood, the protection of young people in

work, insurance against unemployment, accidents, illness, invalidity, old age, and generally all forms of social insurance."

Article III : Modify as follows paragraph 1 from the words "It shall be composed....." : "It shall be composed of three representatives of each of the High Contracting Parties, of which one shall be the representative of the Government, and the other two shall represent the employers on the one hand, and workmen on the other respectively."

"Each Delegate may be accompanied by advisers, either men or women, according to the question to be examined; which shall not exceed two in number for each distinct subject on the Agenda for the session.

"The High Contracting Parties undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, of employers, employees and workers of the country."

Article IV : Modify as follows : "Every Delegate shall vote individually on all matters which are taken into consideration by the Conference. The voting shall be nominal and public."

Article VII : Paragraph I, insert after the words "twenty-four members" the words "among whom there shall compulsorily be women appointed....."

Article XVI : Modify as follows the end of paragraph 1, "an absolute majority of the delegates" instead of "a majority of two-thirds."

Article XVIII (former Article XVII) : "The Conference may add to any Committees which they appoint technical experts of both sexes, who shall be assessors without the power to vote."

*Mrs. Duchêne*, Delegate of the Office des Intérêts Féminins, asked that the second resolution presented by the Belgian, French and Italian Delegations, and inserted at the end of the British scheme, should be modified as follows : "That while awaiting the signature of the Treaty of Peace which will allow all these countries to be approached, the Peace Conference will communicate to *them* for their information . . . ." instead of "the Peace Conference will communicate to the Neutral Powers for their information . . . ." She then read the following document from the organisation which she represented :—

Considering that special labour legislation concerning women only serves, most often, to limit their scope of work and to exclude them from certain industries while leaving them free nevertheless to engage in work which is not prohibited but which is prejudicial to their health ;

Considering that an insufficient or substantially different technical training lowers the value of a woman on the labour market ;

Considering that the human community has imperative duties in regard to children which demand their protection from the beginning ;

Considering, finally, that maternity is a function of vital interest to the State ;

We are resolved :

1. That all protective labour legislation should be established on a basis of absolute equality for all adult workers without distinction of sex ;
2. That no prohibition affecting the whole of an industry should be allowed, and that restrictive measures should only bear on specific processes ;
3. That prohibition shall be strictly limited after consultation with women's commissions consisting of Delegates from the organisations of workers engaged in such work, women inspectors of work, physiologists, hygienists, women doctors or other women competent in any other respect to deal with the matter.
4. That before coming to a decision such commissions should consider whether the detriment to women is due to unhealthy processes or conditions capable of being changed and which *should be* changed as much in the interests of men as of women.
5. That vocational education should be open to all and organised on a basis of equality between the two sexes.
6. That the protection of maternity should be instituted on the same grounds as that of children.
7. That it should be recognised that the State must, during the period of prohibition of work while a woman is pregnant or nursing, allow her, without distinction of category, a living compensatory indemnity in view of the forfeited salary.

*The President* congratulated the Delegates on the ability with which they had presented their case, and thanked them in the name of the Commission. He added that if the Commission was composed solely of men, it was not the Commission's fault since they had not appointed themselves. The Commission had already considered a number of reforms of interest to women. It was for this reason that there would be women in the organisation which this Commission was going to propose to the Peace Conference. But he regretted that the Commission had not had at an earlier date the advantage of hearing the very interesting representations which the Delegates of the Women's Organisations had just presented to it.

The Women's Delegation then withdrew.

After a discussion between Mr. Vandervelde, Sir Malcolm Delevingne and the President, it was decided that the next meeting should take place on the following day at 10 a.m. and that the Commission would consider what action it would take on the representations which had just been made to it.

Before the close of the meeting *the President* said that he had been informed by a Delegate with a knowledge of both French and English of an error in the translation of a phrase which he had used at the preceding Meeting. He had been represented as saying that the United States Delegation had resolved not to accept the decision of the Sub-Committee of three members appointed to draft an agreed text for Article XIX, whereas in reality he had declared that if the new text did not meet the difficulties of the United States Delegation better than the text as it stood, they would be obliged to maintain the attitude of opposition which they had adopted up to the present.

*(The Commission rose at 12.45 p.m.)*

George N. BARNES, *Vice-President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

## Minutes of Proceedings No. 28.

*Minutes of the Twenty-eighth Meeting, 19 March 1919 at 10.30 a.m.*

Mr. GOMPERS *in the Chair.*

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .		France.
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .		
Mr. de Bustamante . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.



The Commission resumed the discussion on Article XIX, and *the President* called upon Sir Malcolm Delevingne to present the report of the Sub-Committee appointed to consider the matter.

*Sir Malcolm Delevingne* presented the report in the following terms :—

I am desired by the Sub-Committee to report to the Commission the result of their labours. The Commission will remember that the United States Delegation on Monday brought up important proposals, the effect of which in brief was—

1. That the Labour Conference should have a discretion to submit any proposals that it might adopt in the form of a "recommendation" to the States which are parties to the Labour Organisation instead of in the form of a draft Convention ; that the States should be under obligation to submit such a recommendation to the competent authorities for legislation or other action to give effect to it ; and that the action taken should be reported to the Secretary-General of the League. Having fulfilled this obligation, the State would not be subject to any further obligation, and in particular, the provision as to sanctions would not apply.
2. That in the case of a draft Convention being adopted by the Labour Conference, no obligation was to be placed on any State to submit the Convention to its competent authorities—or to ratify the Convention in the event of its being approved by the competent authorities—but if a State did decide to ratify a Convention, the ratification was to be deposited with the Secretary-General of the League.
3. That the procedure in regard to the making of representations and complaints was to be left to the Governing Body and Executive Council of the League to determine, and also the action to be taken in any case in which a representation or complaint had been substantiated.

These proposals were not acceptable to the Commission, and the Sub-Committee were appointed to find, if possible, some compromise which would meet the difficulties of the United States and some other States and make it possible for them to become parties to the Convention, while preserving the substance of the scheme as already adopted by the Commission.

The Sub-Committee after long consultations have agreed to submit the new Articles XIX and XX which are before the Commission. If these articles are accepted by the Commission, all the American proposals to which I have referred are withdrawn. The new articles would make two modifications of importance, and only two, in the provi-

sions of the scheme as approved on the "second reading". The first modification consists in giving the Conference the power, if it thinks fit, to submit a recommendation to the States which are parties to the Labour Organisation, for submission to and consideration by the competent authorities but without any further obligation being placed on the Governments of the States. On this point the Sub-Committee have adopted the first of the United States proposals.

The second modification provides that in the case of a Federal State whose power to enter into Conventions on labour matters is subject to limitations, the Government of the State may elect to treat any draft Convention to which such limitations apply as a recommendation only—and thereupon the provisions of the new Article XIX as to recommendations shall apply.

To the first of these modifications we believe that no serious objection will be taken by the Commission. The submission of a recommendation instead of a draft Convention will be entirely in the discretion of the Conference, and for myself, I am disposed to think that the power to do so will be found to be advantageous and will promote the adoption of labour legislation. It may well be, in fact it is extremely likely, that subjects will come before the Conference on which, owing to their complexity or the wide differences in the circumstances of the different States or other reasons, the Conference will find great difficulty in framing precise provisions for a Convention which shall be of universal application. Take, for instance, the question of unemployment. In regard to such a matter, it is easy to imagine that the framing of a Convention applicable to all countries, at any rate for a long time to come, will be an impossibility; but the Conference may well be able to lay down certain principles in more or less detail, and submit them in the shape of recommendations which the different States may give effect to, each in the way most suited to the local and national conditions.

9 The second modification is of much greater importance and is undoubtedly a serious change in the substance of the scheme. In effect it places the United States, and any other State which is in a similar position, on a different footing from and under a less degree of obligation than other States in regard to draft Conventions adopted by the Conference. The Commission, however, will observe two points in connection with the drafting of this exception from the general provisions of the scheme: first, that the exception extends only to the Federal States which are subject to limitations in respect of their treaty-making powers on labour matters; second, that the exception extends only in so far as these limitations apply, and no further.

A State will not be able to take advantage of the exception on any ground except that of actual existing limitations on its powers which prevent it entering into a labour Convention. And a State in which such limitations exist will only be able to claim the exception in regard to Conventions to which the limitation apply. If a Convention is proposed by the Conference to which the limitations do not apply and which is within the competence of the Federal Government, then the general provisions of the scheme in regard to Conventions will apply and the State will be under the same obligations as any other State. Also, if in the course of time the limitations are removed, those obligations will automatically apply.

The question for the Commission to determine is whether it is better to accept this modification in order to secure the adhesion of the United States Government and other Governments similarly situated to the International Labour Organisation, or to maintain the scheme as it stands, with the result of excluding the United States from participating in the International Labour Organisation. The British Delegation are of opinion after very careful consideration that it is desirable to accept the modification, and they recommend its adoption by the Commission.

What is the position ?

The United States Delegation tell us they are advised by their constitutional experts that without an alteration in their Constitution and their system of government, the Federal Government cannot enter into binding engagements in regard to many of the matters which will probably form the subject of labour Conventions. In regard to those matters which fall within the competence of the constituent States, the Federal Government cannot guarantee that the constituent States, even if they pass the necessary legislation to give effect to Conventions, will put it into effective operation or even maintain it permanently on the Statute Book; nor can it provide against the possibility that such laws may be declared at any time to be unconstitutional by the Supreme Judicial Authorities. They cannot therefore engage to do something which is not within their power to execute, and the non-execution of which would subject them to the penal provisions in the latter part of the scheme. On the other hand, they tell us that the solution which the British Delegation suggested in the second reading—that is, to allow each of the constituent States to adhere separately and independently to labour Conventions—is not possible.

We must recognise that these difficulties exist, and though we may hope that in course of time they will be lessened if not entirely removed, that is not within sight at the present moment.

It is not necessary for me to dwell on the serious consequences which would follow for the work of the International Labour Organisation, and the difficulties which would arise in connection with the League of Nations with which our scheme is so intimately connected, if the United States are not included. They will be present fully to the minds of all the Delegates on the Commission.

It is true that the proposals involve some weakening of the scheme adopted by the Commission, but I think we may have confidence that the progressive spirit displayed by the United States people and Governments in regard to all industrial matters, the pressure which will be exerted by the powerful body of which our President is the head in the direction of any improvement of labour conditions which may be recommended by the Conference, the force of public opinion, and I may add the great influence which will be exerted by the International Labour Organisation itself, will secure in the United States—even with the weaker provisions of the new clause—a real and effective effort to realise in legislation and administration the reforms which may proceed from the International Labour Conference.

*Mr. Robinson* : The American position has been stated here so often that I feel as if I should not take up more time of the Commission to go into it again. We started out with the idea of meeting as nearly as possible the ideas of the British and other members of the Commission. This matter has been under discussion now three weeks — may be four weeks. I feel that Sir Malcolm Delevingne's statement as made is very full and brings out all the important points, and that I can add but little to it, but there is one thing that I think in fairness to ourselves I should state a little more clearly.

In the last clause of the proposed new article the words are : "In the case of a Federal State, the power of which to enter into Conventions on labour matters is subject to limitations, it shall be in the discretion of the Government of such State to treat a draft Convention to which such limitations apply as a recommendation only, and the provisions of this article with respect to recommendations shall apply in such case."

As I listened to Sir Malcolm's statement I received the impression that he has told you that that word "limitations" meant only constitutional limitations. I want to say that it includes other limitations such as judicial, and with that statement the American Delegation is prepared to accept this article.

If a vote is to be cast on this article at this time, we still wish to raise the question raised on Article III. We have withdrawn from the position taken the other day on Articles XXIII to XXXIV inclusive, not because we are finally convinced that our position was not correct, but for the purpose of meeting what appears to be the wishes of at least the majority of the Commission.

*Sir Malcolm Delevingne* proposed the adoption of the new Article XIX as follows :—

*New Article XIX.*—When the Conference has decided on the adoption of proposals with regard to an item in the Agenda, it will rest with the Conference to determine whether these proposals should take the form (a) of a recommendation to be submitted to the High Contracting Parties for consideration with a view to its being given effect by national legislation or otherwise, or (b) of a draft International Convention for ratification by the High Contracting Parties.

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft Convention, as the case may be, by the Conference.

A copy of the recommendation or draft Convention shall be authenticated by the signature of the President of the Conference and of the Director, and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft Convention to each of the High Contracting Parties.

Each of the High Contracting Parties undertakes that it will, within the period of one year at most from the end of the meeting of the Conference, bring the recommendation or draft Convention before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action.

In the case of a recommendation, the High Contracting Parties will inform the Secretary-General of the action taken.

In the case of a draft Convention, the High Contracting Parties will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the Convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such Conventions.

If on a recommendation no legislative or other action to make such recommendation effective is taken, or if the draft Convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the High Contracting Party.

In the case of a Federal State, the power of which to enter into Conventions on labour matters is subject to limitations, it shall be in the discretion of the Government of such State to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this article with respect to recommendations shall apply in this case.

*The President* said that the United States Delegation had been obliged over and over again to take up an attitude of opposition, but, he continued, what would the Commission have thought, if after they had explained all the important objections with which the United States Delegation were faced and which they had clearly indicated, they had finally given way on these points in spite of the certainty that the Government of the United States would refuse to sign the draft adopted by the Commission?

On the other hand, the opposition of the Delegation might have had the effect of excluding the United States from the International Organisation, although they had the most sincere desire to participate in it. They were going to vote the report of the Sub-Committee, but they hoped that they would be satisfied as regards Article III relating to the number of delegates at the Conference.

*The President* handed in to the secretariat of the Commission an appeal from Mr. Andrew Furuseth, President of the International Seamen's Union of America. He referred to the American law which gave merchant sailors the right of leaving their ships when they were in safe harbour. He pointed out that the United States had been the first and moreover the only State which had given this concession to the sailors. The passing of this law had been preceded by a great public campaign, but the law once voted had reacted in its turn on public opinion in other countries and the sailors of the whole world hoped to secure similar rights. However, it might be feared that the International Labour Conference might one day lessen, if not abolish, this protective legislation. Far was it from him to believe that such eventuality would arise, but it was a danger which should not be lost sight of.

He asked, in concluding, that the appeal of Mr. Furuseth should be circulated to the members of the Commission.

This was agreed to.

*Mr. Arthur Fontaine* pointed out that the French Minister of Commerce had requested the French Delegation to bring before the Commission a draft resolution relating to an International Organisation for seamen. The draft resolution had been distributed to the members of the Commission in French and English. He thought that the discussion on this resolution would enable them to consider which was the form of International Organisation by which necessary improvements in the lot of the seamen might best be secured. He asked that this discussion might be taken after the discussion of Article XIX and the questions dependent on it.

*Mr. Otchiai* said that the Japanese Delegation had studied Article XIX as it had been adopted on the second reading. He regretted that the new text in spite of all the efforts of the Commission was not entirely satisfactory. The position of all the High Contracting Parties would not be identical—some must undertake obligations which others did not. Although from the practical point of view the new text might not make so important

a difference, nevertheless it was very important from the legal point of view and it put the Japanese Delegation in a difficult position. The new text having been distributed only that morning and the Japanese Delegation having no instructions from their Government, they would have to abstain on the vote as regards this article.

*Baron Mayor des Planches* also regretted that the text was not such as to satisfy the Italian Delegation, because it diminished too greatly the powers of the Conference. The Italian Delegation would therefore abstain from voting, but this abstention would refer only to Article XIX and not to the whole scheme.

*Mr. Mahaim* asked the Italian Delegation to reflect before deciding to abstain from voting. It was important that the vote to be taken should be unanimous in order to carry as much weight as possible with the Peace Conference. The small States had also understood the way in which the new text of Article XIX weakened the British scheme, but they had decided to accept the new text so as to secure unanimity on the vote.

*Mr. de Bustamante* recalled the objections which he had already put forward on the old text of Article XIX. He was extremely pleased with the new text, as a result of which he thought that the success of the scheme was assured throughout the whole of Latin America.

In reply to *Mr. Mahaim*, *Baron Mayor des Planches* said that the reason why the Italian Delegation would abstain from voting on Article XIX was that the draft Convention would not give the International Conference full powers. The Italian Delegation abstained exclusively on this point, and would vote for the scheme as a whole.

*Mr. Arthur Fontaine* said that he would at least have very much liked a vote to have been taken on Article XIX as it stood after the second reading; he would even have been prepared to go further and to support the strengthening of the international machinery on the lines proposed in the Italian amendment. But he thought that the essential thing was to secure agreement and to get the International Conference going. He was convinced that the tendency would be more and more towards the constitution of an International Labour Parliament. For these reasons, and after having expressed its regrets, the French Delegation would vote for the new text of Article XIX.

*Mr. Patek* declared that, although the new text did not appear to the Polish Delegation to go far enough, and although he understood the objections put forward by the Italian Delegation, he would vote for it for the reasons indicated by *Mr. Mahaim* and *Mr. Fontaine*.

*Mr. Vandervelde* said he wished just to point out that if the Commission had maintained the old Article XIX the United States

would not have been able to take part in the International Conference. Under Article XIX, as redrafted, they would be able to do so. For this reason he would vote for the new draft.

*Mr. Broz* declared that he would accept the new Article XIX, which was very important, because it removed the obstacles which up to the present had prevented the participation of the United States in the Conference.

Article XIX was put to the vote and was adopted, ten voting in favour, four abstaining.

*The President* said that he had just been informed by the Secretary General of the Peace Conference that he might possibly be allowed to present the report of the Commission to the Council of Ten on 25 March, and that it would be necessary :—

1. That the report of the Commission's proposals should be distributed by 22 March to the members of the Conference ;
2. That each Delegation, and particularly the United States Delegation, should put itself in communication with its representatives on the Council of Ten in order to secure that the Council, which was very busy, should decide on 24 March to put the matter on their Agenda for 25 March.

*Mr. Barnes* pointed out that up to the present he had not been able to put before the British Empire Delegation the British draft as finally adopted, for he had been waiting to know the decision which would be arrived at as regards Article XIX.

*The President* pointed out that he could not prolong his stay in France beyond 25 March. He regretted it, but his departure would not prevent the Commission from continuing its work if that proved necessary.

*Mr. Otchiai* asked that a special note should be made of the fact that :—

1. The Japanese Delegation had abstained from voting on Article XIX.
2. It had not been able to vote because it had no instructions from its Government.
3. The above should be inserted in the report presented to the Peace Conference.

*Sir Malcolm Delevingne* proposed the adoption of Article XX, which he said did not require any explanation.

“Article XX. Any Convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the States which ratify it, subject to any conditions which may be contained in the Convention itself.”

Article XX was adopted.

*Sir Malcolm Delevingne* called the attention of the Commission to the fact that the French Delegation had presented an amend-



ment to Article XXXIII, and that the discussion of this amendment had been postponed until after the vote on Article XIX.

*Mr. Arthur Fontaine* said that the French Delegation had in fact brought forward an amendment to Article XXXIII. It was a question of replacing the word "may" by the word "shall" (in French the word "pourra" by the word "devra") in order that the sanctions should have a more obligatory character, that is, that the States should be obliged to apply the sanctions once they had been indicated.

*Mr. Robinson* having declared that this change would make the adhesion of the United States more difficult, *Mr. Fontaine* said he would like to hear the last word of the United States Delegation.

*Mr. Robinson* replied that he could not see the importance of modifying Article XXXIII in the way proposed. The text as it stood seemed to him to provide sufficient sanction.

*Mr. Barnes* asked the French Delegation to withdraw its amendment, which affected the question of sovereignty, and their experience during previous sittings showed how delicate a matter this was as regards the United States. He thought they should adopt the policy of slow and sure.

*Mr. Arthur Fontaine* said that in order not to prevent complete agreement the French Delegation would not press its amendment, although the terms of Article XXXIII did not appear to it to be sufficiently strong.

There remained the amendment put forward to Article III to reduce from four to three the number of Delegates from each country at the Conference.

*Mr. Barnes*, although he was anxious to do everything possible in order to arrive at unanimous agreement on the Commission, said that he was obliged to stand by the text which fixed the number of Delegates at four, of whom two would represent the Government. The system which gave only one representative to the State, one representative to the employers, and one to the workpeople had two drawbacks. He thought it was a great step that the States should under the scheme be bound to take action on decisions which would not be arrived at by their own representatives exclusively. It was not desirable to go further by giving them a less representation than that given to the employers and workpeople with whom they were going to discuss. By giving two delegates to the Government all that was done was to give equality of representation as between the State and the voluntary organisations. It was in fact a question of equity. In practice, given that a majority of two-thirds was required, and with the system of three delegates per State, if one of the non-Government parties—for example, the employers—formed a block and succeeded in detaching the Government delegate of a single small State, they could hold up the whole Conference. This sys-

tem offered a far smaller chance of securing results. He concluded by declaring that whatever number of delegates for each State was adopted it would always be necessary to maintain an equality between the representatives of the States on the one hand, and the representatives of the non-Government organisations on the other.

Mr. Vandervelde thought that it was not desirable to re-open the discussion on the respective merits of the two systems put forward. It was impossible to adopt the system of three delegates per State, which had already been considered by the Commission, for no Government would agree to a Convention containing a stipulation of this kind. On the other hand, the women had just asked that they should be represented in the International Labour Organisation. It might be the same as regards the representatives of agricultural interests and, in certain countries where the organisations of the workers were not unified, as regards separate sections of the workers' movements, &c. The system of two Government delegates would permit in some degree of these different claims being satisfied.

Mr. Vandervelde said he had moreover been very much struck by the argument of Mr. Barnes, who had pointed out the danger of a more or less complete stoppage of the international machinery if the system of the three delegates was adopted. Finally, replying to the President, Mr. Vandervelde said that it was extremely unlikely that the International Conference would ever attempt to modify the American Seamen's Law, and that this danger would be diminished if in the Conference each Government were represented by two delegates and not by one. For all these reasons he declared himself in favour of maintaining Article III as it had been adopted.

Speaking in the name of Mr. Loucheur who was absent, *Lieutenant-Colonel Ader* (France) said that Mr. Loucheur had proposed to substitute for the system of four delegates per State the system of six delegates, two for the State, two for the employers and two for the workers. He said it was Mr. Loucheur's opinion that equality should be maintained between the State delegates and the non-Government delegates, for when Mr. Loucheur made his proposal Article IV had not yet been amended and the State delegates would each have had two votes. His proposal had been put forward so as to allow of the more varied representation of the workers' and employers' associations. Mr. Loucheur now supported the system adopted at the second reading, which appeared to him to be more in consonance with his ideas than the system of three delegates per State which had also been put forward.

*(The Commission rose at 1.50 p.m.)*

George N. BARNES, *Vice-President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

# Minutes of Proceedings No. 29.

*Minutes of the Twenty-ninth Meeting, 19 March 1919 at 3.15 p.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .		France.
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Vandervelde . . . . .	{	Belgium.
Mr. Mahaim . . . . .		
Mr. de Bustamante . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

*The President* recognised that the arguments put forward by Mr. Barnes had considerable weight, but he had not been convinced by them. He summarised briefly the case which he had previously put forward and once more declared himself in favour of the principle of equality of voting, the only principle which appeared to him to be really democratic.

*Baron Mayor des Planches* said he would have voted for the proportion 4:2:2 suggested by Mr. Loucheur. He would have voted also for the proportion 2:1:1 if the Conference had been given deliberative powers. But taking into account the actual text of the Convention, he did not think that it was necessary to attach so much importance to the representation of the Governments, and consequently he declared himself in favour of the proportion of 1:1:1 if there was to be a vote on this proposal.

*The President* put to the vote the American amendment giving only one vote to the Government. The amendment was lost by eight votes to six.

The British proposal giving two votes to the Government was then put to the vote and was carried by eight votes to six.

*Mr. Arthur Fontaine* pointed out that there remained other amendments to be considered. On the one hand there were those suggested by the Women's Deputation, on the other, the amend-

ment put forward by the French Delegation at the request of the Minister of Commerce with the object of setting up a special organisation for sailors. As regards the resolutions of the Women's Delegation, they had been brought to the knowledge of the Commission, and the Secretariat had prepared a summary of those items which had not already been the subject of proposals put forward by the official delegations, and which accordingly had not yet been discussed.

Some discussion took place between Mr. Fontaine, Mr. Patek, Mr. Vandervelde and the President on the course to be followed as regards the resolutions put forward by the Women's Deputation. It was finally decided that the Commission should examine proposals relating to the Draft Convention and to the agenda of the First Conference *seriatim*, and that any of these proposals which was not moved by a member of the Commission should be considered as lost. Where a proposal was moved by a Delegate, the Commission would come to a decision on it.

### 1. Amendments to the Draft Convention.

(a) *Preamble*.—On the proposal of Mr. Arthur Fontaine it was decided to mention specially the protection of juveniles in industry at the same time as women and children. The remainder of the text suggested was not adopted.

(b), (c), (d), (e), (f), (g).—The modifications suggested under these heads were lost.

### 2. Amendments to the Agenda of the First International Conference.

(1) An amendment to mention explicitly payment of maternity benefit to be made during the period for which work might be prohibited on account of childbirth.

After a discussion in which Mr. Arthur Fontaine, Sir Malcolm Delevingne and the President took part, the amendment was adopted.

The Agenda would accordingly run as follows :—

“Employment of women :—

“(a) Before and after childbirth (including the question of maternity benefit).

“(b) . . . . .”

(2) An amendment to mention, not “unhealthy industries” in general, but more precisely “unhealthy processes.”

The amendment was adopted.

(3) An amendment to add to the items included the following :—

(d) Equal opportunity for women to enter all industries and professions.

(e) Application of the principle of equal pay for equal work.

(f) The organisation of half-time work for married women when they desire it.

(g) Equal provision as regards technical education for girls and boys.

A general discussion, in which Mr. Arthur Fontaine, Mr. Vandervelde, Sir Malcolm Delevingne, Mr. Patek, the President and Mr. Barnes participated, took place on these different suggestions. The Commission decided not to include these items on the Agenda of the coming Conference, as the Agenda was already sufficiently heavy. It was afterwards proposed to bring them to the notice of the Governing Body, which would be responsible for drawing up the Agenda of subsequent Conferences.

On point (d) *the President* asked that it should be expressly noted in the Minutes that he was opposed to the admission of women into all professions or industries without exception, and that he would vote against any proposal to this effect.

*Mr. Arthur Fontaine, Mr. Vandervelde* and various other members of the Commission, while agreeing with the President's point of view, asked that this question along with the others, should be left to the consideration of the Governing Body, which alone was competent, in view of the provisions of the Convention, to decide the items to put in the Agenda of the meetings of the Conference. This was agreed to, and it was decided that the reference to the Governing Body should be accompanied by a statement to the effect that the Commission did not define its attitude on the principles involved.

The discussion on the amendments proposed to the Draft Convention having been completed, the President put the whole Draft Convention to the vote. The vote for and against was recorded with the following results :—

In favour of the adoption of the Draft Convention :—

Mr. Gompers; Mr. Robinson; Mr. Barnes; Sir Malcolm Delevingne; Mr. Arthur Fontaine (*vice* Mr. Colliard); Baron Mayor des Planches; Mr. Cabrini; Mr. Vandervelde; Mr. Mahaim; Mr. Patek; Mr. Broz; Mr. de Bustamante.

Abstained : Mr. Otchiai; Mr. Oka.

Absent : Mr. Loucheur.

*Mr. de Bustamante* entered a reservation as regards Article XXXVII, relating to amendments to the Convention.

*Baron Mayor des Planches*, speaking, as he thought he might claim, in the name of the whole Commission, expressed to the British Delegation his thanks for the great part it had played, first in putting forward the draft which had been discussed, secondly in assisting the discussion throughout by the explanations which it had been able to furnish, and finally by its determination to secure tangible results.

#### *Labour Clauses.*

*Mr. Barnes*, after having thanked Baron Mayor des Planches, proposed that the Commission should undertake the examination

of the 19 points summarised from the proposals presented by the different Delegations. The first point, the principle of the eight hours' day—had been adopted. As regards the second point (the principle that children should not be employed in industry below the age of 14 years, and that from 14 to 18 years their general and vocational education should be continued), Mr. Barnes insisted on the necessity of only sending forward to the Peace Conference a very few clauses for insertion in the Treaty. He pointed out that these clauses would become obligatory on all the signatories of the Peace Treaty, and therefore on nations whose social and industrial development was far from uniform. Whatever might be the desire of each of the members of the Commission, it was not possible to impose here and now on all the High Contracting Parties a clause like that fixing 14 as the minimum age at which children should be employed. In such conditions, why add still more to the great difficulties with which the Peace Conference was faced?

*Mr. Oka* defined the attitude which the Japanese Delegation thought it must take up as regards the principles which it was proposed to adopt. He referred to the efforts made by the Japanese Government to protect the health and welfare of Japanese workers. A commission composed of outstanding people was actually at work with a view to stimulating the progress of the social policy in Japan in every direction. Japan was certainly not behind any other country in its efforts to improve the material and moral conditions of its workers. Nevertheless, to try to apply to Japan the conditions existing in Europe or in America without taking account of the customs of the Japanese workers and their more easy going methods of work was to risk killing the goose that lays the golden egg. The Japanese Delegation thought that the greater part of the principles, the adoption of which had been discussed, could be adopted, provided that provision was made that all exceptions, modifications or necessary delays might be specified for each country before the said principles were put into operation. The Japanese Delegation, though it had not received any instructions from its Government, would do its best to express on its own responsibility its attitude during the discussion.

A general discussion took place on the effect of the decisions which the Commission might take as regards the clauses for insertion in the Treaty.

*Mr. Barnes* insisted that the number of principles adopted should be limited as much as possible.

*The President* who was supported by *Mr. Mahaim*, thought that what the Peace Conference expected from the Commission was an indication of the principles on which conditions of employment should be dealt with.

*Mr. Robinson* asked that it should be made clear whether the principles discussed were to be inserted in the Treaty of Peace and accordingly made immediately binding on all the signatories of the Treaty, or whether they were to be inserted as an extension

of Article XX of the Covenant of the League of Nations. What was the good of discussing principles, if after agreement had been reached it was discovered that they could not be inserted in the Peace Treaty?

Again the text adopted would be different according as to whether it was a question of clauses in the League of Nations Covenant or of clauses in the Peace Treaty. It was therefore indispensable to know what were the intentions of the Plenipotentiaries.

*Mr. Arthur Fontaine* pointed out that whatever might be the diplomatic instrument in which the clauses would be inserted, they should apply to the enemy countries at the same time as to the Allied countries. If the Covenant of the League of Nations was not signed by Germany as part of the Preliminary Peace Treaty, it was not desirable to put into this Covenant the obligations in question, as for example the eight-hours' day to which Germany would not be bound.

*Mr. Barnes* understood that the intention of the Peace Conference was to insert the clauses concerning the League of Nations in the Preliminary Peace Treaty. It was precisely for this reason that he asked that they should limit as much as possible the demands made on the Peace Conference.

*Baron Mayor des Planches* thought it was desirable that the clauses should be inserted in the Peace Treaty, but that in any case it was not necessary that the Commission should declare its opinion on the principles in question. It would be for the Peace Conference to say which it would accept or reject.

*Mr. Mahaim* urged the same point, and thought that what the Peace Conference expected was an indication from the Commission as to what it considered should be the labour charter of the new world.

*The President*, having been asked to adjourn till next day, asked the General Secretary if he thought it possible that the secretarial work would be finished in time to allow the matter to be brought before the Peace Conference on 24 or 25 March at the latest. He pointed out that, so far as he was concerned, he was obliged to leave Paris on the morning of 26 March.

*The British Delegation* pointed out the difficulties of being ready within this brief time. In particular it was necessary to allow the different national authorities at the Peace Conference time to examine the proposals before they came before the Conference.

*The General Secretary* was asked to state next morning by what date he would be ready.

*Mr. Arthur Fontaine* pointed out that the Drafting Committee had still to revise the text which had been adopted, that a report for presentation to the Peace Conference should be drawn up

and discussed by the Commission, and finally that the discussion of the clauses to be inserted in the Peace Treaty was only beginning. In order to bring the resolutions of the Committee before the Council of Ten on 25 March they would have to be distributed to the members of the Council on 24 March at the latest, and it was quite clear (1) that the labour clauses would not be ready; (2) that it was not certain that the report would have been adopted and be ready. The only thing that would certainly be ready was the text relating to the Permanent International Organisation for Labour Legislation.

*Mr. Barnes* pointed out that between the distribution of the report and the documents, and the meeting with the Council of Ten, some delay would be required, short no doubt, but sufficient to allow him to consult the British Empire Delegation. He thought it would be a difficult matter to be ready by 24 March. It was agreed that the General Secretariat should inform the Commission later whether or not it would be possible to meet the Council of Ten on 24 or 25 March.

*(The Commission adjourned at 6.15 p.m.)*

George N. BARNES, *Vice-President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

### **Clauses proposed for insertion in the Treaty of Peace.**

The High Contracting Parties declare their acceptance of the following principles, and engage to take all necessary steps to secure their realisation in accordance with the recommendations to be made by the International Labour Conference established under this Treaty as to their practical application :—

1. The principle of the limitation of the hours of work in industry<sup>1</sup> on the basis of eight hours a day or forty-eight hours a week, subject to an exception for countries in which, owing to climatic conditions, the imperfect development of industrial organisation or other special circumstances, the industrial efficiency of the workers is substantially different from the efficiency of the workers in other countries.

<sup>1</sup> Or commerce.



For such countries a basis shall be adopted which shall be recommended by the International Labour Conference as approximately equivalent to the said basis of eight hours a day or forty-eight hours a week.

