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The International Labour Office and the Protection of Children

WHEN the International Labour Office was set up, it was impossible to doubt but that the protection of child labour was within its competence. Both historical precedents and the public texts and documents in virtue of which the International Labour Organisation was established, and which laid down the protection of child labour as one of the matters with which that organisation would have to deal, combine to put the question beyond controversy. By historical precedents we mean the efforts which were made during part of last century and during the years preceding the war by Governments and great voluntary associations to extend the scope of labour legislation on an international basis. This work has now been taken over by the International Labour Office. The public texts and documents include the deliberations of the Commission of the Peace Conference which drafted Part XIII of the Treaty of Versailles, the Treaty itself, and the Washington Conventions, as well as those which were subsequently adopted at Genoa. All these texts deal with child labour and the employment of women before and after childbirth.

HISTORICAL PRECEDENTS

The history of the whole movement for international labour legislation can be traced back to the need which was felt for protecting children against exploitation by their employers. Most governments had passed legislative measures to protect children long before they thought of intervening in the regulation of adult labour. Even when liberty of individual contract was still a dogma as between man and man, official intervention was thought proper in the case of children, who were so clearly unable to protect themselves.

The question of the protection of children arose almost immediately after the dissolution of the guilds. From that time on the length of the industrial working day increased rapidly. The earliest legislative measure limiting the working hours of children was passed in 1802 in England; in 1833 it was extended to young persons, and in 1847 to women. In 1815 a law regulating child labour was passed in the Swiss cantons of St. Gall and Zürich. An enquiry into the condition of children in the Dortmund district in 1825 showed that they worked at flax spinning from five in the morning till eight at night; the position was the same at Cologne, in Silesia, and in Saxony, some children entering the factories at the age of five; as a result of the enquiry Prussia adopted the provisions of the British Act, with certain modifications, in 1839. In 1837 the Academy of Moral Sciences in France entrusted one of its members, Mr. René Villermé, with an enquiry into the position of the working classes. Mr. Villermé found that the normal daily working hours were thirteen to fourteen, for children as well as for adults, and that the wages paid to children were excessively low. In some spinning works the working day was one of seventeen hours, not including the time required for going to and from the factory, which was often at a considerable distance from the workers' homes. Mr. Villermé writes :—

> It is true that in these two industries (wool and cotton manufacture) the children are merely required to watch the machines. All are exhausted, however, by having to stand far too long. They are on their feet from sixteen to seventeen hours day after day, thirteen at least of which are spent in a closed room, and almost without any change of place or attitude. This is not work, but torture, and it is inflicted on children between six and eight years of age who are ill fed and ill clothed, who have to start at five in the morning in order to reach the distant factories and whose exhaustion is completed by the return journey in the evening.

This enquiry resulted in the adoption of the Act of 22 March 1841, which gave protection to children only, and was limited to manufactures, factories and workshops using mechanical appliances or engaged in continuous process industries, and to factories employing over twenty persons. Similar legislation was passed in Lombardy in 1845, in Denmark and Spain in 1873, in the Netherlands in 1874 and 1899, in Luxemburg in 1876, in Switzerland in 1877, in Sweden in 1881, in Russia in 1882, in Austria in 1885, in Italy in 1886, in Belgium in 1889, in Portugal in 1891, and in Norway in 1892. In some cases, however, there was a tendency towards reaction. In 1890 the Spanish Government introduced a Bill to reduce the age of admission of children to industrial employment from ten to nine. In France, on the other hand, public opinion had progressed since the Act of 1841. A Decree dated 2 March 1848 limited the legal working hours for all workers; on 19 June 1871, Mr. Ambroise Joubert laid before the National Assembly a proposal on child labour, which became the

Act of 19 May 1874, forbidding the industrial employment of children under twelve years of age.

Side by side with the development of national legislation for the protection of children, there arose a movement for international protection. It is unnecessary to describe at length the general history of the efforts made to internationalise labour questions. We may note, however, that on 18 March 1874 Jean-Baptiste Dumas introduced a proposal for the international regulation of labour in the French National Assembly. On 25 January 1884 the Comte de Mun proposed a resolution, which was adopted by the French Chamber, requesting the Government to "take steps with a view to the adoption of international legislation, allowing every state to protect the working man, his wife, and his children against excessive labour, without endangering national industry". On 20 April 1881 the Swiss National Council had considered a motion in the same sense; on 23 April 1887 it adopted another similar motion, and on 15 March 1889 the Federal Council sent a Circular to the various Governments inviting them to a preparatory Conference, which was to study the bases for an international Convention concerning the fixing of the age of admission of children to industrial employment, the maximum working day for young persons, the prohibition of the employment of women and children in dangerous industries, the prohibition of Sunday work, and the limitation of night work for women and young persons. But when the Emperor William, by a rescript dated 5 February 1890, decided to convoke a labour conference at Berlin, Switzerland left the initiative to him. The first international labour conference therefore met at Berlin on 15 March 1890. It included delegates from twelve states, namely, Austria-Hungary, Belgium, Denmark, France, Germany, Italy, Luxemburg, the Netherlands, Portugal, Sweden and Norway, Switzerland, and the United Kingdom.

The following questions connected with children's employment were submitted to the Conference:—

(1) Should children under a certain age be excluded from industrial employment ?

(2) At what age should children be admitted to employment ? Should it be the same in all industries, or are any distinctions admissible ?

(3) What should be the restrictions as to hours and type of work for children employed in industry ?

