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## INTERNATIONAL LABOUR CONFERENCE

26th Session, Philadelphia  
20th April — 12th May, 1944

### REPORT

to the

Minister of Labour and National Service by the  
Delegates of H.M. Government in the  
United Kingdom of Great Britain  
and Northern Ireland

*Presented by the Minister of Labour and National Service  
to Parliament by Command of His Majesty  
August 1944*

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:

York House, Kingsway, London, W.C.2; 13a Castle Street, Edinburgh 2;

39-41 King Street, Manchester 2; 1 St. Andrew's Crescent, Cardiff;

80 Chichester Street, Belfast;

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1944

Price 2s. 6d. net

Cmd. 6547

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26TH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE,  
PHILADELPHIA, 1944.

Report by the Delegates of His Majesty's Government in the United Kingdom to the Rt. Hon. ERNEST BEVIN, M.P., Minister of Labour and National Service.

SIR,

We have the honour to present the following report on the 26th Session of the International Labour Conference.

INTRODUCTION

1. The Conference opened on 20th April, 1944, and closed on 12th May, 1944. It was held in the Mitten Hall, Temple University, Philadelphia.

2. The delegates appointed to represent His Majesty's Government were Mr. George Tomlinson, M.P., Joint Parliamentary Secretary, Ministry of Labour and National Service, and Sir Frederick William Leggett, C.B., Joint Deputy Secretary, Ministry of Labour and National Service, British Government Representative on the Governing Body of the International Labour Office, together with Mr. Thomas Ingram Kynaston Lloyd, C.M.G., Assistant Under-Secretary of State, Colonial Office, and Mr. Guildhaume Myrddin Evans, Under-Secretary, Ministry of Labour and National Service, as substitute delegates. The delegates appointed to represent respectively the British employers and the British workers were Sir John Forbes Watson, Director of the British Employers' Confederation, Member of the Governing Body of the International Labour Office, and Mr. Joseph Hallsworth, General Secretary, National Union of Distributive and Allied Workers, Member of the General Council of the Trades Union Congress, Member of the Governing Body of the International Labour Office. In addition, 7 advisers were appointed to the Government delegates and 6 advisers each to the employers' and workers' delegates. The complete list of the delegation is given in Appendix I.

3. The items on the agenda of the Session were:—

- I. Future policy, programme and status of the International Labour Organisation.
- II. Recommendations to the United Nations for present and post-war social policy.
- III. The organisation of employment in the transition from war to peace.
- IV. Social security; principles, and problems arising out of the war.
- V. Minimum standards of social policy in dependent territories.
- VI. Reports on the application of Conventions (Article 22 of the Constitution).
- VII. Director's Report.

OPENING OF THE CONFERENCE

4. In accordance with the Standing Orders, the Conference was opened by the Chairman of the Governing Body of the International Labour Office, Mr. Carter Goodrich (United States Government representative).

5. Mr. Carter Goodrich introduced Miss Frances Perkins, Secretary of Labour of the United States, who welcomed the delegates in the name of the Government of the United States and read a message from the President.

6. The message from the President contained *inter alia* the following statement:—“ I see in the I.L.O. a permanent instrument of representative character for the formulation of international policy on matters directly affecting the welfare of labour and for international collaboration in this field. I see it as a body with the requisite authority to formulate and secure the adoption of those basic minimum standards that shall apply throughout the world to the conditions of employment. As part of these arrangements, also, I see in the I.L.O. an organisation which shall serve the world for investigation and research, for discussion and debate. But more than that, it must be the agency for decision and for action on those economic and social matters related to the welfare of working people which are practical for industry and designed to enhance the opportunities for a good life for peoples the world over.”

7. Messages were also received from the Secretary of State of the United States, Mr. Cordell Hull, and from the Governor of Pennsylvania.

8. Mr. Carter Goodrich in his opening speech said that representatives were present at the Conference from 41 States Members of the International Labour Organisation and referred as follows to the absence of the Soviet Union:

“ There is one gap in our ranks. I wish to speak of it frankly. We had hoped that the Soviet Union, as a great member of the United Nations, would be represented here to discuss with us the problems of international social and economic policy. We have not ceased to hope that, as one result of the work of this meeting, the Soviet Union may see its way to return to the International Labour Organisation for the purpose of co-operating on that wide range of problems common to all nations, whatever their internal organisation, that are determined to raise the standard of life of the masses of the people.”

9. Other speakers in the preliminary proceedings were the Mayor of Philadelphia, the President of Temple University and the Prime Minister of New Zealand. The Minister of Labour of Canada also addressed the Conference.

#### ELECTION OF THE PRESIDENT AND VICE-PRESIDENTS

10. The Conference unanimously elected as President of the Conference Mr. Walter Nash, New Zealand Minister at Washington and formerly New Zealand Finance Minister and Deputy Prime Minister.

11. The following were unanimously elected Vice-Presidents of the Conference:

- Mr. Bustos Lagos (Chilean Government Delegate).
- Sir John Forbes Watson (British Employers' Delegate).
- Mr. Robert J. Watt (United States Workers' Delegate).

#### ELECTION OF CHAIRMEN OF THE GROUPS

12. Mr. George Tomlinson, M.P., was unanimously elected Chairman of the Government Group at the Conference, Mr. Henry I. Harriman (United States Employers' Delegate) Chairman of the Employers' Group, and Mr. Joseph Hallsworth (British Workers' Delegate) Chairman of the Workers' Group.

#### CREDENTIALS OF DELEGATES

13. The Conference appointed the following Committee to report on the credentials of Delegates:

- Dr. van den Tempel (Netherlands Government Delegate) (Chairman).
- Mr. Henry I. Harriman (United States Employers' Delegate).
- Mr. Lombardo Toledano (Mexican Workers' Delegate).

14. The Committee reported that the total number of delegates was 132, of whom 74 were Government delegates, 28 employers' delegates and 30 workers' delegates. The total number of advisers was: Government 132, Employers 44, Workers 51. The aggregate membership of the Conference was 359.

15. The following objections to the credentials of delegates were submitted to the Credentials Committee:

An objection concerning the nomination of the Indian Workers' Delegate and Advisers lodged by the All-India Trade Union Congress.

An objection concerning the nomination of the Yugoslav Workers' Delegate and Adviser lodged by the Yugoslav Seamen's Union.

An objection concerning the nomination of the Delegates appointed by the Government of Yugoslavia lodged by the United South Slav Committee.

An objection concerning the nomination of the Workers' Delegate and Advisers of the Argentine Republic lodged by the Secretary of the Workers' Group of the Conference.

An objection concerning the nomination of the Workers' Delegate and Adviser of Greece lodged by the Representative of the Panhellenic Federation of the Maritime Trade Unions.

16. In the case of the Indian Workers' Delegate the Credentials Committee pointed out in their report that there were two workers' organisations in India each of which claims to be the most representative and that the Government of India recognised both organisations and had taken the view that Indian workers should be represented alternately by the Indian Federation of Labour and the All-India Trade Union Congress and had decided that the first turn should be given to the newer organisation, the Indian Federation of Labour. In these circumstances the Credentials Committee asked the Conference to regard the Workers' Delegate of India and his Advisors as duly accredited. The report of the Credentials Committee continued as follows:

"The Committee does not doubt that the Government of India will continue its endeavours to make provision for the representation of both organisations in an appropriate manner at future sessions of the Conference and ventures to hope that the two organisations will reach an agreement which will secure the effective participation in the International Labour Organisation of representatives of all sections of the Indian trade union movement. The Committee understands that, failing such an agreement, the Indian Workers' delegate to the next session of the Conference will be appointed in agreement with the All-India Trade Union Congress."

17. The objections to the credentials of the Yugoslav Delegates and Advisers were based on the ground that the existing Government of Yugoslavia was not entitled to represent that country. The Credentials Committee pointed out in their report that the Government which appointed the Yugoslav Delegates and Advisers was generally recognised as the Government of Yugoslavia by the Governments of the other Members of the Organisation and in these circumstances the Credentials Committee asked the Conference to regard these delegates as duly accredited.

18. The objection to the credentials of the Greek Workers' Delegate and Adviser was that they were not appointed in agreement with the legal representatives of the Greek trade unions acting in collaboration with the underground movement of trade unions inside Greece. The Credentials Committee in their report drew attention to the great difficulties which confronted the Greek Government in securing representation of the Greek Trade Unions, and proposed that the Conference should regard the Workers' Delegate and Adviser appointed by the Greek Government as duly accredited.

19. In all these cases the Conference approved the proposals of the Credentials Committee.

20. The objection lodged by the Secretary of the Workers' Group to the credentials of the Argentine Workers' Delegation was withdrawn on 11th May—the day before the close of the Conference, in view of the fact that this delegation had not participated in the work of the Conference.