2. The principle that no child should be permitted to be employed below the age of fourteen years in order that every child may be ensured a minimum amount of education necessary.

The principle that between the years of fourteen and eighteen young persons of either sex may only be employed on condition that their technical or general education is continued.

3. The principle that employers and workers should be allowed the right of association and combination for all purposes, subject only to such restrictions as are essential for safeguarding the national interests.
4. The principle that every worker has a right to a wage sufficient to maintain a reasonable standard of life, having regard to the circumstances of time and place.

Alternative : The principle that a reasonable wage should be paid for all work performed, based on a standard of life corresponding to the degree of civilisation attained at the period in question.

5. The principle of the weekly rest or its equivalent for all workers, which should include Sunday wherever possible.
6. The principle that in all matters concerning the rights of workpeople, working conditions and social insurance, foreign workmen and their families should be treated on the same footing as the nationals of the country in which they reside, and that they may not be subjected as such to any special taxation.
7. The principle that equal pay should be given to women and to men for equal work.
8. The principle that maximum weekly hours of work should be fixed by the national legislation of each of the High Contracting Parties for wage earners in agriculture.
9. The principle that the various States should establish a system of inspection of working conditions in industry, commerce and agriculture, with which representatives of the workers should be associated.
10. The principle of freedom of migration, subject to the consent of the Governments and Trade Unions of the countries directly concerned.

11. The principle that the provisions of the various States concerning health and safety as well as those concerning social insurance should be compared, with a view to standardising as far as possible the different national regulations on the basis most conducive to securing the health and safety of the workers.
  12. The principle that it is incumbent on the Government of every State to take all possible measures to prevent unemployment, and to ensure provision for the unemployed worker during any period of involuntary unemployment.
  13. The principle that in right and in fact the labour of a human being cannot be treated as merchandise or an article of commerce.
  14. The principle that no condition of involuntary servitude may exist except in punishment of a crime of which the person concerned has been duly proved guilty.
  15. The principle that seamen of the Mercantile Marine should have the right of leaving their ships while they are in port.
  16. The principle that no article or commodity may be carried or delivered in international commerce if prison labour contributed to its manufacture.
  17. The principle that the sale or use for commercial purposes of all articles produced by home work should be prohibited.
  18. The principle that any State shall have the right to send special officials to assist in any way and to protect its own emigrant workpeople, and that any State to which they have migrated shall be obliged to admit such officials and to assist them in the performance of their duties.
  19. The principle that reciprocity of action should be established between voluntary organisations recognised by their Governments for the purpose of the assistance and protection of workpeople.
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**Memorandum on the suggestions presented to the Commission by the Special Delegation from the Conference of Women Suffragists of the Allied Countries and the United States at the Meeting of Tuesday, 18 March 1919.**

I.

*Proposed Amendments to the Draft Convention.*

(a.) *Preamble*.—Instead of “the protection of child and female labour, provision for old age and injury” read “the protection of maternity and childhood, the protection of adult labour, insurance against unemployment, accidents, disease, sickness, old age and social insurance generally.”

(b.) *Article 4*.—To provide that all voting shall be open and by name.

(c.) *Article 7*.—Read as follows: “The International Labour Office shall be placed under the control of a Governing Body consisting of twenty-four members of whom some shall always be women and who shall be chosen...”

(d.) *Article 16, paragraph 2*.—Substitute a simple majority of the votes cast for a majority of two-thirds.

Add a third paragraph to read as follows: “Provided that on the request of one-third of the Delegates present any question which has been proposed twice in succession may be given precedence in the Agenda of the following meeting.”

(e.) *Article 19*.—The period for ratification should not be more than six months.

The proviso “unless such Convention fails to obtain...” should be omitted.

(f.) *Various Articles*.—All questions put to the vote should without exception be decided by a simple majority.

(g.) Second resolution adopted by the Commission (proposed by the Belgian and French Delegation): “The Commission considering... expresses the wish that pending the signature of the Treaty of Peace which will permit all such countries to be approached the Peace Conference will communicate to *them*...”

II.

*Proposed Amendments to the Agenda of the First Meeting of the International Labour Conference.*

(1.) As regards the employment of women:

Add after the words “before or after childbirth” the words “maternity benefit to be paid during that period.”

(2.) Reference should be made not to unhealthy industries but rather to unhealthy occupations.

(3) Add the following to the questions to be dealt with :—

(d.) Equal opportunity to enter all professions and industries.

(e.) Application of the principle of equal pay for equal work.

(f.) Organisation of half-time employment for married women when they desire it.

(g.) As regards the employment of children and equal opportunities for boys and girls as regards technical education.

### III.

#### *Suggestions as to the Labour Clauses for insertion in the Treaty of Peace.*

(a.) Limitation of the working week to forty-four hours instead of forty-eight.

(b.) Child labour : To raise the minimum age to 15 years.

(c.) An adequate living wage to be provided for all workers *without distinction of sex*.

(d.) Labour inspection : To make it clear that women should take part in it.

(e.) Night work : To lay down the principle that it should be abolished not only for women, but subject to the necessary adjustment or to cases of absolute impossibility for men also.

(f.) The whole of the labour clauses should be inserted in the Treaty of Peace in such a way as to make them binding on the enemy countries.

### IV.

#### *Establishment in every Country of Women's Consultative Committees.*

The following resolution is submitted by the Delegation :—

“That in every country a women's industrial committee should be established consisting solely of women (representatives of the Government, trade unions, associations, scientific women, women doctors, etc.), to which may be submitted for advice all proposals for special legislation concerning women.”

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## Minutes of Proceedings No. 30.

*Minutes of the Thirtieth Meeting, 20 March 1919 at 10 a.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Robinson . . . . .	{	
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .	{	
Mr. Colliard (replaced in the course of the sitting by Mr. Fontaine) . . . . .	{	France.
Mr. Jouhaux . . . . .	{	
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .	{	
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .	{	
Mr. Mahaim . . . . .	{	Belgium.
Mr. Lafontaine . . . . .	{	
Mr. de Bustamante . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

*The President* announced that Mr. Vandervelde, who had been obliged to leave Paris, had delegated his powers as representative of the Belgian Government to Mr. Lafontaine, Senator.

### *Labour Clauses.*

*Mr. Broz* said that in agreement with the Italian Delegation he had handed in an amendment to the first of the nineteen clauses proposed for insertion in the Treaty of Peace, extending to commerce the limitation of working hours which was proposed for industry. He added that he had been instructed by his Government to propose this alteration.

*Mr. Barnes* stated that he had written to Mr. Lloyd George on the previous day to inform him as to the stage reached in the work of the Commission, and to ask that he and Sir Malcolm Delevingne might have an interview with the British Empire Delegation on 21 or 22 March. He had also pointed out to the Prime Minister that he thought the Peace Conference should consider as soon as possible the final proposals of the Commission, in order that preparations might be put in hand at the earliest moment for the October Conference.

Dealing with the document containing the nineteen points as a whole, the consideration of which the Commission had already begun, he wondered whether there had not been a misunderstanding as to the basis of this discussion. Personally he thought that in the minds of certain Delegates the idea was to draw up a Labour Charter. If it was desired to elaborate the ideal picture of what the conditions of the workers should be, many more than 19 points would be necessary. The document they were discussing appeared to him to be a compromise between such ideals and reality. So far as he was concerned, he would be glad to see added to the programme of Labour Legislation a pension for every worker and every one under obligation to work, facilities for all children to have the free benefit of primary, secondary, and university education, comfortable housing and co-operation in industrial management, but it was not this theoretical programme that the Commission had to draw up. What was about to happen was the signing of a Peace Treaty in the near future, in which they could introduce labour clauses binding on all the signatories, as would be all the clauses of whatever kind. Each of these clauses was a treaty in itself. He did not oppose this method as regards two, three, or four of the points, having as their object, as had already been said, either the preparation of public opinion for subsequent reforms, the creation of the necessary moral atmosphere within which they could be achieved, or to secure some measures of a general nature to which little objection would be taken. But he thought that the difficulties of the system they were actually following had not been made sufficiently clear, especially to the United States Delegation which, as they knew, would find itself in a particularly difficult situation. The points under discussion constituted neither an ideal charter nor a practical programme. They were an impossible mixture of both. To insert, for example, the principle of the eight-hours' day in the Treaty of Peace meant that as soon as the Treaty has been signed it had to be applied by all the signatories. It was a contract from which those who had signed would not be able to withdraw, and the practical difficulties arising from such a state of things were evident if this clause were inserted either in the Covenant of the League of Nations or in the Treaty of Peace itself. Take still another example of the difficulties which might arise. Suppose Germany and the United States had signed the Peace Treaty, and that the Treaty contained a clause to the effect that children should not be employed in industry under the age of 14 years, so that they might be sent to school. Suppose that in a particular State of the United States, where it might be assumed there was a certain proportion of children of German origin, this age was not adhered to, Germany would be able to complain that her children were not being sent to school. What would happen? There would be an attempt at a diplomatic understanding under the terms of Article XII of the Covenant of the League of Nations. If this attempt at an understanding were not successful, Germany could bring the question before the League. Would America agree to this? Could her Delegates sub-

scribe to this ? If so, they would belie all that had been said in that room for weeks. That was the sort of thing that they should consider. From the moment such a document had been signed, the signatories put themselves entirely in the hands of any subsequent international Conference. They deprived themselves of the right to reject any one proposal embodied in the nineteen points, and the Commission was therefore now being asked to do something altogether inconsistent with the scheme they had already endorsed. From the moment when the labour clauses were in the Treaty of Peace they could no longer be discussed. The system worked out in the British scheme as adopted by the Commission would not apply to the group of questions which was inserted in the Peace Treaty.

*Mr. Jouhaux* said that he would not repeat the criticisms which he had already levelled at the work of the Commission. The actual facts were sufficiently strong arguments in favour of his thesis, but it was precisely because of these facts that it was important to give satisfaction to the working classes of all countries as regards a minimum number of points which could easily be agreed upon, since representatives of all countries were meeting at the moment. The Labour Charter which had been put forward compared unfavourably with that which had been drawn up by the Trade Union Conference at Berne. The latter, moreover, only contained a minimum programme, and the workers hoped that this programme would have been accepted, if not in the letter at least in the spirit, by the Commission on International Labour Legislation and inserted in the Treaty of Peace. In reality, it had been quite otherwise. It seemed that the Commission had resolved only to put forward certain points, and these in a vague way, so that subsequently the reforms adopted would not have to be applied. In fact the position to-morrow would be that of to-day and of yesterday with the mere addition of some machinery. Many points which had not been discussed by the Commission were being actually considered by the Governments of all countries. It had been said that the working classes could not hope that all their claims would be accepted. If this was the case, then they should not have been deluded during the last four and a half years by the statements that the world was going to be built afresh on new foundations. These hopes had to-day become delusions, and this was a grave fact, because the working classes had a mystic faith in the ideas which had been constantly put before them during the war. He could see clearly what would be the result of the work of the Commission and of the Peace Treaty. It would only be a copy of the International Association for Labour Legislation, while, in the opinion of the working classes, it was only an International Labour Parliament which could be capable of reconstituting the world. In conclusion, *Mr. Jouhaux* read as follows a declaration which he had been requested by the *Confédération générale du Travail* to put before the Commission :—

"Considering the limited and incomplete character of the League of Nations as it has been proposed at the deliberations of the Peace Conference; considering the restricted field of work undertaken by the Commission on International Labour Legislation, the Confédération générale du Travail makes the following declarations as regards the International Labour Conference, which is about to be set up and which will probably hold its first meeting this year :—

"First of all, the Confédération générale du Travail claims that it is indispensable that at this first meeting all nations, without exception, should be represented.

"In the second place, the C.G.T. considers that the Labour Conference cannot satisfy the hopes of the workers nor fill the rôle assigned to it except on condition that it possesses, in the most complete manner, the power of legislating on questions which it is called upon to consider, and that its decisions have legal force internationally.

"It seems clear in fact that if this assembly is to be a merely advisory body the result will be in the near future to create among the masses a most bitter disappointment, which will not be without grave reactions on account of the impotence to which the International Labour Conference will be destined.

"In the third place, there is the question of representation to the Conference.

"The text actually under discussion gives one seat to the employers, one seat to the workers, and two seats to the representatives of the States in the case of each country.

"This system of representation has aroused among the working classes an opposition of the most legitimate kind, and moreover it is in profound opposition to the traditions of equality of the French people.

"Finally, the International Labour Charter which it is proposed to insert in the Treaty of Peace, although it gives satisfaction to certain claims of the working classes, is too incomplete and too vague to satisfy to the full the just claims of the French working classes. A simple comparison between the Labour clauses adopted by the Commission on International Labour Legislation and the International Labour Charter, arrived at as a result of the discussion of the International Trade Union Conference at Berne, is sufficient to justify our standpoint.

"For these reasons the C.G.T., in the name of organised French workers, and in accordance with the mandate which it has received, again urges its objections and demands immediate adoption of the essential principles which it has urged in its declaration.



“The International Labour Conference should, in consolidating peace in the world, assure to all workers conditions of labour worthy of their efforts and corresponding to the importance of their function in society.”

*The President* was convinced that Mr. Barnes did not wish to say that the nineteen points which they had begun to discuss were without importance, although one might have thought so in listening to him. In reality, these nineteen points were of capital importance.

The Commission had constructed a mechanism. It must not be a blind automaton which preyed on heart and brain. Somewhere they must inscribe fundamental declarations on points of primary importance, for example, as regards the protection of children and sailors, who in all countries with the exception of the United States were still subject to a legislation which was veritable slavery. In support of this opinion, which he had urged on several occasions before the Commission, he read some lines written by Mr. Andrew Furuseth, President of the International Seamen's Union of America, to which he drew the special attention of the Commission. In concluding, the President expressed his regret at being obliged to leave France before the work of the Commission was finished, but he declared that in any case the Commission should not separate before having drawn up a Labour Charter.

*Baron Mayor des Planches* said that he had listened, not without some regret, to the words uttered by Mr. Barnes. If Mr. Barnes meant to recommend a briefer form of the texts summarising the great principles underlying the claims and hopes of labour and leaving aside questions of smaller importance, he would agree with him, and so far as the Italian Delegation were concerned they would be prepared to abandon some of their proposals. If on the other hand Mr. Barnes wished to argue against drawing up a Labour Charter, the Italian Delegation must oppose him and maintain their point of view, which was that of the majority of the Delegations, namely, that some sort of Labour Charter should figure in the Peace Treaty. The essential point in Mr. Barnes' speech was this: everything which was inserted in the Peace Treaty must be given immediate effect. He thought otherwise. As he had already said, he thought that the proposals introduced as special clauses into the Peace Treaty could not be applied internationally except after and in accordance with the deliberations of the future Conference. As regards the point of view of Mr. Jouhaux and of the Confédération générale du Travail, the Italian Delegation had already explained its position. They desired that the conclusions adopted by the Commission should meet them as far as possible.

*Mr. Mahaim* was of opinion that nothing was to be gained by continuing the discussion indefinitely. Mr. Barnes had rightly said that there was a misunderstanding in the Commission; Mr.

Mahaim recalled how the question had come up. At the beginning several Delegations thought that the Commission had only to set up an International Organisation. Soon it had appeared that that would not be enough for the Peace Conference or for the opinion of the world. One after another the French, Italian and United States Delegations had put forward a draft Charter. Finally, the British Delegation had followed the same course in bringing forward a list of five principles which it thought of particular importance and which it thought were enough. All the proposals put in had been brought together so as to form a single text which the Commission could discuss. At that moment everyone had understood that the Commission was going to lay the foundations of a Labour Charter. He asked permission to read the preamble at the head of the nineteen points, which was drafted as follows :—

“The High Contracting Parties declare their acceptance of the following principles and engage to take all necessary steps to secure their realisation in accordance with the recommendations to be made by the International Labour Conference established under this Treaty as to their practical application.”

In this text, continued Mr. Mahaim, there were two parts which should not be dissociated as had been done by Mr. Barnes. His argument was conclusive if one took account only of the first part of the above text ; but in reality, in adopting the whole or some of the proposed nineteen points, the Commission was not voting measures immediately applicable, since the second phrase of the preamble provided that the details of the application of the principles should be referred to the October International Conference. In reality none of the nineteen points could be put into effect before the details of its application had been worked out in this way. The Commission was only undertaking a preparatory work. In adopting the proposals, they ought to define them more clearly. This was what the British Delegation had tried to do. Finally, it was necessary to lay down certain general principles which would bind the States while waiting for the stage to be reached at which they could be given legislative form in the different countries.

*Mr. Patek* declared that he agreed with Mr. Mahaim, and cited as an example the reduction of the working day to eight hours, which was included both in the clauses proposed for insertion in the Treaty of Peace, and in the Agenda of the Washington Conference. He thought, on the other hand, that the principles proposed might be reduced to less than nineteen.

*The President* remarked that the preceding speakers had discussed only the statements made by Mr. Barnes. In his opinion the Commission should return to the discussion of the precise points the insertion of which in the Peace Treaty was under consideration.

*Mr. Jouhaux* strongly opposed the position taken up by *Mr. Mahaim* in considering the clauses under discussion as involving merely principles which would become applicable only after the Washington Conference should have discussed them. It was necessary that these principles should be applicable and should take effect immediately.

*Point 2.*

Returning to the amendment proposed by *Mr. Broz* at the beginning of the meeting, *the President* said that as the first clause was not actually under discussion the amendment could only be dealt with later. He pointed out that the Commission had adjourned the day before on the discussion of paragraph 2 of the second of the nineteen points. *Mr. Patek* had proposed an amendment to insert before the words "and on condition" the words "on work which is not harmful to their physical development..." This amendment was adopted, as was also the article so amended as follows :—

2. No child should be permitted to be employed in industry or commerce before the age of 14 years, in order that every child may be ensured reasonable opportunities for mental and physical education.

Between the year of 14 and 18, young persons of either sex may only be employed on work which is not harmful to their physical development and on condition that the continuation of their technical or general education is ensured.

*Point 3.*

*Mr. Barnes* moved the adoption of the 3rd clause proposed to be inserted in the Treaty of Peace. This clause was as follows :—

3. The principle that employers and workers should be allowed the right of association and combination for all purposes, subject only to such restrictions as are essential for safeguarding national interests.

*Mr. Patek* asked that in the French text the word "patrons" should be substituted for the word "employeurs". Further, he did not understand the signification of the words "subject to the national safety".

*Mr. Barnes* asked that the question of translation mentioned by *Mr. Patek* should be referred to the Drafting Committee. On the second point he replied that in inserting this formula the British Delegation had in mind the conditions necessary as regards associations of capitalists which might be able to endanger the whole safety of the State, *e.g.*, an association with power to hold up supplies in order to create a corner in foodstuffs.

*Baron Mayor des Planches* said that the Italian Delegation quite understood the explanation given by Mr. Barnes, but many other interpretations could be given to this phrase. He proposed to delete the phrase which followed the words "aux travailleurs." If this were not agreed to, he asked the Commission to decide separately as regards the two parts of the text.

*Mr. Jouhaux* insisted that the Commission should be enlightened as to the meaning of the end of the third point. Like the Italian Delegation, he thought that this formula would allow a Government to prohibit in certain cases the association of certain categories of workers, and that in fact this reservation might destroy more or less completely the principle itself.

*Mr. Barnes* thought that a part of the community could not be authorised to put the life of the whole community in danger. It was the fundamental duty of every Government to protect first of all the general interest.

*The President* said that a State obviously could not be asked to adopt measures that would result in its own destruction. Why should they not be satisfied with inserting the word "lawful" before the word "objects" and deleting the second phrase, which several Delegates were evidently unable to support?

*Mr. Barnes* did not oppose the proposed alteration.

*Mr. Jouhaux* said that this interpretation of the third principle might result on occasion in a diminution of the actual right of combination, for this interpretation would not be applied by the Commission, but by outside parties and possibly in opposition to the intentions of the Commission. That was a danger, and to meet it clear definition was necessary.

*Mr. Arthur Fontaine* agreed with Mr. Jouhaux, and proposed the following form of words: "la liberté syndicale est garantie aux employeurs et aux travailleurs."

*Mr. Otchiai* asked what was the meaning of the word "guaranteed."

*The President* replied that it referred to a right which was neither denied nor diminished.

*Mr. Otchiai* asked how under this formula a State would be able to take measures to safeguard its national interests.

After a reply by *the President*, who explained the general evolution of Trade Union liberty in Europe, further discussion was adjourned.

*(The Commission rose at 1.15 p.m.)*

George N. BARNES, *Vice-President*.

Arthur FONTAINE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

# Minutes of Proceedings No. 31.

*Minutes of the Thirty-first Meeting, 20 March 1919 at 3.30 p.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Shotwell . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .	{	France.
Mr. Jouhaux . . . . .		
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Mahaim . . . . .	{	Belgium.
Mr. Lafontaine . . . . .		
Mr. de Bustamante . . . . .		Cuba.
Mr. Sokal . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

*Point 3 (continued).*

The discussion of the third point was resumed.

*The President* drew attention to the different texts which had been put forward, namely—

1. The text of the original British proposal ;
2. The amended text put forward by himself, and which might be rendered as follows : "The principle that the right of association and combination should be accorded to employers and workpeople for all lawful objects" ;
3. The text put forward by Mr. Jouhaux : "Liberty of association and combination should be granted to employers and workpeople" ;
4. The text of the American proposal : "Liberty of association and of coalition should not be restricted or abridged."

The President put these different texts to the vote, beginning with the last.

The vote on the American text resulted in seven votes for and five votes against, that is, a majority of less than two-thirds. It was therefore not adopted.

Some discussion took place between Mr. Arthur Fontaine, the President and Sir Malcolm Delevingne as regards the text put forward by Mr. Jouhaux and supported by the French Delegation. The text on being put to the vote received only seven votes for and five against. It was not adopted.

*The President* then put to the vote the first part of the original text as follows :—

“Employers and workers should be allowed the right of association for all lawful purposes.”

This was adopted by eleven votes against two.

The remaining part of the sentence, “subject to and...,” was not adopted.

*Point 4. — The principle of the Minimum Wage.*

*Sir Malcolm Delevingne* proposed it as drafted by the British Delegation. It was adopted with the following wording :—

“Every worker has a right to a wage adequate to maintain a reasonable standard of life, having regard to the civilisation of his time and country.”

*Point 5. — The Principle of the Weekly Rest.*

In reply to a question put by *Mr. Otchiai*, *Sir Malcolm Delevingne* explained that the words “or its equivalent” referred to cases in which it might not be possible to provide for a period of rest every seven days, and in which it would be necessary to provide for an equivalent, such as two days of rest every fortnight or three days every three weeks. After these explanations the proposed text was adopted.

*Point 6. — Principle of Equal Rights for Foreign Workers.*

This principle was proposed by *Mr. Mahaim*. After a discussion between Mr. Mahaim, Mr. Arthur Fontaine, Mr. Barnes, Baron Mayor des Planches, Mr. Otchiai and the President, *the Italian Delegation* withdrew the sentence relating to the prohibition of the imposition of special taxes on foreign workers. The Commission adopted by nine votes to two the following text :—

“In all matters concerning their status as workers and social insurance foreign workmen lawfully admitted to any country and their families should be ensured the same treatment as the nationals of that country.”

It was made clear that this text did not cover the question of emigration dealt with in number 10.

*Point 7. — The Principle of Equal Wages for Men and Women.*

On a suggestion of *Mr. Barnes* the paragraph was made to read as follows :—

"Equal pay should be given to women and to men for work of equal value in quantity and quality."

In making this suggestion, *Mr. Barnes*, however, pointed out that he did not intend to vote for its inclusion.

This text was adopted by twelve votes to two.

*Point 8. — The Principle of a Maximum Working Week in Agriculture.*

*Baron Mayor des Planches* explained the reasons which underlay the attitude of the Italian Delegation to this proposal. It was a matter of regulating the hours worked by agricultural workers while allowing for necessary fluctuations from day to day, also leaving to each national legislature the determination of the maximum which might be authorised.

*Mr. Arthur Fontaine* pointed out that the French Delegation had not specially had in mind agricultural workers in the proposal relating to the length of the working week. He was aware of the importance of regulating the working hours of agricultural workers, but seasonal and weather conditions made the question very complicated. It would be difficult to observe a weekly maximum. A maximum fixed for a longer period would be almost impossible to control. It would therefore be necessary to be satisfied with a maximum for a long period which would not be really effective.

He proposed to draft in very general terms a text concerning agricultural workers, which a subsequent Conference might work out in detail.

*The President* proposed the following text :—

"In every way that may be practical, agricultural workers should be the equal beneficiaries of an equitable legislation."

*Mr. Barnes* thought that the text proposed by the President should be seriously considered. In these circumstances, he asked that the Commission should be given the opportunity to consider the proposal further, and moved that it should adjourn until next day.

*(The Commission rose at 6 p.m.)*

George N. BARNES, *Vice-President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

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## Minutes of Proceedings No. 32.

*Minutes of the Thirty-second Meeting, 21 March 1919 at 10.30 a.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	}	United States of America.
Mr. Shotwell . . . . .		
Mr. Barnes . . . . .	}	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .		France.
Baron Mayor des Planches . . . . .	}	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	}	Japan.
Mr. Oka . . . . .		
Mr. Mahaim . . . . .	}	Belgium.
Mr. Lafontaine . . . . .		
Mr. de Bustamante . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

### *Point 8 (continued).*

The Commission continued the discussion of the eighth principle proposed for insertion in the Treaty of Peace, and considered the text proposed by *the President* : "The principle that in all practical ways agricultural workers should be the beneficiaries of equitable legislation."

*Mr. Barnes* thought that this text was too vague and that it could not receive the practical application provided for in the Preamble to the nineteen points. He should accordingly vote against it.

*Mayor Baron des Planches*, speaking on the text originally proposed, said that collective agreements existed in Italy between the employers and the workpeople in agricultural occupations, which made provision for payment for time lost due to bad weather ; and these agreements worked very well. Nevertheless he supported the text proposed by the President.

*Mr. Arthur Fontaine* took the same attitude. He pointed out that the principles to be inserted in the Treaty of Peace were of a general character, and that they would be given a precise interpretation later as indicated in the Preamble. In conclusion he called the attention of the Commission to a point which he



thought had not been noticed in the first paragraph of the second principle, relating to the age at which children might be employed. Did this text apply to agricultural work? If so, so far as he was concerned he would not accept it without a reservation. During the summer holidays when the schools were closed, the children were better employed working with their parents in the country than doing nothing. They should have regard to the cases in which children worked in the fields with their parents.

*Baron Mayor des Planches* agreed with Mr. Fontaine's view, adding that it should be understood that the children should not be relieved of the obligation of attending school.

*The President* agreed with Mr. Arthur Fontaine that it was useful to arrive at something as precise as possible. It was for that reason that he had put in his text "in all practical ways."

In reply to Mr. Barnes, he wondered whether the decision already taken as regard the nineteen points for insertion in the Treaty of Peace could not be modified. He would be disposed for his part to distinguish among the nineteen points those which it would be desirable to insert in the Treaty of Peace and those which could be framed as a declaration of principle.

*Mr. Mahaim*, in reply to Mr. Arthur Fontaine, said that in drafting Point 2 the Belgian Delegation had only had industrial work in mind. If there was any doubt as to the application of the point, he asked that there should be added in the text before the word "work" the word "industrial". The Commission had understood the sense of the point in this way when they voted it.

*The President* pointed out that they could not return to the discussion of Point 2, and that the point in question would come up after the discussion of the whole nineteen points.

*Sir Malcolm Delevingne* had three questions to put. The first was that *all* the Commission were in favour of the general principle expressed in the President's proposal, but why should they limit it to agricultural workers and not also include domestic servants, fishermen, navvies and other classes of workers? In the second place, the Commission had only adopted up to the present definite proposals which could be translated into legislation, as for example, the eight hours' day, the age at which children might be allowed to work, etc. Now for the first time they had before them a proposal which gave no indication of any precise legislative measures by which it could be given effect. In the third place, he thought that this particular question did not come within the terms of reference of the Commission, which had to consider labour questions in their international aspect. What was actually involved here was in fact a national not an international programme, as the original Italian text itself indi-

cated. There was no question of international competition. For these reasons Sir Malcolm Delevingne said he should vote against the President's proposal.

On a vote the proposal did not obtain the necessary two-thirds majority and was declared rejected, eight votes given in favour and six against it.

#### *Point 9.*

*The President* put to the Commission the 9th point relating to the organisation of a labour inspectorate in industry, commerce and agriculture with which representatives of the workers would be associated.

*Baron Mayor des Planches* said that the Italian Delegation which had been responsible for bringing forward this principle, withdrew the last part of the text (requiring representatives of the workers to be associated) on account of the argument which had been put forward in the Sub-Committee as regards the difficulties which might arise in the application of this phrase, but he urged that the Commission should vote the first part of the proposal and by so doing affirm that all States parties to the Treaty of Peace should have a labour inspectorate. This was, he remarked, the only way in which the work of the Commission could be made effective. How could the carrying out of conventions which might be adopted be supervised if there were no system of labour inspection?

*Sir Malcolm Delevingne*, while stating that he was in favour of the principle proposed, was afraid that it went too far in the form presented, which referred not only to industry but also to commerce and agriculture. Again, was this not also a matter of an exclusively national character and a matter more of administration than of legislation? For these reasons he had great hesitation in accepting the 9th proposal.

*Mr. Arthur Fontaine* asked the British Delegation to consider further this important question. As Baron des Planches had said, a system of inspection was absolutely necessary to supervise the application of international labour legislation. It went without saying that the proposal did not signify that there should be distinct services for industry, commerce and agriculture. The proposal actually before them suggested the creation of a single inspection service. Each State would adjust its inspection service as it liked, and would make such arrangements as might be necessary from time to time to extend the sphere of its activities. The text might perhaps be modified in this sense.

After some discussion on the subject of the text which it would be most suitable to adopt, the following text was submitted to the Commission :—

"All States should institute a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for protection of the workers."

*Mr. Oka* was in favour of the principle, but thought that it should not be included in the Treaty of Peace.

*Mr. Arthur Fontaine* urged that it was useless to adopt a programme of international labour legislation if there was nobody charged with supervising its application. It would in fact be to the detriment of those States who applied such legislation in a loyal spirit.

*Baron Mayor des Planches* pointed out that in some countries the application of labour laws was under the supervision of the police. What was asked, he said, was that in all countries there should be a special inspectorate.

*Mr. Barnes* declared himself in favour of the principle, although he wondered if it was really a matter for insertion in the Treaty of Peace.

*The President* again brought forward the proposal mentioned above to divide the principles to be adopted into two categories, to put forward one set for insertion in the Peace Treaty, and to group the others in some kind of general declaration, the exact form of which might be determined later.

*Mr. Shotwell* supported in a few words the reply made by *Mr. Fontaine* to *Mr. Oka*.

The principle was adopted by ten votes to two. One Delegate was absent and two Delegates abstained.

*Points 10, 18 and 19.*

The tenth principle : "the liberty of emigration..." then came up for discussion.

*Baron Mayor des Planches* in his own name and in the name of *Mr. Cabrini* read the following note :—

"The Italian Delegation, taking into account the state of the Commission's work and the necessity of putting forward its conclusions to the Peace Conference, recognises that it would not be possible to secure for the three Points 10, 18 and 19 the thorough discussion which is required. On these grounds and on these grounds alone we withdraw from discussion the said proposals 10, 18 and 19, while adding to them for the records of the Commission two brief notes dealing with Nos. 18 and 19. For still stronger reasons the Italian Delegation is of opinion that it is impossible to discuss thoroughly the principle of the gradual democratisation of control of industry and

commercial management, a principle which it is sure will soon find a place by the force of circumstances in the agenda of the International Labour Conference."

*Mr. Otchiai* expressed his regret that the Italian Delegation had withdrawn the 10th principle, for this question was very important. He thought it was closely connected with that of unemployment mentioned in the Preamble of the Draft Convention adopted by the Commission, and believing that it would be discussed by a general Conference he refrained from dealing with it now.

The withdrawal of Nos. 18 and 19 was adopted by 8 votes against 4.

#### *Point 11.*

On the 11th Point: "The principle that the provisions of the various States concerning health and safety, as well as those concerning social insurance, should be compared with a view to standardising as far as possible the different national regulations on the basis most conducive to secure the health and safety of the workers",

*Mr. Mahaim* said that the Belgian Delegation, which had proposed this text, thought it should be withdrawn in order to facilitate the completion of the work of the Commission.

The withdrawal of Point 11 was accepted.

#### *Point 12.*

*Mr. Barnes* proposed that Point 12, dealing with the prevention of unemployment and provision for the unemployed, should also be withdrawn, although the British Delegation attached great importance to it. He pointed out, however, that this question was on the Agenda of the October Conference.

The withdrawal of the 12th principle was accepted by all the members except two.

*(The Commission rose at 12.30 p.m.)*

George N. BARNES, *Vice-President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

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# Minutes of Proceedings No. 33.

*Minutes of the Thirty-third Meeting, 21 March 1919 at 3.30 p.m.*

Mr. GOMPERS in the Chair.

Delegates present :

Mr. Gompers . . . . .	{	United States of America.
Mr. Shotwell . . . . .		
Mr. Barnes . . . . .	{	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine . . . . .		France.
Baron Mayor des Planches . . . . .	{	Italy.
Mr. Cabrini . . . . .		
Mr. Otchiai . . . . .	{	Japan.
Mr. Oka . . . . .		
Mr. Mahaim . . . . .	{	Belgium.
Mr. Lafontaine . . . . .		
Mr. de Bustamante . . . . .		Cuba.
Mr. Sokal . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

## Point 13.

The President put to the Meeting the 13th Point, namely, "the principle that in right and in fact the labour of a human being cannot be considered as merchandise or an article of commerce."