The Committee to which these questions were referred decided unanimously "that it was desirable that children of both sexes who had not reached a certain age should be excluded from industrial employment"; but, although the principle was admitted, there was a great deal of discussion as to the age which should be fixed as a limit. The age of fourteen was rejected by 13 votes to 2, Austria and Switzerland voting in

not lead to the conclusion of Conventions or to any obligations on the part of the Governments; nevertheless, the work of the Conference was not valueless. This first Labour Charter, in spite of its timidity and imperfections, exercised considerable influence on social legislation in all countries. After the Conference the movement for the internationalisation of social problems continued with increased vigour. The Pope expressed his approval of the Conference, and gave it his benediction; and the next year, on 15 May 1891, Leo XIII issued his famous encyclical " Rerum Novarum ", which laid down the principle that the working day should not be so long as to exceed the strength of the workers.

In 1894 efforts were made to begin founding an international association for the legal protection of workers, but is was not until 1900 that these efforts resulted in the formation of the International Association for Labour Legislation, wich from the outset devoted special attention to the question of child labour. In 1902 it examined the question of night work for young persons. In 1906, shortly after the diplomatic conference which had concluded the first international labour Convention, concerning the prohibition of night work for women and of the use of white phosphorus in the manufacture of matches, the Association believed the time had come for further definitely formulated recommendations. Two resolutions were voted at Geneva, one in favour of making the 10-hour day for young persons general by international Convention, the other in favour of the prohibition of night work for young persons under eighteen.

In 1912 the Zürich Conference of the Association drew up two draft Conventions, which were used as a basis for the discussions of the international conference convoked by the Federal Council at Berne in 1913. The memoranda prepared on that occasion by the International Association illustrate the great development of labour legislation in various countries since 1890. The only European countries which had enacted no legislation for the protection of child labour were Greece, Montenegro, Turkey, and the Principality of Monaco. In non-European countries the protective legislation was still somewhat rudimentary, except in Japan, Argentine, and some of the North American States. Night work was prohibited for children under fifteen in Italy, Roumania, Bulgaria, Russia, and Japan; for children under sixteen in Germany, Austria-Hungary, Bosnia, Belgium, Luxemburg, Argentine, and several of the Australian and American States; for children under eighteen in Denmark, Finland, France, the United Kingdom, Norway, Serbia, Switzerland, and the Netherlands. The hours of work for children had to be less than ten per day in Germany and the Netherlands; they could be ten per day or sixty per week in France, the United Kingdom, Serbia, Bulgaria, and Roumania; eleven in Switz-

adults, as there was so close a connection between the work of the young and the adult worker that both must necessarily begin and end work at the same time "; the Netherlands and Belgium voted with Austria. The principle of the protection of young workers between sixteen and eighteen was only accepted by eight states, namely, Denmark, France, Germany, Norway, Portugal, Sweden, Switzerland, and the United Kingdom, as against six, namely, Austria, Belgium, Hungary, Italy, Luxemburg, and the Netherlands, and one abstention, Spain. The Netherlands voted against the restriction of the employment of young persons in specially unhealthy and dangerous industries; their vote, however, was an isolated one.

Child labour in the mining industry was also discussed. The agenda of the Conference included an item on the prohibition of underground work (*a*) for children under a certain age, (*b*) for females. The Committee stated: "It is desirable that the age of employment of children on underground work in mines should gradually be raised, as experience shows it possible, to fourteen. In the case of southern countries, however, the limit should be twelve." Statistics supplied to the Committee showed that most countries had already fixed the age at which children might work in mines at twelve. In England, for example, there were only 127 children under twelve years of age employed on underground work. Some countries, however, had not adopted this age limit; in Italy the limit was ten years, and the Sicilian sulphur mines employed six thousand children under fourteen.

Although there was no great divergence of opinion on the question of the age limit for the employment of children underground, the Belgian delegates made certain reservations. "A recent Act", said Baron Greindl, "has fixed the age at which children may work in the mines at twelve. This is the most that the present state of our industry can bear. The actual operation of this Act can alone show whether further progress can be made at a later date".

The fifth item on the agenda, women's labour, contained no special section referring to the employment of women before and after childbirth. The Committee to which the question was referred, however, passed a unanimous resolution "that women should not be allowed to work until four weeks had elapsed after childbirth".

The regulations drawn up by the Berlin Conference were a considerable advance on the situation existing in most countries. In the face of strong resistance, the delegates did their best to obtain better conditions for the working classes, in so far as they thought this compatible with the requirements of industry. The advance in protective labour legislation which has since been made shows how relative ideas on this question can be.

The regulations of the Berlin Conference were nowhere applied in practice; they were paper resolutions, which did

not lead to the conclusion of Conventions or to any obligations on the part of the Governments; nevertheless, the work of the Conference was not valueless. This first Labour Charter, in spite of its timidity and imperfections, exercised considerable influence on social legislation in all countries. After the Conference the movement for the internationalisation of social problems continued with increased vigour. The Pope expressed his approval of the Conference, and gave it his benediction; and the next year, on 15 May 1891, Leo XIII issued his famous encyclical " Rerum Novarum ", which laid down the principle that the working day should not be so long as to exceed the strength of the workers.

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erland and Austria; eleven and a half in Russia; twelve in Italy.

The 1912 Report also shows the beneficial effects of protective legislation. In England the proportion of boys between ten and fifteen engaged in industry fell from 37% to 22% of the population between 1851 and 1901. This decrease had, of course, been accompanied by a considerable reduction in the number of industrial accidents, as the proportion of such accidents is naturally greater among children than among adults. In Leipzig, at the moment when the Report was issued, the accidents to workers under fifteen reached a figure of 14.3% as compared with 8.7% in the case of workers over twenty; in England 19.1% of all accidents happened to young persons, whereas the percentage of accidents happening to the total working population was only 14.1.

