

INTERNATIONAL LABOUR OFFICE

INTERNATIONAL
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The Fourth Session of the International Labour Conference

THREE years of fevered trade boom followed by unparalleled trade depression, of strong forward impulses in the sphere of social reform followed by the disillusion consequent on the discovery of unexpected difficulties, of enthusiasm and of gloom, have enabled the International Labour Organisation thoroughly to test its machinery, to note its frictional points and to develop a programme of internal reform. Industry at Washington in 1919, maritime labour at Genoa in 1920, agriculture at Geneva in 1921 had occupied the attention of the delegations. In 1922 a breathing space gave opportunity for a discussion of the deficiencies found in the machinery and for a consideration of a subject affecting alike workers in the factories, at sea and on the land, namely, emigration.

In a sense the agenda of 1922 appeared less important than that of 1921. From the point of view of the social legislation contemplated this was probably the case, but for the future efficiency of the Organisation the programme was undoubtedly of extreme importance.

For some time past the opinion had been finding expression that the Conference had been perhaps proceeding too rapidly on the path of social reform. The adoption of six Draft Conventions and six Recommendations at Washington, three Draft Conventions and four Recommendations at Genoa, and seven of the former with eight of the latter in 1921 at Geneva, a total of thirty-four decisions to be submitted to, and considered by, the legislative authorities of the world in the short period of three years, was felt to be possibly more than parliaments, struggling with the difficulties of the after-war period, wearied by problems of unprecedented difficulty and uncertain as to what the future might hold, could attempt to deal with.

Expressions of another point of view were, however, not infrequent. The war years had been, so far as social legislation of permanent value was concerned, barren years; there was much lee-way to be made up. And, further, through rapid enlightened action the difficulties of the present economic crisis could be largely, if not entirely, met. The Organisation must,

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therefore, not rest on its oars ; it must devote itself primarily to urging the adoption by the States Members of the decisions already reached, but it must not hesitate to go further in its task of examining and proposing solutions for the problems of labour, which are becoming from day to day more pressing.

The Governing Body, having in mind some such considerations as these, agreed upon a programme which did not involve the preparation of a large number of Draft Conventions and Recommendations, but which gave ample opportunity for full discussion of the problems of internal reform which had arisen from the difficulties of procedure made evident at preceding sessions of the Conference, and from the demands made by various States Members for fuller representation in the Organisation.

The formal agenda, communicated to the Governments of the States Members of the Organisation on 28 February 1922, was as follows.

(I) Revision of Part XIII of the Treaty of Versailles and the corresponding parts of the other Treaties of Peace :

(a) with a view to the reform of the constitution of the Governing Body ;

(b) with a view to modification as regards the periodicity of the sessions of the Conference.

(II) Communication to the International Labour Office of statistical and other information regarding emigration and immigration and the repatriation and transit of emigrants.

Since the constitution of the Governing Body and the periodicity of the sessions of the Conference are determined by the Treaty of Peace of Versailles, these two items involved the possibility of an amendment of the Treaty. The first of these questions had provoked considerable heartburning, and had been the subject of repeated protest on the part of a number of states since the birth of the Organisation, for the Treaty of Peace provides permanent seats on the Governing Body for the "eight states of chief industrial importance", but lays down no criteria by which "industrial importance" may be judged. The general expectation was that the question would prove thorny and that any solution proposed would possibly leave cause in certain quarters for discontent.

Concerning the second question, that of the periodicity of the sessions of the Conference, divergence of opinion had been marked. On the one hand, those who held that the Conference had been proceeding possibly too rapidly in its programme of social legislation were inclined to the view that biennial sessions would be adequate. This view tended to find support among the states which, because of distance or the state of the exchanges, felt the expense of sending delegations to be heavy. On the other hand, it was felt by some that the adoption of a system of biennial sessions would at once appear to be evidence of a slackening of the spirit which had created the Organisation, would diminish

the importance of the Conference, and render its decisions perhaps more tardy and less effective than under the existing system. The Office had proposed a compromise, under which the sessions would be annual, but would be occupied in alternate years with more important questions necessitating legislative action, while the intervening sessions would deal with internal matters.

There was clearly matter in these two problems for acute and prolonged controversy, but, as the event showed, the spirit of good sense and moderation which is characteristic of the Conference found solutions which, while not giving full satisfaction perhaps to all parties interested, will probably prove to be beneficial in their effects upon the working life of the Organisation.

There were, however, a number of questions which, while not appearing upon the formal agenda, since they did not call for legislative decisions or for amendments to the Treaty, were nevertheless of great interest. These were the revision of the Standing Orders, election of a new Governing Body of the International Labour Office, consideration of the reports of the Office on unemployment and the distribution of raw materials and on the hours of labour.

The Third Session (1921) of the Conference had found its Standing Orders, which had been adopted at the Washington Session and had remained unchanged, somewhat inadequate and had expressed a desire for their revision. The Governing Body had therefore drafted proposals for amendment, which the Fourth Session was to examine.

More important was the election of a new Governing Body. The existing one had been chosen at Washington in 1919 and its period of office, fixed by the Treaty at three years, was approaching its term. The constitution of the Governing Body could not, of course, be altered without amending the Treaty, and the new authority was to be elected on the old system. There was manifested, however, much interest in the possible changes which might result.

The reports on the unemployment crisis and the distribution of raw materials had been asked from the Office by the Third Session of the Conference. The report on the hours of labour arose out of the suggestion of the British Government as to the desirability of reopening the whole subject. However, the Governing Body did not consider that the time had arrived for a reopening of the question, and preferred an extended enquiry into the causes of the non-ratification of the Convention, the results of which, so far as it had proceeded, were to be laid before the Conference. These three reports were to accompany the general report of the Director of the International Labour Office, which would deal with the past year's work of the Organisation and with the state of affairs concerning the progress of ratification of the Conventions adopted by former sessions, and with the annual reports received from the States Members with regard to the application of the Conventions they had ratified.