#### READMISSION OF COSTA RICA

21. The Conference adopted a resolution referring to a decision of the Governing Body that Costa Rica should be entitled to full rights of membership of the Organisation from the 12th November, 1942, pending formal confirmation of her readmission to the Organisation by the Conference and formally confirming the readmission of Costa Rica with the same rights and obligations as other members of the Organisation.

#### SELECTION COMMITTEE

22. The Selection Committee is the General Purposes Committee or Steering Committee of the Conference and its work at the Philadelphia Conference was particularly arduous owing to the difficult problems of procedure which arose. On this Committee H.M. Government were represented by Sir Frederick Leggett (substitutes: Mr. G. Myrddin Evans and Mr. G. A. Johnston), the British Employers by Sir John Forbes Watson and the British Workers by Mr. Joseph Hallsworth. The Committee elected the following officers:—Chairman, Sir Samuel Runganadhan (Indian Government Member); Vice-Chairmen, Mr. Harriman (United States Employers' Member) and Mr. Hallsworth (British Workers' Member).

23. On the proposal of the British Government member, the Selection Committee recommended that the Conference should first proceed to a general discussion on Items I and II on the Agenda and should set up immediately Committees on Items III, IV and V on the Agenda. The duty of each of these Committees would be to place before the Conference general guiding principles on the subject with which it dealt.

#### GENERAL DISCUSSION ON ITEMS I AND II

(FUTURE POLICY, PROGRAMME AND STATUS OF THE I.L.O. AND RECOMMENDATIONS TO THE UNITED NATIONS FOR PRESENT AND POST-WAR SOCIAL POLICY)

24. The general discussion by the Conference on Items I and II occupied three full days. Fifty-two speakers took part, comprising 30 Government delegates, 8 employers' delegates and 14 workers' delegates. The principal delegate of H.M. Government and the British employers' and workers' delegates all spoke in the course of the discussion. The delegate of H.M. Government in his speech concentrated attention on the draft Declaration concerning the Aims and Purposes of the Organisation, and urged that the Conference should adopt this in full.

The discussion ranged over a very wide field and covered the whole question of the future of the International Labour Organisation, its relation with other international bodies, and the recommendations which should be made for present and post-war social policy. There was agreement amongst all the speakers that the International Labour Organisation must be maintained and that it should be developed in order to undertake its increasing responsibilities. It was agreed that if the I.L.O. had not existed it would have been necessary to create it now. It was recognised that the world needed an organisation

to bring together the representatives of the governments, employers and workers of the freedom-loving peoples of the world to work for the promotion of the common well-being. In particular the discussion showed that (a) there was complete agreement that the draft Declaration concerning the Aims and Purposes of the International Labour Organisation represented the general will of the Conference and that it should be adopted without substantial amendment, and that (b) there were such considerable divergencies of opinion on some of the other matters included in Items I and II that it would be necessary for further discussion on these matters to take place in Committee.

#### DECLARATION CONCERNING THE AIMS AND PURPOSES OF THE I.L.O.

25. In accordance with a recommendation made by the Selection Committee on the proposal of the British Government member, the Conference appointed a Special Drafting Committee the Chairman of which was the President of the Conference to examine the draft Declaration submitted in the Office Report on Item I and take into account the observations made during the general discussion together with any other observations which delegates might wish to make.

26. The Special Drafting Committee submitted to the Conference a revised text of the Declaration which while taking account of the observations made involves no material departure from the original draft. This revised text was adopted unanimously by the Conference.

27. In this Declaration the International Labour Conference (1) reaffirms the fundamental principles on which the Organisation is based; (2) declares that it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of the fundamental social objective defined in the Declaration and that in discharging the tasks entrusted to it the Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate; (3) recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve a series of aims enumerated in the Declaration; (4) pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for securing the fuller and broader utilisation of the world's productive resources and for the promotion of the health, education and well-being of all peoples; and (5) affirms that the principles set forth in the Declaration are fully applicable to all peoples everywhere and that while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.

#### APPOINTMENT OF COMMITTEES

28. On the recommendation of the Selection Committee the Conference appointed Committees on the Items on the agenda as follows:

*Committee on Items I and II.*—72 members (36 Government, 18 employers, 18 workers).

*Committee on Employment.*—77 members (33 Government, 22 employers, 22 workers).

*Committee on Social Security.*—72 members (36 Government, 18 employers, 18 workers).



*Committee on Dependent Territories.*—32 members (16 Government, 8 employers, 8 workers).

*Committee on the Application of Conventions.*—42 members (14 from each group).

29. Where necessary in order to equalise the voting strength of each group on these Committees, the so-called Riddell or Riddell-Tzaut system of voting was used.

#### COMMITTEE ON ITEMS I AND II

30. This Committee was set up to consider questions arising under Item I (Future Policy, Programme and Status of the International Labour Organisation) with the exception of the Declaration concerning the Aims and Purposes of the International Labour Organisation, and Item II (Recommendations to the United Nations for present and post-war social policy). On this Committee H.M. Government were represented by Sir Frederick Leggett (substitutes: Mr. G. Myrddin Evans and Mr. G. A. Johnston), the British Employers by Sir John Forbes Watson (substitute: Mr. Kirkaldy) and the British Workers by Mr. Hallsworth (substitute: Sir Walter Citrine). The Committee elected the following officers: Chairman, Miss Frances Perkins (United States Government Member); Vice-Chairmen, Mr. Coulter (Canadian Employers' Member) and Mr. Hallsworth (British Workers' Member).

31. After a general discussion the Committee appointed four Sub-Committees to deal respectively with Constitutional Questions, Industrial Committees, Economic Policies for the attainment of Social Objectives and Social Policy in occupied Axis territories. The Committee dealt itself with the question of social provisions in the Peace Settlement.

#### *Constitutional Questions*

32. On the proposal of the Sub-Committee on Constitutional Questions, endorsed by the Committee on Items I and II, the Conference adopted three Resolutions. The delegates of H.M. Government voted for all these Resolutions.

33. The first of these Resolutions concerns the constitution and constitutional practice of the International Labour Organisation and its relationship with other international bodies. This Resolution comprises six paragraphs:

(1) The Conference resolves that during periods of emergency when in the judgment of the Governing Body the efficient operation of the Organisation or of the Office will be advanced thereby and the Governing Body so notifies the Members of the Organisation it shall provide that, supplementary to the normal procedure, certain official communications specified in the Resolution should be transmitted through the Director.

(2) The Conference requests the Governing Body to take effective steps to deal with problems common to a region or to a particular industry with due regard to the constitution and principles of the Organisation and its competence and to report to the next general Session of the Conference the steps taken and plans for the further regionalisation of the Office and of the Organisation and for special consideration of the problems of particular industries.

(3) The Conference requests the Governing Body, during the period of the deliberations of the Committee to be established under the terms of paragraph 4 of the Resolution and of the development of an overall pattern of international institutions, to take appropriate steps to ensure close collaboration with and a full exchange of information between the I.L.O. and any other public international organisations which now exist or may be established for the promotion of economic and social well-being.

(4) The Conference requests the Governing Body to appoint a Committee as soon as possible to consider the future constitutional development of the Organisation with reference in particular to certain matters specified in the Resolution.

(5) The Conference requests the Governing Body to appoint representatives with power to negotiate if necessary prior to the next general session of the Conference with international authorities on behalf of the Organisation concerning any constitutional questions which at any time require immediate action.

(6) The Conference authorises the Governing Body to decide the place at which the 27th Session of the Conference shall be held and in the event of a Maritime Session being convened in the near future this authorisation to apply to the 27th and 28th Sessions.

34. In a further Resolution the Conference reaffirms the international character of the responsibilities of the Director and Staff of the International Labour Office.

35. Finally, in a Resolution concerning the holding of a Regional Conference of the countries of the Near and Middle East, the Conference invites the Governing Body to examine the possibility of convening at an early date a Regional Conference of the countries of the Near and Middle East with a view to giving effect to the consideration of the specific problems of that Region.

#### *Industrial Committees.*

36. On the proposal of the Sub-Committee on Industrial Committees, endorsed by the Committee, the Conference adopted one Resolution. The delegates of H.M. Government voted for this Resolution. In this Resolution the Conference expresses the opinion that the International Labour Office should proceed forthwith with the setting up of industrial sections and invites the Governing Body to elaborate regulations governing the activities of industrial committees. The discussion in sub-Committee revealed a unanimous desire that action should be taken as rapidly as possible with a view to defining a policy for the constitution of industrial committees to give effect to a proposal made by H.M. Government and to translating that policy into action.