With these facts before it, and in the light of this experience, the 1913 Conference proceeded to draw up its recommendation on the prohibition of night work for young persons.

The Conference was attended, among others, by Mr. Arthur Fontaine, Sir Malcolm Delevingne, Dr. Leymann, Monsignor Nolens, etc., who have since played an eminent part in the development of international labour legislation; it met at Berne on 8 May 1913. It was both an official and an expert conference; it was constituted by Government representatives who were instructed to prepare the outlines of future international Conventions, but who were not in possession of full powers to sign such Conventions or to engage their Governments.

The Conference used the drafts of the International Association for Labour Legislation as the basis of its discussions, but on certain points it introduced modifications of the very greatest importance. The International Association had proposed that the protection of young persons should be extended to the age of eighteen. After considerable discussion, this limit was reduced to sixteen. Spain, France, the United Kingdom, Norway, Sweden, and Switzerland had been in favour of the age of eighteen ; a proposal for a compromise fixing the age limit at seventeen only obtained seven votes, and the age limit of sixteen was finally adopted by twelve states. The Conference then decided that the Convention should follow the principles embodied in the 1906 Conventions and apply " to all industrial establishments in which more than ten workers of either sex are employed. It shall in no case apply to establishments in which only the members of the family are employed ".

There was considerable discussion on the exceptions demanded by certain countries. Great Britain wished the Convention not to apply to mines ; Austria and Belgium several times raised the question of the glass industry, and a

German proposal to delay the application of the Convention to glass works for ten years was adopted.

As regards working hours, an Italian proposal to fix the maximum working day for children at 11 hours and their working week at 63 hours was rejected by 10 votes to 2, with 2 abstentions. The principle of the 10-hour day was finally accepted by 9 votes to 1, but there was a long discussion as to the definition of the week. The Chairman of the Conference gave a formal ruling to the effect that the term "working week" should be interpreted to mean the first six days of the week, but that the Convention also prohibited more than ten hours' work on Sunday. The Italian Government delegate stated that he was not entirely satisfied with this definition, and drew attention to the fact that the Convention would fail to secure real equality between states allowing Sunday work and states prohibiting it.

The question of overtime also gave rise to considerable discussion, and the original proposals were greatly amplified. Mgr. Nolens therefore made the following statement before the voting was taken :—

> The Netherlands Delegation expresses its satisfaction at the results obtained, but, nevertheless, sees with regret that these results do not correspond in so great a measure as it could have wished to those proposals of the International Association, which the Swiss Federal Council considered worthy to serve as a basis for the deliberations of an international conference. Without making a comparison between the proposals of the Association and the resolutions of the two Committees, I venture to draw attention to the following points of divergence.
>
> (1) The age limit of those to be protected during employment was lowered from 18 to 16 years, and the compromise proposed by the Netherlands Delegation was rejected.
>
> (2) This reduction in the age limit ought to have resulted in the withdrawal of a number of reservations and exemptions ; this has not been the case.
>
> (3) The adoption of the expression "working week" leaves it open to the employer to work his protected workers 70 hours on 7 consecutive days.
>
> (4) The number of hours of overtime has been raised from 60 to 140 and 180.
>
> (5) In our opinion the idea of *force majeure* has been interpreted in too wide a sense.
>
> (6) The provisional regulations and the rights granted to defer the application of regulations amount to considerable concessions.

It had been intended that the Swiss Government should convoke a diplomatic conference in 1914, in order to ratify the decisions of the expert conference of 1913 and to give them the force of international Conventions. This was prevented by the outbreak of war, and the 1913 resolutions were not made binding. At the moment of the outbreak of the war, children, unlike women (who enjoyed the benefits of the 1906 Convention, at least as regards night work) were not protected by any international Convention, in spite of the interest which the question aroused in all quarters.

PUBLIC TEXTS AND DOCUMENTS

The idea of international collaboration in industrial affairs made marked progress during the war. More than one workers' conference, both in the Allied countries and among the Central Powers, expressed the hope that the Peace Treaty would contain labour clauses. The Paris Conference for the preparation of the Peace Treaty on 25 January 1919 set up a Commission, specially entrusted with the preparation of the articles of the Treaty dealing with labour problems. In the course of its work, the Commission received a number of memoranda from women's organisations; these organisations were unanimous in declaring against special protection for women's labour. This was the point of view which had already been adopted by the Norwegian Delegation at the Berne Conference. What women desire is general protection applying both to men and women, and not putting the latter in a position of economic inferiority. The memoranda submitted by the women's organisations, nevertheless, recognised the necessity of special protection for women before and after childbirth and for children. One of the memoranda made the following statement on this subject.

During the period of pregnancy, women shall not be allowed to work in a standing position or to do heavy work, and it shall be possible to reduce their hours by a half-time system.

Every woman, whether wage-earner or not, shall be entitled to an allowance during the six weeks preceding, and the six weeks following, childbirth; this maternity benefit shall not be less than the minimum wage defined as necessary for existence in the district.

Every pregnant woman who can produce medical evidence that her condition prevents her from earning her living shall be entitled, from that time and for as long as she requires it, to a maternity benefit, which shall be equal to the minimum wage defined as necessary for existence in the district.

Every woman, whose working capacity is impaired by the fact that she is bringing up her child at home, shall continue to receive the maternity benefit for the three months following its birth, and half the benefit for six further months.

Maternity benefit shall be granted by the state independently of any system of social insurance to which the mother contributes, with or without the participation of the employers.

Free primary education shall be compulsory in all countries up to the age of fifteen. It shall be the same for all, irrespective of sex, class, race, or religion.

A system of preliminary apprenticeship shall be established, with a view to technical training during the school attendance period.

In agricultural districts, preliminary apprenticeship in agricultural and household subjects shall be organised.