The principle was adopted without discussion, 11 votes being given in favour, and none against.

## Point 14.

"The principle that no condition of involuntary servitude may exist except as punishment for crime of which the person concerned has been duly proved guilty."

Mr. Arthur Fontaine pointed out that the text was general, and that it might include obligatory military service.

Sir Malcolm Delevingne also asked for some explanation as to the exact meaning of this point.

The President explained that it was inspired by the 14th amendment to the American Constitution, by which black slavery had been abolished.

*Baron Mayor des Planches* pointed out that it was difficult for European Delegations to accept this principle, for it would imply that involuntary servitude still existed in the countries they represented, and that was certainly not the case.

The principle was put to the vote and rejected by 8 votes against 3.

#### *Point 15.*

*The President* put forward the 15th Point. Three different texts had been put before the Commission : (a) the original text of the United States Delegation, "the seamen of the merchant marine shall be guaranteed the right of leaving their ships when the same are in safe harbour"; (b) the revised American text which had been adopted by the Sub-Committee, "the principle that seamen of the mercantile marine should have the right to leave their ships while they are in port"; and (c) the text suggested by Mr. Shotwell, "no sailor who leaves his ship when the same is in port should be punished on this account by imprisonment, nor detained, nor returned to his ship by force."

*The President* put the first text to the Meeting.

*Mr. Barnes* urged the following arguments against the adoption of this point : —

1. No demand had been made to the Commission on this point by the men concerned. An International Seamen's Conference had just taken place, and Mr. Barnes understood that it had rejected the proposal now put forward by the United States Delegation.

2. The contract signed by a sailor was safeguarded in every way, and in the United Kingdom a representative of his union had the right to be present when it was signed. His interests being thus safeguarded, it was just that he should keep honourably to his engagement. Any worker who undertook to execute a given task could be proceeded against for damages if he did not fulfil his contract. Nothing more was asked as regards the sailor. The sailor could not be freed from obligations which he had assumed of his own free will.

3. The contract signed by a sailor carried with it certain reciprocal advantages. If the sailor was bound not to leave his ship, the captain was equally bound to bring him back to the country from which he sailed. Was it desirable to take away from the sailor the benefit of this obligation assumed in respect of him, and to risk the possibility of his being discharged at the whim of his captain in any port in any part of the world? The document prepared by the American Sailors' Union and communicated to the Commission by the President, did not appear

to him to contain any serious arguments in favour of the President's proposal.

*The President*, in reply, first dealt with the reciprocal obligations involved. As a matter of fact, the captain of a ship had the right to discharge his men when the ship was in port. He was only liable to pay a sum equal to an additional month's salary. The American workers demanded that the sailors should be treated in the same way. That is to say, that they should only be subject to a civil penalty, and not to the penalty of imprisonment or arrest. Under the law now in operation in the United States, the sailors who left their ships lost half of the pay earned by them up to the time of their leaving. Was not this a sufficient sanction? The question, said Mr. Gompers, was a grave one. The Convention which they were discussing was intended to erect a mechanism which had for its end international labour legislation. If it should happen that a convention subsequently arrived at claimed to nullify the American Seamen's Law, the United States, as a member of the League of Nations, would be obliged to give way. This hypothesis was inconceivable. It was indispensable that American workers in general and American seamen in particular should be protected against any danger of losing the rights which they had already acquired. Hence the insistence with which he urged the Commission to adopt the proposed text, a text which did not prevent sailors being placed under a civil responsibility, but only secured that they should not remain under a system which involved involuntary servitude.

*Mr. Arthur Fontaine* wished to remove a misunderstanding which appeared to exist. In no case could any recommendation or convention have the result of lessening the advantages already acquired by any body of the working classes anywhere. The proposed regulation was directed to assuring to the workers minimum, not maximum advantages. It remained to consider whether the proposed principle should be agreed to. It raised a delicate question with which Mr. Fontaine did not consider he was competent to deal. He asked that the Commission should consider, not only the liberty of the seamen, which he desired to protect as much as anybody, but also the liberty of the travellers who might be left stranded in distant ports. How could these different rights be adjusted? It was a special and a very delicate problem. Such questions could only be adjusted by specialists, and he did not think that the other members of the Commission were much better fitted in this respect than himself. Moreover, he did not think that the Commission was called upon to solve problems which specially affected a single class of workers. Therefore, he saw only one solution, namely, that the Commission should refer the examination of the problem in question to a special session of the International Labour Conference, or if

it preferred, to a special organisation of the kind which the French Delegation on the suggestion of the Minister of Commerce desired should be set up.

*The President* informed the Commission that this proposal for the creation of a special international organisation to deal with seamen had been rejected by the recent International Seamen's Congress.

*Baron Mayor des Planches* supported Mr. Arthur Fontaine's point of view, and declared that he did not feel himself competent to deal with the question. He would have liked to have the advice of the Italian Union, which included all workers at sea from captains down to ordinary seamen, on the question under discussion. This advice could not be asked for at the moment, and all that could be done was to postpone the question for subsequent examination.

*The President* explained that he had to keep an important appointment, and asked that the Commission should adjourn until next day.

*(The Commission rose at 5.45 p.m.)*

George N. BARNES, *Vice-President.*

Arthur FONTAINE, *General Secretary.*

Harold BUTLER, *Assistant General Secretary.*

### **Minutes of Proceedings No. 34.**

*Minutes of the Thirty-fourth Meeting, 22 March 1919 at 10.30 a.m.*

Mr. GOMPERS *in the Chair.*

Delegates present :

Mr. Gompers . . . . .	United States of America.
Mr. Shotwell . . . . .	
Mr. Barnes . . . . .	British Empire.
Sir Malcolm Delevingne . . . . .	
Mr. Arthur Fontaine . . . . .	France.
Baron Mayor des Planches . . . . .	Italy.
Mr. Cabrini . . . . .	
Mr. Otchiai . . . . .	Japan.
Mr. Oka . . . . .	



Mr. Mahaim . . . . .	}	Belgium.
Mr. Lafontaine . . . . .		
Mr. de Bustamante . . . . .		Cuba.
Mr. Patek . . . . .		Poland.
Mr. Broz . . . . .		Czecho-Slovak Republic.

*Point 15 (continued).*

The Commission continued its examination of the 15th Point proposed for insertion in the Treaty of Peace, relating to the right of sailors of the merchant marine to leave their ships while they were in port.

*The President* said that at the end of the meeting on the previous day he had been aware of a certain tension in the Commission which he had himself experienced. After having considered the question carefully during the night, he had arrived at the conclusion that he had been too hopeful as regards the possibility of a favourable vote on this principle which the United States Delegation had so much at heart. It seemed to him in fact that after the declarations made the day before by different Delegates, the American proposal had little chance of being adopted. He was therefore led to believe that the great majority of the Delegates did not wish to declare themselves in favour of the liberty of the seamen of their countries. He left to them the full responsibility for this attitude, but so far as the United States Delegation was concerned it asked the Commission for an explicit declaration that American legislation for seamen should not be threatened, and that the advantages which they alone possessed should not run the risk of being modified by a future Conference. He would accept, for example, an addition to Article XIX as to which an amendment had been discussed informally among the different members of the Commission. He would like the Commission, before coming to a decision on the 15th Point, to decide as regards this addition to Article XIX.

*Mr. Mahaim* declared that all the members of the Commission had been affected by the moving appeal made by the President on behalf of the sailors. It was necessary to point out that none of the Delegates were in opposition to the principle of the betterment of the lot of the sailor, and that no one could exclude them from the general advantages, the realisation of which the Commission hoped to secure. But the Delegates were for the most part incompetent to deal with a question of such a special character, and they had no instructions on this point from their Governments. However, he could assure the United States Delegation that the Commission had no intention in any way to interfere with the American Seamen's Act. He was quite ready to vote for the additional clause to which the President had referred.

*Mr. Arthur Fontaine* proposed that the clause in question should be called "Protocol interpreting Article XIX." (General assent.)

A discussion took place between Sir Malcolm Delevingne, Mr. Shotwell, the President, Mr. Barnes, and Mr. Arthur Fontaine as regards the exact text of this Protocol.

*The President* noted with great satisfaction the declarations of Mr. Mahaim, Mr. Fontaine, and Mr. Barnes, who had emphatically combatted the idea that an International Conference could attempt to take from the American seamen the advantage which they had gained from the Seamen's Act.

Finally the additional Protocol to Article XIX was drawn up as follows after an agreement between the President and Mr. Arthur Fontaine :—

"In no case shall any of the High Contracting Parties be asked or required as a result of the adoption of any recommendation or draft convention by the Conference, to diminish the protection afforded by its existing legislation to the workers concerned."

This text was adopted by 12 votes, there being 2 abstentions.

It was decided that the General Secretary should take the necessary steps to secure that attention should be drawn at the end of Article XIX to this Protocol.

The Commission returned to the discussion of the 15th Point relating to the sailors.

*Mr. Shotwell* was anxious before the end of the discussion to explain the attitude of the United States Delegation. The Commission might perhaps have thought that the United States Delegation had laid excessive emphasis on the acceptance of the clause in question. Their insistence arose out of the fact that the Seamen's Act in America was regarded as a kind of vital proof of the progress realised in the improvement of the conditions of the working classes. Just as the Delegates of the European nations had insisted on the principle of the eight-hours' day, so the United States Delegation insisted that the sailors of the world should no longer be treated as criminals when they had been guilty simply of breaking a labour contract. He expressed his regret that the Labour Charter, to which the attention of the public would be particularly directed, would appear to take more account of results already in part achieved than of a declaration of ideals.

*Mr. Barnes* asked that the Commission instead of dealing with the 15th Point should vote on a draft resolution which had just been distributed, dealing with the solution proposed the day before by Mr. Arthur Fontaine, namely, that the Commission should refer the examination of the seamen's question to a special session of the International Labour Conference.

Dealing with the part of the resolution in which it was declared that the question concerning sailors should be dealt with

by a special meeting of the International Conference, he declared that he would vote against any text which might tend to add to the number of International Labour Organisations. He was in favour of a special meeting of the Conference for sailors, but not for special meetings which might grow into another permanent organisation.

*Mr. Shotwell* said that he was under the impression that the text in question had been proposed in order to give satisfaction to the United States Delegation. He thought that as the new Protocol had been voted the Amercian Delegation was satisfied. He foresaw that there might be difficulties as regards a special meeting to deal with seamen's question, and in these circumstances he said that if the resolution were put to the vote he would vote against it.

*Mr. Arthur Fontaine*, replying to *Mr. Shotwell*, said that the draft resolution in question had not been brought forward solely in order to meet the United States Delegation, but on the instructions of the French Ministry of Commerce and in accordance with the request of certain French Maritime Organisations.

After several modifications the draft resolution was put to the vote in the following form :—

“The Commission considers that the very special questions concerning the minimum advantages to be accorded to seamen might be dealt with at a special meeting of the International Labour Conference devoted exclusively to the affairs of seamen.”

This text was adopted by 12 votes against 2. A vote was taken on the 15th principle with the following result :—

For : 3 votes ; against : 6 votes ; it was consequently rejected.

### *Point 16.*

*The President* put to the Commission the 16th Point (that no article or commodity may be carried or delivered in international commerce if prison labour contributed to its manufacture) and asked the Commission to authorise *Mr. Stagg Whitin*, a specialist on these questions to speak.

*Mr. Whitin* (United States) said that laws to give effect to this principle had been adopted by the United States, Canada, Australia, New Zealand and Newfoundland. This legislation had been passed because these countries had found that convict-made goods were being imported and used to undersell home manufactures. The Senate of the United States in 1914 had undertaken a general investigation into the question, which showed (a) that the statutory provisions of the United States had been effective: (b) that many countries sell their convict-made goods in their local markets in competition with their own industries: (c) that the wage system for prisoners, including compensation for their main-

tenance, is far below the value of their labour based on the free citizen.

Mr. Whitin pointed out that these findings proved that the adoption of the proposed principle would not interfere with existing interests.

Mr. Barnes thought that the ideas put forward by Mr. Whitin were sound and stated that he was not in any sense opposed to the principle of legislation in the matter; but he asked, was this question sufficiently important to be inserted in the Treaty of Peace? He pointed out that the different Delegations had withdrawn certain of their proposals with the object of hastening the work of the Commission. He wished that the United States Delegation would do likewise as regards this 16th Point.

The 16th Point was rejected by 8 votes against 4.

#### Point 17.

The Commission then undertook the examination of the 17th Point:—

“The principle that the sale or use for commercial purposes of all articles produced by home work should be prohibited.”

Mr. Arthur Fontaine was not in favour of voting for this principle in its absolute sense. The French Delegation was certainly not in favour of home work. It was aware of the grave objections to it. It desired that it should be restricted as much as possible and at the same time placed under severe regulations as regards hygiene and a minimum wage, but it did not think it possible to prohibit home work absolutely.

Baron Mayor des Planches said that in Italy enquiries had been made into the system of home work, and the report had been unfavourable. It had been found in particular that the health of the workers was frequently prejudiced. The Italian Delegation was not in sympathy with home work, but it was in agreement with Mr. Fontaine in thinking that the workers should be protected and that this kind of work should be made the subject of severe regulations. He did not think that the principle under discussion could be applied as a matter of practice, and he would vote against it.

The 17th Point was rejected by all the members except two.

After some discussion on the work which remained to be dealt with, the Commission decided to consider two proposals concerning the clauses for insertion in the Treaty of Peace. The first was a proposal already handed in by Mr. Broz to the effect that the words “and commerce” should be added in the first point (eight hours’ day or forty-eight hours’ week), so that the limitation of hours should not be applied only to work in industry.

Mr. Mahaim declared that the Belgian Delegation had received instructions from its Government to vote against the extension

to commerce of the limitation of hours. Consequently he would vote against Mr. Broz's amendment.

*Baron Mayor des Planches*, on the other hand, accepted the amendment.

*Mr. Barnes* thought the practical application of it full of difficulties. He added that if this addition were made it would make the adoption of the principle by the Peace Conference a much more difficult matter.

*Mr. Arthur Fontaine* pointed out that the eight hours' day could be applied in the big shops if not in all commercial establishments, and that the work was just as hard in the big shops as in many factories.

*Mr. Broz's* amendment was rejected by 7 votes against 4.

*Mr. Arthur Fontaine*, speaking on the second point (the age at which children could be employed), and referring to his previous remarks, asked whether only industrial and commercial work was concerned or whether agricultural work was included.

After a discussion between *Mr. Barnes*, *Mr. Arthur Fontaine*, the President, and *Sir Malcolm Delevingne*, *Mr. Mahaim* proposed the insertion of the word "industriel" after the word "travail".

On the proposal of *Mr. Arthur Fontaine* the text of the second point was modified as follows :—

"No child shall be permitted to be employed in industry or commerce....."

This text was adopted by 10 votes against 3.

The Commission then turned to the consideration of the suggestions put forward by the Deputation from the Special Conference of the Women Suffragists of the Allied Countries and of the United States as regards the labour clauses for insertion in the Treaty of Peace. The Secretariat had drawn up a summary of the points which the Commission had not already examined in the proposals put forward by the Delegates of the States represented on the Commission.

The point (a)—limitation of the week's work to 44 hours instead of 48—was rejected.

As regards point (b)—to increase to 15 years the age at which the employment of children in industry should be permitted—the President pointed out that this point had already been dealt with and that the same was the case as regards point (c)—minimum wage for all workers without distinction of sex. Consequently these two points need not be voted on.

On point (d)—a labour inspectorate in which women should participate—*Mr. Arthur Fontaine* said that the object of the proposal was to oblige the Governments to appoint female labour inspectors. He proposed that the Commission should accept this text. It was adopted by 9 votes against 3.

Point (e), relating to night work, not receiving the support of any Delegate was not put to the vote.

Point (f), relating to the whole of the labour clauses and to their insertion in the Treaty of Peace in such a form as to make them binding on the present enemy countries, was, *the President* observed, already covered by the text they had dealt with and there was therefore no necessity to take a vote on it.

The Women's Deputation had also put forward a proposal for the organisation in each country of a consultative commission composed exclusively of women. Several Delegates thought that the proposal was of too exclusive a character and that there was no reason why a similar commission should not be set up as regards men. Moreover it seemed that it was a matter for the different countries themselves and could not appropriately be put forward as one of the clauses to be included in the Peace Treaty.

*The President* announced the end of the work of the Commission. He put to the vote the whole of the proposals as amended which had been adopted by the Commission, and they were agreed to unanimously.

*(The Commission rose at 1.30 p.m.)*

George N. BARNES, *Vice-President*.

Arthur FONTAINE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

### Minutes of Proceedings No. 35.

*Minutes of the Thirty-fifth Meeting, 24 March 1919 at 10 a.m.*

Mr. GOMPERS *in the Chair*.

Delegates present :

Mr. Gompers . . . . .	}	United States of America.
Mr. Shotwell . . . . .		
Mr. Barnes . . . . .	}	British Empire.
Sir Malcolm Delevingne . . . . .		
Mr. Arthur Fontaine, later Mr. Colliard . . . . .	}	France.
Baron Mayor des Planches . . . . .		
Mr. Cabrini . . . . .	}	Italy.
Mr. Otchiai . . . . .		
Mr. Oka . . . . .	}	Japan.
Mr. Mahaim . . . . .		
Mr. Lafontaine . . . . .	}	Belgium.
Mr. de Blanck . . . . .		
Mr. Patek . . . . .	}	Poland.
Mr. Broz . . . . .		
		Czecho-Slovak Republic.

The Commission proceeded to the discussion of the text drawn up by the Drafting Committee for the nine labour clauses previously adopted. In the first clause, prohibiting the treatment of human labour as an article of commerce, it was decided to put "should not be" instead of "cannot be."

A discussion took place as regards the arrangement of the different points, and particularly in connection with the fact that the eight hours' clause was placed seventh.

*Mr. Arthur Fontaine* pointed out the logical reasons which had resulted in the adoption of the order proposed.

*The President* and the Commission agreed.

The draft as a whole was adopted, and the General Secretariat was asked to do its utmost to get the work of the Commission before the Peace Conference.

### *Report.*

*The President* asked *Mr. Butler* to read the draft Report which was to be put forward to the Peace Conference on the work of the Commission. During the reading of the Report the following observations were made :—

1. It was suggested that the text of the decision of the Peace Conference as regards the constitution and terms of reference of the Commission should be mentioned at the beginning of the Report.

2. The Italian Delegation wished that mention should be made of its point of view relating to the too close connection between the League of Nations and the future Labour Organisation.

In reply, it was pointed out in a general way that the Report could not enter into detail as regards things which the Commission had rejected, but could only comment on the points on which they had reached agreement. As regards proposals or suggestions put forward by the different Delegations, these had been reported in the Minutes, and the Minutes should be consulted by anyone who wished to follow the exact course of the discussion.

3. It was suggested to the Secretariat to invert the order in which Articles III and IV were commented on. It was, in fact, difficult to understand the discussion relating to the number of Delegates unless it had been understood that they were to vote individually.

4. Among the observations to be put forward as regards the provision for two Government Delegates, the General Secretariat was asked to mention the facilities afforded by this double representation for the representation, when necessary, of agricultural interests. It should also draw attention to the elasticity introduced into the system of representation by the provision for advisers who could be appointed for each subject to be discussed.

5. As regards the comment on Article XIX, Mr. Otchiai asked that mention should be made of the competent authorities according to the phraseology used in the article itself.

6. As regards the paragraph relating to sanctions, it was decided not to use the English word "penalties," which was too strong, but to replace it by the word "enforcement."

7. The Secretariat was asked to mention expressly in the Report the additional protocol to Article XIX and the three resolutions adopted by the Commission.

8. On the request of the Italian Delegation, it was decided to mention at the end of the second part of the Report (dealing with the labour clauses) the discussion concerning the extension of protective labour legislation to agriculture. The clause concerned had not been inserted because it had not secured a majority of two-thirds, but it received a simple majority, and from this point of view in particular it was right and desirable that it should be mentioned.

The draft Report having been adopted, the General Secretariat was requested to take the necessary steps in order to secure an interview between the Commission or at least its officers and the Peace Conference.

In closing, *Baron Mayor des Planches* and *Mr. Barnes* expressed the thanks of the Commission to the President, to the members of the Sub-Commissions and also to the members of the Secretariat.

*Mr. Barnes* also asked *Mr. Colliard* to be so good as to transmit to the French Government the thanks of the Commission for the courteous hospitality which had been extended to it by the Ministry of Labour and for all the facilities which had been placed at its disposal in order to enable it to get through the work it had undertaken.

*Mr. Otchiai*, in the name of the Japanese Delegation, associated himself with the sentiments expressed by his colleagues.

*The President* thanked the Commission. He thought he was happy in being able, after two months' work with them in common, to have secured and kept the confidence and the esteem of his colleagues. He apologised for the warmth with which he had defended those ideas which were particularly dear to him. He congratulated himself on the form which the Draft Convention had finally taken. Thanks to the final changes which had been made in it, he now saw the possibility of leading a campaign in the United States in favour of the Convention, although almost up to the last moment he had wondered if it would not be his duty to fight against it. He was convinced that the work they had now concluded was a lasting one. At all events, it had this unique character as compared with all the other work undertaken by the Peace Conference, namely, that it treated of the high-



est human interests and not of irritating questions about frontiers, reparation, etc. He considered it a great privilege to have been associated with this work and expressed in his turn his most sincere thanks to his colleagues for the courtesy with which they had always treated him.

*Mr. Colliard*, in the name of the French Government, expressed the pleasure which he had experienced in welcoming the Commission to the Ministry of Labour. The work they had accomplished was one which would leave the stamp of the greatest honour on the building and one of which the record would be most piously kept in its archives. No doubt the instrument they had forged was not perfect, but in the actual circumstances it was not possible to go further. It would remain for those who would wield it to make it more perfect. The Draft Convention might be said to be the child of *Mr. Barnes*. The Commission had done its best to endow this child with a strong constitution. *Mr. Colliard* thought that they had been successful and that the child was well equipped for a robust future. In concluding the Minister thanked the members of the Commission and the President.

On the proposal of *Mr. Barnes*, the Commission adopted the following motions :—

1. A motion of thanks to the President.
2. A motion of thanks to the Minister of Labour and the French Government.
3. A motion of thanks to the General Secretariat and to all those who had helped the Commission.

On the proposal of the President, the Commission adjourned *sine die*.

*(The Commission rose at 1.15 p.m.)*

George N. BARNES, *Vice-President*.

Arthur FONTAINE, *General Secretary*.

Harold BUTLER, *Assistant General Secretary*.

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## APPENDICES.

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### I. United States of America.

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#### **Proposal submitted by the Delegates of the United States of America.**

We declare that the following fundamental principles should underlie and be incorporated in the Peace Treaty : —

A League of the free peoples of the world in common covenant for genuine and practical co-operation to secure justice, and therefore peace, in relations between nations. The entrance of any free nation into the League of free peoples of the world shall be inherent.

No reprisals based upon purely vindictive purposes, or deliberate desire to injure, but to right manifest wrongs.

Recognition of the rights of small nations and of the principle, "No people must be forced under sovereignty under which it does not wish to live."

No territorial changes or adjustments of power except in furtherance of the welfare of the peoples affected, and in furtherance of world peace.

That in law and in practice the principle shall be recognised that the labour of a human being is not a commodity or article of commerce.

Involuntary servitude shall not exist except as a punishment for crime whereof the party shall have been duly convicted.

Trial by jury should be established.

The right of free association, free assemblage, free speech and free press shall not be denied or abridged.

That the seamen of the merchant marine shall be guaranteed the right of leaving their vessels when the same are in safe harbour.

No article or commodity shall be shipped or delivered in international commerce in the production of which children under the age of 16 years have been employed or permitted to work.

No article or commodity shall be shipped or delivered in international commerce in the production of which convict labour has been employed or permitted.

It shall be declared that the work-day in industry and commerce shall not exceed eight hours per day except in case of extraordinary emergency, such as danger to life or property.

The sale or use for commercial purposes of articles made or manufactured in private homes shall be prohibited.

It shall be declared that an adequate wage shall be paid for labour performed — a wage based upon and commensurate with a standard of life conforming to the civilisation of the time.

That equal wages shall be paid to women as is paid to men for equal work performed.

The incorporation of the fourteen points laid down by President Wilson.

### **Clauses proposed by the Delegation of the United States of America for insertion in the Treaty of Peace.**

The High Contracting Parties declare that in all States the following principles should be recognised, established and maintained :—

1. That in law and in practice it should be held that the labour of a human being is not a commodity or an article of commerce.

2. That involuntary servitude should not exist except as a punishment for crime whereof the party shall have been duly convicted.

3. The right of free association, free assembly, free speech and free press should not be denied or abridged.

4. That the seamen of the merchant marine shall be guaranteed the right of leaving their vessels when the same are in safe harbour.

5. That no article or commodity should be shipped or delivered in international commerce in the production of which children under the age of 16 years have been employed or permitted to work.

6. That no article or commodity should be shipped or delivered in international commerce in the production of which convict labour has been employed or permitted.

7. It should be declared that the work-day in industry and commerce should not exceed 8 hours per day, except in case of extraordinary emergency, such as danger to life or to property.

8. It should be declared that an adequate wage should be paid for labour performed — a wage based upon and commensurate with a standard of life conforming to the civilisation of the time.

9. That equal wages should be paid to women as is paid to men for equal work performed.

10. That the sale for use for commercial purposes of articles made or manufactured in private homes should be prohibited.

## Memorandum on Prison Labour.

*The National Committee on Prisons and Prison Labour to the  
Hon. Samuel Gompers, President of the International Com-  
mission on Labour Legislation.*

### PROHIBITION OF PRISON-MADE GOODS IN INTERNATIONAL COMMERCE.

The organised labour movement of America, as well as other humanitarian organisations, having made the subject of prison labour a profound study, recognise the principle that it is unjust, impracticable, and inhuman to keep prisoners in idleness. Useful work and service are essential to prisoners' well-being while incarcerated and after their liberation. The method and purpose of such employment and the product of prison labour are matters of deep concern, not only to America, but to the countries of the whole civilised world.

"No article or commodity shall be shipped or delivered  
in international commerce in the production of which  
convict labour has been employed or permitted."

1. This provision, as proposed by the Delegates of the United States of America in the International Labour Legislation Commission, finds its basis in the laws of the United States of America, the Dominion of Canada, the Commonwealth of Australia, New Zealand and Newfoundland (see end of memorandum), and will recognise on an international basis one of the few prohibitions to international commerce which is found in statutory law.

2. The prohibition existing in the several countries became law because of the fact that convict-made goods were being shipped into these countries and were underselling home manufactures. It was found that the conditions under which the convict-made goods were manufactured proved universally to be that of payment of little or no wages or remuneration in return for the labour and workshop facilities which entered into the cost of production.

3. To ascertain the facts as to this contention the United State Senate in 1914 instituted an investigation through the United State Consular Service. The findings show the following :—

- (a.) The statutory provisions appear to have reduced commerce into the United States of prison-made goods until it is practically non-existent.
- (b.) That many countries sell their convict-made goods in their local markets in competition with their own industries.

- (c.) That the wage system for prisoners, including the compensation for their maintenance, is far below the value of the labour, based on the wages of the free citizen. These findings suggest, first, that the proposed provision will not interfere with existing interests of business; but will prevent the development of the new trade on a basis held detrimental to the interests of the countries having these restrictions.

Furthermore, this provision will not interfere with the right of a State to conduct its prisons as it may so determine, and provides only that the conditions under which they are conducted shall not prove a detriment to the citizens or interests of any other country.

Recognising that labour is not a commodity or an article of commerce, labour organisations in many countries have protested against the exploitation of prison labour by private enterprise for profit, and have urged governmental manufacture together with the compensation to the prisoner and his family based upon the prevailing rate of wages in the community less the cost of his maintenance. Such a principle has been enunciated by President Wilson in an Executive Order of 16 September 1918, though it has its origin in the basic law of France, where the principle was incorporated in 1791. Constructive reform along these lines will do much to protect and raise the standard of life and labour of not only the inmates, but also of the free labour of the community. The movement to this end in each country meets with the opposition of the local business enterprises at present employing the labour of the prisoners. The provision prohibiting convict labour in international commerce will prevent these business interests using the markets of a foreign country beyond the control of the organised industrial groups of the country, and will make the development of prison industries in each country possible under the direction and control of the labour organisations into which the convict labourer should go and be a part of after his release from prison. The provision is aimed against the exploitation of the prison labourer, and makes possible a constructive wage programme to train him for better citizenship.

Finally, combining with this prohibition as proposed, the Commission might well suggest for consideration of the several States its corollary of a prison labour standard. The phraseology of President Wilson's Executive Order of 1918 is recommended.

The standard of prison labour shall be that the Government or sub-division of the Government shall own and conduct the factories, farms or mines in which prison labour is in whole or in part employed, and, "that the compensation and hours of labour for inmates shall be based upon the standard hours and wages prevailing in the vicinity in which the institution is located, and the *pro rata* cost of maintaining the inmates so employed shall be deducted from their compensation."

*Customs Statutes regarding Prohibition of Importation  
of Prison Labour.*

*United States of America.*

Snelly, Customs Tariff, p. 828. Miscellaneous provisions, H, Sub-Section 2 to 8. United States Federal Statutes Code, paragraph 6301.

That all goods, wares, articles or merchandise manufactured wholly or in part in any foreign country by convict labour shall not be entitled to entry into any of the ports of the United States, and the importation thereof is prohibited, and the Secretary of the Treasury is authorised and directed to prescribe such regulations as may be necessary for the enforcement of this provision. (October 3, 1913, c. 16, paragraph 8, I. 38, Stu. 195.)

*Dominion of Canada.*

Customs Tariff, p. 72, Schedule C, No. 1206. Prohibited Goods.

Goods manufactured wholly or in part by prison labour, or which have been made in or in connection with any prison, jail or penitentiary; also goods similar in character to those produced in such institutions when sold or offered for sale by any person, firm or corporation having a contract for the manufacture of such articles in such institutions, or by any agent of such firm, person or corporation, or when such goods were originally purchased or transferred from any such contractor.

*Newfoundland.*

Customs Tariff, p. 86, Schedule C, Nos. 219 to 224 inclusive.

Goods manufactured wholly or in part by prison labour or which are being made in or in connection with any jail, prison or penitentiary, shall not be imported into this Colony under a penalty of 200 dollars.

*Dominion of New Zealand.*

Customs Tariff, p. 113. Class 16, Miscellaneous, 508 A.: Prohibited Goods.

Goods manufactured or produced wholly or in part by prison labour, or which have been made in or in connection with any jail, prison or penitentiary, also goods similar in character to those produced in such institutions when sold or offered for sale by any person, firm or corporation having a contract with such institutions manufacturing such articles, or by an agent of such person, firm or corporation, or when such goods were originally purchased or transferred from any such contractor.

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## 2. Belgium.

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### Proposals of the Belgian Delegation.

#### *Additional Schedule to the Draft Convention according a permanent organisation for International Labour Legislation.*

The High Contracting Parties agree to subscribe to the following points and to insert them in the Treaty of Peace : —

1. Their adherence to the International Convention concluded at Berne in 1906 in regard to the prohibition of night work for women employed in industry, and the prohibition of the use of white phosphorus in the manufacture of matches.

2. An undertaking to give effect to the requirements adopted by the Conference at Berne in 1913, namely, prohibition of night work for juveniles in industries, and the establishment of a ten hours' working day for women and juveniles in industry.

3. An undertaking to seek an agreement with a view to setting up an international system determining working conditions and based on the following principles :—

- (1) Primary education shall be compulsory and free for all children up to the completion of their 14th year. No child shall be employed below the age of 14 years. Between the years of 14 and 18 young persons of either sex may be employed, but must receive technical or general instruction for a period equivalent to at least one-third of their working time.
- (2) The period of work in industry shall not exceed eight hours in twenty-four and forty-eight hours per week.
- (3) The right of association in Trade Unions shall be granted to all classes of workers without distinction.
- (4) The provisions in force in different States in regard to health and safety in industry as well as those dealing with social insurance should be standardised taking in each case as a basis of standardisation those national regulations now in force which are most conducive to secure the health and safety of the workers.
- (5) In all matters affecting the rights of workers, working conditions and social insurance, foreign workmen shall be on the same footing as the nationals of the country in which they reside.

## **Labour Charter.**

The High Contracting Parties declare that they accept the following principles and engage to take the necessary steps to secure their realisation in accordance with the recommendations to be drawn up with reference to them by the International Labour Conference :

1. The labour of a human being is not a commodity nor an article of commerce.
2. Forced labour is forbidden except for reason of public safety or as a penalty for crime whereof the the person shall have been duly convicted by a Court of Justice.
3. Freedom of association is guaranteed.

No distinction may be made in this regard between workers on land and those on sea. A seamen of the mercantile marine shall not be punished by imprisonment for leaving his vessel while in a safe harbour, nor shall he be arrested, detained, and surrendered back to his vessel.

4. Every child has a right to the free development of its faculties.

No child shall be taken from school and admitted to work until it has reached the age of 14 years.

From 14 to 18 years of age the working day shall be limited so as to secure compulsory technical education.

5. Workers have a right to leisure.

Except in cases of emergency to be expressly provided for in the law, the working day of adult workers shall not exceed eight hours a day with a weekly rest of thirty-six hours at least.