#### *Social Policy in Occupied Axis Territories.*

37. On the proposal of the Sub-Committee on Social Policy in Occupied Axis Territories, endorsed by the Committee, the Conference decided that the proposals concerning government and administration by the United Nations of Germany and other totalitarian countries in Europe contained in the Report submitted by the Office should be referred back to the Governing Body and that the minutes of the discussion should be communicated to the Governing Body. The delegates of H.M. Government voted for this procedure.

38. On the proposal of the Sub-Committee, endorsed by the Committee, the Conference adopted a Resolution concerning measures to be taken in Axis territories occupied by the forces of the United Nations for the protection of transferred foreign workers and of foreign workers' and employers' organisations. In the course of the discussion in Sub-Committee the representative of H.M. Government pointed out that one of the most important of the United Nations was not represented at the Conference and deprecated the formal adoption by the Conference of a Resolution concerning action to be taken by the United Nations in respect of problems that would arise when the forces of the United Nations occupy German territory and which

could not be dealt with in isolation from those affecting other interests. He proposed that the text of the draft Resolution as adopted by the Sub-Committee should be referred to the Governing Body along with the minutes of the discussion that had taken place in the same manner as the proposals concerning government and administration by the United Nations of Germany and other totalitarian countries in Europe. The Sub-Committee did not accept this proposal and in Plenary Session the delegates of H.M. Government abstained from voting on this Resolution.

*Economic Policies for the attainment of Social Objectives.*

39. On the proposal of the Sub-Committee on Economic Policies, endorsed by the Committee, the Conference adopted two Resolutions.

40. The first Resolution enters into considerable detail in recommending economic and financial measures in international and national policy. It recommends not only the economic and financial measures considered necessary for the attainment of social objectives but also methods of application of these measures. The representative of H.M. Government on the Sub-Committee did not vote for the Resolution as it deals with details of economic and financial policy on some of which it appears more appropriate for other international bodies to make recommendations and as it was clearly undesirable to commit H.M. Government, at a Conference at which one of the principal United Nations was not represented, to detailed statements of policy on international economic and financial matters. In these circumstances in Plenary Session the delegates of H.M. Government abstained from voting on this Resolution.

41. The second Resolution requests the Governing Body to examine the methods which might be adopted for determining the appropriateness of including provisions concerning welfare and working conditions in the terms under which any international development works are to be carried out, for framing such provisions and for ensuring their effective application. The delegates of H.M. Government voted for this Resolution.

*Social Provisions in the Peace Settlement.*

42. On the proposal of the Committee the Conference adopted a Resolution consisting of five parts. The delegates of H.M. Government voted for this Resolution.

(1) The Conference considers that certain principles formulated in the Resolution including those affirmed in the Declaration concerning the Aims and Purposes of the International Labour Organisation are appropriate for inclusion in a general or special treaty or agreement between nations desirous of giving early effect to the principles of the Atlantic Charter and Article VII of the Mutual Aid Agreement.

(2) The Conference recommends that the Governing Body should (a) call a special Conference of the Organisation when in its opinion there is a danger of a substantial fall in general employment levels for the purpose of recommending appropriate national or international measures to prevent the development or spread of unemployment and to establish conditions under which high levels of employment may be maintained or restored and should (b) correlate the activities of the I.L.O. toward the end of maintaining full employment with those of any other international agency or agencies which may be designated by the United Nations to have primary responsibility in related economic fields.

(3) The Conference makes certain recommendations to the United Nations relating to dependent territories and international arrangements concerning transport by sea, air, land, and inland waterway.

(4) The Conference recommends (a) that throughout the peace settlement the United Nations should wherever appropriate include provisions for labour standards; (b) that the Governing Body should appoint a Consultative Committee on labour provisions in the peace settlement to hold itself in readiness to give advice with reference to such provisions on the request of the United Nations or of particular groups of the United Nations; (c) that the United Nations should make full use of this Committee.

(5) The Conference recommends to Governments that a Conference of representatives of the Governments of the United, associated and other nations willing to attend be called at an early date, in association with the Governing Body of the International Labour Office, to consider an international agreement on domestic policies of employment and unemployment, and the Conference pledges the full co-operation and assistance of the I.L.O. in calling such a Conference on employment and in helping to carry into effect appropriate decisions it might make.

#### COMMITTEE ON EMPLOYMENT.

43. On this Committee H.M. Government were represented by Mr. G. Tomlinson, M.P. (substitutes: Mr. G. Myrddin Evans and Mr. G. A. Johnston), the British Employers by Sir John Forbes Watson (substitutes: Mr. Low and Mr. Farrar) and the British Workers by Mr. Brown and Sir Walter Citrine. The Committee elected the following officers: Chairman, Mr. Paul Martin (Cañadián Government Member); Vice-Chairmen, Mr. Low (British Employers' Member) and Mr. Brown (British Workers' Member).

44. The Committee submitted to the Conference three draft Recommendations and two Resolutions.

45. In the preface to its Report the Committee calls attention to two general considerations. In the first place the Committee points out that policies to ensure full employment constitute an indispensable condition for the successful solution of the problems facing the Conference. Access to employment in the production of goods or services is essential to the preservation of human dignity as well as for the proper support of physical existence. Organisational arrangements and above all a strong employment service to bring together available workers and available jobs in an orderly manner are of great potential significance for the post-war era. Nevertheless they leave unanswered the question how assurance is to be given that sufficient jobs will be available. This assurance must depend upon the willingness of nations to adopt whatever measures may be necessary and appropriate to promote employment opportunity for as many men and women as may seek employment. In the second place the Committee points out that the application of the various principles on organisation of employment which it suggests presents problems that are of a different nature and are far more difficult for liberated areas than for other countries.

#### *Recommendation concerning Employment Organisation in the transition from War to Peace.*

46. In this Recommendation the Conference recommends the Members of the Organisation to apply general principles formulated in the Recommendation, and in applying them to take into account, in accordance with national conditions, suggested methods of application, and to communicate information to the International Labour Office as requested by the Governing Body

concerning the measures taken to give effect to these principles. The general principles formulated in the Recommendation relate to:—the advance collection of information regarding workers seeking or likely to be seeking employment and regarding prospective employment opportunities, demobilisation of the Armed Forces, industrial demobilisation and reconversion programmes, applications for work and for workers, vocational guidance, training and re-training programmes, geographical mobility, employment of young persons, employment of women, employment of disabled workers, and regularisation of employment in particular industries. With regard to each of these principles, the Recommendation suggests a series of methods of application. The delegates of H.M. Government voted for this Recommendation, which was adopted by the Conference by 102 votes to 0.

*Recommendation concerning the Employment Service.*

47. In this Recommendation the Conference recommends general principles on the responsibilities, functions and methods of operation of National Employment Services. The delegates of H.M. Government voted for this Recommendation, which was adopted by the Conference by 100 votes to 0.

*Recommendation concerning the National Planning of Public Works.*

48. In this Recommendation the Conference recommends general principles on the preparation of a long term development programme to be accelerated or slowed down in accordance with the employment situation in different parts of the country. The delegates of H.M. Government voted for this Recommendation, which was adopted by the Conference by 102 votes to 0.

*Resolutions.*

49. In the first Resolution the Conference draws the attention of the Members of the Organisation to the bearing upon the problem of the organisation of employment in the transition from war to peace of a series of existing International Labour Conventions and Recommendations and urges that Members who have not already done so should give consideration to ratifying these Conventions and to giving effect wherever possible to their provisions pending ratification and that Members should give consideration to making effective the provisions of the Recommendations. The delegates of H.M. Government voted for this Resolution, which was adopted by the Conference.

50. In the second Resolution the Conference resolves that the Members of the Organisation be invited *inter alia* to exchange the results of their research in the various branches of development works including public utilities, and invites the Governing Body to call a meeting of the International Development Works Committee at the earliest practicable moment and to include in the agenda of the meeting the study of the exchange of the information referred to in the Resolution. The delegates of H.M. Government voted for this Resolution, which was adopted by the Conference.

#### COMMITTEE ON DEPENDENT TERRITORIES

51. On this Committee H.M. Government were represented by Sir Frederick Leggett (substitutes: Mr. Lloyd, Major Orde Browne and Mr. Lindon), the British Employers by Sir John Forbes Watson (substitute Mr. Murray) and the British Workers by Mr. Thomson (substitute Mr. Esua). The Committee elected the following officers: Chairmen, Dr. Honig (Netherlands Government Member); Vice-Chairman, Mr. Murray (British Employers' Member) and Mr. Thomson (British Workers' Member).