Altogether this agenda provided a sufficiently heavy programme for a session considered to be of rather less importance than the preceding ones.

THE PERSONNEL OF THE CONFERENCE

For the second time the Conference was fortunate in having the assistance, as President, of Viscount Burnham, whose conduct of its proceedings during the Third Session had won the approbation of all delegations. Viscount Burnham's parliamentary experience and his impartiality, his good judgment and his acquaintance with the Standing Orders of the Conference, ensured a rapid transaction of business consistent with adequate discussion and opportunity for the expression of all opinions. The difficulties of procedure in an assembly representative of thirty-nine nations need no emphasising. The Conference was addressed not only in English and French, the two official languages, but also in German, Italian, Japanese, Polish, Portuguese, Serb, Spanish, and Swedish. Long interpretations inevitably weary those who understand the original language, but observers of parliamentary sittings where one language only is employed would note with surprise and perhaps appreciation that the sessions of the Conference are less disturbed by the comings and goings of uninterested members than are, normally, the sittings of a national parliament, and the phenomenon of a speech delivered to empty benches is, in the International Labour Conference, unknown. The importance of adequate chairmanship under these circumstances is evident.

The Standing Orders of the Conference provide for the election of three Vice-Presidents to assist the President in discharging his duty and to replace him should he be unable to be in his place. Vice-Presidents are normally chosen by and from each of the three groups of delegates—government, employers', and workers'—and must be of different nationality. On this occasion a difficulty arose owing to the nomination both by the employers' and workers' delegates of Vice-Presidents from France. The Conference, therefore, decided to suspend the Standing Order and to elect only one Vice-President, the nominee of the government group, namely Dr. Aristides de Agüero y Bethencourt, Envoy Extraordinary and Minister Plenipotentiary of Cuba. By the revised text to Standing Order 4, voted by the Conference during the present Session, provision is made to prevent the recurrence of incidents in future.

Among those present were many well known delegates, who have been seen now at three or four successive sessions. There were to be observed personalities of world repute in the organisations of labour and in the federations of employers, whose consistent support of the Conference and the International Labour Office have contributed so powerfully to its success, and whose large experience in the negotiations of industrial agreements

enables them to play a great part in the securing of decisions acceptable to all sections.

The value of the presence of those who must, in their national administration, convert into practice the decisions of the Conference, cannot be overestimated. There are now a considerable number who have, wisely, been sent year after year by their respective governments, who have seen the Organisation since its beginning and who have now gained, in the general opinion of the Conference, a certain respect which always entitles them to a hearing. Their influence is constantly directed towards securing harmony; they are intermediaries by virtue of their knowledge of what is practicable.

New delegates were present. Hungary, now a Member of the League of Nations and therefore also of the International Labour Organisation, sent a delegation for the first time. Notable, too, were the delegations from those newly created European states who were present, it is true, at the last session, but who have now had time to consider their bearings in relation to the Organisation. Their position is often very different from that of the older states. So far as labour legislation is concerned, the war and its consequences have made it possible for them to start with a comparatively clean slate, and it is heartening to note with what eagerness their delegations follow the proceedings and the decisions of the Conference in the hope, sometimes forcibly expressed in private conversation, that they will succeed in avoiding for their workers the travail which has accompanied the evolution of industry in older countries.

Women were represented, but, in the mind of many, still insufficiently. Four were present as members of the Danish, French, Norwegian, and Uruguayan delegations.

OPENING OF THE CONFERENCE

This being the second occasion on which the Conference sat in Geneva, the city which, as the seat of the League of Nations, is also that of the International Labour Office and will normally be the meeting-place of the Conference in the future, formal speeches of welcome were unnecessary, and Mr. Arthur Fontaine, as Chairman of the Governing Body, in his opening speech, entered directly upon the business of the Conference. He referred to the outstanding events of the past year, notably the important decision of the Permanent Court of International Justice which had established beyond question the competence of the Organisation to treat of the regulation of labour in agriculture; and he warmly thanked the Swiss Federal Government for the munificent offer of a fine site on the shores of the Lake of Geneva for the future permanent home of the International Labour Office.

Viscount Burnham, elected President with acclamation summoned the Conference to its duties in an appeal for what the world, little Utopian in appearance at that moment, so badly

needs, "God's first creature, which was light", and especially light in international affairs. For not only are "the visionaries and the prophets" calling for "the white light which means better understanding", but also the financiers and the captains of industry. "Practical men of business are all internationalists now."

THE COMMISSIONS

The Conference proceeded immediately to the establishment of the necessary Commissions through which its internal business is conducted and in which the preliminary investigations of the subjects upon which the Conference as a whole must arrive at decisions are made. In the choice of Commissions the three groups of government, employers' and workers' delegates respectively make their nominations, which are afterwards approved, usually without question, by the full Conference.

A small Committee to examine the credentials of delegates, consisting of one member from each group, was first appointed. As is now usual, a number of delicate questions fell to the lot of this body. So far, at all the sessions of the Conference, there have been protests against the appointment of certain of the workers' representatives. The wording of the Treaty of Peace on this matter leaves something to be desired from the point of view of clarity, and in countries where labour is little or not at all organised or where the numerical strength of individual organisations or combinations of organisations changes frequently, the governments are in some difficulty in endeavouring to carry out their treaty obligation, which is to choose the non-government delegates "in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be". Even the best-intentioned choice may leave grounds for protest, and it is perhaps an indication of the interest taken in the Conference and its work that such protests are frequent.