6. An adequate living wage must be guaranteed the worker, in accordance with the standard of life of every country. Equal pay shall be given to women and to men for equal work.
7. The State shall take all possible measures to prevent unemployment and to secure a just provision for the unemployed worker during any period of involuntary unemployment.
8. Workers are to be insured against sickness, injury, old age and other social risk. Social insurance, and, in general, regulations in regard to the health and safety of workers shall be made uniform, as far as possible, upon the basis most favourable to their health and safety.



9. Migration shall be free, under reservation of the agreements which may be made in the interest of the workers between interested associations and Governments.

No distinction can be made between nationals and foreigners in regard to the right of association, the benefits of social insurance, and the application of labour laws.

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### 3. British Empire.

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#### **Clauses suggested by the British Delegation for insertion in the Treaty of Peace.**

The High Contracting Parties declare their acceptance of the following principles and engage to take all necessary steps to secure their realisation in the industrial legislation of their respective countries, in accordance with the recommendations to be made by the International Labour Conference established under this Treaty as to their practical application :—

1. The principle of the limitation of the hours of work in industry on the basis of eight hours a day or forty-eight hours a week, subject to an exception for those countries in Asia and Africa where, owing to climatic conditions, general physique of the industrial population, the imperfect development of industrial organisation, or other special circumstances, the industrial efficiency of the workers is substantially inferior to the efficiency of the workers in other countries. For such countries a basis shall be adopted which shall be recommended by the International Labour Conference as fairly equivalent to the said basis of eight hours a day or forty-eight a week.
2. The principle that employers and workers should be allowed the right of association and combination for all purposes, subject only to such restrictions as may be deemed by any High Contracting Party to be essential to safeguarding the national interests.
3. The principle of a living wage for all workers — that is, a wage sufficient to maintain, in the circumstances of each country, an adequate standard of life.

4. The principle that it is incumbent on the Government of every State to take all possible measures to prevent unemployment, and to assure provision for the unemployed worker during any period of unavoidable unemployment.
5. The principle of the weekly rest (or its equivalent), which should include Sunday, wherever possible, for all workers.

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#### 4. Cuba.

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#### **Memorandum by the Cuban Delegation.**

The preamble of the Draft Convention<sup>1</sup> mentions among other objects of the permanent organisation for International Labour Regulation "protection of the interests of workers when employed in countries other than their own." This protection should, however, be understood as subject to the preservation (a) of the interests of the native workers; (b) of the national laws in regard to immigration; and (c) of the sovereignty and legislation of the States in which the workers reside.

Article III. It should be clearly specified that only workers and employers who are nationals of the countries concerned may be appointed as Delegates, and that foreign employers or workers may not be appointed either directly or through associations.

No nation could entrust its representation to an alien nor allow aliens who do not possess franchise rights to vote as its Delegates in an International Parliament.

On the other hand a nation which had a large number of emigrants or of invested capital in another country would practically double its voting power at the International Conference, which is contrary to the common interests of the other States, for it would have in addition to its own Delegates those who might be appointed as nominally representing another State by its subjects resident abroad.

Article XIX, paragraph 2. In accordance with this article the new Conventions of the future International Labour Conference will be adopted by a vote of two-thirds of the members present on the final vote, which may represent less than half the States participating, and one year afterwards the Conventions will be binding on the States if their competent authorities do not expressly disapprove them.

<sup>1</sup> See p. 9.

The Cuban Delegation could not concur in such an arrangement except under reservations, for it would be contrary to the constitutional law of the Republic of Cuba. According to Article 43 of the Cuban Constitution sovereignty resides with the people and all public powers emanate from them. Article 44 provides that the legislative power shall be exercised by two elective bodies, and No. 59 assigns to the Congress the enactment of codes and of laws of a general character as well as all other laws and restrictions of general concern. Another Article, No. 68, lays down in the seventh paragraph that the President of the Republic shall give his adhesion to Treaties with "the approval of the Senate *without which they cannot have any effect or be binding on the Republic.*"

There are therefore constitutional provisions clearly incompatible with the text proposed, and they make the ratification of this part of the Convention by the Republic of Cuba impossible. The end of the paragraph in question might be worded as follows: "always subject to the approval of the Convention by the competent authorities."

Article XXXVII. The constitutional arrangements prevailing in Cuba debar the Cuban Delegation from accepting an article by which the present Convention can be amended in any respect without the concurrence of some of the signatories and even in opposition to the wishes of those who are not in agreement with the alteration. Some States which are permanently part of the Executive Council have the privilege of individual ratification, to the others even the right of disapproving the Convention within the period of one year is denied although this right is recognised in the case of other agreements arrived at by the same International Labour Conference.

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## 5. France.

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**Draft of Scheme founded on the Recommendations made (see Annex) by the Inter-Departmental French Committee on Labour Treaties.**

I. The High Contracting Parties, being resolved to realise humane conditions of employment by means of international labour and social legislation, and to secure the education of children, both general and vocational, maternity, family and social life, physical and moral well-being, and the development of the population;

Decide to set up an International Conference for social legislation. At this Conference, which will meet periodically, authorised representatives of the signatory Governments will be present, and the other States will be invited to send representatives. The Delegation of each State must include representatives of the national organisations of employers and workpeople from each State.

This Conference, the first meeting of which shall take place within not more than three months from the date of the signature of the present Treaty, will draw up the rules of its procedure, and will fix the times of its future periodical meetings.

Besides dealing with the programme for its first meeting set forth in the article below, it will be the function of the Conference to promote international labour legislation by drawing up successive Conventions. It will arrange its own agenda, and may take into consideration proposals put forward by any of the signatory States, or of any of the States which may subsequently adhere. It will draft Conventions and will supervise the observance of the Conventions when agreed to. It will appoint from among its members a Commission or Court of Arbitration, to which will be referred differences arising among the signatory nations and those which may subsequently adhere, as regards the interpretation or the method of application of the Conventions.

II. The High Contracting Parties decide that at its first meeting the International Conference shall :—

(a) Exchange signatures as regards the renewal and extension of the Conventions concluded at Berne in 1906, forbidding night work for women employed in industry, and forbidding the use of white phosphorus in the manufacture of matches.

(b) Exchange signatures to Conventions embodying the reforms adopted by the Conference at Berne in 1913, viz., the prohibition of night work for juveniles employed in industry, and the provisional fixing of a maximum working day for women and juveniles employed in industry.

(c) Prepare for signature Conventions providing for equality of wages and working conditions (hours of work, provision of rest, health, safety) between foreign and native workers.

(d) Prepare for signature Conventions regarding :—

(i) The limitation of the working day for adult men, and the necessary corresponding reduction of the length of working day provided in the agreement of 1913 for women and juveniles.

(ii) The reduction of the working day to eight hours in mines and continuous processes.

(iii) The fixing of a maximum working week and of a minimum period of weekly rest.

(e) Lay down the organisation and the method of working of a labour inspectorate in each of the signatory States and States which may subsequently adhere, and provide for reports in a comparable form from each country.

(f) Create an International Labour Office, the finances of which will be furnished by the signatory Powers and by Powers which may subsequently adhere, and which will be charged *inter alia* with the compilation of statistics, with the conduct of social and industrial enquiries, with the collection and the comparison of the measures taken to carry out International Labour Conventions and of the Government reports on their observance.

III. The High Contracting Parties are of opinion that the examination of the following reforms should also be undertaken :—

1. Freedom of migration for workers who of their own free will desire to proceed abroad, and the regulation of collective migration.
2. The fixing of a uniform minimum age for the employment of juveniles in industry.
3. The extension to workers in commerce and industry, and to agricultural and maritime workers, of protective labour legislation which may not yet be applicable to them.
4. The organisation of insurance against sickness, disease and old age, of insurance against unemployment, of legislation as regards accidents arising in the course of employment, and the determination of the minimum benefits for the above purposes which each nation should ensure to its own workers or to foreign workers employed in its territory.

#### ANNEX :

#### *Report of the Inter-Departmental Committee on International Labour Treaties.*

At its meeting of 18 December 1918, the Committee on International Labour Treaties put forward the following recommendations :—

Provision should be made for the insertion in the Treaty of Peace of the following :—

(A) A clause proclaiming the desire of the signatory Powers to realise humane conditions of employment by means of international labour and social legislation, and to secure the general and vocational education of the child, maternity, family and social life, physical and moral well-being, and the development of the population.

In accordance with this principle the Treaty of Peace :—

1. Should contain the adhesion of the signatory Powers to the International Conventions, concluded at Berne in 1906, relating to the prohibition of night work for women employed in industry, and to the prohibition of the use of white phosphorus in the manufacture of matches.
2. Should promulgate the reforms adopted at the Conference of Berne in 1913 viz., the prohibition of night work for juveniles employed in industry and the fixing of a ten hours' working day for women and juveniles employed in industry.
3. Should remit to the International Labour Conference mentioned in paragraph (B) the examination of the following reforms :—

The fixing of a minimum age of employment for juveniles at 14 years, the limitation of the working-day for adult men, and the immediate establishment of the eight-hour day in continuous industries and mines, the establishment of a period of rest of a day and a half per week, equality of wages and working conditions between foreign and native workers ;

The organisation of insurance against sickness disease and old age, of unemployment insurance, of legislation as regards accidents arising in the course of employment, the fixing of minimum benefits for the above purpose, which each nation should ensure to its own workers or to foreign workers employed in its territory ;

The freedom of migration of workers who, of their own free will, desire to proceed abroad, and the regulation of collective migration.

(B) A clause instituting a periodical International Labour Conference between the signatory Powers, to which the non-signatory Powers will be able to adhere. The Delegation of each State must include Delegates from the national organisations of employers and workpeople.

It will be the function of this Conference to promote international labour legislation by drawing up international labour Conventions. It will draw up its own agenda, and may consider proposals made by any of the signatory States, or by those who subsequently adhere. It will appoint from among its members a Commission or Court of Arbitration to hear disputes which may arise among the signatory nations and those which adhere on the observance of the Conventions. The date of the meeting of the first International Labour Conference will be fixed by the Treaty of Peace not more than six months from the signing of that Treaty.

At that meeting the Conference should —

(i) Lay down the organisation and method of working in each signatory State of a labour inspectorate, and provide for reports in a comparable form from each country.

(ii) Create an International Labour Office, the finances of which will be furnished by the signatory Powers and by those which subsequently adhere, and which will be charged *inter alia* with the compilation of statistics, the conduct of social and industrial inquiries, with the collection and the comparison of the measures taken to carry out the International Labour Conventions and of the Government reports on their observance.

(iii) Undertake the examination of the reforms set out in sub-section 3 of paragraph (A).

### **Resolution of the Labour Commission of the French Chamber of Deputies.**

#### *Report of Mr. Justin Godard.*

The Labour Commission is of opinion that it is desirable to provide in the Treaty of Peace for the insertion of:—

(a) A clause declaring the intention of the signatory Powers to secure by international labour legislation humane conditions of labour, the education of children, both general and vocational, maternity, family and social life, physical and moral well-being. In order to secure this result the Treaty of Peace should:—

1. Contain the adhesion of the signatory Powers to the International Conventions concluded at Berne in 1906, relating to the prohibition of night work for women employed in industry and to the prohibition of the use of white phosphorus in the manufacture of matches.
2. Promulgate the reforms adopted by the Conference at Berne in 1913, namely, prohibition of night work for juveniles employed in industry, the fixing of a ten hours' working day for women and juvenile workers in industry.
3. Refer to the International Labour Conference provided for in paragraph (b) the realisation of the following reforms:—

The fixing of a minimum age of employment for juveniles at 14 years.

The limitation of the working day and the immediate establishment of the eight-hours' day in continuous industries and mines.

The establishment of a period of rest of a day and half per week.

The application of measures securing health and safety for the workers in accordance with the progress of science.

Equality of wages and working conditions between foreign and native workers.

The organisation of insurance against sickness, disease and old age, of unemployment insurance, of legislation as regards accidents arising in the course of employment, and industrial diseases, the fixing of minimum benefits for the above purposes which each nation should ensure to its own workers or to foreign workers employed in its territory.

Freedom of migration of workers who, of their own free will, desire to proceed abroad, and the regulation of collective migration.

(b) A clause instituting a periodical International Labour Conference between the signatory Powers, to which the non-signatory Powers will be able to adhere. The Delegation of each State must include Delegates from the national organisations of employers and workpeople. It will be the function of this Conference to promote international labour legislation by drawing up international Conventions.

It will draw up its own agenda, will fix its own meetings and may consider proposals made by any of the signatory States or by those who subsequently adhere. It will appoint from among its numbers a Commission or Court of Arbitration to hear disputes which may arise among the signatory nations and those which adhere as regards the observation of the Conventions.

The date of the meeting of the first International Labour Conference will be fixed by the Treaty of Peace not more than six months from the signing of the Treaty.

At the meeting the Conference should : —

(a) Lay down the organisation and method of working in each signatory State of a labour inspectorate and provide for reports in a comparable form from each country.

(b) Create an International Labour Office, the finances of which will be furnished like those of the Conference by the signatory Powers and those which subsequently adhere and it will be charged *inter alia* with the compilation of statistics, the conduct of social and industrial enquiries, physiological investigations of industrial conditions, and with the collection and comparison of the measures taken to carry out International Labour Con-



ventions and of the Government reports on their observance.

(c) Draw up measures to be taken against States which are not signatories, or which do not adhere, under which commercial duties or prohibitions would be levied against their products in inverse proportion to the standard of protective labour legislation enjoyed by their workers as compared with the standard of protection afforded under the international Conventions.

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## 6. Italy.

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### **Statement of the Italian Delegation preliminary to the general discussion of the British Draft Convention.**

The Italian Delegation declare themselves in principle favourable to the draft Convention presented by the British Delegation.

Before, however, examining the draft and the other proposals pertaining thereto, the Italian Delegation (a) express an opinion, (b) make a statement, (c) ask a question.

(a) The Italian Delegation believe that the efficiency and the practical results of the proposed organisation will be in direct proportion to the number of countries which belong to the League of Nations, and therefore that it is in the interest of the organisation that the working and industrial classes of all countries should be put in the position to participate in the working of the said organisation.

(b) The Italian Delegation note with satisfaction that the Trade Unions, in their two most notable manifestations during the war, viz : at Leeds in 1916 and at Berne in 1917, have already voted in favour of the fundamental principles of the organisation which it is proposed should be formed.

(c) The Italian Delegation ask whether the Commission, besides studying the British draft, intends or not to examine the advantages there might be of including amongst the clauses of a social nature to be introduced in the Treaty of Peace, not only the creation of the International Organisation which is under consideration, but also some principles such as the following :—

Legal working day limited to eight hours.

Democratisation of the system of factories.

Freedom of migration regulated by agreements between the Governments and the Trade Unions of the countries directly concerned.

The study of these various subjects might also take place during a later stage, but anyhow before the meeting of the Conference of the Plenipotentiaries.

### **Sketch of a Labour Charter for insertion in the Treaty of Peace.**

1. Limitation of the working day in industrial and commercial occupations to a maximum of eight hours.
2. Establishment of a maximum working week and minimum period of weekly repose.
3. Establishment of a maximum working week for wage-earners in agriculture.
4. Renewal of the Berne Convention on night work for women in industry, and the use of white phosphorus in the manufacture of matches.
5. Extension to juveniles of the Berne Convention on night work in industry.
6. Adoption of uniform provisions as to the minimum age for the employment of children.
7. Obligation on each State to establish legal minimum rates of wages in industry and commerce.
8. Equal pay for equal work for workers of either sex.
9. Undertaking by the different States to create a service of labour inspection for industry and commerce, with representation of the workers.
10. Right of the workers to be consulted in regard to questions of management in industry and agriculture.  
 Right of the worker to take part in framing the rules for factories and agricultural undertakings.
11. Minimum social insurance obligatory for all States in respect of sickness, accidents, invalidity, old age, maternity and involuntary unemployment.
12. Freedom of migration regulated by agreement between the Governments and Trade Unions of the countries directly interested.
13. Legislation as regards migration on the following principles :

(a) Equality of status as regards social and labour legislation, and equality of economic treatment, as between foreign workmen and their families on the one hand and native workers and their families on the other.

(b) Exemption from all taxation in the country of immigration which affects the foreign workmen as such.

(c) The principle that any State shall have the right to send special officials to assist in any way and to protect its own emigrant workpeople, and that any State to which they emigrated shall be obliged to admit such officials and to assist them in the performance of their duties.

(d) Undertaking by all adherent States to extend within a definite period of time their own legislation as regards labour and social legislation to non-self-governing colonies, or where it is impossible to frame analogous legislation adapted to the conditions of such colonies, to secure equality of treatment in them for foreign workmen and their own subjects.

Undertaking to employ all possible means that the same principles should be applied in the case of countries under their protection, colonies with legislative autonomy, and dominions.

14. The principle that reciprocity of action should be established between voluntary organisations recognised by their Governments for the purpose of the assistance and protection of workpeople.

### **The Eight-Hour Day in Italy.**

Until the month of February 1919 the working day in Italian industries was generally 10 ½ hours.

As the result of agreements arrived at between employers' and workers' organisations, on a basis providing for their national application, the eight-hour day has been adopted in the following industries, to take effect on the dates indicated :—

Engineering, shipbuilding and related industries, in the course of April 1919.

Iron and steel, in the course of June 1919.

Textiles (cotton, wool, silk, with the exception of silk-winding, which is regarded as an industry of an agricultural character), in the course of March 1919.

Printing, in the course of March 1919.

Chemical industries (fertilisers, explosives, pharmaceutical products, rubber), in the course of March 1919.

Building (including stone-dressing), in the course of April 1919.

Regulations for the application of the principle of the eight-hour day have been drawn up in the agreement relative to the engineering, shipbuilding, and iron and steel trades. Among the various measures adopted the agreement provides for cases in which workmen may be called upon to work two hours' overtime per day, subject to a limit of four hours per week. Such cases will be reviewed and decided upon by the representatives of the employers and the workpeople. Should the two parties not reach an agreement, the difference will be submitted to a court of arbitration appointed by the employers' associations and the trades unions.

As regards the other industries mentioned above regulations are now being drawn up. In Government establishments (arsenals and munition factories) the eight-hour day has been adopted during recent months.

In the last few days the Italian Government, in response to a memorial from the workers on the State Railways, has stated that it is disposed to concede the eight-hour day to all workers whose functions are similar in character to those of workers in industry.

Other agreements are in preparation for the extension of the eight-hour day in the leather, tanning, paper, and clothing industries.

In agriculture the employers' and workers' organisations are on the way to an agreement for the adoption of an eight-hour day in districts where day-workers are in the majority. A preliminary agreement on this subject was recently signed in the district of Vercelli. (Piedmont, Rice-culture.)

(Signed) MAYOR DES PLANCHES.  
CABRINI.

### **Note to Point No. 18.**

The Italian Law on Emigration enacts that :—

“Inspectors of Emigration abroad are required to look after and assist Italian emigrants in the districts assigned to them ; to study and report on the conditions of the labour market, on labour legislation, and on the general conditions of our workers ; and in general to exercise any suitable action in favour of emigration.”

Another article prescribes that all applications for labour destined to be sent abroad (such labour must be engaged in the Kingdom with the due sanction of the Italian Government) must contain among other things :—

An undertaking on the part of the person engaging such labour not to refuse the good offices which the Consul of the district or the officers of the Royal Emigration Department may offer with the object of arranging disputes between the contractor of labour and the workmen engaged by him ;

An undertaking on the part of the contractor of labour to allow the Consul or the officers of emigration to visit the places in which the employers work, have their meals, and are lodged.

The functions of the officers of the Royal Emigration Department abroad are the following (with respect to all emigrants) :—

(a) To keep the Emigration Department informed regarding labour conditions in the countries to which they are appointed, and on all other points of interest to Italian emigration ;

(b) To give direct information to Italian emigrants, who apply to them, regarding all matters concerning conditions of work in the country to which they have emigrated :

- (c) To give assistance to Italian workmen in cases of accident, for the recovery of wages, &c.

Besides the foregoing, Inspectors of Emigration are required to fulfil the following functions in regard to workers engaged in Italy under contracts approved by the Royal Emigration Department :—

- (d) To make direct enquiries of employers with regard to any complaints which may be addressed to the Inspectors by employees ;
- (e) To visit workshops and houses where the said employees work and are housed ;
- (f) To offer them their good offices in the case of disputes arising between employers and employed.

The main object aimed at in the organisation of these services is to avoid discontent among the workers engaged in the Kingdom of Italy and sent to work abroad. The continuity of the work undertaken is aimed at in the interest of both workers and employers. It further aims at ensuring the carrying out of contract clauses regulating the good relations between emigrant workers and those belonging to the country of immigration ; conditions to be fixed with employment agencies, in which workers belonging to such countries of immigration are likewise represented, and which agencies must be guided by the principle that imported labour shall not prejudice the trade union advantages secured by local labour.

It is evident that the functions of emigration inspectors must be exercised in harmony with those of the labour inspectors in the countries of immigration.

In other words, the object is to ensure to the emigrant worker specific assistance to meet his needs as an emigrant through the medium of a specially qualified staff supplementing the work of the Consuls.

### **Note to Point No. 19.**

We requested that reciprocity of services (free transference of members, financial and other assistance on account of the national societies to which the members belong) should be arranged under such conditions as may be determined between the Voluntary Friendly Societies (Mutual and Trade Union) of the several countries adhering to the International Labour Conference, recognised by the respective Governments.

With this object, it is proposed that the Governments concerned, in granting charters to the Friendly Societies in question, should cause to be inscribed in the Statutes of the same the obligation of reciprocity of services between the different Societies in the countries adhering to the Labour Conference.

This clause has an international precedent in the constitution of the International Mutual Aid Federation decided on by the

Mutual Aid Congresses of Liège (1905) and Milan (1906), to which the Governments of Italy, France, the United States and other countries, and also the most important mutual aid organisations, adhered.

The Statute of the International Mutual Aid Federation (set up in Milan 1905), set forth, among others, the following objects :—

To afford material assistance and advice to members of the national societies emigrating from one country to another, by establishing between these societies, in conformity with the laws and general usages of the several countries concerned, interchange of services, which should include :—

- (a) Reciprocity of assistance of all kinds ;
- (b) Transference of members, and provisions of board, &c. ;
- (c) Finding employment for members of the societies emigrating from one to another country.

The following Delegates took part in the Council of the International Federation of Mutual Aid Societies :—

Belgium : Messrs. du Sart de Bouland, de Pierpont, Borsemans, Tumelaire, Ver Hees ;

France : Messrs. Edouard Petit, Leopold Mabilieux, M. Laille ;

Italy : Signori Maffi, Montemartini, Albiata ;

England : Mr. Henry Wolf (of the International Co-operative Alliance) ;

United States : William Tolman, Director of the American Economic Social Institute.

The International Mutual Aid Federation, for reasons which it is needless to go into here, has never actually exercised its functions. The Clause herewith proposed would fulfil the purpose which it had in view.

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## 7. Czecho-Slovak Republic.

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### **Memorial of the Czecho-Slovak Delegation about the Eight-hour Day.**

The Republic of Czecho-Slovakia, whose territory contains a great part of the industry of what used to be the Hapsburg Monarchy, introduced on 19 December 1918, the eight-hour work law in all its factories, commercial, transportation and agricultural concerns employing wage-earning persons. In the National

Assembly in Prague the law was accepted unanimously, though the greater part of its members are non-labour and non-socialistic.

Inasmuch as the Republic of Czecho-Slovakia, in consequence of this law, is interested in the internationalisation and general acceptance of the eight-hour day, the Czecho-Slovak Delegation takes the liberty of submitting this memorial and suggesting an international solution of this problem.

The working-class in many States is to-day a prey to currents originating from the unawakened, unorganised strata, and drifting to violence and unfruitful experiments.

The influences of the war, general increase of the cost of daily life, a misty consciousness of the legality of the economic order, the example of so-called Bolshevism, an insufficient influence of the labour organisations on the lower social strata, &c., call forth in some of the States an unrest imperilling stability of peace and honesty of economic work. Organised working-men, conscious of this state of things, look up to the Peace Conference fervently, and find themselves before the question whether the future peace will bring about a loosening of the present social tension.

There is, perhaps, no question in favourable solution more capable of pacifying the public opinion and the mind of the working-people than that of the eight-hour day. It is an old contention of the workmen; it is the beloved and popular theme of the First of May festivals. The internationalisation of the eight-hour work-day would strongly impress the workmen of all nations and strengthen all elements of order in the social organisation.

The introduction of the eight-hour day seems to us the natural consequence of the exhaustion of human powers due to the war. Excessive prices and insufficiency of food in some of the States bring about a lowering of the working capacity, which needs a longer respite for its resuscitation.

Every country to-day must resort to the greatest effort of its producing capacity if it wishes to renovate its economic life. This need of an economic renaissance is in no conflict with the introduction of the eight-hour day. It is our belief that the productiveness of our country will not suffer through the introduction of the eight-hour day, but in the present state of affairs will increase, as we will show lateron.

If we consider the question of the eight-hour day in the light of the productiveness of the country, we are bound to touch upon the correlation of the working day to the intensiveness of the work. A shorter working day allows the people more time for rest and for physical as well as moral development. A greater recreation of physical and intellectual powers effectuates a more concentrated, more skilled, and more productive work to such an extent that even a shortened working day produces an equal quantity of values of equal quality in comparison with the longer working day, as we will show statistically.

A shorter working day means a greater intensity of work and greater productiveness. Countries where the working day is

shortest (Australia, United States, England), are at the same time the countries of the greatest economic productiveness. It is in these countries that the eight-hour day is established, at least in some branches, and the demand that the daily work should be limited to eight hours is an old wish of the labour organisations of these countries. Mr. Samuel Gompers announced at the International Congress in Toronto (November 1909) that the working people of the United States long more than ever for the arrival of the time when the long, unprofitable, and uneconomic ten-hour day would disappear for ever from the American workshops, which would thus become more productive than before. In the programmatic platform which the American Labour Federation submitted to the Commission on International Labour Legislation, the eight-hour day is demanded vigorously. British labour organisations laid great stress in these days on the reiteration of this old request of theirs.

Also in other countries there is a call for the eight-hour day. The General Labour Confederation in Paris insists on its realisation. Italian labour organisations put the eight-hour day in front of their interests in the last time.

In the majority of the States of the old, as well as of the new world, the question of eight hours' daily work is on the programme of the day, and calls for the same solution. It seems that the regularity of the normal economic development depends on the time and quality of the solution of this problem.

The opponents of the eight-hour day fear that the productiveness of the country could be lowered through the shortening of daily work to eight hours. We should like to call attention to the fact that this supposition is contradicted by the strict statistic data of an exactly reversed import. We take into consideration the last document furnished by the committee of war industry in Great Britain. During the war the daily work in Great Britain, as in every other belligerent country, was temporarily prolonged for reasons of national defence. About the relation of working hours to the effect of work the following statistical data were published by the said committee :—

The number of working hours in a week.	The work effected in one hour.	The work effected in one week.
66	110	6,000
55	134	7,270
46	158	7,268

These statistics prove in a persuading manner that the shortened period means a greater intensiveness of work and enlarging, eventually keeping up the productiveness of the country. They show us the great profit the employer gets when he brings the



number of working hours down from sixty-six to fifty-five per week. Even in the case of shortening the work from fifty-five to forty-six hours in a week (seven and a-half hours per day), the employer does not suffer a loss, because the slight difference in the gain (two units) is covered by the lowered price of light, heating, &c.

Productiveness of the country will not be damaged by the shorter hours of the daily work if the workmen try to intensify their work.

It is to be seen that the orientation of the working masses in the last time develops in the direction of their taking part at their own will in the economic regeneration of the countries exhausted by the war. We call attention to several phenomena. The General Labour Confederation in Paris whose motto before the war has been the general strike, to-day takes up a positive, creative programme, through which the economic life of France is to be restored. The secretary of this Confederation, M. Léon Jouhaux, said, at the Congress of the Syndicates in 1918: "We must strive for the realisation of this formula: the maximum of production in the minimum of time for the maximum of salary with general augmentation of the consumption of all." The programme which the American workmen elaborated lately is directly called the reconstructive programme, and is an example worthy of following. The British labour organisations were always distinguished for their high understanding of general needs of their country.

Also the Czecho-Slovak workmen are well aware that their main aim is to-day the work that is to replace the values consumed by the war. It is not to be forgotten in judging the orientation of the workmen, that the International Socialist Congress in Berne (February 1919) rejected the methods of Bolshevism. If we take in consideration all these declarations we are bound to think that the organised working mass begins to orientate itself anew, that the old sterile ideas of crumbling down of society wherever they in the more progressive States were not abandoned before are surely abandoned to-day, that the mind of the working people does not tend to destruction but to construction, to a positive, creative economic activity. The workers wish to join in the responsibility as well as the rights of the agents of production.

It is our belief that the States are interested in the furthering of this orientation of organised labour towards its co-operation and co-responsibility in production; for this will increase also the influence of the more intelligent elements, and of the organisations on the elements less intelligent or undisciplined. The introduction of the eight-hour day we deem in this moment, the main means of showing the workers of the whole world that their feelings and strivings are being understood by the Governments of to-day, that the victory of democracy over autocracy in this war will be as well the victory of the idea of social justice and the forerunner of a new life of the working people.

The shortening of the working day cannot cause the lowering of wages, a question side by side with that of the productiveness

of the country, the most important for the solving of this problem. The wages are dictated by the standard of life of the working class, by the quantity and quality of food, clothing, lodging, &c. It is a well known fact that the wages are lowest in the States where the working day is the longest. This rule is of course not without certain exceptions, as is the way of rules. Countries like the United States, Great Britain and Australia can boast of the highest wages although their working day is the shortest. It is the general experience of the labour organisations that the prolonged working day does not lead to higher wages but has a tendency to lower them. *The shortening of the working day is to the labouring class the means of increasing the price of the unit of its working energy. For this reason the working people see in the eight-hour day the necessary basis of their social liberation.*

The main objection to the eight-hour day was the contention that this demand could not be granted in any particular country while in other countries the old conditions were to remain. There were fears of foreign competition. This objection is not meaningless but loses much of its justification now when it is possible to solve this problem internationally through the Treaty of Peace, and eventually through the intended conference of nations and the League of Nations.

The Czecho-Slovak Delegation therefore, submitting the law of the Republic of Czecho-Slovakia for information as to the mode of the solution of this difficult and intricate problem in Czecho-Slovakia, takes the liberty to propose that the Commission on International Labour Legislation accept this resolution: The Commission on International Labour Legislation recommends to the Peace Conference that the Treaty of Peace or the principles of the League of Nations contain this resolution:—

“The High Contracting Parties bind themselves to realise in the concerns employing wage-earning persons the principle of the eight-hour day. As for the admission of the exceptions to the principle of the eight-hour day, as well as for the details of the time and mode of application of the principle to diverse industries and professions, the decision is left to the general Conference and to the legislature of every separate State.”

Paris, February 1919.

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## The Eight-Hour Day Bill of 13th December, 1918.

By order of the National Assembly, the following is decreed :—

### *Working Hours.*

#### § 1.

1. In all the concerns submitted to the standing orders or in all really industrial concerns the real working time of the employees is not to last longer than eight hours in twenty-four hours or forty-eight hours a week at the utmost.

2. This order applies equally to concerns and establishments managed by the Government or by public, or private bodies, funds, associations and companies without regard to their character of yielding profit, or general utility, or beneficence.

3. The same regulations apply equally to the mining undertakings (mines, furnaces, cokes-ovens, scorification furnace, furnace) underground as well as on the surface. The going in and out is regarded as auxiliary work according to § 7, but this change of the squad is prolonged for more than half an hour, including from the first worker going in to the last worker going out of the same shift. When working in a great heat or in stuffy places or when water is constantly penetrating the mining administration can, after having heard the trustee of workers and the managing-board of the enterprise, shorten the working day so that it does not surpass seven hours, including the going in and out.

4. The regulation *sub* 1 applies to persons regularly employed in agriculture and forest enterprises as well as those who live outside their employer's house and have daily, weekly or monthly wages.

5. The Minister for Social Care in agreement with the corresponding Ministers can allow some groups of concerns, especially those of transport and agriculture, different arrangement of working hours than mentioned *sub* I if they do not exceed the number of 192 hours a month.

#### § 2.

The employer is not to give to his worker any work to do at home in order to prolong the working hours fixed *sub* § 1. An exception is allowed only according to § 6.

### *Recreations.*

#### § 3.

1. The employers and the workers are alone to decide as to the division of the working hours as well as to the recreations.

2. A recreation of a quarter of an hour must be given after an uninterrupted work of five hours. Young employees are not to

work without interruption for more than four hours. These recreations must not be accorded to those workers older than eighteen years whose work offers reasonable time for work during the regular period of work.

#### § 4.

1. The employees must have once a week an uninterrupted rest of at least thirty-two hours.

2. This rest will fall on Sunday in such establishments where the interruption does not cause any technical difficulties, unless there be exceptions with regard to the law of Sunday rest.

3. Other exceptions with regard to the thirty-two hours' rest are allowed for such enterprises of uninterrupted pace where the changing of shifts (that is to say, the day-shift service and night-shift service) would not be practicable in any other way and when work cannot be stopped for technical reasons or without danger of causing damage, and when constant care is needed. In such cases the daily or weekly working hours fixed *sub* § 1 can be prolonged but the shift is to be divided in such a way that the thirty-two hours' rest falls at least on every third Sunday.

4. As overtime work will be considered (§ 6), those hours in which the changing of the shift took place, exceeding forty-eight hours a week.