Physical training under medical supervision shall be compulsory in educational institutions.

Medical inspection of children shall be compulsory up to the age of fifteen.

Adolescents shall receive elementary instruction on contagious diseases, especially on tuberculosis and venereal disease.

Vocational education shall be open to all and shall be organised on a basis of equality for both sexes.

Where an industry is liable to prolonged slack periods, the technical training shall provide facilities for learning two trades, which can be exercised alternatively.

Children under fifteen may not be employed in industry, commerce, or any other paid work.

It shall be compulsory to examine workers medically before employment.

Young persons between fifteen and eighteen shall not be employed for more than six hours per day ; additional compulsory technical courses shall be provided for them.

The employment of young persons between fifteen and eighteen shall be prohibited (1) between 8 p.m. and 6 a.m., (2) in unhealthy industries, (3) on underground work in mines.

Young persons shall not be employed on unskilled manual work, which shall be done by machinery or given to unskilled adults.

These proposals were not inserted in the Peace Treaty in their entirety. The Commission on International Labour Legislation, however, in its report to the Supreme Council, suggested the insertion of the following passage in Article 427, which defines the fundamental principles of social legislation for States Members of the League of Nations :

" 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. "

The text of the Peace Treaty is rather less explicit, but its sense is clearly the same. On the proposal of the British Delegation, the Preamble of Part XIII provides for " the protection of children, young persons, and women ", and Article 427, Paragraph 6, includes among the guiding principles for the policy of the League of Nations " 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."

The Work of the International Labour Organisation

The agenda of the first International Labour Conference, which met at Washington in October 1919, included several items relating to children and to the cognate problem of the protection of motherhood. In preparation for the Conference, the Organising Committee had drawn up memoranda, which summarised the legislation in force in the various countries as completely as possible.

Maternity Protection

The Report of the Committee showed that there was considerable variation in the measures in force in different countries for the protection of women before and after childbirth, both as regards the extent and length of time during which protection was secured. Some legislation covered all manual work, as in Spain; other measures applied only to industrial establishments of a certain size. The rest period varied from four to twelve weeks. Of twenty-nine laws recorded in the Report, fourteen provided for a rest period of thirty days or under, and fifteen for a rest period of five weeks or over. Generally speaking, there was a distinct tendency to prolong the period during which work shall be prohibited; in 1907 Spain prolonged it from three to six weeks after childbirth, and in 1908 Germany prolonged it from four to eight weeks. Acts prescribing a prolonged period of rest are, as a rule, comparatively recent, e. g. the British and Swedish Acts of 1912, the Norwegian Act of 1915, and the Japanese Acts of 1916; the Swiss Act of 1914, however, stops short of the previous Act of 1877. Several countries give pregnant women the right to cease work at any period without being liable to discharge on this account. The legislation of some countries, such as Argentine, France, Italy, Norway, Spain, and Sweden, gives nursing mothers the right to feed their children during working hours. Of the twenty-nine countries reported on, twelve have systems of benefits or grants payable in respect of enforced absence from work at the time of childbirth; in some countries medical attendance and the free services of a midwife are given as part of the maternity benefit, as well as the money grant.

After discussing the present state of legislation, the Report proceeded to formulate the following proposals.

(1) Prohibition of the employment of women in factories for a period of at least four weeks after childbirth.

(2) Adequate maternity benefit for such women, to secure proper maintenance and care of both mother and child during the period of her necessary absence from work before and after childbirth. The Committee suggest that this period should be calculated at not less than six weeks.

The Washington Conference, however, went considerably further than the suggestions of the Organising Committee. In the Commission which considered the question, differences of opinion arose on two points only, although these two points were of very great importance and gave rise to long discussions. The first was the length of the period during which protection should be given. It was agreed that work should be prohibited for six weeks after childbirth, instead of for the four weeks suggested by the Organising Committee. The duration of the protection period to be allowed before childbirth was, however, strongly contested. The Commission, whose conclusions were adopted by the Conference, decided to allow women the right

to leave their work on production of a medical certificate stating that their confinement would probably take place within six weeks. A minority of the members, however, pointed out that no national legislation had yet allowed a period of six weeks, and that the probable date of confinement could be established by the doctor only on the statements of the woman herself. The minority considered that to give women the right to leave their work for a period which might be considerably longer than six weeks would be to open the door to fraud, to impose undue burdens on the state or on employers, and to endanger the ratification of the Convention. The Conference nevertheless maintained the period of six weeks by 50 votes to 27.

The second point in dispute was the extent to which the Convention should be made to apply. Both Commission and Organising Committee had been of opinion that it should apply only to industrial establishments as defined in the other Washington Conventions. The workers' delegates, however, pointed out that two-thirds of the whole number of wage-earning women were employed in commerce and not in industry, and that the protection offered to women would be illusory if it failed to touch two-thirds of their number. Doctors generally consider that the standing position, habitual in commerce, is more injurious to expectant mothers and to the children than the sitting position, which is very usual in industry. These arguments induced the Conference to extend the Convention to commerce. It rejected a proposal to include agriculture.

Besides the right to leave work during the six weeks preceding childbirth and the prohibition of work for the six weeks following, the Convention allows women a benefit sufficient for their maintenance and that of their child in satisfactory hygienic conditions. The amount of this allowance is to be determined by the competent authority in each country, and is to be provided out of public funds, or by a system of insurance.

The Convention also lays down that women shall be entitled to free attendance by doctor or midwife. Nursing mothers have a right to two half-hour rests during the day.

Employment of Children

The problem of the protection of children brought three distinct questions before the Conference ; these were the minimum age for admission to industrial employment, night work, and unhealthy work.