52. The Committee submitted to the Conference a draft Recommendation and two Resolutions.

*Recommendation concerning Minimum Standards of Social Policy in Dependent Territories.*

53. In this Recommendation the Conference recommends that (1) each Member of the International Labour Organisation should take or continue to take such steps as are within its competence to promote the wellbeing and development of the peoples of dependent territories through the effective application of the general principles set forth in Part I of the Annex to the Recommendation, and that (2) each Member of the Organisation which is responsible for any dependent territory should take all steps within its competence to secure the effective application in each such territory of the minimum standards set forth in Part III of the Annex, and in particular should bring the Recommendation before the authority or authorities competent to make effective in each such territory the minimum standards set forth in Part II of the Annex. Paragraphs (3) and (4) of the Recommendation relate to the communication to the Director of the International Labour Office of information on action taken on the Recommendation and urge that the standards set forth in Part II of the Annex should be regarded as minimum standards. Part I of the Annex consists of four articles embodying general guiding principles relating to social policy in dependent territories. Part II of the Annex consists of 41 articles embodying minimum standards of social policy relating to slavery, opium, forced or compulsory labour, recruiting of workers, special types of contract of employment, penal sanctions, employment of children and young persons, employment of women, remuneration, health, housing and social security, prohibition of colour and religious bars and other discriminatory practices, inspection, industrial organisation and co-operative organisations, together with two articles relating to definitions and scope.

The delegates of H.M. Government voted for this Recommendation, which was adopted by the Conference by 88 votes to 0.

*Resolutions.*

54. In the first of the two Resolutions the Conference decides to place on the Agenda of the next session of the Conference the question of minimum standards of social policy in dependent territories (supplementary provisions). (In the time at its disposal the Committee was unable to discuss, or to discuss fully, all the draft articles which had been submitted by the Office or a series of resolutions submitted by delegates. In accordance with the resolution these draft articles, together with the resolutions, will be forwarded to Governments in preparation for the discussions at the next session of the Conference.) The delegates of H.M. Government voted for this Resolution, which was adopted by the Conference.

55. In the second Resolution the Conference requests the Governing Body to set up as soon as possible a Committee to advise the Office on standards of social policy in dependent territories. The delegates of H.M. Government voted for this Resolution, which was adopted by the Conference.

#### COMMITTEE ON SOCIAL SECURITY

56. On this Committee H.M. Government were represented by Sir Frederick Leggett (substitutes: Mr. Blundun and Miss Ritson), the British Employers by Sir John Forbes Watson (substitutes: Mr. Ashurst, Mr. Kean and Mr. Kirkaldy), and the British Workers by Dame Anne Loughlin and

Miss Hancock. The Committee elected the following officers: Chairman, Mr. Padilla Castro (Costa Rican Government Member); Vice-Chairmen, Mr. Joassart (Belgian Employers' Member) and Mr. Hedges (United States Workers' Member).

57. The Committee submitted to the Conference three draft Recommendations and four Resolutions.

*Recommendation concerning income security.*

58. In this Recommendation the Conference (a) recommends the Members of the Organisation to apply progressively the general guiding principles formulated in the Recommendation, as rapidly as national conditions allow, in developing their income security schemes with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office from time to time as requested by the Governing Body concerning the measures taken to give effect to the said general guiding principles, and (b) calls the attention of the Members of the Organisation to the suggestions for the application of these general guiding principles submitted to the Conference and contained in the Annex to the Recommendation. The guiding principles consist of 30 articles covering the field of social insurance and social assistance under the following heads: general; social insurance (contingencies covered, persons covered, benefit rates and contribution conditions, distribution of cost and administration); and social assistance (maintenance of children, maintenance of needy invalids, aged persons and widows and general assistance). The Annex contains a large number of detailed suggestions for the application of these guiding principles.

59. In the plenary session of the Conference, the principal delegate of H.M. Government emphasised that Great Britain continued to be in the forefront of progress in regard to social security. He proposed that the first report of the Committee on Social Security embodying the text of the proposed Recommendation should be sent to Governments for their observations and that the whole subject should be placed on the Agenda of the next Conference with a view to the adoption of a draft Convention. He pointed out that if the Conference were to adopt a series of recommendations there was a risk that many of them might be pigeon holed. On the other hand if the Report were referred to Governments for observations, Governments would have to study the documents carefully in order to frame their replies with a view to the adoption at the next session of the Conference of a draft Convention. He drew attention to the danger, while existing Conventions on social security were still in force, of weakening them by recapitulating them in the form of recommendations and suggestions for application. He expressed his surprise at the way in which it had been proposed that all the suggestions contained in the Report should be accepted without detailed examination. No one could pretend that the survey of practice and opinion had been adequate. It would not serve the best interests of the peoples of the world or of the International Labour Organisation to adopt a Recommendation on income security without the more thorough consideration it deserved. Finally, he urged that the adoption by the Conference of this procedure would lead to more effective action than the immediate adoption of a Recommendation. The Conference did not adopt this proposal on procedure. The Recommendation was then put to the vote and was adopted by the Conference by 92 votes to 4, the delegates of H.M. Government abstaining.

*Recommendation concerning income security and medical care for persons discharged from the Armed Forces and assimilated services and from war employment.*

60. This Recommendation provides for the social security of persons discharged from the Armed Forces and assimilated services and from war employment under three heads—mustering-out grant, unemployment insurance and assistance and pension and sickness insurance. The delegates of H.M. Government voted for this Recommendation, which was adopted by the Conference by 100 votes to 0.

*Recommendation concerning medical care.*

61. In this Recommendation the Conference recommends the Members of the Organisation to apply the principles formulated in the Recommendation, as rapidly as national conditions allow, in developing their medical care services with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect to these principles. In addition to certain general principles the Recommendation enumerates certain principles relating to persons covered; the provision of medical care and its co-ordination with general health services; the quality of service; the financing of medical care service; and the supervision and administration of medical care service.

62. The attitude of the delegates of H.M. Government to this Recommendation was the same as to the Recommendation on income security; they considered that more effective action would result from sending to Governments the Report embodying the text of the draft Recommendation and placing the question on the agenda of the next Conference with a view to the adoption of a draft Convention. As, however, the Conference had not adopted this procedure in the case of the Recommendation on income security it was clear that it would not adopt it in the case of the Recommendation on medical care. In these circumstances when the Recommendation was put to the vote, the delegates of H.M. Government abstained. The Recommendation was adopted by the Conference by 76 votes to 6.

*Resolutions.*

63. Four Resolutions on social security were submitted by the Committee:

- (a) concerning social security in Asiatic countries,
- (b) concerning the definition of terms used in international Conventions and Recommendations concerning social security,
- (c) concerning social insurance and related questions in the peace settlement, and
- (d) concerning international administrative co-operation to promote social security.

The delegates of H.M. Government voted for all these Resolutions, which were adopted by the Conference.

#### COMMITTEE ON THE APPLICATION OF CONVENTIONS

64. On this Committee H.M. Government were represented by Sir Frederick Leggett (substitute: Mr. G. A. Johnston), the British Employers by Sir John Forbes Watson and the British Workers by Miss Hancock. The Committee elected the following officers: Chairman, Mr. Ohlin (Swedish Government Member); Vice-Chairmen, Mr. Ribeiro (Brazilian Employers' Member) and Mr. Kosina (Czechoslovak Workers' Member).



65. The Committee noted that in spite of difficulties imposed by the war the response of Governments to the requests by the Office to continue to render Annual Reports on the application of Conventions required under Article 22 of the Constitution had been gratifying. A certain number of Governments had supplied Annual Reports for the whole period on all the Conventions to which their countries are parties. Even the Governments of countries under military occupation had endeavoured to follow the course of legislation introduced by the occupying Power and report upon it to the Office. The Committee did not, however, find itself in a position to undertake an adequate examination of the application of Conventions partly because the Office with its greatly depleted staff had been unable to submit a detailed summary of the reports and partly because the Committee of Experts had made no report since 1939. The Committee considered it important that the normal procedure for examination of the application of Conventions should be re-established as early as possible and recommended that (a) the Committee of Experts should be re-appointed at the earliest possible date and (b) the Office should be sufficiently reinforced in personnel to enable it to undertake the duty of compiling a summary of the Annual Reports for submission to the Conference.

#### COMMITTEE ON RESOLUTIONS

66. On this Committee H.M. Government were not represented. The British Employers were represented by Sir John Forbes Watson (substitute: Mr. Kirkaldy). The British Workers were not represented. The Committee elected the following officers: Chairman, Mr. Trujillo Gurria (Mexican Government Member); Vice-Chairmen, Mr. Kirkaldy (British Employers' Member) and Mr. Dowd (Canadian Workers' Member).