On this occasion the Credentials Committee, while, not rejecting any delegate, thought it nevertheless necessary that the Conference should request the Governing Body to ask governments in future for information regarding the industrial organisations of employers and workers and for statistics as to their membership, in order that decisions as to the propriety or otherwise of future contested nominations might be taken with fuller knowledge of the facts. It is worth recalling, in this connection, that one of the cases of protest against the nomination of a workers' delegate to the 1921 Session of the Conference was taken to the Permanent Court of International Justice during this year, and that the decision of the Court fully confirmed the right of the Conference itself to pronounce upon such questions.

A vital part of the machinery of any assembly of the nature of a legislature is that which examines the business to be per-

formed and proposes the daily arrangement of work. Upon the Commission of Selection falls the duty of meeting frequently and at convenient and inconvenient hours to examine the multitude of proposals and resolutions submitted by groups, delegations, and individual members of the Conference. Of its work in the present case more must be said later, in dealing with the resolutions in question.

These Commissions, with the Drafting Committee, the President, Vice-Presidents, and Secretariat, constituted what might be termed the executive machinery of the Conference. To the Drafting Committee this year were added the services of an English-speaking and a French-speaking legal expert, in an attempt to render more perfect the concordance of texts which must, under the Treaty, be established in the two official languages.

The Commissions whose work was of a legislative character were, because of the restricted nature of the programme, fewer in number than those of the preceding session ; corresponding to the items on the formal agenda there were created Commissions on Constitutional Reforms, and on Emigration and Immigration Statistics. To consider a problem referred to this session by that of 1921, a Commission on the Procedure for Amendment of Conventions was constituted, and to consider the special report on the unemployment crisis a fourth Commission was formed.

THE COMMISSION ON CONSTITUTIONAL REFORMS

Under the convenient title of "Constitutional Reforms", with two of the items on the agenda — the reform of the Governing Body and the periodicity of the sessions of the Conference — was grouped a third question, the amendment of the Standing Orders of the Conference, and the three were confided to a large Commission of thirty-six members.

The Standing Orders

The last of these questions had been thoroughly studied by a Sub-Commission during the preceding session, by a Standing Orders Committee of the Governing Body, and by the Governing Body itself ; it presented fewer difficulties than the other two subjects, and was disposed of with relative rapidity.

One or two matters of general interest were involved, notably that of incomplete delegations. Under the Treaty a complete national delegation should be composed of four representatives — two government, one employers', and one workers'. Obviously, if governments adopt the habit of sending delegations composed otherwise, the balance of the Conference is not preserved. At the session now under consideration, of a total of 112 delegates 68 represented their governments, 22 the employers, and 22 the

workers (1), whereas, had the 39 States Members represented sent complete delegations, the members would have been 78, 39, and 39 respectively. As a result, a certain uneasiness was expressed lest the government delegates should, by the absence of their colleagues of the other two groups, assume a greater preponderance in the decisions of the Conference than was the intention of the framers of the Treaty. The Commission recommended to the Conference that the Governing Body should examine this question and report upon it later, and the Conference unanimously agreed.

The Standing Order which provides that French and English shall be, by analogy with the provisions of the Treaty in regard to languages, the official languages of the Conference proved to be a thorny matter. In the Commission proposals were made to add the German language (lost by two votes only), and the Spanish and Italian languages. In the end the original Standing Order was maintained by the Commission and approved by the Conference.

The pros and cons of this question may be indicated rapidly. It is claimed that German is the only language of a very large number of the workers of Europe, and is further the only secondary language current among many others. This being so, it is urged that the work of the Conference and of the Office would reach an important field at present relatively neglected. On the other hand, the Treaty does not only not forbid, but expressly provides that the publications of the Office, which would include, of course, the documents of the Conference, may be issued in languages other than the official ones, and in point of fact many such documents are so issued. The principal limiting factors are cost and the cumbersomeness of procedure involved in two interpretations of every speech. Further it is argued that what is true of the German language is true also of the Spanish and Italian languages; that if a third official language be established, there can be no possible justification for excluding a fourth, a fifth, or even more. The difficulties of accurate drafting in two languages are already felt to be very great; discrepancies creep in no matter, it would seem, how careful the drafters may be.

Undoubtedly the whole question will come forward again;

(1) Of the 39 countries represented at the Conference 22 sent complete delegations, namely, South Africa, Germany, Belgium, Canada, Denmark, Spain, Estonia, Finland, France, Great Britain, Hungary, India, Italy, Japan, Latvia, Norway, Netherlands, Poland, Serb-Croat-Slovene Kingdom, Sweden, Switzerland, Czechoslovakia; and 17 sent government delegates only, namely, Albania, Austria, Brazil, Bulgaria, Chili, China, Colombia, Cuba, Greece, Guatemala, Lithuania, Paraguay, Portugal, Roumania, Siam, Uruguay, Venezuela.

On the Commission on Constitutional Reforms the government group was represented by Germany, Chili, Spain, France, Great Britain, India, Italy, Japan, Netherlands, Sweden, Czechoslovakia, Venezuela; the employers' group by Germany, Belgium, Spain, France, Great Britain, India, Italy, Japan, Netherlands, Sweden, Switzerland, Czechoslovakia; and the workers' group by South Africa, Germany, Denmark, France, Great Britain, India, Italy, Latvia, Norway, Kingdom of the Serbs, Croats, and Slovenes, and Czechoslovakia. (The countries are in French alphabetical order.)

only an accident of procedure prevented the discussion of the question at a later stage of the Conference upon a resolution submitted by a Swiss delegate. In the meantime, it is for the Governing Body to attempt a solution.