A. The Minimum Employment Age

The Report of the Organising Committee shows that the age of admission to industrial employment was 14 in Belgium, the United Kingdom, Bulgaria, Czecho-Slovakia,

Denmark, Greece, Norway, Serbia, Sweden (for girls only), Switzerland, New Zealand, and certain Australian and Canadian provinces. In the United States the minimum age is also fixed at 14 by a round-about constitutional device. The United States cannot regulate labour questions by Federal legislation, but Congress has unlimited financial power; therefore a tax of 10 per cent. was imposed on the total net profits of all establishments, workshops, or factories employing children under the age of 14. Altogether 45 countries have established a minimum age of 14 years or more for work in factories. The minimum is 13 years in France, Germany, the Netherlands, Sweden (for boys), and South Australia; it is 12 in the Argentine Republic, Brazil, Italy, Japan, Mexico, and Portugal, 11 in Roumania, 10 in Austria, and 9 in India; it is 15 in seven American States, two Canadian Provinces, and the State of Victoria in Australia; the State of Montana is the only one where the limit is 16.

In Czecho-Slovakia, Greece, the Netherlands, Norway, Sweden, and 36 American States, children are not allowed to be engaged in industrial work unless their education has reached a certain stage, even if they have reached the minimum age.

The Washington Conference decided unanimously to fix the age limit for admission to industry, in agreement with the state of legislation in most countries, at 14 years. Proposals to raise the age to 15, or even 16, were rejected. Italy and Greece pointed out the difficulty which arose in their cases from the fact that education was only compulsory until the age of 12, and that between the ages of 12 and 14 children would be liable to be unoccupied; the Conference did not, however, consider it possible to give special consideration to this situation. It requested the International Labour Office to take measures with a view to inducing these countries to co-ordinate their educational legislation with the requirements of the Convention.

There was a long discussion on Far Eastern countries. The Japanese delegation agreed to the Convention in spite of possible difficulties of applying it in their country, on condition that children between the ages of 12 and 14 should be admitted to industrial work if their primary education were completed, certain special provisions applying to them. The situation in India was more difficult, and the Indian delegates asked for the adjournment of the question. This was refused, and the Conference adopted a British proposal excepting India from the Convention, but prohibiting the employment of children under 12 in factories working with power and employing more than ten persons, in mines, quarries, and other works for the extraction of minerals from the earth, and in transport. The Conference felt that, where Oriental industrial methods prevailed in India, exceptions could be justified, but not where industries were working on Western

methods in that country. The Indian Government, however, made reservations on account of the difficulties which local customs would place in the way of organising adequate primary education.

The Convention as adopted by the Conference applied only to industrial work. A proposal to extend it to commercial and agricultural establishments was referred to the International Labour Office for examination.

The Convention was finally adopted by 93 votes to 3.

B. Night Work

At the time of the Washington Conference, fifteen states, including two British Dominions and five Australian States, had already adopted the minimum age limit of 16 years for admission to night work in industry, which had been recommended by the Berne Conference in 1912. A higher limit had been adopted in nine other states, e.g. 18 years in Brazil, the United Kingdom, Denmark, France, Norway, Sweden, and Switzerland, and 17 years in the Netherlands and in the provinces of former Russian Poland; in Italy, Japan, and Roumania the limit was 15 years.

The Conference decided to take the Berne Draft Convention as the basis of its labours, and to modify it as little as possible. The United Kingdom, however, repeated the proposal made at Berne to fix the minimum age at 18, and this proposal was adopted. It was, however, recognised that certain exceptions were necessary. Japan and India asked for preferential treatment, as in the case of the age of admission to industrial employment. The following exceptions were allowed in their case. In Japan the limit was to be 15 until 1 July 1925, and 16 after that date. In India the limit was to be 14, and the sphere of application was to be defined by Indian laws. The Belgian employers' representative repeated the 1913 proposal for excepting the glass industry. This proposal was not accepted, but the Conference recognised that the special situation of countries which had been devastated or invaded during the war might justify special treatment. The Commission suggested to the Conference that this question should be referred to the 1921 Conference. This passage did not, however, appear in the final Draft Convention, as the Drafting Committee considered that provisions concerning the 1921 agenda could not be inserted in a Draft Convention. This omission has recently giren rise to a correspondence between the International Labour Office and the representative of the Belgian employers on the Governing Body. The question will probably again be raised at the next Conference.

C. Unhealthy Industries

The existing legislation of different countries varies greatly on the question of protecting young persons in unhealthy industries, both as regards the industries covered, the age limit, and the protective regulations. The Commission to whom the question was referred were of opinion that, in the absence of scientific proof that girls are more liable to injury by unhealthy processes than boys, a distinction between the sexes should not be made. Sufficient information was not available to allow of a discussion of all unhealthy industries; the Commission confined itself to asking for the prohibition of the employment of women and young persons under 18 in a number of occupations and processes dealing with lead and lead compounds. In consideration of statements made by Dr. Legge on experiments undertaken in the United Kingdom, it also recommended the states members of the International Labour Organisation to "disinfect wool suspected of containing anthrax spores". The questions of anthrax and white lead have been placed on the agenda for the 1921 Conference. As regards other processes, such as mercury processes, it did not appear that the question had yet been sufficiently investigated, and the Conference instructed the International Labour Office to make further enquiries.