5. The exceptions mentioned in the foregoing articles are to be authorised by the Minister for Social Care in agreement with interested Ministers and that for each group of undertakings in particular.

#### § 5.

1. The uninterrupted rest mentioned in § 4 is to begin for women employed in factories already on Saturday at 2 o'clock p.m. at the latest.

2. The Minister for Social Care can, in agreement with the interested Ministers, accord some exceptions to such enterprises where the collaboration of women is indispensable with regard to maintaining the uninterrupted working of the enterprise.

#### *Overtime Work.*

#### § 6.

1. Owing to the interruption of the regular full activity by the element-happenings or catastrophes, or if it is in the public interest or on account of other urgent reasons to raise the production, and if other measures cannot be taken, enterprises may be allowed, eventually more of them at the same time, to prolong temporarily the working time not exceeding the time of four weeks in a year and no more than two hours a day. Such a permission to con-

cerns under trade inspection is given by the trade inspector, to the mining enterprises by the mining district office ("bänsky revirni urad"), for railway work by the Minister of Railways, for agricultural and forest undertakings by the committee of community, and for other undertakings, industries and corporations by the political authority of the first bench.

2. Further overtime work up to two hours a day for the time not exceeding sixteen weeks in a year can be granted on the same conditions to mining undertakings by the mining head office ("hejtmantstvi"), to agricultural and forest undertakings by the political authority of the first bench, for railway work by the Minister of Railways, and for other undertakings, industries and corporations by the political authority of the second bench.

3. Those exceptional working hours are regarded as overtime work and have to be paid accordingly.

4. The overtime work must not exceed in all twenty weeks, or 240 hours in a year. This restriction does not apply to urgent work, especially repairing work, connected with endangering life, health and public interest, but only for a transitional period indispensable from the technical point of view and impracticable in the usual working time. For these labours no official allowance permission is needed; however, a notice is to be given to corresponding official places mentioned in § 1, if lasting longer than three days.

## § 7.

1. Further, no special permission is needed for auxiliary work necessarily preceding the production or following same, as, for instance, the heating of steam boilers, cleaning of shop rooms, feeding of cattle and so on, even if exceeding the usual working time fixed for the concern.

2. These labours also comprise the necessary transfer of work in such working groups, where it is absolutely necessary with regard to continuity, provided it is in the interest of uninterrupted work and service.

3. In concerns destined for public interests, the regular working time of certain groups of employees may be prolonged, that, although the employee is longer at his post in readiness, his working time, however, does not exceed six hours a day. This prolongation may be granted only if collective contracts between employers and employees concerning this were approved of by the Minister for Social Care, in agreement with the corresponding Ministers. The regulation of working time with railway undertakings depends on the decision of the Minister of Railways having beforehand enquired into the opinions of employees.

4. All these labours, exceeding the usual working time (the overtime work), are to be paid accordingly.

## § 8.

*Paragraph 8.*

1. Working at night, *i.e.*, in the time between 10 p.m. and 5 a.m. is allowed only in undertakings managed uninterruptedly, where the work for technical reasons cannot be stopped.

2. In other undertakings the night work in hours before mentioned is allowed only in such cases, when it is required by the public interest or the regular want of the public. The Minister for Social Care, in agreement with corresponding Ministers, shall give the particular regulations.

3. For temporary night work caused by the urgent reparation of the installation of the undertaking by forthcoming incidents, a special permission is not needed if the regular working of the undertaking would be endangered.

## § 9.

1. For night work only men employees older than sixteen years may be taken. Women are not to be employed for night work.

2. The Minister for Social Care, in agreement with corresponding Ministers, will point out those kinds of undertakings and establishments in which the working of raw materials or stuff very easily perishable allows the night working of women, older than eighteen years, exceptionally and temporarily for a short period.

3. Besides this, the Minister for Social Care can, in agreement with corresponding Ministers, allow exceptionally certain groups of undertakings to employ, during the night from 10 o'clock p.m. to 5 o'clock a.m., women older than eighteen years when it is required by the uninterrupted working of the undertaking or by the special requirements of public interest and when the work does not include fatiguing duties nor tiresome labours. The accorded permission must be placarded in the establishment.

*Young Employees.*

## § 10.

1. In the concerns mentioned *sub* § 1, children are not to be employed for wages unless they have attained the fourteenth year of their age and unless they have finished their obligatory studies.

## § 11.

1. Male employees under sixteen years of age and female employees under eighteen years can be employed only for light work, which does not injure their health and does not prevent their physical development.

2. For underground work including excavation, digging of the mine, only men can be employed.

*Persons employed in Households.*

§ 12.

1. Persons who are employed by the employer and live at the same time in his household for a longer time than one month hired for personal service (including so-called persons paid *in natura*) are to get a rest of 12 hours within 24 hours, out of which 8 hours must be reserved for an uninterrupted night rest and at least half-an-hour for midday rest.

2. The same applies to persons engaged for services not regularly executed and not fatiguing, as, for example, the caretaking of houses, establishments and animals.

3. Exceptions with regard to night rest are allowed only in particular cases and under urgent circumstances. Hard work is not to be done from 9 p.m. to 5 a.m.

4. The division of the working time may be arranged by the parties themselves. But at least once a week the employees are to have an undisturbed rest of eighteen hours, which is to fall on Sunday generally. If, however, during this time of rest the indispensable work of the household or of the farm is to be done, so in this case it must be regarded to that, that the employee gets his liberty for the Sunday afternoon. If it is necessary to work on Sunday a comparative rest must be accorded as compensation on weekdays.

5. The preceding regulations do not concern persons engaged in minor work, in nursing of patients, in work in the household and fields, if the period of the work does not last longer than six days.

*Final Regulations.*

§ 13.

All violation of this law is punished by the political authorities of the first bench or by the mining district office, which can fine to 2,000 crowns or three months' imprisonment; if repeated, the fine may be raised to 5,000 crowns or six months' imprisonment.

*Final Regulations.*

§ 14.

In establishments in which the work time will, according to this law, be shortened the wages are not to be lowered, but regulated with regard to the working time.

## § 15.

1. The law is valid from the fifteenth day of its proclamation.

2. For some particular groups of undertakings and their work-room, the working of which is without interruption, the Minister for Social Care in agreement with the corresponding Ministers can allow the postponement of the application of this law if it is necessary for technical reasons or for lack of suitable workmen.

## § 16.

The Minister for Social Care, together with the other Ministers, is entrusted to enforce this law.

T. G. MASARYK.  
Dr. KAREL KRAMER.  
Dr. WINTER.

## 8. Berne Conférence.

**Manifesto of the International Trade Union Conference at Berne,  
1919, on International Labour Legislation.**

*(Communicated by the French Foreign Office for the information  
of the Commission on International Labour Legislation).*

Under the wage system the capitalist attempts to increase his profit by the exploitation of the workers by methods which will bring in their train the physical, moral and intellectual decline of the workers unless this exploitation is limited by international action.

The emancipation of the workers cannot be completely realised except by the abolition of the capitalist system itself. In the meanwhile the resistance of the organised workers can lessen the evil, thus the health of the worker, his family life, and the possibility of improving his education, so that he can fulfil his duties as a citizen under modern democracy, can be protected. The system of capitalist production creates in the various countries a state of competition which puts backward countries in a condition of inferiority as compared with more advanced nations.



The necessity for the establishment of a normal basis of international labour legislation has become doubly urgent as a result of the tremendous upheaval and the great alterations which the people have suffered during the war. The remedy for this situation is to be found at present in the establishment of a League of Nations with the application of international labour legislation.

The International Conference demands, therefore, that the League of Nations should institute and put into operation an international system for fixing labour conditions.

In support of its demand the Conference draws attention to the decisions adopted by the Trade Union Conferences at Leeds and Berne, and demands that the minimum conditions already applied in several countries shall be applied internationally and inserted in the Treaty of Peace as an international labour charter comprising the following points :—

1. The Conference considers that elementary education should be compulsory in all countries. That preliminary training and general vocational instruction should be established in all countries. Secondary education should be free and accessible to all. The aptitudes and aspirations of youth should not be thwarted by the material conditions of their environment.

Children below the age of 15 years shall not be employed in industry.

2. Juveniles between the ages of 15 and 18 shall not be employed more than 6 hours per day with 1½ hours rest after 4 hours of work. During two hours each day juveniles of both sexes should attend technical continuation classes specially arranged for them, which should take place between 6 a.m. and 8 p.m.

The employment of juveniles should be prohibited :—

- (a) Between 8 p.m. and 6 a.m.
- (b) On Sundays and holidays.
- (c) In unhealthy industries.
- (d) In underground working of mines.

3. Female workers should have a holiday on Saturday afternoons and should not work more than 4 hours on that day. Where exceptions are necessary in certain industries a half-holiday shall be given on another day of the week.

Female workers shall not work at night. Employers shall be forbidden to give out work to be done at home after the normal working hours. Women shall not be employed in dangerous processes in respect of which it is impossible to arrange for sufficiently sanitary conditions : for example, in mines underground, or where the handling of dangerous materials is harmful to their less robust constitutions. The employment of a woman shall be forbidden during four weeks before and six weeks after confinement. A system of maternity insurance shall be established in all countries and benefits shall be paid in cases of sickness. Women's

work shall be free and shall be based on the principle of equal pay for equal work.

4. The hours of work shall not exceed eight hours per day and forty-eight hours per week. Night work from 8 p.m. till 6 a.m. shall be forbidden except in cases in which it is unavoidable for technical reasons or on account of the nature of the work itself.

Where night work is necessary the payment shall be higher than the payment for day work.

The Saturday half-holiday shall be introduced in all countries. The weekly rest shall amount to at least thirty-six hours. When the nature of the work requires employment on Sunday, the weekly rest shall be arranged at some other time during the week. In continuous industries the shifts shall be arranged so as to give the workers a holiday on alternate Sundays.

6. In order to afford protection for health and against accidents, the hours of work shall be reduced to less than eight hours in dangerous industries. The use of dangerous materials is forbidden in all cases in which they can be replaced by substitutes. A list of poisonous substances, the use of which is forbidden in industry, shall be drawn up; the use of white phosphorus and white lead in decorative work shall be forbidden. Automatic couplings shall be made obligatory on all railways.

All the laws and regulations relating to labour protection in factories shall be applied in principle to home industries. The same shall apply as regards social insurance. Out work shall not be permitted as regards (i) processes which may result in poisoning or which are harmful to health; (ii) food industries, including the manufacture of bags and boxes intended to contain food; (iii) the notification of infectious disease shall be compulsory wherever homework is carried on, and work shall be forbidden in houses in which infectious diseases have been reported. Provision shall be made for medical inspection in this respect.

As regards home work, a list of workers shall be kept and the workers concerned shall be given a wages book. Committees of representatives of employers and employed shall be set up in all the districts containing home industries, and these committees shall have legal power to fix rates of wages. These rates of wages shall be posted up in the places in which work is carried on.

Freedom of association and combination shall obtain in all countries. The laws and regulations providing for special conditions as regards certain classes of workers as compared with other classes, or which deprive them of the right of combination and prevent them for protecting their interests, shall be abolished. Emigrant workers shall enjoy the same rights as the workers of the countries into which they emigrate, and this shall

include the right to strike. Provision shall be made for penalties in those cases in which the rights of free combination are interfered with.

Foreign workers shall be entitled to the wages and the conditions agreed between the trade unions and the employers in all branches of industry. Failing such agreed conditions foreign workers shall be entitled to the current rates in the locality in which they work.

Emigration shall generally be free. Exceptions may be allowed to this rule in the following cases :—

- (i) A State may limit immigration temporarily during periods of economic depression in order to protect both the native and the immigrant workers.
- (ii) A State has the right to control immigration in the interests of public health and to forbid immigration for a certain period.
- (iii) States may require from the immigrants that they shall be able to read and write in their native tongue, with the object of maintaining a minimum of popular education and of ensuring the effective application of labour legislation in those industries in which immigrants are employed.

The Contracting States undertake to introduce without delay legislation forbidding the engagement of workers by contract to work abroad and thus put an end to the abuses of private emigration agencies. Preliminary contracts are forbidden.

The Contracting States undertake to collect statistics of the labour market based on the reports published by labour exchanges, and to secure the mutual interchange of information as often as possible through the intermediary of a central international office. These statistics shall be communicated to the trades unions of each country. No worker shall be expelled from any country for trade union activities, and he will have the right to appeal to the Courts against any measure of expulsion.

10. In any case in which wages are insufficient to secure a normal standard of comfort, and if it is impossible to secure an agreement between workers and employers, the Government shall set up joint commissions to establish minimum wages.

11. In order to reduce unemployment, a central trade union organisation in the different countries shall arrange to exchange information relating to the demand and supply of labour. A system of insurance against unemployment shall be instituted in each country.

12. All workers shall be insured by the State against accidents arising in the course of their work. The benefits to be paid to those concerned and to their dependents shall be fixed according to the laws of the worker's country of origin. Insurance

legislation for widows and orphans, and for old age and sickness shall be instituted, and foreign and native workers shall receive equal treatment.

A foreign worker, on leaving the country in which he has been working, shall be entitled, if he has been a victim of an accident in the course of his employment, to receive a lump sum if an arrangement in this respect has been concluded between the Government of the country in which he has worked and his native country.

13. A special international code shall be laid down as regards the protection of seamen. It shall be drawn up in collaboration with the Seamen's Unions.

14. The enforcement of these provisions shall be entrusted in each country to labour inspectors. These inspectors shall be chosen from among technical, sanitary and economic experts, and shall be assisted by workers of both sexes. The trade unions shall control the administration of the labour laws. Employers employing at least five foreign workers shall post up labour regulations and other important notices in the native tongues of the workers, and shall have the foreign workers, whom they employ, taught the language of the country at their expense.

15. In order to apply international labour legislation, the Contracting States shall set up a permanent Commission, on which the the Delegates of the States members of the League of Nations, and of the International Federation of Trade Unions, shall be equal in number.

This Permanent Commission will call together each year a conference of Delegates from the Contracting States, in order to develop international labour legislation. One half of the members of this conference shall be representatives of the organised workers of each country. The resolutions of the conference shall have legal force internationally.

The permanent Commission will collaborate with the International Labour Office at Basle and the International Organisation of Trade Unions.

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## CHAPTER II.

### Report presented to the Preliminary Peace Conference by the Commission on International Labour Legislation.

The Commission has held thirty-five meetings, and has drawn up its conclusions in two parts. The first is a Draft Convention containing provisions for the establishment of a permanent organisation for international labour legislation. This Convention, which was based on a draft presented by the British Delegation, has been the subject of the most careful examination and discussion. The first part of this report may conveniently take the form of a commentary thereon. The second part of the Commission's conclusions is in the form of clauses containing declarations of principle in regard to a number of matters which are of vital importance to the labour world. At the opening sittings, the various Delegations agreed on the need for such declarations, which the Commission suggest should be included in the Treaty of Peace, in order that it may mark not only the close of the period which culminated in the world-war, but also the beginning of a better social order and the birth of a new civilisation.

#### *PART I. — PERMANENT ORGANISATION.*

##### PREAMBLE.

The main idea underlying the scheme embodied in the Convention is that the constitution of the League of Nations will not provide a real solution of the troubles which have beset the world in the past, and will not even be able to eliminate the seeds of international strife, unless it provides a remedy for the industrial evils and injustices which mar the present state of society. In proposing, therefore, to establish a permanent organisation in order to adjust labour conditions by international action, the Commission felt that it was taking an indispensable step towards the achievement of the objects of the League of Nations and has given expression to this idea in the Preamble, which defines the objects and scope of the proposed organisation.

## CHAPTER I.

Chapter I provides the machinery of the permanent organisation proposed. In the first place, it is stipulated (Article 1) that participation in this organisation shall be a condition of membership of the League of Nations, since every State Member of the League is morally bound to accept the principles set forth in the Preamble, if it has really at heart the promotion of the cause of justice and humanity.

The organisation itself is divided into two parts: (1) The International Labour Conference; (2) The International Labour Office controlled by a Governing Body. (Article 2.)

### *I.—International Labour Conference.*

This Conference will meet at least annually and will consist of delegates nominated by each of the High Contracting Parties, two of whom will be directly appointed by the Governments, and the other two will be chosen in agreement with the industrial organisations representative of their employers and workpeople respectively (Article 3).

Each delegate will vote individually (Article 4). It was strongly felt by the Commission that if the Conference was really to be representative of all those concerned with industry and to command their confidence, the employers and workpeople must be allowed to express their views with complete frankness and freedom, and that a departure from the traditional procedure of voting by national units was therefore necessary. It was accordingly thought that the employers' and workpeople's delegates should be entitled to speak and vote independently of their Governments.

Some difference of opinion made itself felt on the Commission as to the relative numbers of delegates representing the Governments, the employers and the workpeople respectively. The French, American, Italian and Cuban Delegations contended that each of these three parties should have equal voting power. They maintained that the working classes would never be satisfied with a representation which left the Government and the employers combined in a majority of three to their one. In other words, the proposal amounted to giving the States a veto on the proceedings of the Conference which would create so much distrust of it among the workers that its influence would be seriously prejudiced from the start. This view was contested by the British, Belgian and other Delegations, who pointed out that as the Conference was not simply an assembly for the purpose of passing resolutions, but would draw up draft conventions which the States would have to present to their legislative authorities, it was essential that the Governments should have at least an equal voice. Otherwise, it might often happen that conventions adopted by a two-thirds majority of the Conference would be rejected by the legislatures of the various States, which would have the ef-

fect of rendering the proceedings of the Conference nugatory and would quickly destroy its influence and prestige. The adoption of a proposal to which the majority of the Governments were opposed would not lead to any practical result, as the legislative authorities of the Governments whose delegates were in the minority would in all probability refuse to accept it. Moreover, it was likely, especially in the future, that the Government delegates would vote more often with the workers than against them. If this were so, it was obviously to the advantage of the latter that the Governments should have two votes instead of one, as it would render it easier for them to obtain a two-thirds majority, which under the Franco-American proposal would be practically impossible, if the employers voted in a body against them.

The Commission finally decided by a narrow majority to maintain the proposal that each Government should have two delegates.

The Italian Delegation, which united with the French Delegation in urging the importance of securing representation for agricultural interests, were to some extent reconciled to the above decision by the consideration that, as the Governments would have two delegates, it would be easier to secure such representation. It should also be observed that, as different technical advisers may be appointed for each subject of discussion, agricultural advisers may be selected, when necessary.

## 2. *International Labour Office (Articles 6 to 13).*

This Office will be established at the seat of the League of Nations, as part of its administrative organisation. It will be controlled by a Governing Body of 24 members, the composition of which is provided for in the Protocol to Article 7. Like the Conference, the Governing Body will consist of representatives of the Governments, employers and workpeople. It will include 12 representatives of the Governments, 8 of whom will be nominated by the States of chief industrial importance, and the remaining 12 will consist of six members nominated by the employers' delegates to the Conference, and six nominated by the workers' delegates. The objects and functions of the Office are sufficiently explained in the Articles referred to.

## CHAPTER II.

### 1. *Procedure (Articles 14 to 21).*

This portion of the Convention contains one article of vital importance, namely, Article 19, which treats of the obligations of the States concerned in regard to the adoption and ratification of draft conventions agreed upon by the International Conference.

The original draft proposed that any draft convention adopted by the Conference by a two-thirds majority must be ratified by

every State participating, unless within one year the national legislature should have expressed its disapproval of the draft convention. This implied an obligation on every State to submit any draft convention approved by the Conference to its national legislature within one year, whether its own Government representatives had voted in favour of its adoption or not. This provision was inspired by the belief that, although the time had not yet come when anything in the nature of an international legislature, whose decisions should be binding on the different States was possible, yet it was essential for the progress of international labour legislation to require the Governments to give their national legislatures the opportunity of expressing their opinion on the measures favoured by a two-thirds majority of the Labour Conference.

The French and Italian Delegations, on the other hand, desired that States should be under an obligation to ratify conventions so adopted, whether their legislative authorities approved them or not, subject to a right of appeal to the Executive Council of the League of Nations. The Council might invite the Conference to reconsider its decision, and in the event of its being reaffirmed there would be no further right of appeal.

Other Delegations, though not unsympathetic to the hope expressed in the first resolution printed at the end of the draft convention, that in course of time the Labour Conference might, through the growth of the spirit of internationality, acquire the powers of a truly legislative international assembly, felt that the time for such a development was not yet ripe. If an attempt were made at this stage to deprive States of a large measure of their sovereignty in regard to labour legislation, the result would be that a considerable number of States would either refuse to accept the present convention altogether, or, if they accepted it, would subsequently denounce it, and might even prefer to resign their membership of the League of Nations rather than jeopardise their national economic position by being obliged to carry out the decisions of the International Labour Conference. The majority of the Commission therefore decided in favour of making ratification of a convention subject to the approval of the national legislatures or other competent authorities.

The American Delegation, however, found themselves unable to accept the obligations implied in the British draft on account of the limitations imposed on the central executive and legislative powers by the constitution of certain federal States, and notably of the United States themselves. They pointed out that the Federal Government could not accept the obligation to ratify conventions dealing with matters within the competence of the forty-eight States of the Union with which the power of labour legislation for the most part rested. Further, the Federal Government could not guarantee that the constituent States, even if they passed the necessary legislation to give effect to a convention, would put it into effective operation, nor could it provide against the possibility of such legislation being declared unconstitutional by the supreme judicial authorities. The Government could not therefore



engage to do something which was not within their power to perform, and the non-performance of which would render them liable to complaint.

The Commission felt that they were here faced by a serious dilemma, which threatened to make the establishment of any real system of international labour legislation impossible. On the one hand, its range and effectiveness would be almost fatally limited if a country of such industrial importance as the United States did not participate. On the other hand, if the scheme were so weakened as to impose no obligation on States to give effect to, or even to bring before their legislative authorities, the decisions of the Labour Conference, it was clear that its work would tend to be confined to the mere passage of resolutions instead of resulting in the promotion of social reforms with the sanction of law behind them.

The Commission spent a considerable amount of time in attempting to devise a way out of this dilemma, and is glad to be able to record that it ultimately succeeded in doing so. Article 19 as now drafted represents a solution found by a Sub-Commission consisting of representatives of the American, British and Belgian Delegations specially appointed to consider the question. It provides that the decisions of the Labour Conference may take the form either of recommendations or of draft conventions. Either must be deposited with the Secretary-General of the League of Nations and each State undertakes to bring it within one year before its competent authorities for the enactment of legislation or other action. If no legislation or other action to make a recommendation effective follows, or if a draft convention fails to obtain the consent of the competent authorities concerned, no further obligation will rest on the State in question. In the case of a federal State, however, whose power to enter into conventions on labour matters is subject to limitations, its Government may treat a draft convention to which such limitations apply as a recommendation only.

The Commission felt that there might in any event be instances in which the form of a recommendation affirming a principle would be more suitable than that of a draft convention, which must necessarily provide for the detailed application of principles in a form which would be generally applicable by every State concerned. Subjects will probably come before the Conference which, owing to their complexity and the wide differences in the circumstances of different countries, will be incapable of being reduced to any universal and uniform mode of application. In such cases a convention might prove impossible, but a recommendation of principles in more or less detail which left the individual States freedom to apply them in the manner best suited to their conditions would undoubtedly have considerable value.

*//* The exception in the case of federal States is of greater importance. It places the United States and States which are in a similar position under a less degree of obligation than other

States in regard to draft conventions. But it will be observed that the exception extends only to those federal States which are subject to limitations in respect of their treaty-making powers on labour matters, and further that it only extends in so far as those limitations apply in any particular case. It will not apply in the case of a convention to which the limitations do not apply, or after any such limitations as may at present exist have been removed. Though reluctant to contemplate an arrangement under which all States would not be under identical obligations, the Commission felt that it was impossible not to recognize the constitutional difficulties which undoubtedly existed in the case of certain federal States, and therefore proposed the above solution as the best possible in the circumstances. 7

Attention should be drawn to the protocol to Article 19. The fear was expressed that the article might be interpreted as implying that a State would be required to diminish the protection already afforded to the workers by its legislation as a result of the adoption of a recommendation or draft convention by the Conference, and in consequence, the protocol was added in order to make it quite clear that such an interpretation was inadmissible.

It should be added that the Japanese Delegation abstained from voting on Article 19, as they had not yet received instructions from their Government in the matter. The Italian Delegation also abstained on the ground of the inadequacy of the powers given to the Conference.

## 2. *Enforcement (Article 22 to 34).*

These articles provide machinery whereby a State which fails to carry out its obligations arising under Article 19, or which fails to enforce a convention which it has ratified, may be made subject to economic measures. This machinery is briefly as follows:—

An industrial association of employers and workpeople may make representations to the International Labour Office which the Governing Body may at its discretion communicate to the State complained of for its observations. (Article 23). If no satisfactory reply is received, the Governing Body may publish the correspondence (Article 24), which in most cases will probably create sufficient pressure by public opinion to cause the complaint to be remedied.

The Governing Body also has the power, either on its own motion or on receipt of a complaint from a Government or from a delegate to the Conference, to apply to the Secretary-General of the League of Nations to nominate a Commission of Enquiry. For the purpose of such enquiries, each High Contracting Party undertakes to nominate one employer, one workman and one person of independent standing and each Commission shall con-

sist of one person drawn from each of these three categories. (Articles 25 and 26.) The Commission will report on the facts, recommend the steps which should be taken to meet the complaint, and indicate the economic measures, if any, which it considers would be appropriate in the event of the condition complained of not being remedied. (Article 28.)

Appeal may be made to the Permanent Court of International Justice of the League of Nations, which shall have power to review the findings of the Commission. (Articles 29 to 32). If the defaulting State fails to carry out the recommendations of the Commission or the Permanent Court, as the case may be, within the specified time, it will then be open to the other States to take the economic measures indicated against it. (Article 33).

It will be seen that the above procedure has been carefully devised in order to avoid the imposition of penalties, except in the last resort, when a State has flagrantly and persistently refused to carry out its obligations under a convention. It can hardly be doubted that it will seldom, if ever, be necessary to bring these powers into operation, but the Commission consider that the fact of their existence is nevertheless a matter of almost vital importance to the success of the scheme.

The representatives of the working classes in some countries have pressed their delegates to urge more drastic provisions in regard to penalties. The Commission, while taking the view that it will in the long run be preferable as well as more effective to rely on the pressure of international public opinion rather than on economic measures, nevertheless considers it necessary to retain the possibility of the latter in the background. If all forms of sanction were removed, the effectiveness of the scheme, and, what is almost equally important, the belief in its effectiveness, would be in great measure destroyed.

### CHAPTER III.

#### *General.*

This chapter does not call for much comment, but attention should perhaps be drawn to the provisions of Article 35, which provide that the British Dominions and India, and any colonies or possessions of any State which may hereafter be recognised as fully self-governing by the Executive Council of the League of Nations, shall have the same rights and obligations under the convention as if they were separate High Contracting Parties. It seemed evident to the Commission that colonies which were fully self-governing, not only as regards labour legislation but generally, must be regarded as separate entities for the purposes of the Labour Conference, but it was decided that a State and its self-governing colonies should not have more than one seat in the Governing Body. In the case of colonies which are not fully

self-governing, the mother country undertakes the obligation to apply labour conventions to them, unless local conditions render it impossible to apply them either wholly or in part.

## CHAPTER IV.

### *Transitory Provisions.*

This chapter provides, *inter alia*, for the holding of the first Conference in October, 1919.

The Commission felt it was essential that the Conference should meet at the earliest possible moment, but that, if it was to do its work effectively, some time must be allowed for the collection of information and for the different countries to prepare their views on the various subjects for discussion. The Conference could, therefore, hardly meet earlier than October. In the schedule to Article 39, it is proposed that the arrangements for this Conference should be made by an international committee consisting of representatives of the States named, with power to invite other States to send representatives, if necessary. It is suggested that the United States Government might be willing to convene the Conference at Washington, and the Commission much hopes that they will be willing to undertake this task. It is also suggested that the Peace Conference should approve the agenda set out in the same schedule.

The Italian Delegation proposed that all nations should be admitted to the Conference immediately after the signature of the Peace Treaty, but the Commission confined itself to passing the second resolution attached to the Draft Convention.

In conclusion, it should be remarked that after a long discussion on the question of adopting certain measures in the interest of seamen, the Commission thought that "the very special questions concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labour Conference devoted exclusively to the affairs of seamen," at which the delegates and technical advisers could accordingly be chosen from the shipping community. (See resolution attached to the Convention).

## PART II. — LABOUR CLAUSES.

The Commission were unanimous in thinking that their work would not be complete if it were simply confined to setting up a permanent machinery for International Labour Legislation. It was not within their competence or within their terms of reference to deal with specific questions relating to industrial conditions and to work them out with the detail necessary for the framing of proposals which could be accepted in a binding form. So impressed were they, however, with the urgent need for recog-

nising explicitly certain fundamental principles as necessary to social progress, that they decided to submit a series of declarations for insertion in the Peace Treaty. They did not feel called upon, however, to draw up a Charter containing all the reforms which may be hoped for in a more or less distant future, but confined themselves to principles the realisation of which may be contemplated in the near future.

It will be seen that the High Contracting Parties are not asked to give immediate effect to them, but only to endorse them generally. It will be the duty of the International Labour Conference to examine them thoroughly and to put them in the form of recommendations or draft conventions elaborated with the detail necessary for their practical application.

Proposals were placed before the Commission by the Italian, French, American, Belgian and British Delegations as to the declarations which should be made. The Commissions decided that no declaration should be submitted to the Peace Conference, unless it were adopted by a two-thirds majority, and it now has the honour of submitting nine declarations, all of which obtained such a majority and some of which were adopted unanimously.

It should be added, in conclusion, that a majority, but not a two-thirds majority, was obtained for a proposal couched in very general terms which suggested the application to agriculture of the general principles of labour legislation, and which arose out of an Italian proposal in regard to the limitation of the hours of work in agriculture. The delegates who voted against this proposal were, as they explained, by no means hostile to its general idea, but they thought that a proposal in such wide terms was not suitable for inclusion among the declarations to be put forward.

Samuel GOMPERS.  
*President.*

Arthur FONTAINE,  
*General Secretary.*

Harold BUTLER,  
*Assistant General Secretary.*

*Paris, 24 March, 1919.*

## Draft Convention creating a Permanent Organisation for the Promotion of the International Regulation of Labour Conditions.

### PREAMBLE.

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of technical and vocational education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries:

The High Contracting Parties, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the following Convention :—

### CHAPTER I.

#### *Organisation.*

#### ARTICLE 1.

The High Contracting Parties, being the States Members of the League of Nations, hereby decide to establish a permanent organisation for the promotion of the objects set forth in the Preamble, and for this purpose hereby accept the provisions contained in the following Articles.

## ARTICLE 2.

The permanent organisation shall consist of (i) a General Conference of Representatives of the High Contracting Parties and (ii) an International Labour Office controlled by the Governing Body described in Article 7.

## ARTICLE 3.

The meetings of the General Conference of Representatives of the High Contracting Parties shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the High Contracting Parties, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the High Contracting Parties.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The High Contracting Parties undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Each Delegate may be accompanied at each sitting of the Conference by not more than two advisers. The advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

A Delegate may in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the High Contracting Parties.

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with the undertaking contained in this Article.

## ARTICLE 4.

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the High Contracting Parties fails to nominate one of the non-Government Delegates whom it is entitled to nominate,

the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article 3 the Conference refuses admission to a Delegate of one of the High Contracting Parties, the provisions of the present Article shall apply as if that Delegate had not been nominated.

#### ARTICLE 5.

The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

#### ARTICLE 6.

The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

#### ARTICLE 7.

The International Labour Office shall be under the control of a Governing Body consisting of 24 members, appointed in accordance with the provisions of the Protocol hereto.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least 10 members.

#### ARTICLE 8.

There shall be a Director of the International Labour Office, appointed by the Governing Body, who shall, subject to the instructions of the Governing Body, be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

#### ARTICLE 9.

The staff of the International Labour Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons should be women.



## ARTICLE 10.

The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions and the conduct of such special investigations as may be ordered by the Conference..

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this Convention in connection with international disputes.

It will edit and publish a periodical paper in the French and English languages, and in such other languages as the Governing Body may think desirable, dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this Article, it shall have such other functions, powers and duties as may be assigned to it by the Conference.

## ARTICLE 11.

The Government Departments of any of the High Contracting Parties which deal with questions of industry and employment may communicate directly with the Director through the Representative of their State on the Governing Body of the International Labour Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

## ARTICLE 12.

The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

## ARTICLE 13.

Each of the High Contracting Parties will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

## CHAPTER II.

*Procedure.*

## ARTICLE 14.

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the High Contracting Parties or by any representative organisation recognised for the purpose of Article 3.

## ARTICLE 15.

The Director shall act as the Secretary of the Conference, and shall circulate the agenda to reach the High Contracting Parties, and through them the non-Government Delegates when appointed, four months before the meeting of the Conference.

## ARTICLE 16.

Any of the Governments of the High Contracting Parties may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the High Contracting Parties. Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favour of considering them.

If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

## ARTICLE 17.

The Conference shall regulate its own procedure, shall elect its own President, and may appoint Committees to consider and report on any matter.

Except as otherwise expressly provided in this Convention, all matters shall be decided by a simple majority of the votes cast by the Delegates present.

A vote shall be void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

## ARTICLE 18.

The Conference may add to any Committees which it appoints technical experts, who shall be assessors without power to vote.

## ARTICLE 19.

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of a recommendation to be submitted to the High Contracting Parties for consideration with a view to its being given effect by national legislation or otherwise, or (b) of a draft international convention for ratification by the High Contracting Parties.