A new feature in the Standing Orders may perhaps call for notice. Reference has been made to the three groups which compose the Conference, consisting of government, workers', and employers' delegates respectively. Nomination to the vice-presidency of the Conference, to the Commissions of the Conference, and the elections of the Governing Body are carried out by the group machinery, and it has been found necessary to incorporate in the Standing Orders new articles regulating procedure in group meetings.

The new Standing Orders appear to be an advance upon those adopted hurriedly at Washington and without experience of the needs of an international assembly of this kind, and it may be hoped that they will assist in rendering the procedure even more effective in the future than it has been in the past. Hitherto the efficiency of the mechanical side of the work of Conferences has depended very largely on the goodwill of delegates and their desire to speed the work. While there is no evidence that that goodwill and that desire show signs of slackening, the Conference is obviously wise to perfect its machinery.

Reform of the Constitution of the Governing Body

The Commission on Constitutional Reforms dealt further with the knotty, but urgent, problem of the composition of the Governing Body. The Treaty of Versailles provides in Article 393 that the Governing Body shall consist of 24 members, 12 of whom represent governments and 6 each represent workers and employers respectively. Of the twelve government representatives eight are nominated by the states which "are of chief industrial importance".

Most of the difficulties in this connection have turned upon the following points. First, which are the eight states of chief industrial importance? The experience of the International Labour Office and of the League of Nations, the Council of which is, under the Treaty, to decide any question as to which are the states of chief industrial importance, seemed to demonstrate the impossibility of producing a list likely to be acceptable to all claimants to the honour of a place. Secondly, the total number of members of the Governing Body has been felt to be too small to permit of adequate representation, more particularly of extra-European countries.

The Governing Body had, during the course of the year, considered the question and had drafted a new Article to replace Article 393 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace. This draft provided for a total membership of 32, and attempted to avoid the difficulty of deciding upon the eight states of chief industrial importance by

substituting six named states (France, Germany, Great Britain, Italy, Japan, and the United States). The Commission agreed with the Governing Body's proposal, but the Conference, after hearing statements by the delegations of Canada and India, restored the original wording of the Treaty on this point.

No change in the method of filling the seats upon the Governing Body is involved. The sixteen Government seats are to be assigned to sixteen states, as indicated above, and the employers' and workers' seats are, as before, to be occupied by persons elected by the Conference in their personal capacity and not as representatives of states. Four additional seats are given to governments and two each to the employers and the workers, so that the proportions of the three groups remain unchanged.

Finally, a new text for Article 393 was adopted by 82 votes for, with 2 against, and 6 abstentions. Under Article 422 the new text must, in order to be incorporated in the Treaties of Peace in the place of the existing Article and to take effect, be ratified by "the states whose representatives compose the Council of the League of Nations and by three-fourths of the Members". The changes which will then be made in the composition of the Governing Body, supposing the new Article is duly ratified, are as follows. Instead of a total of 24 members, there will be 32, of whom one-half will be persons representing governments, one-fourth persons representing the employers, and one-fourth persons representing the workers. Of the states upon the Governing Body eight will be, as before, the eight states of chief industrial importance⁽²⁾; the remaining eight will be selected by the government delegates present at the Conference during which the election takes place. The workers' and employers' representatives will be chosen under the new, as under the old, scheme by the workers' and employers' delegates respectively. The demands for additional representation on the Governing Body repeatedly made by extra-European countries are met in the new Article by provisions that six of the government representatives and two each of the employers' and workers' representatives shall belong to non-European states.

On the whole, this would appear to be a satisfactory solution, though the retention of the "eight states" may lead to further difficulties in the future. The alternative of six named states did not meet with the approval of the Conference, and it is probable that a further suggested alternative of leaving all the seats of government representatives open to election in the same way as those of the employers' and workers' representatives would, as was stated in the Commission and the Conference, have little chance of ratification. The increase in the representation of extra-European countries is gratifying from every point of view; it has been frequently and urgently demanded, and it will immensely facilitate relations between many of these countries and the Organisation and the Office.

(²) Belgium, Canada, France, Germany, Great Britain, India, Italy, and Japan.

Periodicity of the Conference

The third question which was referred to the Commission on Constitutional Reforms was that of the periodicity of the Conference. As has been said, controversy had arisen as to the frequency of the sessions, and a number of proposals had been made. On the one hand, there were supporters of the idea of biennial sessions only; their contentions had been partly met in a proposal of the Governing Body, now submitted to the Commission, that the sessions should be held "from time to time as occasion may require and at least once in every two years". This proposal the Commission rejected, but only by seventeen votes to fifteen. On the other hand, it was obvious that a large number of delegates held strongly, for reasons indicated earlier in this article, that an annual session was essential to the well-being of the Organisation and to the maintenance of its efficiency. Moreover, the change to a biennial system could only be effected by an amendment of the Treaty, which would probably take two or three years to carry through, and in that period further experience would be gained as to the necessity or otherwise of annual sessions. They were prepared, however, to fall in with the idea underlying a second proposal of the Governing Body, namely, that the sessions should differ in importance, and that normally there should be adopted decisions requiring action in the national parliaments only in alternate years. The Commission went a little further in the same direction by inviting the Conference to refer to the Governing Body the suggestion that the sessions should be alternatively of a preparatory and a decisive character; the first of the series of two sessions would be devoted to the discussion of drafts for Conventions or Recommendations, which would be approved by a simple majority vote, while the final record vote adopting the Draft Convention or Recommendation in the manner required by the Treaty would be postponed till the opening of the succeeding session. This suggestion was adopted by 61 votes to 12 in the Conference.