67. On the proposal of this Committee, the Conference adopted certain Resolutions on matters not falling within the scope of any of the items on the Agenda.

#### DISCUSSION ON THE DIRECTOR'S REPORT

68. As the Office Reports on Items I and II included much of the matter that would normally have been dealt with in the Director's Report many delegates spoke on these questions in the general discussion on Items I and II instead of in the discussion on the Director's Report.

69. In his reply to the discussion on his Report, the Acting Director (Mr. E. J. Phelan) took account of points made not only in that discussion but also in the discussion on Items I and II.

70. After emphasising the importance of the Declaration concerning the Aims and Purposes of the Organisation as the crown and confirmation of the efforts of those who drew up the Constitution 25 years ago and underlining that all that can be achieved by the Organisation is dependent upon the establishment of a durable peace, the Acting Director analysed the special difficulties encountered by the Philadelphia Conference. The first he found to lie in the long interval since the last meeting of the Conference and the presence of a larger proportion than usual of Delegates and Advisers not familiar with the necessarily complicated procedure of the Conference. The second was the inability of the Office owing to limitation of time to follow the normal procedure in consulting Governments and the respective organs of the Organisation before submitting proposed texts to the Conference. The Acting Director said that the real cure for some of the difficulties encountered was to be found in a return to the regular normal functioning of the whole

machinery of the Organisation with frequent meetings of the Governing Body and regular meetings of the Conference which would bring once more the technical work of the Office into the closest harmony with the policies which the respective organs of the Organisation wish to pursue and allow time for Governments to consider proposals well in advance of their discussion by the Conference.

71. The Acting Director drew attention to the suggestions made in the course of the Conference in favour of the development of regional action by the International Labour Organisation and mentioned in particular the possibility of Regional Conferences in Europe (to deal with the particular labour and industrial problems in the liberated countries) in Asia, in the Near and Middle East and in America.

72. He then spoke of the place of the International Labour Organisation in the new world organisation progressively taking shape. He was confident that there must be some general international framework within which the different international functional agencies must find their place and some international authority to be responsible for the maintenance of peace and security, for such general political decisions as might from time to time be required, and for the co-ordination of the activities of functional agencies. The I.L.O. has done their utmost, sometimes in difficult circumstances, to establish the closest possible co-operative relations with other international agencies. Nothing said in the Office reports about the autonomy or independence of the International Labour Organisation could reasonably be construed as suggesting that that Organisation should occupy a position of isolation. The International Labour Organisation had, however, the special characteristic of its tripartite composition and it was important that in whatever new arrangements might be made its special character and functions should be respected and that it should at all events be given no less important a place that it was given in its relations with the League of Nations.

#### DECLARATION BY THE DELEGATIONS OF THE OCCUPIED COUNTRIES OF EUROPE

73. A Declaration by the delegates of the occupied countries of Europe represented at the Conference (Belgium, Czechoslovakia, France, Greece, Luxemburg, the Netherlands, Norway, Poland and Yugoslavia) was read to the Conference by the Government delegate of France. In this Declaration these delegates state their views on the special problems of the economic, financial and social reconstruction of the countries of Europe, when they have been liberated. They stress their complete agreement with the principles and social objectives that should prevail in the reorganisation of the world after the war as set forth in the Declaration concerning the Aims and Purposes of the International Labour Organisation and in the Resolutions before the Conference. They draw attention, however, to the tragic situation in which the liberated countries will find themselves at the moment of liberation owing to famine, privation of all kinds, exhaustion of stocks, destruction of economic and financial resources, industrial dislocation, etc. They state that the liberated countries are minded to undertake themselves, by their own efforts and under their own responsibility, their own national reconstruction, but they are aware of the parallel need for a concerted effort in the international domain, and they express their conviction that the international solidarity forged between the United Nations during the war will continue during the peace. They urge that a last warning should be given to the invaders informing them categorically that the authors of excesses in occupied territories will answer for them with their persons and with their property.

74. When this Declaration had been read, the Conference adopted a Resolution, proposed by the delegate of the Government of the United States and seconded by the delegate of H.M. Government, in which the Conference, *inter alia*, asserts the determination of the International Labour Organisation to associate its endeavours with the concerted will of the oppressed nations for the purpose of rebuilding their social life according to principles of international solidarity and respect for the fundamental spiritual and human values.

#### RECEPTION OF THE DELEGATES BY THE PRESIDENT OF THE UNITED STATES

75. On 17th May the President of the United States received the delegates at the White House. The President congratulated the delegates on the success of the Conference and speeches of reply were made by Mr. Walter Nash (President of the Conference), Sir John Forbes Watson (British Employers' Delegate) and Mr. Rens (Belgian Workers' Delegate).

#### TEXTS OF THE DECLARATION, RECOMMENDATIONS AND RESOLUTIONS

76. The authentic Texts of the Declaration and the Recommendations adopted by the Conference are given in Appendix II to this Report. The Texts of the Resolutions adopted by the Conference are given in Appendix III.

We have the honour to be,

Sir,

Your obedient Servants,

(Signed) GEORGE TOMLINSON.

F. W. LEGGETT.

## APPENDIX I

## LIST OF THE BRITISH DELEGATION

## GOVERNMENT DELEGATES:

- Mr. George TOMLINSON, M.P., Joint Parliamentary Secretary, Ministry of Labour and National Service.
- Sir Frederick William LEGGETT, C.B., Joint Deputy Secretary, Ministry of Labour and National Service; British Government Representative on the Governing Body of the International Labour Office.

*Advisers and Substitute Delegates:*

- Mr. Thomas Ingram Kynaston LLOYD, C.M.G., Assistant Under-Secretary of State, Colonial Office.
- Mr. Guildhaume MYRDDIN EVANS, Under-Secretary, Ministry of Labour and National Service.

*Advisers:*

- Mr. Percy Young BLUNDUN, Principal Assistant Secretary, Ministry of Labour and National Service.
- Mr. George Alexander JOHNSTON, Assistant Secretary, Ministry of Labour and National Service.
- Mr. Alfred George Victor LINDON, Industrial Adviser to the Government of Trinidad.
- U Kyaw MIN, Indian Civil Service, Joint Secretary to the Government of Burma, Reconstruction Department.
- Major Granville St. John ORDE BROWNE, C.M.G., O.B.E., Labour Adviser to the Secretary of State for the Colonies.
- Mr. Harold Frederick OXBURY, Indian Civil Service, Joint Secretary to the Government of Burma, Reconstruction Department.
- Miss Muriel RITSON, C.B.E., Principal Assistant Secretary, Controller of Health Insurance and Pensions, Department of Health for Scotland.

## EMPLOYERS' DELEGATE:

- Sir John FORBES WATSON, Director of the British Employers' Confederation; Member of the Governing Body of the International Labour Office.

*Advisers:*

- Mr. Thomas ASHURST, Director of the Cotton Spinners' and Manufacturers' Association; Member of the General Purposes Committee and Council of the British Employers' Confederation.
- Mr. Harold Fearnley FARRAR, Vice-President of the Worsted Spinners' Federation; Member of the Council of the British Employers' Confederation.
- Mr. Robert KEAN, Director of the Federation of Civil Engineering Contractors; Member of the Council of the British Employers' Confederation.
- Mr. Harold Stewart KIRKALDY, General Secretary of the Iron and Steel Trades Employers' Association; Member of the Council of the British Employers' Confederation.
- Mr. Alexander Collie Low, Secretary of the Engineering and Allied Employers' National Federation; Member of the Council of the British Employers' Confederation.
- Mr. Cecil Walter MURRAY, D.F.C., Member of the Institute of Mechanical Engineers; Managing Director of Messrs. George Fletcher and Co., Ltd., Masson Works, Derby; Employers' Member of the Colonial Labour Advisory Committee.

## WORKERS' DELEGATE:

Mr. Joseph HALLSWORTH, General Secretary, National Union of Distributive and Allied Workers; Member of the General Council of the Trades Union Congress; Member of the Governing Body of the International Labour Office.

*Advisers:*

Mr. John BROWN, General Secretary of the Iron and Steel Trades Confederation; Member of the General Council of the Trades Union Congress.

The Rt. Hon. Sir Walter CITRINE, K.B.E., General Secretary, Trades Union Congress; President of the International Federation of Trade Unions.

Mr. E. E. ESUA, General Secretary of the Nigerian Union of Teachers.

Miss Florence HANCOCK, O.B.E., National Woman Officer of the Transport and General Workers' Union; Member of the General Council of the Trades Union Congress.

Dame Anne LOUGHLIN, D.B.E., Chief Woman Officer of the National Union of Tailors and Garment Workers; Vice-President of the General Council of the Trades Union Congress.