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the High Contracting Parties.

Each of the High Contracting Parties undertakes that it will, within the period of one year at most from the end of the meeting of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action.

In the case of a recommendation, the High Contracting Parties will inform the Secretary-General of the action taken.

In the case of a draft convention, the High Contracting Party will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

If on a recommendation no legislative or other action to make such recommendation effective is taken, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the High Contracting Party.

In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of the Government of such State to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

*(In regard to the interpretation of this Article, reference should be made to the Protocol.)*

## ARTICLE 20.

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the States which ratify it, subject to any conditions which may be contained in the convention itself.

## ARTICLE 21.

If any convention laid before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the High Contracting Parties to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Government of the States concerned to the Secretary-General of the League of Nations, who shall register it.

## ARTICLE 22.

Each of the High Contracting Parties agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

## ARTICLE 23.

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workpeople that any of the High Contracting Parties has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the State against which it is made and may invite that State to make such statement on the subject as it may think fit.

## ARTICLE 24.

If no statement is received within a reasonable time from the State against which the representation is made, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

## ARTICLE 25.

Any of the High Contracting Parties shall have the right to file a complaint with the International Labour Office if it is

not satisfied that any other of the High Contracting Parties is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the State against which the complaint is made in the manner described in Article 23.

If the Governing Body do not think it necessary to communicate the complaint to the State against which it is made, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.

The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

When any matter arising out of Articles 24 or 25 is being considered by the Governing Body, the State against which the representation or complaint is made shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the State against which the representation or complaint is made.

#### ARTICLE 26.

The Commission of Enquiry shall be constituted in accordance with the following provisions:—

Each of the High Contracting Parties agrees to nominate within six months of the date on which this Convention comes into force, three persons of industrial experience, of whom one shall be a representative of employers, one a representative of work-people, and one a person of independent standing who shall together form a panel from which the members of the Commission of Enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the members present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any State directly concerned in the complaint.

## ARTICLE 27.

The High Contracting Parties agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 25, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject matter of the complaint.

## ARTICLE 28.

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting State which it considers to be appropriate, and which it considers other States would be justified in adopting.

## ARTICLE 29.

The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the States concerned in the complaint, and shall cause it to be published.

Each of these States shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

## ARTICLE 30.

In the event of any of the High Contracting Parties failing to take within the specified period the action required by Article 19, any other of the High Contracting Parties shall be entitled to refer the matter to the Permanent Court of International Justice.

## ARTICLE 31.

The decision of the Permanent Court of International Justice to which a complaint has been referred shall be final.

## ARTICLE 32.

The Permanent Court of International Justice may affirm, vary or reserve any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, of an economic character against a defaulting State which it considers to be appropriate, and which other States would be justified in adopting.

## ARTICLE 33.

In the event of any State failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other State may take against that State the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

## ARTICLE 34.

The defaulting State may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 26, 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Enquiry or decision of the Permanent Court of International Justice is in favour of the defaulting State, the other States shall forthwith discontinue the measures of an economic character that they have taken against the defaulting State.

## CHAPTER III.

*General.*

## ARTICLE 35.

The British Dominions and India shall have the same rights and obligations under this Convention as if they were separate High Contracting Parties.

The same shall apply to any colony or possession of any of the High Contracting Parties which on the application of such High Contracting Party is recognised as fully self-governing by the Executive Council of the League of Nations.

The High Contracting Parties engage to apply conventions which they have ratified in accordance with the provisions of the present Convention to their colonies, protectorates and possessions, which are not fully self-governing:

1. Except where owing to the local conditions the convention is inapplicable, or
2. Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the High Contracting Parties 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 36.

Any State not a party to this Convention, which may hereafter become a member of the League of Nations, shall be deemed *ipso facto* to have adhered to this Convention.

#### ARTICLE 37.

Amendments to this Convention which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Executive Council of the League of Nations and by three-fourths of the States whose representatives compose the body of Delegates of the League.

#### ARTICLE 38.

Any question or dispute relating to the interpretation of this Convention or of any subsequent convention concluded by the High Contracting Parties in pursuance of the provisions of this Convention shall be referred for decision to the Permanent Court of International Justice.

### CHAPTER IV.

#### *Transitory Provisions.*

#### ARTICLE 39.

The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the schedule annexed hereto.

Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the said schedule. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said schedule.

The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the High Contracting Parties in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.



## ARTICLE 40.

Until the League of Nations has been constituted all communications which under the provisions of the foregoing articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League when appointed.

## ARTICLE 41.

Pending the creation of a Permanent Court of International Justice, disputes which in accordance with this Convention would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Executive Council of the League of Nations.

## PROTOCOL TO ARTICLE 7.

The Governing Body of the International Labour Office shall be constituted as follows:—

Twelve representatives of the Governments,

Six members elected by the Delegates to the Conference representing the employers,

Six members elected by the Delegates to the Conference representing the workpeople.

Of the 12 members representing the Governments eight shall be nominated by the High Contracting Parties which are of the chief industrial importance, and four shall be nominated by the High Contracting Parties selected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight States mentioned above. No High Contracting Party, together with its Dominions and Colonies, whether self-governing or not, shall be entitled to nominate more than one member.

Any question as to which are the High Contracting Parties of the chief industrial importance shall be decided by the Executive Council of the League of Nations.

The period of office of members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

## PROTOCOL TO ARTICLE 19.

In no case shall any of the High Contracting Parties be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to diminish the protection afforded by its existing legislation to the workers concerned.

## SCHEDULE REFERRED TO IN ARTICLE 39,

### *First meeting of Annual Labour Conference, 1919.*

The place of meeting will be Washington.

The Government of the United States of America is requested to convene the Conference.

The International Organising Committee will consist of seven members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other States to appoint representatives.

#### Agenda—

1. Application of principle of 8-hours day or of 48-hours week.
2. Question of preventing or providing against unemployment.
3. Women's employment—
  - (a) Before and after childbirth, including the question of maternity benefit.
  - (b) During the night.
  - (c) In unhealthy processes.
4. Employment of children—
  - (a) Minimum age of employment.
  - (b) During the night.
  - (c) In unhealthy processes.
5. Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

### Resolutions adopted by the Commission.

#### *I.—Resolution proposed by the Belgian, French and Italian Delegations.*

The Commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the High Contracting Parties with a view to endowing the International Labour Conference under the auspices of the League of Nations with power to take, under conditions to be determined, resolutions possessing the force of international law.

## II.—*Resolution proposed by the Belgian, French and Italian Delegations.*

The Commission being of opinion that an international code of labour legislation which will be really effective cannot be secured without the co-operation of all industrial countries, expresses the wish that pending the signature of the Treaty of Peace, which will permit all such countries to be approached, the Peace Conference will communicate the present Draft Convention to the neutral powers for their information before finally adopting it.

## III.—*Resolution proposed by the French Delegation.*

The Commission considers that the very special questions concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labour Conference devoted exclusively to the affairs of seamen.

## Clauses proposed for insertion in the Treaty of Peace.

The High Contracting Parties declare their acceptance of the following principles and engage to take all necessary steps to secure their realisation in accordance with the recommendation to be made by the International Labour Conference as to their practical application :—

1. In right and in fact the labour of a human being should not be treated as merchandise or an article of commerce.
2. Employers and workers should be allowed the right of association for all lawful purposes.
3. No child should be permitted to be employed in industry or commerce before the age of fourteen years, in order that every child may be ensured reasonable opportunities for mental and physical education.

Between the years of fourteen and eighteen young persons of either sex may only be employed on work which is not harmful to their physical development and on condition that the continuation of their technical or general education is ensured.

4. Every worker has a right to a wage adequate to maintain a reasonable standard of life, having regard to the civilisation of his time and country.

5. Equal pay should be given to women and to men for work of equal value in quantity and quality.
6. A weekly rest, including Sunday, or its equivalent for all workers.
7. Limitation of the hours of work in industry on the basis of eight hours a day or forty-eight hours a week, subject to an exception for countries in which climatic conditions, the imperfect development of industrial organisation or other special circumstances render the industrial efficiency of the workers substantially different.

The International Labour Conference will recommend a basis approximately equivalent to the above for adoption in such countries.

8. In all matters concerning their status as workers and social insurance foreign workmen lawfully admitted to any country and their families should be ensured the same treatment as the nationals of that country.
  9. All States should institute 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.
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## CHAPTER III.

### The Proceedings at the Preliminary Peace Conference.

The Report of the Commission on International Labour Legislation was considered by the Preliminary Peace Conference at its plenary sittings of 11 and 28 April 1919.

#### *Sitting of 11 April 1919.*

At the first of these sittings, on 11 April 1919, Part I of the Report was discussed and the Draft Convention creating a Permanent Organisation for the promotion of the international regulation of labour conditions was adopted.

Mr. Clemenceau presided and the following plenipotentiaries were present :

#### *For the United States of America :*

The President of the United States.  
Honorable Robert Lansing.  
Honorable Henry White.  
Honorable Edward M. House.  
General Tasker H. Bliss.

#### *For the British Empire :*

##### *Great Britain :*

The Rt. Hon. David Lloyd George.  
The Rt. Hon. A. J. Balfour.  
The Rt. Hon. A. Bonar Law.  
The Rt. Hon. G. N. Barnes.  
The Hon. C. J. Doherty.

#### *Dominions and India :*

##### *Canada :*

The Rt. Hon. Sir Robert Borden.  
The Hon. Arthur L. Sifton.

##### *Australia :*

The Rt. Hon. W. M. Hughes.  
The Rt. Hon. Sir Joseph Cook.

##### *South Africa :*

General The Rt. Hon. Louis Botha.

*New Zealand :*

The Rt. Hon. W. F. Massey.

*India :*

The Rt. Hon. The Lord Sinha.

Major-General His Highness The Maharaja of Bikaner.

*For France :*

Mr. Clemenceau.

Mr. Pichon.

Mr. L. L. Klotz.

Mr. Jules Cambon.

Marshal Foch.

*For Italy :*

Mr. V. E. Orlando.

The Baron S. Sonnino.

The Marquis Salvago Raggi.

Mr. Crespi (replacing Mr. Antonio Salandra).

Mr. S. Barzilai.

*For Japan :*

The Marquis Saionji, former President of the Council of Ministers.

The Baron Makino.

Mr. K. Matsui.

Mr. H. Ijuin.

*For Belgium :*

Mr. Hymans.

Mr. van den Heuvel.

Mr. Vandervelde.

*For Bolivia :*

Mr. Ismael Montes.

*For China :*

Mr. Lou Tseng Tsiang.

Mr. Chengting Thomas Wang.

*For Cuba :*

Mr. Antonio Sanchez de Bustamante.

*For Ecuador :*

Mr. Dorn y de Alsua.

*For Greece :*

Mr. Nicolas Politis.

Mr. A. Romanos, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Hellenes at Paris.

*For Guatemala :*

Mr. Joaquim Mendès, Envoy Extraordinary and Minister Plenipotentiary of Guatemala at Washington, former Minister of State for Public Works and Public Instruction.

*For Haiti :*

Mr. Tertullien Guilbaud.

*For The Hedjaz :*

His Royal Highness the Emir Feisal.  
Mr. Rustem Haidar.

*For Honduras :*

Dr. Policarpo Bonilla, Envoy Extraordinary and Minister Plenipotentiary of Honduras at Paris.

*For Liberia :*

Hon. C. D. B. King.

*For Nicaragua :*

Mr. Salvador Chamorro, President of the Chamber of Deputies.

*For Panama :*

Mr. Antonio Burgos.

*For Peru :*

Mr. Francisco Garcia Calderon.

*For Poland :*

Mr. Roman Dmowski.  
Mr. Ignace Paderewski, President of the Council of Ministers, Minister for Foreign Affairs.

*For Portugal :*

Dr. Affonso Costa, former President of the Council of Ministers.  
Mr. Augusto Soares, former Minister of Foreign Affairs.

*For Roumania :*

Mr. Jean J. C. Bratiano.  
Dr. Vaida-Voevod, Minister of State.

*For Serbia :*

Mr. N. P. Pachitch.  
Mr. Trumbitch.  
Mr. Ivan Zolger.

*For Siam :*

The Prince Charoon.  
The Prince Traidos Prabandhu.

*For the Czecho-Slovak Republic :*

Mr. Charles Kramar.  
Mr. Edouard Benes.

*For Uruguay :*

Mr. Jacobo Varela Acevedo, former Minister for Foreign Affairs, former Senator.

*Mr. Barnes* (British Empire) delivered the following speech :—

Mr. Chairman and Gentlemen.

It falls to my lot to-day to present to you the Report<sup>1</sup> and recommendations of the Commission on International Labour Legislation. We have issued with our Report two separate and distinct documents, one being the text of a scheme for an organisation embracing States, employers, and workmen<sup>2</sup>; the other, nine resolutions which have been adopted by the Commission and are suggested for insertion in the Peace Treaty, or issue therewith<sup>3</sup>. Before, however, dealing with the documents which have been issued, I might be allowed to offer a few observations of a general character as to our conception of the duty which was entrusted to us. And, first of all, I want to say that we approached our work, as I am sure you would have had us do, in a sympathetic spirit, and from a humane point of view. Some of us knew our labour world at first hand, and we knew that there were many in it condemned to lives of penurious toil, relieved only by spells of compulsory idleness. In normal days, before the war, labour conditions were largely the result of blind chance. Age and want, that ill-matched pair, too often haunted the mind of the worker during his working life, and we must remember that the worker to-day still lives very largely in pre-war memories; he dreads return and is determined not to return to those pre-war conditions. Mr. Chairman, those pre-war experiences of labour have laid upon the world a heavy burden and a great danger. They have produced a workman who is class-centred, who regards work as a blessing, and has been deluded into the belief that the less work he does the more is left for his workmates. That feeling, and the practice based upon it, is demoralising to the individual, and harmful to the community. But it can be eradicated only by security against unemployment and improved conditions of employment. In saying that, Mr. President, I am not casting stones at any class in regard to existing conditions. It has not been conscious cruelty, but rather the long arm of circumstances that

<sup>1</sup> See p. 260 above.

<sup>2</sup> See p. 269 above.

<sup>3</sup> See p. 282 above.



has cast the devil's chain around the workmen of some countries. Nor do I deny that there is room for some to rise and to share in the pleasure of life, but, nevertheless, it is true to say that the mass remain a misfit in their present conditions, a source of concern to all lovers of their kind and a menace to the peace of the world. It is that latter aspect of it that makes labour regulation, and I should say labour improvement, an integral and an urgent part in the work of a Peace Conference. And the question, therefore, which we had to consider, Mr. Chairman, was not only how to improve material conditions, but how to provide the means whereby to produce a better mental atmosphere.

Hitherto it has sometimes happened that efforts at improvements in a country have been checked by the fear or the plea of competition with other lower-wage countries. I do not enter into the question of the validity of the plea, although it may here be said, in parenthesis, that the highest wage countries, such as America, are not the least successful in world competition. I merely mention it as a factor which has often prevented improvements taking place; and international co-operation has hitherto been but fitful and sectional, sometimes on the part of some States and some workmen and some employers, sometimes on the part of workmen alone, sometimes on the part of employers alone.

We are seeking now, for the first time in history, so far as I know, to get the willing co-operation of all concerned—States, employers, and workmen—engaged in a common task and animated by a common desire to improve the working-man's conditions in all countries.

But, Sir, at the threshold of our proceedings we came across two very real obstacles. First of all there were the different degrees of industrial development in the different countries and, second, there were the limitations imposed on States against accepting the decrees of any super-authority. And therefore we had perforce to give up ideas of uniformity or coercion, and to rely mainly upon the goodwill of States to accept advice and guidance which might be given to them. I freely admit that at one time I had a good deal more faith in penalties; but, Sir, closer inspection led me to the conclusion that penalties must be kept well in the background and can be applied only through the League of Nations and under the authority of the League of Nations.

That provision is now embodied in our draft.

But, Sir, while our minds were driven from one channel, our minds were at the same time attracted to the possibilities of another one. Publicity and agreement presented themselves in stronger and clearer colours. After all, it is not coercion so much that is wanted in most things; it is more, I think, knowledge and goodwill. And we have therefore provided in our scheme for meetings of States, employers, and workmen to be held in the light of day, to be representative of all concerned, and to be armed with the fullest possible information. It will be the duty of the organisation which we propose to collect and distribute informa-

tion, to promote healthy public opinion and, generally speaking, to diffuse light in dark places, wherever such may be found.

That, then, may be said to be the fundamental and, as we believe, the effective idea in our scheme—the creation and mobilisation of healthy public opinion.

Mr. Chairman, having, I hope, conveyed the right impression as to the character of our proposals, let me just say a few words, without, I hope, any unnecessary detail, about our scheme of organisation.

First, let me say that the scheme was drafted in Paris and was submitted first of all to the British Delegation and British employers and Labour representatives, then presented to the Commission which you set up, and, after it had emerged from the Commission, again submitted in an altered and expanded form to British representatives. I do not want to pose as the champion of Britain in this matter. I do not want to take undue credit for anything; we can only take credit for the initiation. I am speaking now for the British Delegation. This document as it now appears before you is the product of many minds; it is the unanimous finding of the Commission which you yourselves set up. It puts into concrete form what has been asked for and seen as a vision in France above all countries for many years.

Now, let me say a few words about its main provisions. First of all, its boundaries are made to coincide with those of the League of Nations. We have two reasons for this: firstly, because in doing that the League of Nations is thereby invested with duties of a positive nature and associated with the everyday life of the community; and, secondly, because all the nations in the League are brought into world co-operation for industrial improvement and thereby a favourable impression will be created on Labour in all countries because the impression will be created that the Peace Conference is seriously regarding this Labour problem.

In the second place we provide for annual Conferences. These annual Conferences will consist of four members from each State; two members being directly representative of the State, and the others being representative of Labour and employers respectively. In so far as is possible and, in fact, unless otherwise provided, the annual meetings will be held at the capital of the League of Nations, and we propose a new and novel form of voting at the Conferences. Each delegate will vote separately and independently, our object being to promote a spirit of internationality and moreover to enable Labour, as a whole, to take a due part in the deliberations. We propose that there should be a permanent office also constituted at the seat of the League of Nations, the duty of which would be to collect and distribute the information, as I have before mentioned; that that body should be under the control of what we call the Governing Body, and that the constitution of that Governing Body should be in the same proportion as the Conference itself, that is to say, one-half of States representatives and one half of non-Government delegates.

Now, Mr. Chairman, I come to procedure, and the most important article in that part of the document is No. 19. That article cost us a great deal of trouble. It was the article upon which it was most difficult to agree, but I am glad to say that agreement was ultimately reached—agreement being reached upon it by compromise, as most agreements are. It now provides that if proposals are endorsed by an annual Conference, they are cast into the form of a Convention, or, alternatively, into the form of a Recommendation, and that if either one or the other gets two-thirds of the votes passed at a Conference, it then becomes the finding of the Conference, and is deposited with the Secretary-General of the League of Nations. Each High Contracting Party then comes under obligation to submit the Recommendation or Convention, as the case may be, to its appropriate competent authority; and, unless the Recommendation or Convention is accepted by such authority, that is the only obligation resting upon an affiliated State. But if the competent authority of this State accepts the Convention or the Recommendation, then, subject to a proviso in the next clause, about which I will say a word in a moment, subject to that proviso, then, it is under obligation to give it effect. But here we came upon the difficulty of the Federal State. There are some States which have no authority to make labour agreements in the forms of Treaties. There are some States, such as the United States of America, that embrace many competent authorities in the sense in which the words are used in our document; and each of these competent authorities has a right, and must be left to decide for itself. It was because of this that we had to give the right to the Conference—to impose an obligation upon the Conference rather—to cast their finding in certain cases in the form of a Recommendation instead of a Convention, and we also had to provide, even if it were cast in the form of a Convention, that it would still be open for a Federal State to adopt it as a Recommendation to put before its own competent authorities and give effect to it, if at all, in its own time and in its own way. The net result of this—I want to be perfectly candid with the Conference—the net result of all this is, that a less degree of obligation falls upon a Federal State than upon other States signatory to our document. That is bad; it is regrettable but, as we found, unavoidable. The difficulty was there. We did not make it, but we had to get over it in the best way open to us.

I want to introduce two slight additions and, if you will allow me, Mr. Chairman, when the time comes for proposing the adoption of our scheme of organisation, it will be understood that these have been made with the concurrence of all the countries with whom I have got into touch—France, United States of America, Italy (as far as she was able to say this morning), Japan, and India and the British Delegation. It will be remembered that I said a State was under obligation to put a Convention or Recommendation to its competent authorities within twelve months' time from the end of the Conference. It has been pointed out to us that there might be unforeseen and exceptional circumstances and,

in fact, a general election was mentioned as one which might occupy some months. It does in some countries, I believe ; and we must provide against that particular contingency. It is therefore proposed that after the words "twelve months after the meeting of the Conference" there should be inserted "or if it is impossible owing to exceptional circumstances to do so within a period of one year, then at the earliest possible moment and in no case later than eighteen months from the end of the Conference". This, as I have ascertained, is generally agreed to by the signatories. Then we propose to add a protocol to Article 19 to cover another point. You will remember that I said we ought to give up ideas of uniformity, at all events in some respects. There are some things in regard to which uniformity is impossible. That is implied by the document itself, because each nation has a right to accept or reject the findings of a Conference and therefore the Conference will always work under the knowledge that if they try the impossible—in the way of imposing upon an Eastern country for instance what was altogether out of the question for our day and generation—that country would simply reject the finding. However, in case there should be any misunderstanding, a form of words has been put forward as follows :—

"In framing any Recommendation or draft Convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation or other special circumstances make the industrial conditions substantially different, and shall suggest modifications, if any, which it considers may be required to meet the case of such countries."

Then the words in Clause 20 to which I have referred, if a State adopts a Convention it shall not be obliged to accept that Convention because there might be words in the Convention—what we have in mind is this : that the Convention might not be enforceable, to use a word which is in the document—it might not be applicable unless it was found that a certain number of States or a certain proportion of States had also adopted it. That is the proviso that I mentioned a while ago. Now only a word on the enforcement clauses from Number 23. It will be noted that although the machinery of organisation is brought into play, reliance is placed on inquiry and publicity. The persons making the inquiry have to be selected from a panel by the Secretary-General of the League of Nations. It will also be noted that the Court of the League of Nations may reverse, vary or affirm any decision. Then I pass over a lot of comparatively unimportant articles and I want to say that we have decided—subject to approval and subject to the United States agreeing to convene the Conference and co-operate—we have decided on a Conference being held this year. And we are most anxious to get authority to go on with that Conference as soon as possible.

I now come to the resolutions. It was felt by the Commission that it was not sufficient to deal only with machinery. Great hope has been expressed—has been raised in different countries.

We were told that something of a direct nature would be done here in Paris by the Peace-makers to make industrial as well as military peace. Of course it was not within our competence to deal specifically or in detail with anything of that kind, nor should I say, Mr. Chairman, is it within the competence even of this Conference to lay down industrial changes for adoption by affiliated States. Still the Commissioners were so much impressed with the need for giving expression to some fundamental principles that they have adopted nine resolutions, each one of them having been adopted by a majority of two-thirds. Those are now before you for adoption or otherwise.

That, Mr. Chairman, completed our work ; the record is now before you in print and, providing you give us the necessary authority, we are quite ready to proceed forthwith to arrange for our first Conference. It is proposed that the first Conference should be at Washington next October. That of course is subject to the co-operation of the Government of the United States and other arrangements being satisfactorily made by a Committee which we suggest should consist of seven, one of them being a representative of Switzerland, thereby bringing in the neutral countries.

Well, Mr. Chairman and Gentlemen, I need scarcely remind you of the urgency of this work of labour amelioration because it is known to all of us that new thoughts are surging up all around and among us, and as a result the world is at present in a ferment. Nor need I remind you of its importance, an importance, I should venture to say, second only to the preservation of peace, to which we have already given our hand and seal in the Covenant of the League of Nations. We believe that our scheme will give life and strength and vitality to the League of Nations by bringing it in contact with the daily life of the people. We believe that our scheme gives hope and will bring help to those whose lives are seared and scarred by toil and sorrow.

Therefore, on behalf of the Commission, and subject of course to the modifications which may have to be made under your rules by the Drafting Committee or Commission, I have much satisfaction in commending it to your favourable consideration. (*Applause.*)

*President Wilson* spoke as follows :—

I rise not to add anything to what Mr. Barnes has said. I have admired what he has said altogether and concur in the conclusion with the greatest heartiness. I rise merely to say that no detail of the document is more welcome to my ears than the suggestion that the first Conference should be held in Washington in the United States, and I can assure the Conference that a most cordial invitation will be extended to the Conference to meet there. (*Applause.*)

*Mr. Colliard* (France), speaking in French, expressed the view of the French Delegation on the Report of the Commission in the following speech :—

Mr. Chairman, Gentlemen :

As Mr. Barnes has just explained to us, the Commission on International Labour Legislation has used every endeavour to attain the objects for which it had been created.

The Commission has paved the way for the establishment of a new and permanent organisation which will render it possible to translate into deeds those feelings of humanity and justice which the democracies of the world regard as one of the necessary guarantees of peace.

The results sought have been attained because a single principle has governed all our discussions, while the Delegates have always been in agreement with it.

This principle is that, in the interests of the working men themselves, and in order that humane legislation may develop smoothly and without suffering by economic competition, it is necessary, at frequent intervals and by means of International Conventions, for the working men of all countries to be assured of certain minimum guarantees.

These are the only conditions in which they will be able to see their lot improve day by day, and whereby they may find amid the riches and power of modern society the ease and leisure to which the development of civilisation enables them legitimately to aspire.

Thanks to the draft which is laid before you, the International Conventions will be drawn up with a facility which has not hitherto been attained. They will, moreover, acquire the breadth and importance which they ought to possess because adhesion to the permanent organisation which will be charged with their preparation will be one of the necessary conditions of admission to the League of Nations.

During the preparation of the draft, and while the details of the organisation now adopted were being examined, divergent opinions were able to make themselves heard both in regard to determining the number of Delegates allotted to each constituent part of the Nations represented, and as regards reconciling the sovereignty of State rights in the matter of Labour legislation with the authority that the permanent organisation ought to possess. In particular, certain Delegations wished to give more power to the decisions of that organisation, and to invest it to some extent with a more direct legislative authority.

No doubt these Delegations already foresaw the constitution of an International Parliament, which may be the solution of the future. Other Delegations were more careful of the sovereignty of the people which they represented, and were apprehensive lest, by the pursuit of premature settlements, they might hamper the initial steps of a work which must grow, strengthen itself and, by the fact of its own development, lead to lasting peace.

However, all the Delegations were inspired by the same desire to achieve the task which had been entrusted to them, and they were able to make the necessary sacrifices in order to obtain the

important result. So far as we are concerned we regret none of these sacrifices, certain as we are that the future will bring with it the settlement most favourable to a progressive and continuous improvement in Labour legislation.

The British Delegation has submitted three draft amendments to the text which is laid before you. These amendments do not appear to us to touch fundamental principles, but the Commission was obliged to submit its Report before examining them, as a certain number of important Delegates had already left. The examination of these few amendments, therefore, now falls to the lot of the Plenipotentiary Delegates to the Conference.

Whatever may happen, Gentlemen, I think we may congratulate ourselves on the results which the Commission on International Labour Legislation has attained, not only with respect to what it contributes to the present, but also to what it contains in embryo for the future ; moreover, the solemn affirmation of its scope is recorded in the clauses which you are asked to introduce into the Treaty of Peace.

*Mr. Vandervelde* (Belgium), speaking in French, set forth his reasons for concurring in the Report of the Commission in the following speech :—

Gentlemen,

I am present at this session in a dual capacity. I represent Belgium, and I belong to the Commission on Labour. There may, however, be yet another motive for my having been honoured by a request to speak, namely, that for many years past I have been among those who have striven for the institution of International Labour Legislation, and I am no doubt qualified on that score to welcome the results which are about to be achieved : in the first place, the creation of a permanent organisation of international legislation ; secondly, the fact that in the Conferences which are to be held from this year onwards, members of the working-classes will sit for the first time as Plenipotentiaries ; and, lastly, that, as we have every reason to hope, there will be inserted this very day in the Treaty of Peace the reforms which are laid down in our draft Labour Charter, especially those which the working-classes hold so dear, namely, a minimum wage and an 8-hours day.

Hardly 48 hours ago I was present at a meeting of the Belgian Labour party at the "Maison du Peuple" in Brussels. We were awaiting on the following day the grant of the vote by universal suffrage for which we had been striving for more than a quarter of a century. We have won it. It was, moreover, known that this Assembly would have laid before it a proposal intended to proclaim the principle of an 8-hours day and, quite spontaneously, the working men present there said :—

"We only await a telegram from Paris in order to organise a double festival and a double manifestation in honour of the equality which we have acquired and of the 8-hours day."

This will show you, Gentlemen, the great importance which the Belgian working classes, like the British working classes, attach to the resolution which they await from you ; and my reason for making this statement—I say so quite frankly—is that in other countries people are less optimistic in regard to the results which the Conference may be able to secure in this respect, and are less satisfied with the resolutions formulated by the Labour Commission.

I should like to sum up briefly the objections which have been made to the proposals which my honourable friend, Mr. Barnes, explained to us so fully just now.

In the first place there is a complaint that Labour representation in the future Conference is inadequate.

You are aware that, according to our draft resolution, the labour organisations are to have one representative, the employers' organisations another one, and States are each to be represented by two delegates. It is objected that this means giving Government Delegations an excessive preponderance and that it would be more rational for working men to be represented by one of their own number, the employers likewise, and the State by a single delegate who would act more or less in the capacity of an umpire.

Personally, I was inclined at first sight to support this idea ; however, after mature reflection, and after seeking the opinion of the Belgian technical delegates, both workmen and employers, I became firmly convinced that the proposal made by the British Delegation for one workman, one employer, and two Government Delegates, was more favourable than the other proposal to the interests of the working classes. You will at once grasp my reasons.

By the terms of the draft a Convention, if it is to be submitted by the Governments to their Legislatures for ratification, must obtain a two-thirds majority of votes. Very well, in an assembly where employers, workmen and Governments each commanded one-third of the votes, it would suffice for one State representative to vote with the employers' third in order to secure the rejection of a proposal ; on the other hand, by the system which we propose, Governments and States have a preponderant influence and, in these circumstances, if they incline to the side of the working classes it is they who will form, with the Labour representatives, the indispensable two-thirds majority.

It will be argued that the State, however, will not incline to the side of the working classes, that the State to-day is the Capitalist State and will be on the side of the employers.

You will not expect me, Gentlemen, as a Socialist, to maintain that the Governments of to-day are not Capitalist Governments, and undoubtedly if an interest of a vital character for the property and ruling classes were involved, the State, in its present form, would undoubtedly range itself on the side of the capitalists. The experience of the last few years has, however, shown that in matters of labour legislation and when there is a question of protecting the weak against the strong, the weak have acquired



through their organisations sufficient strength to induce the State to incline towards them rather than towards their masters, and I am convinced that Mr. Lloyd George at any rate, who has just solved so successfully one of the gravest conflicts between Capital and Labour that has ever arisen in the world, will not dream of contradicting me on this point.

Wherever democracy has become powerful and the working classes, by their syndicalistic efforts, have already acquired sufficient influence to oblige the State to take their wishes into account, those classes need not fear to find the Government Delegates against them ; that is reason for which, without further hesitation, I have energetically defended and voted for the proposal of the British Delegation.

Another objection has been made to the Draft Resolution of the Commission, for the Italian Delegates considered that the powers given to the future Labour Legislation Conferences were insufficient. In point of fact these Conferences will be, in spite of everything, Conferences of Plenipotentiaries ; they will not be able to vote for anything except recommendations or Conventions which must necessarily be submitted for ratification to the different Legislatures. Many, indeed, would have wished the creation of a Super-Parliament, the decisions of which would have bound the Parliaments and Governments of the various States represented.

I do not hesitate to say, Gentlemen, that I regard the creation of such an International Super-Parliament as an ideal towards which we should strive. I hope that one day the League of Nations may be sufficiently developed to be able to dictate laws to the world. Politics, however, are the science of what is possible, and it is precisely because I expect great things from the International Labour Conference that I have been among those who did not wish to demand from the Peace Conference the national abdications to which the nations themselves would not have consented. We must deal tenderly with the sovereignties which are beginning to draw closer to each other, and one day will federate, and it is in order to spare them that I have accepted the present text.

Further objections have been made with regard to the Labour Charter which it is proposed to include in the Treaty of Peace. Some would have wished to make it more abundant in promises, and compared its text, which one must admit is somewhat meagre, to that of the resolutions recently adopted by the Labour Conference at Berne. But need I point out that "comparison is not reason" ? The Berne Conference gave expression to the wishes of the working classes and defined their aspirations. What we require of the Conference is something more, and also something less ; it is to translate into declarations of principle by Governments a portion of the aspirations of the working classes. It will, too, be a great step forward if the Governments of the whole world declare as a point of principle that they regard a minimum wage, equality of wages as between the sexes, the protection of

night work, the protection of child labour, freedom of trades-unions, and, lastly, the 8-hours day, as essential conditions of a just peace.

Lastly, Gentlemen, there is one final objection to which I beg leave to draw your attention ; it is proposed that the International Labour Conference and the International Labour Bureau should be dependencies of the League of Nations. In my opinion that is not merely desirable, but actually necessary, and as advantageous to the League of Nations as it is to the International Labour Conference. It has this result, however, that when, a few months hence, the first Labour Conference is assembled at Washington, we risk seeing a certain number of empty seats and some nations absent ; there will be representatives of the working classes or employers of the *Entente* and of neutrals, but there will probably not be by then any representatives of the Powers which are still enemy Powers.