No change in the text of the Treaties is involved by this decision. Whether it is a solution of all the difficulties of the case may be open to question. It does not appear, for example, completely to meet the wishes expressed by some delegates from distant countries who appeared unwilling to undertake the voyage to Europe every year.

THE COMMISSION ON MIGRATION STATISTICS

Nothing of a highly controversial nature appears to have disturbed the labours of the Commission to which was entrusted the examination of the question of emigration and immigration statistics. As the end of this examination was to be the proposal of a decision of a legislative character, the matter had been carefully prepared in the manner now always adopted by the

Office in such cases ; that is to say, a questionnaire had been addressed to the governments asking their opinion on the subject and on the basis of their replies a report had been published some months before the opening of the session. The report concluded with a draft for a Recommendation, prepared by the Office, which, it was believed, would be readily accepted by the majority of the states. That this belief was well founded would appear from the proceedings in Commission and Conference. The draft prepared by the Office was only changed in detail during its progress, and was finally adopted unanimously.

First, the Recommendation asks for the communication to the International Labour Office, so far as possible quarterly and within the quarter following that to which it refers, of all information available concerning emigration, immigration, repatriation, and transit of emigrants, and concerning measures taken or contemplated in connection with these questions. It will be noted that the request is so framed as to demand from the governments nothing beyond the information available ; a feature of the replies to the questionnaire issued by the Office and of the debates during the Conference had been the marked hesitation on the part of many governments to agree to proposals involving increased expenditure on their part—a characteristic of these troubled times.

Second, governments are asked to make every effort to communicate to the Office yearly, within six months from the end of the year, "so far as information is available", the total of their emigrants and immigrants, classified as nationals and aliens, with indications for the former and, if possible, for the latter also, of sex, age, occupation, nationality, country of last residence and country of proposed residence. Some delegates would obviously have wished to have asked for more detailed information. The women delegates particularly were concerned to make the statistics useful in connection with the work of the League of Nations in the matter of the traffic in women and children—a work in which the International Labour Office collaborates—and to this end an amendment was moved asking the governments to observe a uniform classification as to age. The Conference, however, maintained the Commission's text, but adopted a resolution instructing the Office "to make every effort to facilitate the international co-ordination of migration statistics", and calling particularly to the attention of the Office the importance of an age classification⁽³⁾. A paragraph of the Resolution indicating that this information was required for the purposes of collaboration with the Advisory Committee of the League of Nations on the Traffic in Women and Children was considered unnecessary in view of a second Resolution, carried without opposition, expressing the view of the Conference that continued collaboration between the office and the Advisory Committee was desirable.

(3) The classification suggested was : under 15 ; 15 and under 25 ; 25 to 55 ; over 55 years.

Third, the Recommendation urges upon the Members of the Organisation the conclusion of agreements among themselves providing for the adoption of a uniform definition of the term "emigrant", the determination of uniform particulars to be entered upon the identity papers issued to emigrants and immigrants, and the use of a uniform method of recording the statistics of migration.

All this may appear to be a very moderate, possibly even mediocre, attempt to deal with the problems of migration and the difficulties of migrant workers. It may be remembered that an International Emigration Commission, created in virtue of a decision of the Washington Session of the Conference, had devoted much time and attention to these problems in 1921 under the chairmanship of Viscount Ullswater (formerly Mr. Lowther, Speaker of the British House of Commons), and that the proposals of that Commission went much further than does the Recommendation now adopted. But there can be no doubt that on this question successful international legislation must be based upon more accurate information than now exists, or than is now generally available, and this Recommendation is a necessary first step. Later, when the phenomena of migration are more clearly demonstrated, international action on a more extended scale may very well be found possible.

THE UNEMPLOYMENT COMMISSION

As has been stated, one of the special reports presented by the Director to this session of the Conference dealt with unemployment. That report owed its origin to a resolution of the Third Session of the Conference, which had instructed the Office to institute an enquiry and to undertake the necessary negotiations for the summoning of an international conference to study the remedies of an international character likely to put an end to the unemployment crisis.

The holding of the International Economic Conference at Genoa under the auspices of the Supreme Council intervened. The Governing Body, anticipating that the Genoa assembly would be largely occupied by questions affecting unemployment, decided to collaborate to the utmost of its power, and at the invitation of the Italian Government sent a delegation. But the Genoa Conference was more largely occupied with Russia than with unemployment *per se*; nevertheless, it called the attention of governments to the importance of the Conventions and Recommendations previously adopted by the International Labour Conference and recommended a number of measures which are in agreement with the provisions of those decisions.

If thus the Genoa Economic Conference may be said to have forestalled, at least in some degree, the intention of the Fourth Session of the International Labour Conference to convoke a special international assembly to deal with unemployment, there

remained the enquiry which the Office was at the same time instructed to undertake.

Such an enquiry involves nothing new ; the Office has been since its inception necessarily occupied in the collection and study of information on the subject of unemployment, and the Governing Body decided that this work should be intensified and continued with a view to the compilation of the report now under discussion, which attempted to indicate the extent of the crisis, to give an account of the action taken to meet it, and to survey the factors which have influenced it, but not to make suggestions to the Conference for action other than such proposals for further research and examination as might appear to be necessary.