Mr. George Walker THOMSON, Officer of the Association of Engineering and Ship-building Draughtsmen; Member of the General Council of the Trades Union Congress.

*Secretary to the Delegation:*

Mr. David George BRAIN, Ministry of Labour and National Service.

## APPENDIX II

AUTHENTIC TEXTS OF THE DECLARATION AND RECOMMENDATIONS ADOPTED BY THE  
INTERNATIONAL LABOUR CONFERENCE AT ITS 26TH SESSION

The Declaration concerning the aims and purposes of the International Labour Organisation, here reprinted, was unanimously adopted by the International Labour Conference at its Twenty-sixth Session, held at Philadelphia, from 20 April to 12 May 1944.

The text of the Declaration as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Acting Director of the International Labour Office.

*For the Director of the International Labour Office.*

C. W. JENKS.

*Legal Adviser of the  
International Labour Office.*

## INTERNATIONAL LABOUR CONFERENCE

DECLARATION CONCERNING THE AIMS AND PURPOSES OF THE INTERNATIONAL LABOUR  
ORGANISATION

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members.

## I

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that:

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;
- (d) the war against want requires to be carried on with unremitting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

## II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:

- (a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;
- (b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;
- (c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;

## APPENDIX II

AUTHENTIC TEXTS OF THE DECLARATION AND RECOMMENDATIONS ADOPTED BY THE  
INTERNATIONAL LABOUR CONFERENCE AT ITS 26TH SESSION

La Déclaration concernant les buts et objectifs de l'Organisation internationale du Travail, dont le texte est reproduit ci-après, a été adoptée à l'unanimité par la Conférence internationale du Travail au cours de sa vingt-sixième session, tenue à Philadelphie, du 20 avril au 12 mai 1944.

Le texte de la Déclaration présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur par intérim du Bureau international du Travail.

*For the Director of the International Labour Office:*

C. W. JENKS.  
*Legal Adviser of the  
International Labour Office.*

## CONFERENCE INTERNATIONALE DU TRAVAIL

DECLARATION CONCERNANT LES BUTS ET OBJECTIFS DE L'ORGANISATION  
INTERNATIONALE DU TRAVAIL

La Conférence générale de l'Organisation internationale du Travail, réunie à Philadelphie en sa vingt-sixième session, adopte, ce dixième jour de mai 1944, la présente Déclaration des buts et objectifs de l'Organisation internationale du Travail, ainsi que des principes dont devrait s'inspirer la politique de ses Membres.

## I

La Conférence affirme à nouveau les principes fondamentaux sur lesquels est fondée l'Organisation, à savoir notamment:

- a) le travail n'est pas une marchandise;
- b) la liberté d'expression et d'association est une condition indispensable d'un progrès soutenu;
- c) la pauvreté, où qu'elle existe, constitue un danger pour la prospérité de tous;
- d) la lutte contre le besoin doit être menée avec une inlassable énergie au sein de chaque nation, et par un effort international continu et concerté dans lequel les représentants des travailleurs et des employeurs, coopérant sur un pied d'égalité avec ceux des gouvernements, participent à de libres discussions et à des décisions de caractère démocratique en vue de promouvoir le bien commun.

## II

Convaincue que l'expérience a pleinement démontré le bien-fondé de la déclaration contenue dans la Constitution de l'Organisation internationale du Travail, et d'après laquelle une paix durable ne peut être établie que sur la base de la justice sociale, la Conférence affirme que:

- a) tous les êtres humains, quels que soient leur race, leur croyance ou leur sexe, ont le droit de poursuivre leur progrès matériel et leur développement spirituel dans la liberté et la dignité, dans la sécurité économique et avec des chances égales;
- b) la réalisation des conditions permettant d'aboutir à ce résultat doit constituer le but central de toute politique nationale et internationale;
- c) tous les programmes d'action et mesures prises sur le plan national et international, notamment dans le domaine économique et financier, doivent être appréciés de ce point de vue et acceptés seulement dans la mesure où ils apparaissent de nature à favoriser, et non à entraver, l'accomplissement de cet objectif fondamental;

(d) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;

(e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

### III

The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve:

(a) full employment and the raising of standards of living;

(b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;

(c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;

(d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;

(e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;

(f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;

(g) adequate protection for the life and health of workers in all occupations;

(h) provision for child welfare and maternity protection;

(i) the provision of adequate nutrition, housing and facilities for recreation and culture;

(j) the assurance of equality of educational and vocational opportunity.

### IV

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.



*d)* il incombe à l'Organisation internationale du Travail d'examiner et de considérer à la lumière de cet objectif fondamental, dans le domaine international, tous les programmes d'action et mesures d'ordre économique et financier;

*e)* en s'acquittant des tâches qui lui sont confiées, l'Organisation internationale du Travail, après avoir tenu compte de tous les facteurs économiques et financiers pertinents, a qualité pour inclure dans ses décisions et recommandations toutes dispositions qu'elle juge appropriées.

### III

La Conférence reconnaît l'obligation solennelle pour l'Organisation internationale du Travail de seconder la mise en œuvre, parmi les différentes nations du monde, de programmes propres à réaliser:

*a)* la plénitude de l'emploi et l'élévation des niveaux de vie;

*b)* l'emploi des travailleurs à des occupations où ils aient la satisfaction de donner toute la mesure de leur habileté et de leurs connaissances et de contribuer le mieux au bien-être commun;

*c)* pour atteindre ce but, la mise en œuvre, moyennant garanties adéquates pour tous les intéressés, de possibilités de formation et de moyens propres à faciliter les transferts de travailleurs, y compris les migrations de main-d'œuvre et de colons;

*d)* la possibilité pour tous d'une participation équitable aux fruits du progrès en matière de salaires et de gains, de durée du travail et autres conditions de travail, et un salaire minimum vital pour tous ceux qui ont un emploi et ont besoin d'une telle protection;

*e)* reconnaissance effective du droit de négociation collective et la coopération des employeurs et de la main-d'œuvre pour l'amélioration continue de l'organisation de la production, ainsi que la collaboration des travailleurs et des employeurs à l'élaboration et à l'application de la politique sociale et économique;

*f)* l'extension des mesures de sécurité sociale en vue d'assurer un revenu de base à tous ceux qui ont besoin d'une telle protection, ainsi que des soins médicaux complets;

*g)* une protection adéquate de la vie et de la santé des travailleurs dans toutes les occupations;

*h)* la protection de l'enfance et de la maternité;

*i)* un niveau adéquat d'alimentation, de logement, et de moyens de récréation et de culture;

*j)* la garantie de chances égales dans le domaine éducatif et professionnel.

### IV

Convaincue qu'une utilisation plus complète et plus large des ressources productives du monde, nécessaire à l'accomplissement des objectifs énumérés dans la présente Déclaration, peut être assurée par une action efficace sur le plan international et national, et notamment par des mesures tendant à promouvoir l'expansion de la production et de la consommation, à éviter des fluctuations économiques graves, à réaliser l'avancement économique et social des régions dont la mise en valeur est peu avancée, à assurer une plus grande stabilité des prix mondiaux des matières premières et denrées, et à promouvoir un commerce international de volume élevé et constant, la Conférence promet l'entière collaboration de l'Organisation internationale du Travail avec tous organismes internationaux auxquels pourra être confiée une part de responsabilité dans cette grande tâche, ainsi que dans l'amélioration de la santé, de l'éducation et du bien-être de tous les peuples.

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.

The foregoing is the authentic text of the Declaration concerning the aims and purposes of the International Labour Organisation unanimously adopted by the General Conference of the International Labour Organisation at Philadelphia during its Twenty-sixth Session, on 10 May 1944.

IN FAITH WHEREOF we have appended our signatures, this seventeenth day of May 1944.

*The President of the Conference.*

W. NASH.

*The Acting Director of the International Labour Office.*

EDWARD J. PHELAN.

The Recommendation (No. 67) concerning income security, the Recommendation (No. 68) concerning income security and medical care for persons discharged from the armed forces and assimilated services and from war employment, the Recommendation (No. 69) concerning medical care, the Recommendation (No. 70) concerning minimum standards of social policy in dependent territories, the Recommendation (No. 71) concerning employment organisation in the transition from war to peace, the Recommendation (No. 72) concerning the employment service and the Recommendation (No. 73) concerning the national planning of public works, here reprinted, were adopted by the International Labour Conference at its Twenty-sixth Session, held at Philadelphia, from 20 April to 12 May 1944.

The texts of the Recommendations as here presented are true copies of the texts authenticated by the signatures of the President of the International Labour Conference and of the Acting Director of the International Labour Office, in accordance with the provisions of Article 19, paragraph 4, of the Constitution of the International Labour Organisation.