Now, if that is conceivable, if it can even be maintained that it is inevitable at the present stage when the League of Nations is involved, who does not see how difficult, if not impossible, it will be to legislate in matters of International Labour Legislation without the presence of all the great industrial nations and without the representation of all the proletariats ? Moreover, if such a situation were to be other than a merely transitory one, two things would come about : firstly, we should run the risk of seeing our Conference confronted by another Conference at which the proletariats would perhaps be more powerful and more influential ; and secondly, that if such a situation became protracted, our International Legislation would risk being partially inefficacious, because it would only be applied to a certain number of the great industrial countries. That was the reason for which the Commission was unanimous, not in demanding in the organic Statute of the Conference the immediate admission of all the industrial nations, but in voting the expression of a wish in favour of their incorporation as quickly as possible in the organisation which we are about to establish.

I must further express my conviction that the needs in regard to the protection of labour and to industrial legislation will be among the most powerful factors in the complete reconciliation of peoples to which I aspire with all the strength of my soul and my heart.

That, Gentlemen, is what I wished to say to you. To sum up, I consider that the work of the Labour Commission has been one of fairness and moderation, one of "give and take", and, if I may say so, one of transition between the absolutism of the employers, which was the rule of yesterday, and the sovereignty of labour, which, I am ardently convinced, will be the rule of to-morrow. For passing from the one to the other there are many roads : some are beset with violence and insurrection ; others, on the contrary, give just as quick a journey, but without clashes and shocks. If I dared to express my thoughts in a tangible way, I should say that there are two methods of making the revolution

which we feel is happening throughout the world, the Russian and the British method. It is the British method which has triumphed in the Labour Commission; it is the one which I greatly prefer, and it is for that reason that with all my heart I support the conclusions of my friend, Mr. Barnes, in expressing the hope that they may be accepted by the Conference, and that the events of to-day will show that the working-classes, having been one of the decisive factors in winning the war, shall receive their due recompense at the moment in which we are about to make peace.

*Mr. Barzilai* (Italy), speaking in French, expressed the views of the Italian Delegation in the following speech:—

Gentlemen,

It will be the honour of the Peace Conference to have established as one of its principal aims the drawing up of a Charter for Labour, and it will be a source of great satisfaction for the Italian Delegation to have used all its endeavours in the direction of a wider and more liberal comprehension of the principles which should animate this Charter in accordance with the proposals of Mr. Barnes, which it accepts in their entirety.

For we feel, and I am sure of here reflecting faithfully the thoughts of us all, that there is no question of concessions to be granted but rather of rules to be fixed in the interest of the working-men who are, together with their fellow-citizens, those who have given us our mandate to attend this Peace Conference.

It has for long been the rule in Italy to treat Labour questions in a spirit of courageous foresight; and even quite recently, it might almost be said by the anticipated influence of the collective organisation which is about to be set up, a free agreement between workmen and employers accepting the eight-hours day, to which Mr. Vandervelde, with all the weight of his authority, has just directly alluded, has marked a solemn stage on the road towards a better welfare and peace between the classes.

I therefore feel it to be a special subject of congratulation that all the questions put down on the Agenda for the forthcoming meeting of the International Labour Conference, which is to be held at Washington, correspond to those formulated in the proposal for a Labour Charter made by the Italian Delegation during the early sessions.

It is also a matter of satisfaction that Italy, in agreement with the great American Republic, should have laid before the Commission a proposal recognising the necessity of social legislation in regard to the workers on the soil. This proposal did not command the two-thirds majority of votes, and could not therefore be inserted in the Labour Charter. But it commanded unanimity among the voters as regards the recognition of its great importance, for those who voted against it explained that they had done so solely because they considered agricultural labourers to be sufficiently protected by the general measures relating to all working-men.

One question which is of especial interest to the Italian representatives is that of Labour emigration. The Italian Government during the last quarter of a century has paid the closest attention to this great social phenomenon which brings peoples closer together, which links up with each other the interests of different nations, and creates new affinities and fresh reasons for peace. I myself, as a member of the Italian Delegation to the Peace Conference, feel that I must state here that the sympathies by which my country is now surrounded are certainly due to a great extent to the spirit of work, sobriety, economy and enlightened patriotism which the Italian working-man has shewn abroad. It will therefore appear to you perfectly natural that questions concerned with emigration should be the subject of our especial attention ; the Italian Delegation has only withdrawn certain proposals in regard to this argument in order not to retard the drawing up of the Labour Charter and because of the hope which it firmly entertained of being enabled to renew those proposals whenever circumstances might permit.

You will allow me, Gentlemen, in conclusion, to express two wishes :

The first one is that in the Labour Charter room should soon be found for the application of constitutional forms in the relations between Capital and Labour in order to enable Labour to have a say, not only in the drafting of Labour regulations, but also in the control of the economic life of industrial or agricultural enterprise. Italy has, moreover, quite recently set her footsteps courageously in this path.

My second wish is, I am sure, shared by you all: it is that employers and employees may feel, as we feel, that the peace which we are forging here will not be vain if each citizen contributes to the maximum his own efforts for the preservation of social peace.

*Lord Sinha* (India) expressed the views of British India in the following speech :—

Mr. Chairman,

I desire, with your permission, to offer a few observations, on behalf of India which I and my friend, the Marahaja of Bikaner, have the privilege of representing. We have, in India, an industrial population fairly large in number, but relatively small as compared with our immense population. The reason is that, unfortunately for ourselves, our country is, from an industrial point of view, in an extremely backward condition, though it is our hope and our belief that, in the near future, a great impetus will be given to the development of indigenous industries. If, in bringing about that development, we are to build on safe and secure foundations, I, for one, feel convinced that the efficiency of our labour must be increased, and to that end we must devise measures to improve the conditions of labour and to provide facilities for the

education and general well-being of our workers. Something has already been done in India in these directions. Eight years ago, after an elaborate investigation by an influential and representative Commission, the Indian Legislature passed a Factory Act, the result of which has been a considerable improvement already in the previous law and practice. But having regard to our climatic, social, and other conditions, so radically different from those existing in Western countries, that Factory Commission recommended, in the best interests of the country, that progress must necessarily be slow, and that, in the interests of the workmen, they must not lay down standards prevailing in Western countries. I admit that there is room for much improvement, but still, so far as India is concerned, I must confess that we who are here to watch over and to protect so far as we can, the interests of India, watched the building up of this Convention with some misgiving. We feared that the special conditions of Eastern countries might not be sufficiently realised. We apprehended danger that the international regulation of labour might, under the pressure of public opinion, tend to make backward countries adopt, contrary to their best interests, and possibly against their will, measures which were not adapted to their conditions. Happily these differences of conditions have now been fully recognised by the slight addition which Mr. Barnes commended to your attention to-day—the addition in the form of a protocol to Article 19, which runs as follows :

“In framing any recommendation or draft Convention of general application, the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different, and shall suggest modifications, if any, which it considers may be required to meet the case of such countries.”

With this safeguard, to which we in India attach the highest importance, we gladly and whole-heartedly accept this Convention, and I am sufficient of an optimist to believe that the International Labour Convention will prove, not an instrument to compel India and other countries in the same situation, against their will and contrary to their best interests, to accept impracticable standards, but a body on which India and other countries in the same situation will rely for advice and counsel for the steady and progressive amelioration of labour.

*The Maharaja of Bikaner* (India) expressed the views of the States of India in the following speech :—

Mr. President and Gentlemen,

In endorsing generally the remarks made by my Right Honourable colleague, Lord Sinha, I should like also to give expression to my warm sympathy in regard to ameliorating the conditions of labour wherever the necessity is apparent. In view, however,

of the conditions and circumstances—economic, industrial and otherwise—which prevail in India, it would have been impossible for me, as one who has the honour of representing the ruling Princes of India, to bind the Indian States to proposals which, however suitable they may be for Western countries, would have proved prejudicial, both to the interests of the people of India as well as to the labour and industries of the country. I am, therefore, very glad that due regard has been paid to the special conditions of India and that a provision has been inserted to which Lord Sinha has already referred. It therefore remains for me only to make one point quite clear.

As the territories of the ruling Princes lie outside British India, and as legislation enacted for British India by the British Government cannot apply to the Indian States, and as furthermore the only competent authority to legislate for an Indian State is the Government of the State concerned, it should be clearly understood, with reference to Article 19 of the draft Convention, that “the authority or the authorities within whose competence the matter lies for the enactment of legislation or other action” shall be the constituted authorities of the various Indian States concerned.

*Mr. Barnes* (British Empire) : I now beg to move, Mr. Chairman, the following resolution :—

“That the Conference approves the Draft Convention creating a permanent organisation for the promotion of international regulation of labour conditions which has been submitted by the Labour Commission, with the amendments proposed by the British Delegation ; instructs the Secretariat to request the Governments concerned to nominate forthwith their representatives on the organising committee for the October Conference, and authorises that committee to proceed at once with its work.”

You will remember I said our work was divided into two parts. A scheme for the organisation of States, employers and workers, which is covered by this resolution. I move this resolution for the adoption of the scheme of organisation. That still leaves the road open for the consideration of the second part, namely, the nine resolutions at the end, which are separate and distinct, and have still to be dealt with.

*Mr. de Bustamante* (Cuba), speaking in French, made, in the name of the Cuban Delegation, the following reservations regarding the draft Convention :—

The Delegation of the Cuban Republic will vote with pleasure for the draft Convention which has been submitted to us, and the clauses for the Treaty of Peace. However, I must make a reservation in regard to Article 37, respecting the amendments to the Convention, because it is incompatible with the constitutional law of the Republic. I request the insertion of this reservation in the Minutes of the proceedings.

After making this clear, it only remains to me to express my concurrence in the words which have been spoken this afternoon

and with the desires expressed for an improvement in the condition of labour throughout the whole world.

*Sir Robert Borden* (Canada), moved in the following terms an addition to the motion proposed by Mr. Barnes :—

Mr. Chairman : It would be both presumptuous and unnecessary for me to attempt to add anything to the very eloquent speeches which have been made this afternoon upon the all-important subject which has engaged the attention of the Labour Commission for several weeks past. It is possible that some of us would have framed the dispositions of the proposed Convention somewhat differently, but the main purpose, and after all, the great purpose, in respect of this Convention, as in respect of the League of Nations, is to secure the adhesion of the different States to an arrangement which will tend to the welfare of humanity in the future. That purpose, I think, has been accomplished in the draft Convention which has been laid before us ; and I desire to offer my congratulations to the Labour Commission on the good work which it has done in that regard.

I have just one word to add. This Convention is linked in many ways by its terms to the Covenant of the League of Nations, and I think it desirable to make it perfectly plain that the character of its membership and the method of adherence should be the same in the one case as in the other. Probably, after all, in view of the dispositions of the Convention, that is only a matter of drafting ; but in order to prevent any misapprehension and to make the matter perfectly clear, I move that the following words be added to the motion which has been proposed by Mr. Barnes :—

“The Conference authorises the Drafting Committee to make such amendments as may be necessary to have the Convention conform to the Covenant of the League of Nations in the character of its membership and in the method of adherence.”

The Delegates of Bolivia, Ecuador and Panama made reservations in regard to Article 37 of the Draft Convention in view of the provisions of the Constitution of their countries.

*Mr. Montes* (Bolivia) : For reasons connected with the constitutional law of Bolivia, which is unable to accept emendations of the Acts passed by the legislative power, except such as may originate from that power, I am compelled to make, and do therefore make, the same reservations as the Cuban Delegation in regard to Article 37. If, indeed, as a result of ratification by the majority of States, the amendments became binding even on those which had not ratified them, the power to legislate would in point of fact have been thereby delegated, a thing which is forbidden by the Bolivian Constitution.

Having made these reservations, I hasten to add that I will cordially vote for the acceptance of the Draft which has been submitted at to-day's session to the Conference.

*Mr. Dorn y de Alsua* (Ecuador) :

The Ecuadorean Delegation will have every pleasure in voting for the Draft which has been presented, but entirely associates itself with the reservations made by the Delegations of the Cuban and Bolivian Republic on the subject of Article 37.

*Mr. Burgos* (Panama) :

Gentlemen : If a society is to make progress, it is indispensable that its members should not be benumbed by indifference or inertia. Each one of them must use all his energy, must bring his contribution to the common task, and share according to his means in the complex organisation of the social edifice.

But if a definite result is to be obtained, communion with one's own thoughts is not enough ; we must live in the world and with the world ; and by that I mean that each one must take up his share of the common burdens, must reach an understanding of the conditions of labour, and must follow the trend of prevailing ideas, for that is the only way of contributing to general progress by a more accurate knowledge of the worth of each social class. Thence arises the necessity of watching over the usefulness of our acts, of shunning all methods of constraint whether moral or physical, of respecting every category of workers, for each category contributes in its own way to social harmony. That is the way to apply the principle of relativity so as to ensure general cohesion.

The time has passed when people could rest satisfied with the enunciation of a few utopian ideas from which the happiness of the world should spring. The hour has now struck for carrying into effect the changes recognised as indispensable in order to enable the working-classes to hold the place in modern society to which they are entitled, and to take their great share of the welfare of humanity. Without that, the inventions of the brain, progress in technical methods and economic laws would be of no avail, for the working-classes make for all progress and their interests may not be hampered by anything which is old, or seems old.

Such are the considerations which confer its importance on the scheme for International Labour Legislation which has been submitted for your deliberation. The Panama Delegation gives its enthusiastic adhesion and likewise reserves the right to point out to its Government the scope of Article 37.

*Mr. Varela Acevedo* (Uruguay), speaking in French, declared in the following terms that he unreservedly concurred in the draft Convention :—

The Uruguayan Delegation accepts forthwith and unrestrictedly not only the Convention which has been laid before you for examination, but also the social principles which are to be embodied in the Treaty of Peace. The most important of those principles, viz., the 8-hours day, the weekly rest, the protection of children, stand already on our Statute Book. They have contributed to the economic development of our country, and to social pacification.



We wish that the success of our experience, however modest, may encourage other countries to enter on this path, which is one of justice, and even a safeguard for democratic institutions.

We should therefore be proud to see our policy shared by the great men present here.

*President Wilson* expressed in the following terms his deep regret at the absence of Mr. Gompers :—

Mr. Chairman : No one could have desired a more adequate exposition of this report than that which Mr. Barnes has given. But I cannot let this occasion pass without expressing my personal regret that my fellow countryman, Mr. Samuel Gompers, is not here. Mr. Gompers, as you know, was the Chairman of this Commission. He went home only under the compulsion of imperative duties there. I know how thoroughly and truly he represents the sentiment of the working-men of America. I wish very heartily that he were here to do what I am not qualified to do—express their sentiments and their entire concurrence in what I regard as this admirable document.

*The President* then called upon Sir Robert Borden to read his amendment.

*Sir Robert Borden* read his amendment, which ran as follows :—

“The Conference authorises the Drafting Committee to make such amendments as may be necessary to have the Convention conform to the Covenant of the League of Nations in the character of its membership and in the method of adherence.”

This amendment was added, with the assent of the Conference, to Mr. Barnes’ resolution.

Mr. Barnes’ resolution, thus completed, was put to the vote and unanimously adopted.

### *Sitting of 28 April 1919.*

At the plenary sitting of 28 April 1919, Part II of the Report of the Commission on International Labour Legislation was discussed and the draft clauses on conditions of labour proposed for insertion in the Treaty of Peace were adopted after amendment.

*Mr. Clemenceau* presided.

*Mr. Barnes* (British Empire) explained in the following terms the grounds of the alterations in the clauses to be inserted in the Treaty of Peace :—

I rise to revive the resolutions of which mention was made on the occasion of our last meeting — I mean the resolutions

connected with the report of the Labour Commission<sup>1</sup>. It will be remembered that there was embodied in that report a reference to nine resolutions which had been adopted by the Labour Commission, each one of which was accorded two-thirds of a majority vote; and it was intended that we should have dealt with them on that day. They were unfortunately not reached. Difficulties had arisen even then, and developed later on, with regard to the drafting.

I endeavoured, on behalf of the Labour Commission, to get an agreement on a redraft. I am sorry to say that I was not altogether successful, but Sir Robert Borden was more successful than I have been in getting agreement upon a redraft which he is going to submit to this meeting, and which, I have to say, so far as I can see, does embody the spirit of the nine resolutions which were adopted by the Labour Commission. It is my duty, however, just as a matter of form, to revive the resolutions as they came from the Labour Commission, and to submit those resolutions to you in their original form.

*Sir Robert Borden* (Canada) proposed in the following terms the amended draft of the nine resolutions :—

It is proper that, in the first instance, I should read the amended text which I move as an amendment to that originally proposed :

“The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed a permanent machinery associated with that of the League of Nations to further this great end.

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance :—

*First.* — The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

*Second.* — The right of association for all lawful purposes by the employed as well as by the employers.

<sup>1</sup> See above, pp. 282-283.

*Third.* — The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

*Fourth.* — The adoption of an eight hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained.

*Fifth.* — The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

*Sixth.* — The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

*Seventh.* — The principle that men and women should receive equal remuneration for work of equal value.

*Eight.* — The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

*Ninth.* — 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 employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations ; and that, if adopted by the industrial communities who are Members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world."

I may say, in the first instance, of this, as President Wilson said of the new draft of the League of Nations, that there are no alterations in substance as I understand it. There is, however, a new arrangement, and the phraseology has been somewhat altered. For example, the difference of conditions among different nations which was alluded to in paragraph 7 of the Articles as originally drafted is now recognised as a consideration which must apply to all the principles here laid down. Further, as it is manifestly impossible to establish at once a code which shall be permanent or enduring, emphasis is laid in the new draft upon the view that these Articles are to be regarded as an enunciation of the principles upon which from time to time, if need be, a code may be built up. In the concluding paragraph, emphasis is also laid upon the consideration that these methods and principles are not to be regarded as complete or final. It is quite impossible for us to foresee all

developments and all ideals which may arise in the future and, therefore, this is put forward as no more than a tentative enunciation of principles which, if they are observed and carried out as they should be, will result in a vast improvement of labour conditions throughout the world. I desire to explain, also, that the amended Articles are not presented here as embodying merely my own language and my own ideas. The suggested changes in phraseology and arrangements have come from the different Delegations which are represented in the Conference. They have received, I believe, the approval and endorsement of all the important industrial communities.

I am glad to say that I am to be supported in making this proposal by Mr. Vandervelde, whose eloquent and inspiring speech on the subject at a previous session of the Conference still dwells in our memory. Therefore, with some confidence and for these reasons I venture to present the amended draft as one which should command the support of this Conference.

*Mr. Vandervelde* (Belgium), speaking in French expressed his approval of the proposed amendment in the following terms :

As Sir Robert Borden has just said, a mere comparison of the two texts suffices to show that there is no essential difference between them. The text proposed by the Commission was more precise, and I may say that my personal preferences were for such precision. However, in the course of the exchange of views, which preceded this meeting, we have convinced ourselves that in order to secure unanimity between the representatives of the 32 nations, situated in every corner of the globe, a little scumbling, if I may use the phrase, was indispensable.

We have, therefore, slightly scumbled the text, and I give my complete adhesion to the final text proposed by Sir Robert Borden. I do so all the more gladly because, as regards the questions to which European working-men are more especially attached, that is syndical liberty, a minimum wage, and the eight-hours day, the two texts are wellnigh identic. Having placed on record the foregoing observations, I beg your leave to propose three amendments to the drafting.

The French text, line 2, speaks of "industrial wage-earners". In agreement with Mr. Fontaine, Director of the French Labour Bureau, I propose to say "paid workers", for it has always been understood, during the labours of the Conference, that international labour legislation ought to be applied no less to agricultural wage-earners than to the wage-earners of industry. That is, moreover, the sense of the English text.

Furthermore, in line 3, instead of saying "a permanent machinery", we have thought that the words "a permanent organisation" should be substituted. That will point out the possibility for growth of the institution which we are about to create.

Finally, at the end of the page (of the French text), instead of "Commission des Nations", I think it would be more accurate to say "League of Nations".

*The President* then put to the vote Sir Robert Borden's amendment together the alterations suggested by Mr. Vandervelde.

The amendment and the alterations were unanimously adopted.

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## CHAPTER IV.

### The Proposals of the German Peace Delegation.

The Draft Convention creating a permanent organisation for the promotion of the international regulation of labour conditions together with the draft clauses on conditions of labour to be inserted in the Treaty of Peace, which were proposed by the Commission on International Labour Legislation and adopted, after amendment, by the Preliminary Peace Conference at its plenary sittings of 11 and 28 April 1919 respectively, were incorporated in the draft Peace Treaty by the Drafting Committee as Part XIII (Labour). In this form they were communicated with the draft Peace Treaty to the German Delegation and the following correspondence was exchanged between the Delegation and the President of the Peace Conference :

*I. The President of the German Peace Delegation to the President of the Peace Conference.*

*(Translation.)*

Versailles, 10 May 1919.

Sir,

With reference to Articles 55 and 56 of the proposals submitted by us concerning the establishment of a League of Nations, we beg to transmit herewith the draft of an International Workers' Charter prepared by the German Government.

The German Government is of one mind with the Allied and Associated Governments in holding that the greatest attention must be given to labour questions. Domestic peace and the advancement of mankind are largely dependent on the manner in which these questions are adjusted. The demands for social justice repeatedly raised by the working classes of all nations are only partly realised in principle in Part XIII of the draft Peace Conditions of the Allied and Associated Governments, dealing with the Labour Organisation. These great demands have for the most part been realised in Germany already with the assistance of the working classes and, as is generally acknowledged, in an exemplary manner. In order that they may be universally satisfied, as is essential in the interest of the whole of humanity, it will be necessary at least to accept the proposals of the German Delegation.

We consider it essential that all States should adhere to this Convention, even though they are not Members of the League of Nations.

In order to guarantee to the workers, in whose interests these reforms are proposed, an active share in the preparation of the new provisions, the German Delegation considers that it will be necessary, during the course of the present peace negotiations, to invite representatives from the national trade unions of all the Contracting Parties to attend a Conference on International Labour Legislation at Versailles.

In the opinion of the German Delegation this Conference should take as a basis of discussion the resolutions of the International Trade Union Congress of Berne (5-9 February, 1919 ; Draft of an International Labour Charter, communicated to the Peace Conference at Paris<sup>1</sup>), resolutions which emanated from the previous decisions of the International Trade Union Congress of Leeds in 1916. On behalf of the trade unions of Germany, we beg to enclose a copy of these resolutions which were adopted by representatives of the trade unions organisations of Bohemia, Bulgaria, Denmark, Germany, Great Britain, France, Greece, Netherlands, Italy, Canada, Norway, Austria, Sweden, Switzerland, Spain and Hungary.

I have the honour to be etc.

(Signed) BROCKDORFF-RANTZAU.

The text of the draft of an International Workers' Charter prepared by the German Government, to which reference is made in the foregoing letter, is as follows :

### **Draft of an International Workers' Charter.**

#### **ARTICLE 1.**

#### *Freedom of residence, right of combination, labour conditions.*

The contracting parties pledge themselves not to restrict, within their territories, the freedom of residence of workers<sup>2</sup> by enacting laws forbidding emigration or generally prohibiting immigration. Each party, however, reserves to itself the right to supervise or temporarily limit the immigration of workers for the purpose of safeguarding its people's health, or during periods of unemployment, or to demand from the immigrant a certain minimum knowledge of reading and writing in the interest of its national culture and with a view to carrying more thoroughly into effect the national system of labour protection.

Each contracting party shall guarantee the worker's right of combination by enacting proper legislation for this purpose.

<sup>1</sup> See p. 225.

<sup>2</sup> The term "workers" in the meaning of this amendment includes all male and female workers as well as all categories of employees and officials. (*Footnote in original text*).

Laws or regulations withholding from certain groups of workers the right of combination or the right of defending their common economic interests, particularly the right to a voice whenever wages and conditions of labour are being fixed, shall not be enacted. They shall be abolished wherever they do exist. Foreign workers shall enjoy the same rights as natives in respect of participation and activity in trade union organisations, including the right to strike. All attempts at obstructing the worker's right of combination shall be liable to prosecution.

All alien workers are entitled to the rate of wages and the conditions of work which have been agreed upon by the workers' and the employers' organisations of their trade or, failing such agreements, they shall be entitled to benefit by the rate of wages and the working conditions customary in the locality and in the trade. Contracts made in contravention of this clause shall be declared null and void.

Workers shall not be expelled for their trade union activities and they shall have the right to appeal before a regular court against any expulsion order.

## ARTICLE 2.

### *Labour Exchanges.*

All recruiting of workers for foreign countries shall be prohibited and prosecuted, if the conditions offered are incompatible with Article 1, Clause 3. Workers engaged in contravention of this clause are to be forbidden to enter the country, all labour contracts made with them shall be declared null and void.

The contracting parties pledge themselves to develop the statistics of the labour market through the organisation of public labour exchanges and mutually to exchange these statistics, at shortest possible intervals, in order to protect the workers from migrating into countries with slender opportunities for employment.

All private firms, recruiting or transporting emigrants or migratory workers, shall be subject to special supervision.

## ARTICLE 3.

### *Social Insurance.*

The contracting parties pledge themselves to enact, as far as this has not been done already, for all workers compulsory insurance laws against sickness, accidents, disablement, old age and unemployment as well as an insurance for orphans and motherhood and further to extend their social insurance system to home workers.

Foreign workers during their stay in the country, are to be treated on a footing of equality with the native workers with regard to contributions payable to, and benefits to be received from, the insurance system mentioned in the former clause.



Workers employed temporarily abroad, especially so-called out-of-door workers, and workers employed in transport trades usually working on the territories of several States, shall on principle be subject, in regard to all matters affecting social insurance, to the legislation of the country where the headquarters of their particular firm are situated.

Workers of one of the contracting parties who obtained a title to pensions in the country of another signatory party, shall not lose their claim when leaving this country, provided their own national legislation guarantees equal treatment to members of the other country. Unemployment benefit shall be excluded from this provision. All detailed provisions concerning the payment of benefits and the control of the pensioners, are to be enacted by inter-State agreements. These agreements shall also contain provisions concerning the occupational diseases that shall be treated on the same footing as industrial accidents.

No fees shall be charged for any documents necessary for the purpose of pressing claims on the ground of social insurance laws. The same rule applies to all legal steps to be taken.

#### ARTICLE 4.

##### *Workers' Protection.*

The contracting parties shall develop in their respective countries all regulations on general labour hygiene and labour protection in all trades, especially the regulations intended to prevent accidents and diseases. Especially effective regulations shall be issued for all workers employed in dangerous trades, with a view to protecting their health. As such trade are to be considered in every case all work in mines, iron-founding, steel and rolling mills, undertakings in constant operation, shops where industrial poisons are manufactured or used, as well as all tunnel work and compressed air work under water.

The contracting parties are to enter as soon as possible into an agreement concerning the uniform introduction of well-tried protective measures. An international list of trade poisons shall be agreed upon with a view to determining what is understood by trade poisons. No poison shall be used in any trade where a less poisonous substitute can be found. The use of white (yellow) phosphorus for the manufacture of matches shall not be permitted.

It shall be the duty of the contracting parties to provide, if this has not been done already, that the regular working-hours in all trades do not exceed eight per day. Night work between 8 p.m. and 6 a.m. shall be forbidden by law for females and juveniles and for all establishments which either from their organisation or from technical reasons, are not dependent on night work. Care shall further be taken for an uninterrupted weekly rest of at least 32 hours being granted to all workers from Saturday to Monday, provided that the law does not expressly per-

mit in the public interest this rest to be put off to a week day. Reserve shifts are to be provided for in all continuous trades in order to ensure the regular weekly and uninterrupted rest of 32 hours, these shifts to be so organised as to permit an entirely free Sunday at least every third week. In countries in which generally or by a certain part of the population, another day of the week is held as the day of rest, the above prescribed rest takes place on that day instead of Sunday.

Female workers, on the days before Sundays and Festivals, shall be employed for four hours only, and not after 12 o'clock noon. In case the nature of the trade required exceptional treatment, the half-holiday shall be granted on a weekday. Before and after confinement, women workers must not be employed for ten weeks in all, and at least not for six weeks after the confinement. For equal work woman and male workers shall receive equal pay.

The contracting parties shall fix the age of children to be employed in industrial, commercial, and agricultural wage labour, as well as for leaving school, at the completed fourteenth year, and shall issue regulations as to trade and continuation schools, during the working time, of juvenile workers between 14 and 18 years of age.

#### ARTICLE 5.

##### *Home Work.*

All laws and regulations concerning labour protection are to be adapted according to their sense, to home workers. Home work shall be prohibited in all employments which gravely endanger the health of the workers or expose them to poisoning, or which have to do with the manufacture of foodstuffs and luxuries, including their packing. At the outbreak of dangerous contagious diseases, which shall be decided upon by the legislation of the respective States, the owners or possessors or managers of the dwellings in which home work is done, must give notice to the authorities. If in consequence of the outbreak of a contagious disease home work is prohibited in such a dwelling, the home workers concerned shall be compensated for their loss of employment.

The health of the minors employed in home work shall be under medical inspection. Those who pass on home work to others must have a register of workers, and the wage rolls must always be open for inspection.

The minimum wages for home workers are to be fixed by wage boards, consisting of an equal number of representatives of employers and workers, whose awards shall have legal force. After the regular working time no work shall be given out to women workers and juveniles to perform outside the working place. This applies also to work given out for the account of third persons.

## ARTICLE 6.

*Factory Inspection.*

The execution of labour legislation (Article 4) is to be controlled by a labour inspection exercised by a persons of official position, with the co-operation of the trade organisations of the workmen. These officials are to be employed in a sufficient number for the purpose of efficient inspection of all working establishments, and are to be chosen among experts, particularly among workers. Their independence and the execution of the orders which they think necessary, shall be secured by law. The inspectors, for purpose of comparison, shall, in a form internationally agreed upon, report annually.

The national authorities, in the care and legal protection of the alien workers, shall give assistance to the Consular representatives of the country of those workers.

Employers who employ more than four alien working people are legally bound to publish in the mother tongue of these workmen all announcements destined for the working people of the establishment, and to have these workmen instructed in the language of the country for at least two hours on the week during their working-time, until they are able to understand the official publications and workshops regulations in the language of the country. The cost of instruction is to be borne by the employers.

## ARTICLE 7.

*International execution of the labour laws.*

The contracting parties will take the proper steps to obtain, in the most effective manner, an international settlement of the legal conditions of the workers. There shall likewise be treated, with the co-operation of the seamen's organisations, an international seamen's legislation and an international seamen's protection. The contracting parties will take part in international conferences which have for their object to adapt, as far as possible, the labour legislation of the various countries to one another, taking hereby in consideration their special characteristics and to secure, in the domain of social legislation, to the working people of the concerned countries, a treatment which offers them equivalent advantages. The conferences shall take place as need arises, at least, however, once in five years. Each country has one vote; resolutions are only binding if carried by a majority of four-fifths of the voting countries.

For the preparation of the work of the conference and for the supervision of the proper execution of the conference resolutions as well as for giving information on social reform questions, there shall be instituted at Berne, with the consent of the Swiss Government, a permanent committee who will come together at the latest six months after the ratification of this Treaty. Each contracting power, as well as the International Federation

of Trade Unions and the International Labour Office at Basle, may each send a delegate to that committee; the adhesion of representatives of other organisations is reserved. The committee, in the carrying out of their duties, shall be in constant touch with the International Labour Office at Basle and as far as possible, make use of its institutions. It is assumed that the International Labour Office will continue its work to the same extent as hitherto and will include social insurance. Under this condition the contracting powers will as far as possible promote its work, particularly by financial assistance.

#### ARTICLE 8.

##### *Adhesion of other countries.*

Countries which have not signed this Treaty, may declare in writing their adhesion to the provisions of Articles 1 to 7; the written application is to be sent to the Swiss Federal Council with the request to transmit it to each of the contracting parties.

#### *2. The President of the Peace Conference to the President of the German Peace Delegation.*

*(Translation.)*

Paris, 14 May 1919.

Sir,

I have the honour to acknowledge receipt of your letter of 10 May in regard to international labour legislation together with the draft an International Workers' Charter. The reply of the Allied and Associated Governments is as follows:

(1) They take note of the declaration made by the German Delegates that domestic peace and the advancement of mankind depend upon the adjustment of labour questions and they are convinced that such adjustment will be rendered easier in the future than in the past as men's minds are freed from the fear of war, and industry relieved of the burden of armaments which German militarism had laid upon it. Part XIII of the draft Conditions of Peace provides the means by which such adjustment can be made and Section II of that Part lays down the principles which will progressively guide the Labour Organisation and the League of Nations. Article 427 indicates clearly that the enumeration of the principles set forth is not exhaustive. The purpose of the Labour Organisation is that it should promote the constant development of the international labour régime.

(2) The Labour Convention has been inserted in the Treaty of Peace and Germany will therefore be called upon to sign it. In the future the right of your country to participate in the Labour

Organisation will be secured, so soon as she is admitted into the League of Nations in accordance with Article 1 of the Treaty.

(3) It has not been thought necessary to summon a Labour Conference at Versailles. The conclusions of the Trade Union Congress at Berne, which are reproduced in the draft of an International Workers' Charter referred to in the first paragraph of your letter of the 10th instant, had already been studied with the closest attention. Representatives of the trade unions have taken part in the preparation of the Articles relating to labour. As appears, moreover, from the Annex to Section II of Part XIII, page 200, the programme of the First Session of the International Labour Conference to be held at Washington next October comprises the most important of the questions raised at the Trade Union Congress of Berne. Trade unions will be invited to take part in this Conference, and it will be held under definite rules, which provide for due effect being given to conclusions, subject only to the assent of the competent authorities in the countries represented.