The report was referred by the Conference to a Commission specially constituted for the purpose, which, taking the conclusion of the report as its basis, adopted a series of Resolutions bearing upon the enquiry into unemployment problems now being carried out by the Office. Discussion turned in full Conference to some extent upon the scope of the enquiry — an old trouble, for the factors that lead to unemployment crises, even those that cause what has been called "normal" unemployment, are nowhere fully known or understood. A study of many of these causes may exceed the limits of the field of activity laid down in the Treaties for the International Labour Office, and some hesitation was evident on the part of a number of delegates. It is certain, for example, that financial questions, the movements of capital, the fluctuations of exchanges, are factors in the unemployment problem, but are such matters within the competence of the International Labour Organisation? Happily, the fullest extension of the enquiry becomes possible by the collaboration of the Office with the Economic and Financial Section of the League of Nations, asked for by the resolutions of the Commission on Unemployment. The Genoa Economic Conference, no more than The Hague Conference which followed it, brought forward an adequate solution, as workers' delegates insisted. It is to be hoped that the Office and the League in collaboration will be able to contribute something to the understanding of this recurrent malady which afflicts worker, employer, and state, and in so contributing, suggest measures of prevention.

It was evidently the ardent wish of all sections of the Conference that this might be so ; it was equally evident that the wish was not backed by faith in an equal degree in all quarters. The unemployment problem has demonstrated too clearly and too recently its extreme difficulty for extravagant hopes to be based on any scheme. Further study must be given to the causes and remedies of unemployment. Immediate results may be denied, but the ultimate utility of the enquiry conducted on the lines laid down cannot fail to be very great.

COMMISSION ON THE PROCEDURE OF AMENDMENT OF CONVENTIONS

The experience of three years' work has shown the necessity for the adoption of some procedure to facilitate the solution of

difficulties met with by states in their efforts to apply the decisions of the Conference through their national legislation. It has happened in many cases that a minor amendment to the terms of a Convention, in no way affecting the principle laid down therein, would remove obstacles to ratification by one or more states which may be desirous of ratifying, but find themselves faced by minor difficulties of application. The question was brought before the present session of the Conference by the Report of the Director, and a Commission was appointed to consider it.

The Treaty of Peace makes no explicit provision for the amendment of Conventions once adopted, and the only procedure implicitly indicated would appear to be that of the adoption by the Conference of a supplementary Convention, which would, of course, have to go through the ordinary process of submission to all the national authorities. As such supplementary Conventions would be of interest probably only to one, or to a very small number, of states, it seemed absurd to trouble already overburdened parliaments with their consideration, and it was felt necessary to devise some plan which would avoid this.

At the last session of the Conference the suggestion was made that a new formal Article be inserted in all future Draft Conventions, which would provide that amendments might be made in later sessions by a two-thirds majority, including the majority of each delegation (the government delegates being duly authorised to that effect) from the states which had already ratified the Convention in question. The Third Session preferred, however, to postpone the matter for further consideration.

The present Commission found that the task confided to it was by no means simple, and even the fundamental question as to the desirability of amendment in any case whatever was apparently not universally accepted by its members. The subject, too, was felt to be bound up with others which were being discussed in other Commissions of the Conference. The proposal, for instance, to hold alternately a session of preparation and a session of decision might, since it would give governments a year in which to examine the texts of Draft Conventions and Recommendations before their final adoption, avoid the necessity for any procedure of amendment. Again, the decision of the Commission appeared to depend to some extent upon what might be the attitude of the Conference towards a further question, that of the interpretation of the texts of Conventions, for which again the Treaties make no provision, except that of reference to the Permanent Court of International Justice, which cannot be employed in all cases.

A Sub-Commission drafted the text of a formal Article for insertion in future Conventions, which, in principle, corresponded closely to that outlined above, which had been suggested to the Third Session of the Conference, and submitted it to the full Commission. The latter body was not yet satisfied that the whole question had been thoroughly thrashed out, and it contented itself with proposing to the Conference a Resolution

which, after declaring that in the opinion of the Commission the problem was exceedingly difficult and delicate, proposed that the Conference should instruct the Office to undertake a thorough study of the problem and to prepare a report to be submitted to governments at least four months before the next session. This resolution the Conference adopted without discussion.

There can be no question that here is a subject of the greatest importance for the future of international labour legislation. Ratification of a Convention involves definite and serious obligations, for the non-fulfilment of which the Treaties of Peace provide equally serious sanctions, and states hesitate to ratify a Convention even a minor provision of which they are unable to carry out. Since ratification with reservations (at least as to those provisions of a Convention which are not merely formal) is also not provided for by the Treaties, the only alternative left open is non-ratification. While it is undoubtedly essential that ratification should mean a serious obligation not to be undertaken lightly, or broken save under the conditions and with the warning to other ratifying states provided for in the Treaties, and while it is equally essential that legislation on labour questions should show as great a degree of uniformity as may be attainable, there would appear certainly to be room for some machinery for the modification of Conventions to meet unexpected circumstances or conditions unknown to the Conference which adopted them.

THE DISCUSSION ON THE DIRECTOR'S REPORT

The work of the Commissions looks to the future for the most part, but perhaps the most interesting discussions in the Conference, from the point of view of the outside observer, concerned the past work of the Organisation. From the speeches made during the sittings when the Report of the Director was under examination could be gathered perhaps the clearest idea as to the effect of the work of past Conferences and of the International Labour Office in moulding labour legislation throughout the world. Delegations from countries of the most diverse types of industrial organisation demonstrated how the principles laid down in the Conventions and Recommendations adopted by the Conference were being used as the bases of social reform, and, even where formal ratification did not follow, were playing an important part in the progressive amelioration of industrial conditions. Much was said, indeed, of the discouragement felt at the slowness of ratification—55 only had been registered—in comparison with the bright hope of the First Session of the Conference. Many workers' delegates complained bitterly of the inaction or procrastination of governments: some laid the blame at the door of the employers. But such complaints are a natural and healthy phenomenon in a conference of this type. There are, and there always will be, those who wish to hasten progress and those who see wisdom or feel necessity in "making haste slowly". The whole debate was tempered by the general recognition that

economic and political circumstances, unforeseen and not to be attributed to any particular group, had checked the forward march of social progress.