*For the Director of the International Labour Office:*

C. W. JENKS.

*Legal Adviser of the  
International Labour Office.*

## INTERNATIONAL LABOUR CONFERENCE

### RECOMMENDATION [No. 67] CONCERNING INCOME SECURITY

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to income security, which is included in the fourth item on the agenda of the Session, and

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

adopts, this twelfth day of May of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Income Security Recommendation, 1944:

La Conférence affirme que les principes énoncés dans la présente Déclaration sont pleinement applicables à tous les peuples du monde, et que, si, dans les modalités de leur application, il doit être dûment tenu compte du degré de développement social et économique de chaque peuple, leur application progressive aux peuples qui sont encore dépendants, aussi bien qu'à ceux qui ont atteint le stade où ils se gouvernent eux-mêmes, intéresse l'ensemble du monde civilisé.

Ce qui précède est le texte authentique de la Déclaration concernant les buts et objectifs de l'Organisation internationale du Travail, adoptée à l'unanimité par la Conférence internationale du Travail à Philadelphie au cours de sa vingt-sixième session, le 10 mai 1944.

EN FOI DE QUOI ont apposé leurs signatures, ce dix-septième jour de mai 1944.

*Le Président de la Conférence.*

W. NASH.

*Le Directeur par intérim du Bureau international du Travail.*

EDWARD J. PHELAN.

La recommandation (n° 67) concernant la garantie des moyens d'existence, la recommandation (n° 68) concernant la garantie des moyens d'existence et les soins médicaux pour les personnes congédiées des forces armées et services assimilés et des emplois de guerre, la recommandation (n° 69) concernant les soins médicaux, la recommandation (n° 70) concernant les normes minima pour la politique sociale dans les territoires dépendants, la recommandation (n° 71) concernant l'organisation de l'emploi au cours de la transition de la guerre à la paix, la recommandation (n° 72) concernant le service de l'emploi et la recommandation (n° 73) concernant l'organisation nationale des travaux publics, dont les textes sont reproduits ci-après, ont été adoptées par la Conférence internationale du Travail au cours de sa vingt-sixième session, tenue à Philadelphie, du 20 avril au 12 mai 1944.

Les textes des recommandations présentés ici sont des copies exactes des textes authentiqués par les signatures du Président de la Conférence internationale du Travail et du Directeur par intérim du Bureau international du Travail, conformément aux dispositions de l'article 19, paragraphe 4, de la Constitution de l'Organisation internationale du Travail.

*For the Director of the International Labour Office:*

C. W. JENKS.

*Legal Adviser of the  
International Labour Office.*

## CONFERENCE INTERNATIONALE DU TRAVAIL

### RECOMMANDATION [N° 67] CONCERNANT LA GARANTIE DES MOYENS D'EXISTENCE

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Philadelphie par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 20 avril 1944 en sa vingt-sixième session,

Après avoir décidé d'adopter diverses propositions relatives à la garantie des moyens d'existence, question qui est comprise dans le quatrième point à l'ordre du jour de la session,

Après avoir décidé que ces propositions prendraient la forme d'une recommandation,

adopte, ce douzième jour de mai mil neuf cent quarante-quatre, la recommandation ci-après, qui sera dénommée Recommandation sur la garantie des moyens d'existence, 1944 :

Whereas the Atlantic Charter contemplates " the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security "; and

Whereas the Conference of the International Labour Organisation, by a resolution adopted on 5 November 1941, endorsed this principle of the Atlantic Charter and pledged the full co-operation of the International Labour Organisation in its implementation; and

Whereas income security is an essential element in social security; and

Whereas the International Labour Organisation has promoted the development of income security—

by the adoption by the International Labour Conference of Conventions and Recommendations relating to workmen's compensation for accidents and occupational diseases, sickness insurance, provision for maternity, old-age, invalidity, and widows' and orphans' pensions, and provision for unemployment,

by the adoption by the First and Second Labour Conferences of American States of the resolutions constituting the Inter-American Social Insurance Code, by the participation of a delegation of the Governing Body in the First Inter-American Conference on Social Security which adopted the Declaration of Santiago de Chile, and by the approval by the Governing Body of the Statute of the Inter-American Conference on Social Security established as a permanent agency of co-operation between social security administrations and institutions acting in concert with the International Labour Office, and

by the participation of the International Labour Office in an advisory capacity in the framing of social insurance schemes in a number of countries and by other measures; and

Whereas some Members have not taken such steps as are within their competence to promote the well-being and development of their people although their need for improved labour standards, economic advancement and social security is greatest; and

Whereas it is now highly desirable that such Members take all necessary steps as soon as possible to reach the accepted international minimum standards and develop those standards; and

Whereas it is now desirable to take further steps towards the attainment of income security by the unification or co-ordination of social insurance schemes, the extension of such schemes to all workers and their families, including rural populations and the self-employed, and the elimination of inequitable anomalies; and

Whereas the formulation of certain general principles which should be followed by Members of the Organisation in developing their income security schemes along these lines on the foundation of the existing Conventions and Recommendations, pending the unification and amplification of the provisions of the said Conventions and Recommendations, will contribute to this end;

The Conference:

(a) recommends the Members of the Organisation to apply progressively the following general guiding principles, as rapidly as national conditions allow, in developing their income security schemes with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office from time to time as requested by the Governing Body, concerning the measures taken to give effect to the said general guiding principles;

(b) calls the attention of the Members of the Organisation to the suggestions for the application of these general guiding principles submitted to the Conference and contained in the Annex to this Recommendation.

Considérant que la Charte de l'Atlantique envisage " la collaboration la plus complète entre toutes les nations dans le domaine économique en vue de procurer à tous de meilleures conditions de travail, le progrès économique et la sécurité sociale "

Considérant que la Conférence de l'Organisation internationale du Travail a, par une résolution adoptée le 5 novembre 1941, appuyé ce principe de la Charte de l'Atlantique et promis la pleine collaboration de l'Organisation internationale du Travail pour le traduire en actes;

Considérant que la garantie des moyens d'existence est un élément essentiel de la sécurité sociale;

Considérant que l'Organisation internationale du Travail a encouragé le développement de la garantie des moyens d'existence—

par l'adoption, par la Conférence internationale du Travail, de conventions et recommandations traitant de la réparation des accidents du travail et des maladies professionnelles, de l'assurance-maladie, des prestations de maternité, de pensions de vieillesse, d'invalidité et de décès, et des prestations de chômage,

par l'adoption par les première et deuxième Conférences du Travail des Etats d'Amérique, de résolutions constituant le code interaméricain d'assurance sociale, la participation d'une délégation du Conseil d'administration à la première Conférence interaméricaine de sécurité sociale, qui a adopté la Déclaration de Santiago du Chili, et l'approbation, par le Conseil d'administration, des Statuts de la Conférence interaméricaine de sécurité sociale instituée en qualité d'organe permanent de collaboration entre les administrations et institutions de sécurité sociale, agissant de concert avec le Bureau international du Travail, et

par la participation du Bureau international du Travail, à titre de conseiller, à l'élaboration de régimes d'assurance sociale dans nombre de pays et par d'autres mesures;

Considérant que certains Membres n'ont pas pris les mesures qui sont de leur compétence pour promouvoir le bien-être et le développement de leur peuple bien que leur besoin de normes plus avancées de travail, d'avancement économique et de sécurité sociale soient des plus grands;

Considérant qu'il est hautement désirable que ces Membres prennent aussitôt que possible les mesures nécessaires pour arriver aux normes minima internationales et pour développer ces normes;

Considérant qu'il est d'ores et déjà désirable d'adopter de nouvelles mesures pour réaliser la garantie des moyens d'existence par l'unification ou la coordination des régimes d'assurance sociale, par l'extension de ces régimes à tous les travailleurs et à leurs familles, y compris la population rurale et les travailleurs indépendants, et par l'élimination d'injustes anomalies;

Considérant que la formulation de certains principes généraux que devraient observer les Membres de l'Organisation en mettant en œuvre leur régime de garantie des moyens d'existence dans cet esprit sur la base des conventions et recommandations existantes, en attendant l'unification et l'amplification des dispositions desdites conventions et recommandations, contribuera à cette fin;

La Conférence:

a) recommande aux Membres de l'Organisation d'appliquer progressivement les principes directeurs de caractère général suivants, aussi rapidement que leurs conditions nationales le permettront, en mettant en œuvre leurs régimes de garantie des moyens d'existence afin d'appliquer le cinquième principe de la Charte de l'Atlantique, et de présenter au Bureau international du Travail, selon ce que décidera le Conseil d'administration, des rapports sur les mesures prises pour donner effet auxdits principes directeurs;

b) attire l'attention des Membres de l'Organisation sur les suggestions pour l'application de ces principes directeurs soumises à la Conférence, contenues dans l'annexe à la présente recommandation.