The value of Conventions depends on their application in practice. The International Labour Conventions are based on the idea of reciprocity between the different states, and cannot be effective unless they are ratified by a considerable number of countries. All the states members of the Organisation undertook to submit the Conventions within a year, or eighteen months at the most, to the authorities competent to give effect to them. In most cases this undertaking has been fulfilled, but a certain number of parliaments have not yet been able to make their decision. The Convention concerning the night work of young persons employed in industry has been definitely ratified by Greece, Switzerland, Roumania, and India. In Germany and Italy it has already been approved by parliamentary committees, but the final vote of parliament has not yet been taken. In nine countries, Belgium, France, the Argentine Republic, Austria, Denmark, New Zealand, Venezuela, Siam, and Spain, it has been laid before the competent authorities for ratification. Czecho-Slovakia, Africa, Chili, and British Columbia have laid Bills before their parliaments for giving effect to this Convention by the adaptation of national legislation without ratifying it in the regular way; the same procedure has been adopted by the United Kingdom, where the principal provisions of the Convention had already been incorporated in an Act of 1920. In Luxemburg, Poland, and the Netherlands, Bills have not yet been introduced, but preliminary study of the

question has convinced these Governments that ratification of the Convention is necessary; the situation in the Dutch colonies, however, is still a subject of enquiry by the Dutch Government. In Finland, Norway, Nicaragua, Panama, and Sweden, the Convention is still in process of being studied by government Departments. Japan has taken no legislative measures, but has already applied the Convention in spinning works and in certain public departments, such as the central telephone office at Tokio, where more than 4,000 young girls are employed.

The Convention concerning the minimum age for admission of children to industrial employment has been ratified by Greece, Switzerland, Czecho-Slovakia, and Roumania. In Germany it has been approved by the Reichsrat and the Central Economic Council, but the Reichstag has not yet voted on it. In Italy the Convention has been favourably reported on by the parliamentary committee, and will shortly come up for voting in the full House. Bills for the ratification of the Convention are at present before the parliaments of Belgium, France, the Argentine Republic, Denmark, New Zealand, and Spain, and before the King of Siam. In the United Kingdom, the Act of 1920 has given effect to it, and Bills for the adaptation of national legislation have been introduced in Chili, Venezuela, and British Columbia; the last named Bill goes further than the Convention, as it fixes the minimum age for girls at 15. The Governments of Luxemburg, Poland, the Netherlands, and India will propose that their parliaments should ratify the Convention. The question is still being studied in Finland, Norway, Panama, Nicaragua, Jugo-Slavia, and Sweden. The Austrian Government, however, intends to propose that the ratification of the Convention, be defered, owing to temporary economic conditions.

The Convention concerning the employment of women before and after childbirth has been ratified by Greece and Roumania. In France ratification has been voted by the Chamber, but not yet by the Senate. The French Government has also adopted a proposal for maternity insurance, which not only conforms to the Washington Convention, but in some respects goes beyond it; the benefits must be paid regularly six weeks before, and six weeks after, childbirth, and in some cases may be given during the nine months before, and the six months after, the birth; they are to vary from 1.50 to 15 francs, according to the grade of the wage-earner; a benefit for nursing mothers is also proposed. In Germany ratification has been voted by the Reichsrat and the Central Economic Council, but not yet by the Reichstag. In Italy it has been voted by the parliamentary committee, but not yet by parliament. Bills for ratification have been introduced in Belgium, the Argentine Republic, Denmark, New Zealand, and Spain. In Siam a proposal has been laid before the King, who is the competent authority. Czecho-Slovakia, Chili,

Venezuela, British Columbia, Japan, and Poland propose to adapt their national legislation to the Convention without actual ratification. In Switzerland ratification has been refused, but the Federal Government has under consideration a plan for maternity insurance which would fulfil the same purpose. The United Kingdom also has not considered ratification necessary, as existing British legislation included provisions for the protection of motherhood. The Netherlands and Luxemburg intend to ratify the Convention. In Finland, Norway, Nicaragua, Panama, Jugo-Slavia, and Sweden it is still a subject of investigation. The Indian Government has instituted an enquiry on the question among local authorities; this Government has not undertaken to ratify the Convention, but only to communicate information to the next International Labour Conference, and this obligation it is prepared to fulfil. Austria has decided against ratification, but hopes to ratify at a future date, when economic conditions are more favourable. In any case the sixth Amendment of 11 May 1921 to the Act on sickness insurance has already secured the protection of motherhood before and after confinement, conformably to the Washington Convention.

On health questions, the Washington Conference confined itself to Recommendations. These did not require ratification; countries have simply to give effect to them by means of national legislation. This has already been done by Great Britain, Switzerland, and Roumania. The Argentine Republic, Chili, Venezuela, Denmark, New Zealand, Spain, and Siam have laid proposals before their Legislatures in the sense of the Washington decisions. In Austria, India, and the Netherlands, similar proposals are being drafted. France, Jugo-Slavia, Finland, Norway, and Sweden, are at present enquiring into the best means of giving effect to these Recommendations. Greece has asked for an additional period of delay. The Government of Luxemburg reports that the Recommendations are unnecesssary, as the unhealthy industries in question do not exist in that country.

The Washington Conference decided to refer the problems connected with work at sea to a special conference. This Conference met at Genoa in June and July 1920. Its agenda was drawn up by the Governing Body of the International Labour Office on 27 January 1920. The Governing Body had received a series of resolutions adopted by the International Secretariat of the Seamen's Federation at Antwerp on January 23. These included "the application to seamen of the Convention drafted at Washington in November 1919 prohibiting the employment of children under fourteen years of age". This was adopted unanimously by the Governing Body without discussion. As a matter of fact, it was a question whether the Washington Conference had not intended to treat employment at sea on a level with employment in industry,

as far as the protection of children was concerned. Although the Convention on the 8-hour day expressly laid down that "the provisions relative to transport by sea and on inland waterways shall be determined by a special conference dealing with employment at sea and on inland waterways", the Convention on the employment of children omitted such a clause, and its first Article was couched in the following terms (1):

"For the purpose of this Convention, the term 'industrial undertaking' includes particularly.....*(d)* Transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand".