One or two matters which arose during the discussion may be noted as conveying unusually distinct impressions of the effect of the decisions of the Conference. Listening to the numerous speakers who referred to the hours of labour in their countries, one gained the impression that the 8-hour day, in spite of the fact that the Washington Convention on this subject has been ratified by comparatively few countries, is almost universal for European workers. Diversities of application, of course, exist everywhere, but it would appear to be clear that the principle of the 8-hour working day is generally accepted in a manner which is surprising when the position existing in 1914 is remembered.

The impression is only deepened by the complaints made against breaches of the "8 and 48 rule". For complaints are not made for breaches of a "rule" which does not exist. It would seem that it is now generally assumed that the normal working day is the 8-hour day, and a proposed extension of the working hours now is not merely regarded by the workers as something to be examined and discussed as would be, for example, a proposal to reduce wages, but as breach of faith, a sin against the light. Such an attitude was not visible before the creation of the Organisation to anything like the same degree. True, something of magic had attached itself to the 8-hour day, that ideal of the nineteenth century worker expressed in doggerel rhyme and made a subject of mirth by music-hall comedians, but it is most evident that now the ideal has become the basis of practice. It might be worth the while of some thinker on social philosophy to examine how this has come about. Undoubtedly he would ascribe a predominant part in the process to the famous declaration of the Treaties of Peace that the 8-hour day and the 48-hour week were standards to be aimed at where they were not already attained, and that this was a matter of urgent and special importance.

Another point of notable interest was the attitude of the representatives of the new European states, those to which reference has already been made above as being fortunate enough to possess, in the matter of labour legislation, something approaching a clean slate. "Our modest experience in social legislation", declared one such representative, "justifies completely the principles expressed in the Preamble to Part XIII and in Article 427 of the Treaty of Versailles . . . Our wisest minds understood that we could save our social order by basing ourselves on the principles of Part XIII of the Treaty", and he went on to demonstrate that what in some quarters had been considered impossible, namely, the amelioration of labour conditions in the midst of appalling devastation and crisis, could be, and had been, carried out by the application of the principles adopted by the Conference. Even the 8-hour day was no exception.

Declarations of a similar nature came from other states, perhaps less unfortunately situated than the one above-mentioned,

where the establishment and development of infant industries has not been found incompatible with social legislation of an advanced type. The onlooker, thinking over the industrial history of the states more highly developed in this connection, felt that here, if nowhere else, was something for gratitude to the framers of the Peace Treaty and to the workers of the International Labour Organisation. The exploitation and degradation of workers that accompanied the so-called Industrial Revolution of the eighteenth century should not be repeated in the industrialisation of these younger lands.

A last point to be noted from the general debate on the Director's Report is the very frequently repeated desire for closer collaboration with the International Labour Office, and the numerous calls upon it for effort in new directions. The Office has national correspondents in Berlin, London, Paris, Rome, Washington, why not therefore also in India, in South America, in short in every country? The obvious reply is, of course, the expense, but there was undoubtedly a general desire manifested in the Conference that the Organisation and its activities should be brought more closely into contact with all countries, that its experience and the knowledge it has accumulated should be made more easily and more rapidly available. This is indicative of the increasing value which is being attached not only to the Organisation and to the assistance it can afford, but also to the means it offers of making widely known the efforts made by the various governments to ameliorate the conditions of their working populations, a publicity to which they clearly attach much importance

THE ELECTION OF THE GOVERNING BODY

The interest of the states in the Organisation and its work was further marked by the struggles which centred around the election of the new Governing Body. Reference has already been made to the claims for representation which have been repeatedly made by a number of states not represented upon the old authority, and to the proposed revision of the Treaty which will permit of the presence of members from a larger number of countries.

No change in the composition of the Governing Body as laid down in the Peace Treaty could, however, be made this year, and the number of representatives remains the same. The results of the elections, which take place in the groups, and are supervised by the President of the Conference, gave few changes, except in the governments represented, where Chili and Finland appear for the first time. The new Governing Body will therefore probably differ little in regard to its policy from the old. The "eight states of chief industrial importance" will nominate government representatives. Four other states (Chili, Finland, Poland, and Spain) were elected by the government delegates present at the Conference other than the delegates of the eight states, and will also have government representatives.

The employers' and the workers' groups elected six members and six substitutes in each case.

The new Governing Body met during the course of the Conference and elected its Chairman, choosing the retiring Chairman, Mr. Arthur Fontaine, representative of the French Government, who has a wide knowledge of labour legislation and whose experience of the Organisation dates from its inception, since he shared in the drafting of the Labour Part of the Treaties, and has played an important part throughout its whole history.

CHANGES IN THE STANDARD OF LIFE OF THE WORKERS

As always, the Conference had to consider a miscellaneous series of Resolutions proposed by individuals, delegations, or groups, and submitted after examination by the Commission of Selection.

The workers' group proposed a Resolution instructing the International Labour Office to "make a documentary investigation into the standard of working-class life in relation to the pre-war standard in Germany and the other countries with a depreciated exchange, in order to throw light upon the situation and to ascertain the means already adopted or contemplated in such countries for securing to the workers an adequate living wage." The group pointed out that the fall in the standard of life in certain countries was parallel with the depreciation of the exchanges, and that this fall in standards was threatening to bring the workers into very serious straits.