(4) The draft of an International Workers' Charter prepared by the German Government is deficient, in that it makes no provision (Article VII) for the representation of labour at the international conferences. It is also inferior to the provision submitted in Part XIII of the Peace Conditions in the following respects:—

- (a) Five years is suggested as the maximum interval between Conferences (Art. VII). The Peace Conditions prescribe one year (Art. 389).
- (b) "Each country has one vote" (Art. VII). The Peace Conditions give a vote to each Delegate, whether representing a Government, Employers or Workers (Article 390).
- (c) "Resolutions are only binding if carried by a majority of four-fifths of the voting countries" (Art. VII). The Peace Conditions provide that a majority of two-thirds only of the votes cast shall be necessary on the final vote for the adoption of a recommendation or draft convention by the Conference (Art. 405).

The Allied and Associated Governments are therefore of opinion that their decisions give satisfaction to the anxiety which the German Delegation professes for social justice and that they ensure the realisation of reforms which the working classes have more than ever a right to expect after the cruel trial to which the world has been subjected during the last five years.

I have the honour to be, etc.

(Signed) CLEMENCEAU.

3. *From the President of the German Peace Delegation to the President of the Peace Conference.*

(Translation.)

Versailles, 22 May 1919.

Sir,

In the name of the German Delegation I have the honour to acknowledge the receipt of your Reply-note, dated 14 May 1919, which has been given us on our Note concerning international labour legislation.

The German Delegation takes note of the fact that the Allied and Associated Governments are of one mind with the National German Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labour questions. The German Delegation, however, does not agree with the Allied and Associated Governments as to the ways and means of arriving at the solution.

In order to avoid misunderstandings and false impressions, the German Delegation deems it to be necessary to elucidate the fundamental conditions underlying their note of 10 May 1919.

In the opinion of the National German Government the final decision in questions of labour law and labour protection belongs to the workers themselves. It was the intention of the German Delegation to give occasion, even while the negotiations of Peace are proceeding, to the legitimate representatives of the working people of all countries of casting their vote on this point and bringing into conformity the draft of the Conditions of Peace, the proposal of the National German Government and the resolutions of the International Trade Union Congress held at Berne from 5 to 9 February 1919. Contrary to this proposal, the Allied and Associated Governments do not think it necessary to call a Labour Conference at Versailles for this purpose.

The International Labour Conference contemplated to be held at Washington, to which you refer in your Reply-note of 14 May 1919, cannot replace the Conference demanded by us, because it is to be held on the principles which are established by the draft of the Treaty of Peace for the Organisation of Labour. The latter, however, disregards the demands raised by the International Trade Union Congress at Berne in two material directions.

The first divergence is in respect of the representation of the workers. According to the proposal of the International Trade Union Congress at Berne one half of the members of the Conference entitled to vote must consist of representatives of the workers of each country who are organised in trade unions. The German Delegation has endorsed this proposal by transmitting the protocol of the International Trade Union Congress at Berne. Contrary to this, the draft of the Treaty of Peace grants to the workers only quarter of the total votes at the International Conference; for, according to the draft of the Allied and Associated Governments, each country is to be represented by two Govern-

ment Delegates, one employer and only one worker. The Governments are even in a position, according to Article 390 of the draft of the Treaty of Peace, to exclude the workers' vote by not nominating an employer and thus giving to governmental bureaucrats the casting vote as against the representatives of practical life. This system is at variance with the democratic principles which have, to the present day, been upheld and fought for in common by the whole international workpeople, and will deepen the impression held among the workers that they are, as before, furthermore only to be the object of a legislation governed by the interest of private capital.

The second divergence refers to the legally binding force of the resolutions of the Conference. According to the resolutions of the International Trade Union Congress at Berne the International Parliament of Labour is to issue not only International Conventions without legally binding force, but also International Laws which, from the moment of their adoption, are to have the same effect (legally binding force) as national laws (Proclamation to the workers of all countries, adopted by the International Trade Union Congress at Berne, 1919, at the motion of Mr. Jouhaux, the Delegate of France). The draft of the National German Government endorses this resolution and makes the passing of such laws depend on the assent of four-fifths of the Nations represented. No such resolutions can be passed by a Conference which is called on the basis of Part XIII of the draft of the Treaty of Peace, but only recommendations or drafts which the Governments concerned may adopt or repudiate,—and for such non-obligatory proposals a majority of two-thirds of the votes cast is even required.

In so providing, the draft of the Conditions of Peace deviates to such an extent from the resolutions of the International Trade Union Congress at Berne that a discussion and decision by the organisations of labour, as part of the Peace negotiations, is absolutely imperative. This would at the same time be in accordance with the demand raised by the International Trade Union Congress at Berne that the minimum claims of labour agreed upon be, already at the conclusion of Peace, turned into international law by the League of Nations. Moreover a firm foundation for the peace of the world will be erected by this means, whereas a Treaty concluded by the Governments alone without the assent of the organised workers of all countries will never bring forth social peace to the world.

The Allied and Associated Governments give no place to these considerations in their reply. As above illustrated, the resolutions of the International Trade Union Congress at Berne are, in fact, not taken into consideration by Part XIII of the draft of the Treaty of Peace, so that the fears expressed by the National German Government with regard to social justice are in reality not taken into account. This fact must be noted. If we are apprised by the Reply-note that the representatives of the trade unions of the countries represented by the Allied and Associated Govern-

ments have taken part in the elaboration of the Clauses of the Conditions of Peace relating to labour, we must on the other hand make note of the fact that they have made no announcement of any kind notifying a change of their views on the resolutions of the International Trade Union Congress at Berne, much less of an abandonment of these resolutions which they themselves have adopted.

The German Delegation again moves to call a Conference of the representatives of the national organisations of all trade unions, before the negotiations of Peace are terminated. Should this motion again be rejected, an utterance of the leaders of the trade unions of all countries is at least necessary. In moving this, in the second line, we desire to bring about that the provisions of the Treaty of Peace relating to labour may also have the approval of all trade union organisations.

I have the honour to be, etc.

(Signed) BROCKDORFF-RANTZAU.

4. *From the President of the Peace Conference to the President of the German Peace Delegation.*

Paris, 31 May 1919.

Sir,

In the name of the Allied and Associated Governments I have the honour to acknowledge the receipt of your further Note dated 22 May 1919, on the subject of international labour legislation (Conditions of Peace, Part XIII).

The reply is as follows :—

1. The German Delegation states the principle for the National German Government that to the wage-earners belongs the final decision in questions of labour law. The Allied and Associated Democracies, who have had a very long experience of democratic institutions, hold it to be their duty to collaborate with labour in the formulation of such law. But the laws must be passed by representatives of the whole community.

2. The Allied and Associated Governments draw attention to a fundamental misconception in the Note of the German Government of 22 May 1919, namely, that the views and interests of Governments must necessarily be antagonistic to those of labour. Accredited labour representatives now form part of some of the genuine democratic Governments of the world, and the assumed antagonism is not likely to be found anywhere save in the case of Governments which are democratic only in name.

3. The Allied and Associated Governments fail to find in your letter any useful guidance as to how the principles involved could in any case find definite expression in the Peace Treaty. The Labour Organisation which was submitted to representatives of



labour, can deal in a practical manner with any proposal put forward by one of the affiliated Members. It is not correct to say that the demands raised by the International Trade Union Congress at Berne are disregarded, inasmuch as the points raised in these resolutions, as well as all other relevant considerations, were discussed and carefully considered, and for the most part are embodied in the Preamble of Part XIII or in the general principles which are accepted to guide the League of Nations and the Labour Organisation in the attainment of social justice. There is manifestly no need for another Conference to repeat those resolutions or to cause unnecessary confusion or delay by adding to or departing from them.

The widest publicity has been given to the plan of Labour Organisation, and the responsible trade union leaders have been given an ample opportunity to formulate definite suggestions.

4. The Allied and Associated Governments have already decided to accept the idea of early admission of German representatives and to ask the Washington Conference to admit them immediately thereafter to full membership and rights in respect to the International Labour Organisation and the Governing Body attached thereto.

5. While the resolutions passed by the Berne Conference in February 1919 gave expression to the wishes of the workers, and defined their aspirations for the future, the Washington Conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the Labour Organisation will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The Labour Commission, moreover, set up by the Peace Conference, envisaged all the points mentioned in your letter, as coming within the scope of the Labour Organisation, including an International Code of Law for the protection of seamen, to be specially drawn up with the collaboration of the Seamen's Union (copy annexed).

6. It also adopted a resolution (copy attached) in favour of the Organisation being given power, as soon as possible, to pass resolutions possessing the force of international law. International labour laws cannot at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions, as provided for under the Peace Treaty, are therefore at present more effective than international labour laws, for the infringement of which no penal sanctions can be applied.

7. In reply to the statement as to divergence from democratic principles, the proposal of the Allied and Associated Governments, as has already been pointed out, goes farther than that of the German proposition; for three-quarters of the Delegates at the Labour Conference will directly and indirectly represent the wishes of the population, the two Government Delegates representing the people

at large and the Labour Delegates representing the workers directly ; the employers of labour being granted a representation of only one-quarter. The theory of the German Delegation that Article 390 of the draft may "exclude the workers" is wholly fallacious, as the so-called governmental representatives, at least those of the Allied and Associated Powers, would be representatives of the people of those countries. It is to be remembered that in many countries a very large part of the workers are engaged in agriculture and that these workers are not generally united in industrial organisations, and it is therefore peculiarly appropriate that their interest be represented at Labour Conferences through their Governments.

8. Furthermore, the proposal of the German Delegation would permit the prevention of the most beneficent legislation if it was opposed by one-fifth of the Governments represented at the Labour Conferences. It is of particular importance to notice that according to the proposal of the German Delegation, each country in such a Conference would have one vote, and thus the votes of Governments representing perhaps only an insignificant minority of the workers of the world would be able to defeat any proposal whatsoever. In striking contrast with this autocratic idea is the proposal of the Allied and Associated Powers which only permits voting in Conferences to be by Delegates and not by Governments, but also permits a definite proposal to be made by two-thirds of the Delegates.

9. At the present time active preparations are being made for the first meeting of the International Labour Organisation in October. It is obvious, therefore, that no need exists for interposing a Labour Conference at Versailles. Moreover, the suggestion of the German Delegation that the peace negotiations should be delayed in order to permit of another Labour Conference, is contrary to the interests of the workers throughout the world, who are more interested than anyone else in a return to peace as a relief from the conditions produced by four years of German aggression. The Allied and Associated Governments, taking account of this most just desire, are endeavouring not to postpone, but on the contrary to hasten the conclusion of peace, and to secure the adoption of those measures of social amelioration which would doubtless have been adopted ere this had it not been that the commencement of the war by Germany had turned the efforts and thoughts of the world's population toward a struggle for liberty, during which time other ideals were necessarily subordinated to that of freedom itself.

(Signed) CLEMENCEAU.

#### ANNEX I.

The Commission considers that the very special questions concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labour Conference devoted exclusively to the affairs of seamen.

## ANNEX II.

The Commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the High Contracting Parties with a view to endowing the International Labour Conference under the auspices of the League of Nations with power to take, under conditions to be determined, resolutions possessing the force of international law.

*5. Final observations of the German Peace Delegation.*

The final observations of the German Delegation upon the draft Treaty of Peace were communicated with a letter of 29 May 1919 from Count Brockdorff-Rantzau to the President of the Peace Conference. The paragraph of this letter which relates to the Labour Part of the Treaty is as follows :

“8. Germany, in unison with the will of the organised workmen of the whole world, wants to see the workmen in all countries free and endowed with equal rights. She means to secure for them in the Treaty of Peace the right of decisive codetermination in all questions of social politics and social insurance.”

The observations upon Part XIII are as follows :

*X. Labour.*

The conditions contained in Part XIII of the peace draft start from the assumption that the interest of the working classes, their welfare and the protection accorded to their work are not to be a matter for the workers themselves to decide, but are to remain the affair of the Governments concerned.

Since, according to the draft, Germany is not immediately to become a Member of the League of Nations and of the International Labour Organisation, the German people are not allowed to co-operate in determining the rights and obligations upon which the health and welfare of the workers depend, although Germany's social legislation for the protection of workers has actually become a model for the entire world. These measures are due, to a considerable degree, to the co-operation of the German labour organisations, which, though founded upon English models, have developed to such an extent that the international organisation of all trades unions has been turned over to them.

Before the war, Mr. Lloyd George instituted an inquiry into the operation of Government insurance among German employers, and laid the results of this inquiry before Parliament in a special report. It is remarked therein that : “Almost every answer plainly reveals the fact that the attention paid to the health and the welfare of the workers has in no small degree contributed to the great success of Germany in the world's markets.” The Peace Conditions would destroy all the progress which the German workers have made—progress which they have achieved in the face of the strongest opposition, in long years of self-sacrificing struggles in the matter of agreements as to wage scales, as well as in the matter

of working hours, social hygiene, proper housing and social insurance. The German workers, although they did not want the war and although they conducted it with a view to defending their achievements in the realm of workers' legislation, would no longer be in a position to carry these achievements further. The conditions prescribed in the peace draft of the Allied and Associated Governments would subject the German working men to the most extreme distress and to the utmost exploitation of their working power. The consequence would be that Germany, whose prominent position in the world's markets was in no small degree due to her workers' social legislation, would be shut out from world commerce.

But since the conditions of labour in the various countries are mutually dependent upon one another, a fact acknowledged in the introduction to Part XIII of the Peace Conditions, any change for the worse in the labour conditions of Germany would result in a lowering of the standards of life among the workers of other countries. As a final result, therefore, peace would be concluded at the expense of the working classes in all countries.

The German workers, however, can agree only to a peace which embodies the immediate aims of the international labour movement. The German Delegation know full well that the German workers would never agree to work under conditions which would entail the sacrifice of all their achievements, merely to put the fruit of their labour into the hands of alien oppressors. A peace which threatens the existence of the German workers can never be a peace of justice, which guarantees friendship among nations. Such a peace would be contrary to the message which President Wilson directed to the Russian Government on 10 June 1917, in which he said: "The saying that all men are brothers must no longer remain a beautiful but empty phrase; a strong and actual significance must be given to it!"

This would never be achieved through Part XIII of the Peace Conditions, as has already been made clear in the notes dated 10 May and 22 May 1919. The words of President Wilson can be fulfilled only by recognising the workers' organisations and their decisions, as well as by extending advanced social legislation, especially with relation to protective measures and insurance, to all countries which may as yet be backward in these matters. That Germany's legislation in this respect is the most advanced, is a fact which has been acknowledged at all conferences of States and of working men. Therefore, to exclude Germany at once from the League of Nations and the International Labour Organisation is an outrage upon the German working man, and will frustrate the object of assuring the welfare and happiness of the working classes in the future. The German Delegation must therefore make a solemn protest against even a temporary exclusion of Germany from the International Labour Organisation.

The German Delegation call attention to the fact that, according to their knowledge, the German working men's organisations are opposed to the idea that, by cession of German territory, their

German fellow working men should be brought under the domination of countries which, like the future Kingdom of Poland, possess either very insufficient regulations for the welfare of the working men, or none at all. The Allied and Associated Governments possess, indeed, no right to inflict damage upon the workers among the German people by exercise of wilful and irresponsible power, nor to force these workers to serve their ends and interests. The Allied and Associated Governments would thereby destroy the basic principles of justice as laid down by President Wilson in his speech in New York on 27 September 1918.

The German Delegation have communicated to the Allied and Associated Governments the conditions of labour legislation which they regard as indispensable, and to insure the execution of which the German working classes would shrink from no sacrifice. It is not necessary in this place to go over these conditions in detail, since they have already been communicated in their entirety to the Allied and Associated Governments. They are in complete accordance with the conclusions reached at the International Trade Union Conference in Berne, 1919.

Part XIII of the Conditions of Peace is also in contradiction to the demands of democracy, for the powers which are therein conferred upon the Governments cannot be derived from the consent of the governed. In these stipulations the working men are regarded as mere chattels. Although the Allied and Associated Governments have set up the principle that labour is not to be regarded as a mere commodity or article of commerce, they nevertheless deny to the working man the most elementary of human rights—that of equality. They take from the working men the right of deciding for themselves how they are to conduct their lives and protect the welfare of their families. They do not regard working men as citizens entitled to equal rights.

A peace which did not bestow these equal rights upon the workers would leave a poisonous sting of revengefulness and bitterness in their hearts. A peace of this kind would not be based upon a firm foundation, but upon quicksand. Only a peace between equals can be permanent; only that peace whose first principle is the equality of rights of the working classes will last.

The practical application of President Wilson's words of 4 July 1918, to the working men, results in this conclusion: the regulation of all labour questions must be conducted on the basis of the free acceptance of that settlement by the working men immediately concerned, and not on the basis of the material interest or advantage of any other class of the nation, or of another people which may desire a different settlement for the sake of its own foreign influence or mastery.

The general principles laid down in Article 427 of the peace draft likewise fail to do justice to the demands of the working class. They lack the first essentials for the recognition of the equal rights of the working men of all lands, namely, the right of free movement, the right of organisation, and the unrestricted enjoyment of the working men living in an alien State in the

protective laws of such State. For it is to be left to the choice of every individual State whether it will include alien working men in its scheme of labour legislation. According to Article 427, paragraph 8, only those working men who legally take up their abode in a State shall be assured the benefits of equal economic treatment. But what is to be understood by legal abode is something which may be determined purely according to the arbitrary desires of capitalistic and nationalistic interests. Such a decision does violence to the sentiments of the working men, who demand equal rights for the working classes of all countries. Its effect is that of a sinister exceptional law directed against the German working men, and it must therefore be considered a blow against the solidarity of the international working class.

The German Delegation therefore once more propose, in agreement with the working classes of all countries, the summoning of a conference of labour organisations. This conference should consider the peace proposals of the Allied and Associated Governments as well as the counter-proposals of the German People's Government and the resolutions passed by the International Labour Conference in Berne in February of this year. The results of these deliberations, both in respect to practical labour legislation and to the international organisation of labour, should be embodied in the Treaty of Peace and thereby attain the force of international law. Any other settlement would involve a violation of fundamental human rights by disregarding a demand of the day, something which the conscience of the world dare not allow if the peace of the world is to be preserved.

It is precisely by means of these principles that the German Peace Delegation, in the interest of the happiness of all nations, would procure the full acceptance throughout the world of those potent words spoken by President Wilson on 11 February 1918. These words can be converted into reality only by the unanimous consent of the working classes of all countries :

"What is at stake now is the peace of the world. What we are striving for is a new international order based upon broad and universal principles of right and justice—no mere peace of shreds and patches."

#### 6. *Final reply of the Allied and Associated Governments to the observations of the German Peace Delegation.*

The final reply to the observations of the German Delegation was communicated by the President of the Peace Conference on behalf of the Allied and Associated Powers on 16 June 1919. The paragraphs relating to Part XIII are as follows :

The observations put forward by the German Delegation with reference to the labour section of the Treaty contain practically nothing which has not already been included in the two notes previously submitted by that Delegation on the 10th and 22nd of

May, 1919, to which full and detailed replies were sent on the 14th and 28th of May. The Allied and Associated Powers do not consequently think it desirable to resume the examination of the questions already dealt with in these notes and in the replies which have been made to them.

With reference to the point concerning the protection of labour in ceded territories, Article 312 of the Treaty expressly stipulates for such protection by means of Conventions to be concluded between Germany and the States concerned. Further provision, however, has been made for carrying into effect the intention of this Article by inserting in it a plan for reference to impartial technical commissions of all cases in which an early settlement is not reached by direct negotiation.

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## CHAPTER V.

### The Observations of the Austrian and Hungarian Peace Delegations.

Part XIII (Labour) of the Treaty of Peace of Versailles was incorporated by the Allied and Associated Powers without alteration in the draft Treaties of Peace with Austria and Hungary and constitutes Part XIII of the Treaties of Peace of St. Germain and of Trianon. The present Chapter contains the observations of the Austrian and Hungarian Delegations respectively upon Part XIII of the draft Treaties communicated to them.

#### I. Observations of the Austrian Peace Delegation.

The observations of the Austrian Delegation, which were communicated with a letter of 10 July 1919, are as follows:

*(Translation.)*

The Government of German-Austria welcomes with the greatest satisfaction the inclusion in the Conditions of Peace, presented to the Austrian Delegation at Saint-Germain-en-Laye, of a certain number of provisions relating to international labour legislation. The endeavours which the Allied and Associated Powers have made to remedy by these provisions a serious defect of international law represent, in the view of the Government of German-Austria, an important measure of progress. In contradistinction to the ideas which have been to a certain extent current up to the present, the Powers thereby recognise that the condition of the working classes cannot be treated as a secondary question but that the prosperity of the workers should be one of the most important elements in international life and relations. This fact is in itself of happy augury and gives rise to new hopes, but its historic importance cannot prevent the reflection that the Articles as drafted are far from providing for the standard of protection and betterment to which it is aspired to attain and this reflection must be made before a detailed examination of the proposals is entered upon. These Articles do not in fact correspond to the extensive and humanitarian proposals for the international regulation of labour questions which have been conceived by the Government of German-Austria. In the opinion of this Government



it would be desirable to incorporate in the Treaty of Peace not only the rules of procedure for the development and organisation of labour protection legislation, but also and especially to inscribe in that instrument the essential principles of the rights and obligations arising in the matter of labour legislation.

This desire would appear to be the more founded as the Austrian Republic has found it possible, in the short time since its constitution, to undertake extensive developments of its labour laws. In these few months, laws have been passed and brought into force concerning the eight-hour day in factories, the reduction of working hours in commerce and small industries, the protection of workers, the minimum wage for assuring conditions of life such as to permit of the proper performance of work, homework, the limitation of the employment of children, the absolute prohibition of the night work of women and young persons, the grant from public funds of benefits in case of unemployment, the organisation of unemployment exchanges, the representation of the workers in all industrial and mining undertakings by specially constituted councils, the reform and development of sickness insurance, etc.

The Government of German-Austria proposes further to extend this legislative programme; the spirit in which this programme has been undertaken would evidently require that the Treaty which is to secure world peace should enforce in the field of international law all the resolutions accepted by the International Trade Union Congress at Berne in 1919.

The Government of German-Austria will be happy at any time to agree that the principles laid down in these resolutions should be recognised as fundamental laws binding upon all civilised States and peoples and forming the common possession and the rampart of solidarity of all who labour.

The Government of German-Austria nevertheless recognises that the extent of the territories of German-Austria, the size of its population and its industrial importance are not such as to authorise it to exercise in any way a preponderating influence in the development of international labour legislation. Far from permitting themselves any illusions on the possible success of any attempt they might make to induce the Peace Conference to adopt the resolutions passed at Berne in 1919, the undersigned Delegation do not fail to recognise that this high assembly proceeds for the most part from ideas entirely different from theirs, according to which the principles of the above-mentioned resolutions should be taken as the best guide for the future. Any efforts on their part to arrive at a compromise would inevitably clash with fundamental divergences of opinion and could not result in an agreement acceptable to all parties.

In these circumstances the Government of German-Austria proposes to limit its observations to this explanation of its attitude, whilst emphasising the fact that as far as its own legislation is concerned German-Austria has shown the importance it attaches to the cause of the working people. With this fundamental reservation and presuming that German-Austria will, as a Member of

the League of Nations, be represented in the Organisation provided for in Chapter I, Section I, of Part XIII of the Conditions of Peace, the Government of German-Austria declares that it is willing to accept the Labour Part of the Conditions of Peace.

## II. Observations of the Hungarian Peace Delegation.

The observations of the Hungarian Delegation upon the draft Treaty of Peace are contained in the following letter addressed to the President of the Peace Conference :

*(Translation.)*

Neuilly, 12 February 1920.

Sir,

The Hungarian Delegation welcomes with joy the part of the Treaty relating to "Labour" as the first step towards the solution of a great problem, that of the international organisation of labour.

It is for this reason that the Delegation believes that a detailed discussion of the draft can be dispensed with at present, the more so since it hopes to have the occasion in the near future to proceed with this discussion in the League of Nations and in the Commission of the International Labour Organisation.

There are only two remarks which it is desired to make :

(1) With regard to Article 317, the Delegation is of the opinion that the fact that the employers' organisations, on the one hand, and the workers' organisations, on the other, will only be represented at the Sessions of the Permanent Organisation by one Delegate each will hardly give satisfaction to the parties concerned.

In Hungary, as in other States, workers' organisations are founded upon widely differing bases ; they are essentially different the one from the other in their fundamental principles and in their outlook on life (Christian Socialists, Social Democrats).

It is very doubtful whether they will be able to agree upon the nomination of a single representative, and the Delegation is consequently of opinion that it would be desirable to introduce an amendment which would allow each organisation belonging to a different school of thought to be represented by a special Delegate.

(2) The Delegation believes that it is correctly interpreting the provisions of the draft in supposing that they apply only to industrial workers. In various ways (as for example, hours of work, minimum age) the provisions in question could not be applied

to agricultural workers, since the conditions of agricultural work differ essentially, both as regards their nature and their needs, from those of industrial work.

I have the honour to be, etc.

(Signed) APPONYI.

The reply of the President of the Peace Conference on behalf of the Allied and Associated Powers was communicated to the Hungarian Peace Delegation with a letter of 6 May 1920. The text of this reply is as follows :

(Translation.)

I. The Hungarian Delegation has asked for a modification of the terms of Article 317 with a view to increasing the number of employers and workers representing industrial organisations at Sessions of the Permanent International Labour Organisation. It does not appear, however, that there are any grounds for acceding to this request. The provisions in question are already embodied in their present form in the Treaties of Peace with Germany and Austria, and have formed the object of exhaustive study. If the question were to be re-opened, this could only be effected by means of the machinery provided in Article 350 of Part XIII of the Treaty for internal revisions of the Permanent International Labour Organisation.

II. With regard to the interpretation, contained in the second remark, of the provisions of Part XIII of the draft, which are considered as affecting *industrial workers only*, this interpretation is only partially correct.

The Permanent International Labour Organisation is concerned with *all workers* and may propose draft international conventions or recommendations applying to industry, commerce or agriculture.

Not only does the Preamble emphasise the *comprehensiveness* of the Permanent International Labour Organisation, but the Articles themselves are in no way restricted, limited or defined.

The conclusions adopted by the First International Labour Conference held at Washington from 29 October to 29 November 1919, fully corroborate this statement. In the Draft Conventions, the provisions of which, in view of the character of the measures proposed, only appeared to apply to industrial workers, it was explicitly specified that their application was limited to "industrial undertakings". Such is the case as regards the *Draft Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week*, the *Draft Convention concerning the employment of women before and after childbirth*, the *Draft Convention fixing the minimum age for the admission of children to industrial employment*, and the *Draft Convention concerning the night work of young persons employed in industry*.

On the contrary, the *Draft Convention concerning unemployment* contains no provisions defining the categories of workers who are to benefit by institutions for the prevention of unemployment, for unemployment insurance or for finding employment; in this Draft Convention, workers in commerce and agriculture are unquestionably included on the same terms as industrial workers.

It is true that the whole of Section II of Part XIII (General Principles) does not apply directly to every class of labour.

It cannot, however, be questioned that the Permanent International Labour Organisation can prepare and propose draft conventions regulating agricultural labour, draft conventions which would like any others be submitted to the competent authorities in each country for examination and ratification, as provided by the Articles of Part XIII.

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## CHAPTER VI.

### Part XIII of the Treaty of Peace of Versailles.

The Treaty of Peace of Versailles was signed on 28 June 1919. Its Part XIII (Labour), the text of which is reproduced below, was also incorporated (*a*) as Part XIII, Articles 332-372, in the Treaty of Peace with Austria, signed at Saint-Germain-en-Laye, 10 September 1919 ; (*b*) as Part XII, Articles 249-289, in the Treaty of Peace with Bulgaria, signed at Neuilly-sur-Seine, 27 November 1919 ; and (*c*) as Part XIII, Articles 315-355, in the Treaty of Peace with Hungary, signed at Trianon, 4 June 1920.

The text of Part XIII of the Treaty of Versailles is as follows :

#### Part. XIII.

#### LABOUR.

##### *SECTION I.*

#### ORGANISATION OF LABOUR.

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled ; and an improvement of those conditions is urgently required : as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures ;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries ;

The HIGH CONTRACTING PARTIES, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following :

## CHAPTER I. ORGANISATION.

### ARTICLE 387.

A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble.

The original Members of the League of Nations shall be the original Members of this organisation, and hereafter membership of the League of Nations shall carry with it membership of the said organisation.

### ARTICLE 388.

The permanent organisation shall consist of :

1. A General Conference of Representatives of the Members and,
2. An International Labour Office controlled by the Governing Body described in Article 393.

### ARTICLE 389.

The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

#### ARTICLE 390.

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article 389 the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

#### ARTICLE 391.

The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

#### ARTICLE 392.

The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

#### ARTICLE 393.

The International Labour Office shall be under the control of a Governing Body consisting of twenty-four persons, appointed in accordance with the following provisions :

The Governing Body of the International Labour Office shall be constituted as follows :

Twelve persons representing the Governments ;

Six persons elected by the Delegates to the Conference representing the employers ;

Six persons elected by the Delegates to the Conference representing the workers.

Of the twelve persons representing the Governments eight shall be nominated by the Members which are of the chief industrial importance, and four shall be nominated by the Members selected

for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above.

Any question as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

The period of office of the members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body.

#### ARTICLE 394.

There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

#### ARTICLE 395.

The staff of the International Labour Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

#### ARTICLE 396.

The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this Part of the present Treaty in connection with international disputes.

It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.



## ARTICLE 397.

The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labour Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

## ARTICLE 398.

The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

## ARTICLE 399.

Each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

## CHAPTER II.

## PROCEDURE.

## ARTICLE 400.

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 389.

## ARTICLE 401.

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government Delegates when appointed.

## ARTICLE 402.

Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organisation.

Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favour of considering them.

If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

## ARTICLE 403.

The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the Delegates present.

The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

## ARTICLE 404.

The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

## ARTICLE 405.

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form : (a) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the Members.

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

The above Article shall be interpreted in accordance with the following principle :

In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned.

#### ARTICLE 406.

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

#### ARTICLE 407.

If any convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes

cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organisation to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

#### ARTICLE 408.

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

#### ARTICLE 409.

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made, and may invite that Government to make such statement on the subject as it may think fit.

#### ARTICLE 410.

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

#### ARTICLE 411.

Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 409.

If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the

appointment of a Commission of Enquiry to consider the complaint and to report thereon.

The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

When any matter arising out of Articles 410 or 411 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

#### ARTICLE 412.

The Commission of Enquiry shall be constituted in accordance with the following provisions :

Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the members of the Commission of Enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

#### ARTICLE 413.

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 411, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

#### ARTICLE 414.

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

#### ARTICLE 415.

The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

#### ARTICLE 416.

In the event of any Member failing to take the action required by Article 405, with regard to a recommendation or draft convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

#### ARTICLE 417.

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 415 or Article 416 shall be final.

#### ARTICLE 418.

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

#### ARTICLE 419.

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

#### ARTICLE 420.

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with

the recommendations of the Commission of Enquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 412, 413, 414, 415, 417 and 418 shall apply, and if the report of the Commission of Enquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

### CHAPTER III.

#### GENERAL.

##### ARTICLE 421.

The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and possessions which are not fully self-governing :

- (1) Except where owing to the local conditions the convention is inapplicable, or
- (2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the Members 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 422.

Amendments to this Part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members.

##### ARTICLE 423.

Any question or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

## CHAPTER IV.

## TRANSITORY PROVISIONS.

## ARTICLE 424.

The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

## ARTICLE 425.

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League.

## ARTICLE 426.

Pending the creation of a Permanent Court of International Justice, disputes which in accordance with this Part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

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## ANNEX.

### FIRST MEETING OF ANNUAL LABOUR CONFERENCE, 1919.

The place of meeting will be Washington.

The Government of the United States of America is requested to convene the Conference.

The International Organising Committee will consist of seven members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

#### Agenda :

- (1) Application of principle of the 8-hours day or of the 48-hours week.
- (2) Question of preventing or providing against unemployment.
- (3) Women's employment :
  - (a) Before and after child-birth, including the question of maternity benefit ;
  - (b) During the night ;
  - (c) In unhealthy processes.
- (4) Employment of children :
  - (a) Minimum age of employment ;
  - (b) During the night ;
  - (c) In unhealthy processes.
- (5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

## SECTION II.

### GENERAL PRINCIPLES.

#### ARTICLE 427.

The HIGH CONTRACTING PARTIES, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I, and associated with that of the League of Nations.

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the HIGH CONTRACTING PARTIES to be of special and urgent importance :

- First.* — The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.
- Second.* — The right of association for all lawful purposes by the employed as well as by the employers.
- Third.* — The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.
- Fourth.* — The adoption of an eight hours day or a forty-eight hours week as the standard to be aimed at where it has not already been attained.
- Fifth.* — The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.
- Sixth.* — The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.
- Seventh.* — The principle that men and women should receive equal remuneration for work of equal value.
- Eighth.* — The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.
- Ninth.* — 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 employed.

Without claiming that these methods and principles are either complete or final, the HIGH CONTRACTING PARTIES are of opinion that they are well fitted to guide the policy of the League of Nations ; and that, if adopted by the industrial communities who are Members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

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