Some doubt was, however, possible, as the English text just quoted mentions inland waterways only and appears to exclude navigation by sea. It was, moreover, considered that the intention of the Washington Conference had been to refer maritime questions as a whole to the Genoa Conference.

The reports prepared by the International Labour Office for the Genoa Conference show that the employment of children in the mercantile marine was prohibited up to the age of sixteen in the United Kingdom and in Norway, at any rate for certain types of work; up to the age of fifteen in the Argentine Republic; up to fourteen in Germany, Belgium, Spain, the Netherlands, Sweden, and Australia; up to thirteen in France, and up to twelve in the United States and in Portugal. Finland and Greece were preparing legislative measures on this subject. Even in other countries, where there was no legislation, the work of children on board ship was limited either by administrative Order, by educational laws, or by collective agreement. Work in stoke-holes was prohibited in Norway up to the age of seventeen, and in Sweden up to that of sixteen.

The Report of the Commission entrusted with the study of this question emphasised the necessity of limiting the work of children on board ship for two special reasons. The first consideration is the physical development of the child. Although maritime work does not give rise to any of the specifically industrial diseases which occur in land work, it does give rise to an alarming proportion of cases of tuberculosis, and it has been observed that work on board ship at too early an age is a great cause of juvenile mortality and physical deterioration. In the second place, educational considerations are more urgent in work afloat than on shore, as the facilities for supplementary education after the school age, which some states are trying to develop, are almost impossible on

(1) The French text is as follows : " Pour l'application de la convention seront considérés comme établissements industriels, notamment... (*d*) le transport des personnes ou marchandises par routes, voies ferrées ou voies d'eau, y compris la manutention des marchandises dans les docks, quais ou wharfs et entrepôts, à l'exception du transport à la main. "

reasonable to argue from the reduction of the working man's day by nearly fifty per cent. during the last fifty years a belief that it will again be reduced by another fifty per cent. during the next fifty years. Labour legislation, for all its progress, tends towards stabilisation. Its ideal is to attain a standard beyond which there is no need to advance. It also tends to produce a certain uniformity, or at least a certain equality. For instance, the women of countries where women's rights have made the most progress, e.g. the Scandinavian countries, have always protested against the setting up of a specially privileged position for women, which would soon give them a status of economic inferiority.

The sole argument for special protection is a special set of conditions. The protection of children is on these grounds fully justified. But such protection must remain restricted within certain limits, and must not be made a pretext for social experiments applicable to all workers, as, for example, in the sphere of hygiene, in which protection should not be less general than the risks. The protection of child labour should be as simple and as absolute as possible. It should be the legal expression of a *de facto* situation, expressing the difference which really does exist between children and adults, and it should admit of the fewest possible exceptions. When it has reached this stage, it can be stabilised.

In addition to negative protection, i.e. to the prohibition of night work for children and of their employment under the age of fourteen, children also need positive protection. Such positive protection is still rudimentary, and needs to be developed. Its object is not the protection of the child against risks, but its preparation, development, and equipment for life. The great problems of apprenticeship and of technical training and vocational education, including the problem of access to higher education for the more intelligent children, should engage the future attention of the labour conferences and of the International Labour Office. The 1921 Conference proposes to include a discussion on these problems in its proceedings, thus supplying fresh proof that the International Labour Office, far from wishing to load fresh burdens or place more severe restrictions on industry, aims at nothing so insistently as the raising of production by means of technical advance and technical organisation of industry. The Office, which was set up by the Peace Treaty as the guardian of international labour legislation, has no choice in the matter :

> " Whereas ", says the Treaty, " 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

Persian Government representative at the Washington Conference had voted in favour of the adoption of the Draft Convention fixing the minimum age for the admission of children to industrial employment, Mr. Thomas informed the Persian Foreign Minister of the allegations which had been made against the carpet-weaving industry in Kerman and the adjacent villages, and added:

"The Governing Body has accordingly instructed the International Labour Office to bring these allegations to the attention of the Persian Government, in the complete assurance that Persia will recognise their concern that such allegations should be made, and will, if she deems it necessary, institute an enquiry, of which the results may be communicated to the Governing Body at a subsequent meeting."

No reply to this letter has yet been received from the Persian Government.

Up to the present the International Labour Office has not found it necessary to centralise problems connected with child labour in a special service; such problems for the most part arise out of the ratification of Conventions and are dealt with directly by the Diplomatic Division. It is possible, however, that this work might with advantage be centralised at a future date. The suggestion has been made that all problems relating to children might be entrusted to a single official.

In considering the present state of the protection of child labour and in comparing it with what was achieved before the war, the most striking thing to notice is the advance of international legislation. Where the Berlin Conference was unsuccessful in obtaining the prohibition of the employment of children under twelve in the countries of Southern Europe, the Washington Conference was able to raise the limit to fourteen; it prohibited night work for young persons under eighteen, whereas sixteen had previously been considered too high a limit, and so on. The second point to be noted is the wide area over which recommendations are now operative; also the reciprocal treatment granted between states, which puts the protection of children beyond the danger of future reaction. What applies to child protection applies still more to motherhood protection. Here the Washington Conference outstripped most of the national Legislatures at a single step. Its work, in spite of technical difficulties, is nowhere meeting with positive resistance.