In the debate an interesting explanation was suggested by a workers' delegate of the fact that, in spite of the more rapid diminution in Sweden of wages than of the cost of living, Swedish industry had been unable to compete with German, which had, according to the speaker, been in a position to sell its goods at a figure below the Swedish cost of production. He considered it probable that this state of affairs resulted not only from the depreciation of German currency, but perhaps also from the fact, as he alleged, that German workers had been compelled to adopt a terribly low standard of life. Pitiful results upon the health of the workers and their families had followed. A lowered standard in one country threatened to lower the standards in others; there were powerful motives therefore for an enquiry as to whether the theory put forward had any basis in fact, and the Conference adopted the Resolution by 59 votes to none.

A proposal for an enquiry into working-class conditions in oriental countries had a different fate. Opinion differed as to the countries to be included under the term "oriental" and some objection was taken to the terms in which the Resolution was drafted. On coming to a division, it was found that the necessary quorum of votes had not been recorded, and the Resolution was therefore lost.

GENEROSITY OF THE SWISS GOVERNMENT

One further Resolution calls for remark. It concerned the thanks of the Conference to the Swiss Government for its offer of a site for the building of the new home of the International Labour Office. The Conference "recognised in this offer a fresh testimony of the traditional sympathy of Switzerland for undertakings which make for social progress and more particularly of the interest which it takes in the development of the International Labour Organisation".

Needless to say, this Resolution was carried with acclamation, delegates from a dozen countries warmly expressing agreement with the sentiments of the mover and seconder of the resolution, who represented Colombia and Uruguay respectively.

A number of other proposals were referred by the Conference to the Governing Body for further examination. They dealt with a great variety of matters, ranging from internal reform to the refugees from Asia Minor, the traffic in women and children, the housing problem, vocational training, and the formation in each country of national committees of employers', workers', and government representatives to make more widely known the purposes and work of the Organisation.

It will have been gathered from the preceding pages that the session of the Conference this year had less of dramatic interest than was the case last year. No such difficult and controversial question as that of the use of white lead was on the agenda, and there was no such mobilisation of interested parties as took place a year ago. Only one decision of the nature to which the term "legislative" has been applied was taken, namely, the Recommendation concerning emigration statistics, and its terms were not provocative of high controversy.

None the less, the session was a deeply interesting one. One or two new personalities made what will probably prove to be lasting impressions, and, in general, a spectator of previous sessions was tempted to consider the general quality of the personnel of the Conference to be steadily improving. It seemed clear that governments were more and more appreciating the value of the Conference and its importance.

Moreover, the discussions of the Conference, though, as has been said, offering less interest to the general public, seemed at times to touch fundamentals. The revision of the constitution of the Governing Body was a vital question for the future of the Organisation; upon its successful solution depends in part the more close and effective collaboration between the governments, and particularly the governments of the distant countries, and the Organisation. It may be hoped that the solution adopted will be ratified in due course and will give satisfaction to these overseas countries which, while loyally paying their quota of the cost, have felt themselves to be somewhat far removed from the

centres of authority. Undoubtedly their satisfaction will be reflected in the day to day work of the International Labour Office in Geneva.

4 In brief, the results of this session may be summed up as being of the nature at once of a consolidation of the position gained, and of a preparation of foundations for future extension. It was possible to say of the last session that the Organisation emerged "strengthened, established, sanctioned" from the fiery furnace of that year's controversy. It may now be said that the question of the continued existence of the Organisation no longer arises in any mind ; ~~if it did not exist, it would have to be created.~~ The problems of this session were those of its future, but of a future assured.

APPENDIX

DRAFT RECOMMENDATION AND AMENDMENT TO ARTICLE 393 OF THE TREATY OF VERSAILLES ADOPTED AT THE FOURTH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE, GENEVA, 18 OCTOBER TO 3 NOVEMBER 1922 (*)

Recommendation concerning Communication to the International Labour Office of Statistical and other Information regarding Emigration, Immigration and the Repatriation and Transit of Emigrants.

I

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

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

II

The General Conference recommends that each Member of the International Labour Organisation should make every effort to communicate to the International Labour Office, within six months of the end of the year to which they refer, and so far as information is available, the total figures of emigrants and immigrants, showing separately nationals and aliens and specifying particularly, for nationals, and, as far as possible, for aliens :

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

III

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

- (a) The adoption of a uniform definition of the term "emigrant".

(*) Both documents are here reprinted without the Preamble and without the formal clause at the end.

(b) The determination of uniform particulars to be entered on the identity papers issued to emigrants and immigrants by the competent authorities of Members who are parties to such agreements.

(c) The use of a uniform method of recording statistical information regarding emigration and immigration.

Amendment to Article 393 of the Treaty of Versailles and to the Corresponding articles of the other Treaties of Peace.

Article 393 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace shall read as follows :

The International Labour Office shall be under the control of a Governing Body consisting of thirty-two persons :

Sixteen representing Governments,
Eight representing the Employers,
and

Eight representing the Workers.

Of the sixteen persons representing Governments, eight shall be appointed by the Members of chief industrial importance, and eight shall be appointed by the Members selected for that purpose by the Government Delegates to the Conference excluding the Delegates of the eight Members mentioned above. Of the sixteen Members represented six shall be non-European States.

Any question as to which are the Members of chief industrial importance shall be decided by the Council of the League of Nations.

The persons representing the Employers and the persons representing the Workers shall be elected respectively by the Employers' Delegates and the Workers' Delegates to the Conference. Two Employers' representatives and two Workers' representatives shall belong to non-European States.

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

The method of filling vacancies and of appointing substitutes, and other similar questions, may be decided by the Governing Body subject to the approval of the Conference.

The Governing Body shall, from time to time, elect one of its number 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 twelve of the representatives on the Governing Body.