The future development of this type of legislation is not easy to forecast. It would be illogical, because the minimum age for child employment in industrial and maritime work has been raised by successive stages, because a larger and larger number of exemptions to the prohibition of night work have been withdrawn, for these reasons to conclude that such minimum age will continue to be raised and the last exemptions abolished; it would be as

attitude of states to the Genoa Convention concerning the employment of children at sea. The International Labour Office has, however, already received a certain amount of information. The United Kingdom has amended its legislation on the employment of children in the sense of the Genoa Convention; Belgium and Sweden have expressed their intention of ratifying the Convention; Germany, Canada, Spain, France, Haiti, India, and the Netherlands have made a preliminary study of it; Greece, Roumania, Jugo-Slavia, and Venezuela are about to introduce Bills in their parliaments; South Africa, Luxemburg, and Switzerland have stated that they did not consider that this Convention had any application in their case.

In harmony with the decisions of the Genoa Conference, the agenda for the next International Labour Conference includes the prohibition of the employment of persons under eighteen in bunkers and stoke-holes, compulsory medical inspection for children employed on board, the adaptation to agricultural work of the Conventions protecting women and children, and the question of technical agricultural education. These questions are at present being closely studied by the International Labour Office. Laws to protect motherhood in agricultural employment exist in Italy, France, and Indo-China, and regulations fixing a minimum age for the employment of children in agricultural work in Italy, Denmark, Czecho-Slovakia, a large number of the Provinces of Canada and the States of the U. S. A. Night-work is less important in agriculture than it is in industry. The International Labour Office is circulating a detailed questionnaire to the governments members of its organisation, and will submit proposals to the 1921 Conference on the basis of the answers received.

The activity of the International Labour Office as regards the protection of children has not been confined to the questions on the agenda of the Conferences. At the fifth session of the Governing Body, the British Government representative, Sir Malcolm Delevingne, drew the attention of the Governing Body to the deplorable labour conditions prevailing among the children employed in carpet manufacture in Persia. As Persia is a member of the League of Nations and of the International Labour Organisation, the Governing Body instructed the Director of the International Labour Office to address friendly representations on this subject to the Persian Government in its name. Mr. Albert Thomas accordingly sent a letter dated 30 October 1920 to the Persian Minister for Foreign Affairs. The letter recalled the undertakings into which Persia had entered by the terms of Article 23 of the Covenant of the League of Nations, " to secure and maintain fair and humane conditions of labour for men, women and children ". After noting that the

board ship. The Commission considered a proposal to fix the minimum age at fifteen years, but thought it prudent to confine itself to applying the principle of the Washington Convention to work at sea, i.e. to fix the minimum age for admission to such employment at fourteen years. On the other hand, it decided only to allow such exemptions as were absolutely indispensable. The Commission, and afterwards the Conference, allowed two exemptions only, an exemption in favour of members of the same family, and an exemption in favour of training ships, where there is no question of exploitation for profit. The Commission refused the request for exemption put forward by the representative of the Greek shipowners, who wished to fix the age limit for the employment of children in the Hellenic mercantile marine at twelve years. It also refused the exemptions asked for by the Indian delegate. The Conference was of opinion that the Convention would seldom apply to Indian children, who generally sail with their parents, and did not think it necessary to except the others from the general rule.

The Commission also thought it necessary to prohibit work in bunkers and stoke-holes for young persons under eighteen, and on the night-watch for young persons under seventeen. The purpose of the former prohibition was to protect the health of young persons, as work in bunkers and stoke-holes is extremely arduous. The second was decided on principally in the interests of navigation, as young persons are not always as capable of sustained attention as adults. As these two questions had not been placed on the agenda of the Conference, objections were raised against them on grounds of procedure. The Conference decided that the prohibition of the work of young persons under eighteen in bunkers and stoke-holes should be placed on the agenda for the next International Labour Conference; the resolutions proposing that the prohibition of the night-watch for young persons should also be placed on the agenda of the next Conference received 53 votes to 27, i.e. one less than the requisite two-thirds.

The Italian Government representative also proposed that medical inspection should be compulsory before children were engaged on board ship, and that the various countries should be asked to organise educational facilities in the ports for children employed on ships. The question of medical inspection was also placed on the agenda for the next Conference; the second question was considered to be primarily of an educational and national character, and the Conference simply expressed its sympathy with the proposal by a resolution.

As the period of one year for the submission of the Draft Conventions and Recommendations of the Conference to the competent authorities for ratification has not yet elapsed, it would be premature to attempt to form a general idea of the

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 protection of children, young persons and women, ... 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".

Part XIII of the Treaty does not confer rights on the International Labour Office: it imposes obligations. In collaborating with other organisations which deal with the protection of children, the International Labour Office has no power either to enlarge or to lessen the competence conferred upon it by its constitution and the decisions of its own Conferences.

The protection of childhood is a vast field, large enough to absorb a multitude of workers. The League of Red Cross Societies has specialised in the protection of boyhood, the International Red Cross Committee, the International Committee of Save the Children Funds undertake to apportion material aid to children of the war-devastated countries, and the League of Nations itself has intervened in problems of child treatment. Finally, the International Bureau for Childhood Protection was founded by a conference at Brussels in 1913; its constitution is to be discussed at a second conference, and it will deal with the whole field of material and moral assistance to childhood, such as the problems of the protection of infancy, the improvement of home conditions, child maintenance at home, guardianship, restriction of parental rights, the protection of the rights of the illegitimate child, protection of the child from the practice of begging, from vagabondage, and from crime, children's courts, the punishment of offences against children, the education of defective children, rescue homes for abandoned, illtreated, or necessitous children, measures to protect children from physical or moral injury in general, and so forth. Problems connected with child employment or with the apprenticeship system will obviously be reserved for the International Labour Office. The Labour Office, however, is only too ready to collaborate with all who are inspired with that spirit of ardent sympathy for toiling and suffering childhood on which alone truly great work can be based.