## GUIDING PRINCIPLES

*General*

1. Income security schemes should relieve want and prevent destitution by restoring, up to a reasonable level, income which is lost by reason of inability to work (including old age) or to obtain remunerative work or by reason of the death of a breadwinner.

2. Income security should be organised as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled, in consideration of the contributions they have paid to an insurance institution, to benefits payable at rates, and in contingencies, defined by law.

3. Provision for needs not covered by compulsory social insurance should be made by social assistance; certain categories of persons, particularly dependent children and needy invalids, aged persons and widows, should be entitled to allowances at reasonable rates according to a prescribed scale.

4. Social assistance appropriate to the needs of the case should be provided for other persons in want.

*Social Insurance*

5. The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies, generally experienced, which involved extraordinary strain on limited incomes, in so far as they are not otherwise covered.

6. Compensation should be provided in cases of incapacity for work and of death resulting from employment.

7. In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows:

- (a) sickness;
- (b) maternity;
- (c) invalidity;
- (d) old age;
- (e) death of breadwinner;
- (f) unemployment;
- (g) emergency expenses; and
- (h) employment injuries.

Provided that benefits should not be payable at the same time for more than one of the following contingencies: invalidity, old age and unemployment.

8. Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.

9. The contingency for which sickness benefit should be paid is loss of earnings due to abstention from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.

10. The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after childbirth.

11. The contingency for which invalidity benefit should be paid is inability to engage in any substantially gainful work by reason of a chronic condition, due to disease or injury, or by reason of the loss of a member or function.

## PRINCIPES DIRECTEURS

*Bases*

1. Tout régime de garantie des moyens d'existence devrait soulager le besoin et prévenir l'indigence, en rétablissant jusqu'à un niveau raisonnable, les moyens d'existence perdus en raison de l'incapacité de travailler (y compris la vieillesse) ou d'obtenir un emploi rémunérateur ou en raison du décès du soutien de famille.

2. La garantie des moyens d'existence devrait être établie, autant que possible, sur la base de l'assurance sociale obligatoire, les assurés remplissant les conditions exigées ayant droit, en considération des cotisations payées à une institution d'assurance, à des prestations payables selon des taux et dans les éventualités fixés par la loi.

3. Il devrait être satisfait par l'assistance sociale aux besoins non couverts par l'assurance sociale obligatoire; certaines catégories de personnes, notamment les enfants à charge et les invalides, vieillards et veuves indigents, devraient avoir droit à des allocations d'un montant raisonnable selon un barème établi.

4. Une assistance sociale appropriée aux nécessités de chaque cas devrait être fournie à toutes autres personnes dans le besoin.

*Assurance sociale*

5. Les éventualités couvertes par l'assurance sociale obligatoire devraient embrasser toutes les éventualités dans lesquelles un assuré est empêché de gagner sa subsistance en raison d'incapacité de travailler ou d'obtenir un emploi rémunéré, ou décède, laissant une famille à charge, et comprendre certaines éventualités connexes qui se produisent couramment et constituent une charge excessive pour les revenus limités, en tant qu'elles ne sont pas couvertes d'une autre manière.

6. Une réparation devrait être fournie en cas d'incapacité de travail et en cas de décès résultant de l'emploi.

7. Afin que les prestations fournies par l'assurance sociale soient étroitement adaptées à la diversité des besoins, les éventualités couvertes devraient être classées comme suit:

- a) maladie;
- b) maternité;
- c) invalidité;
- d) vieillesse;
- e) décès du soutien de famille;
- f) chômage;
- g) dépenses exceptionnelles;
- h) lésions (blessures ou maladies) résultant de l'emploi.

Toutefois, il ne peut y avoir cumul entre les prestations d'invalidité, de vieillesse et de chômage.

8. Des prestations supplémentaires pour chacun des deux premiers enfants devraient être ajoutées aux prestations payables en remplacement des gains perdus, des mesures en faveur des autres enfants pouvant être prises au moyen d'allocations familiales imputables sur les fonds publics ou provenant de systèmes contributifs.

9. L'éventualité qui devrait donner lieu à prestations de maladie est la perte du gain en raison d'abstention de travail, nécessitée pour des raisons médicales par une maladie ou blessure à l'état aigu, exigeant un traitement médical ou une surveillance médicale.

10. L'éventualité qui devrait donner lieu à prestations de maternité est la perte de gain en raison d'abstention de travail pendant des périodes fixées, avant et après les couches.

11. L'éventualité qui devrait donner lieu à prestations d'invalidité est l'incapacité d'exercer une occupation comportant une rémunération appréciable en raison d'un état chronique, dû à une maladie ou à une blessure, ou de la perte d'un membre ou d'une fonction.

12. The contingency for which old-age benefit should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.

13. The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependants as the result of the death of the head of the family.

14. The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment in some occupation, and seeking suitable employment, or due to part-time unemployment.

15. Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.

16. The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim, which results in temporary or permanent incapacity or death.

17. Social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable:

(a) to collect contributions without incurring disproportionate administrative expenditure; and

(b) to pay benefits with the necessary co-operation of medical and employment services and with due precautions against abuse.

18. The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

19. In order to facilitate the efficient administration of benefits, arrangements should be made for the keeping of records of contributions, for ready means of verifying the presence of the contingencies which give rise to benefits, and for a parallel organisation of medical and employment services with preventive and remedial functions.

20. Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect of them can be organised and the necessary arrangements can be made for the administration of benefit.

21. Self-employed persons should be insured against the contingencies of invalidity, old age and death, under the same conditions as employed persons as soon as the collection of their contributions can be organised. Consideration should be given to the possibility of insuring them also against sickness and maternity necessitating hospitalisation, sickness which has lasted for several months, and extraordinary expenses incurred in cases of sickness, maternity, invalidity and death.

22. Benefits should replace lost earnings, with due regard to family responsibilities, up to as high a level as is practicable without impairing the will to resume work where resumption is a possibility, and without levying charges on the productive groups so heavy that output and employment are checked.

23. Benefits should be related to the previous earnings of the insured person on the basis of which he has contributed: Provided that any excess of earnings over those prevalent among skilled workers may be ignored for the purpose of determining the rate of benefits, or portions thereof, financed from sources other than the contributions of the insured person.



12. L'éventualité qui devrait donner lieu à prestations de vieillesse est l'accomplissement d'un âge déterminé, qui serait l'âge auquel les individus deviennent normalement inaptes à un travail efficace, l'incidence de la maladie et de l'invalidité se fait lourdement sentir et le chômage éventuel menace de devenir permanent.

13. L'éventualité qui devrait donner lieu à prestations de décès est la perte de moyens d'existence qui est présumée avoir été subie par les personnes à charge à la suite du décès du chef de famille.

14. L'éventualité qui devrait donner lieu à des prestations de chômage est la perte de gain résultant soit du chômage d'un assuré qui est ordinairement employé, est apte à un emploi régulier dans quelque occupation et est en quête d'un emploi convenable, soit d'un chômage partiel.

15. Des prestations devraient être fournies pour faire face à des dépenses exceptionnelles nécessitées dans les cas de maladie, de maternité, d'invalidité et de décès, à moins qu'il n'y soit pourvu autrement.

16. L'éventualité que devrait donner lieu à réparation d'une lésion résultant de l'emploi est le traumatisme ou la maladie résultant de l'emploi, non provoqués délibérément ou par une faute grave et intentionnelle de la victime, et entraînant une incapacité temporaire ou permanente, ou le décès.

17. L'assurance sociale devrait accorder sa protection, dans les éventualités auxquelles ils sont exposés, à tous les salariés et travailleurs indépendants, ainsi qu'aux personnes à leur charge, à l'égard desquelles il est possible :

a) de percevoir des cotisations sans frais d'administration disproportionnés; et

b) de payer des prestations avec la coopération nécessaire des services médicaux et services de l'emploi et en prenant toutes précautions contre les abus.

18. L'employeur devrait être chargé de la perception des cotisations pour toutes les personnes qu'il emploie et autorisé à déduire de leurs salaires, à l'occasion de la paye, les montants dont ils sont redevables.

19. En vue de faciliter la bonne administration des prestations, des mesures devraient être prises pour la tenue de pièces justificatives du paiement des cotisations, pour l'adoption de moyens aisés de constater l'existence des éventualités ouvrant droit aux prestations et pour une organisation parallèle des services médicaux et services de l'emploi exerçant des fonctions préventives et curatives.

20. Les salariés devraient être assurés contre l'ensemble des éventualités couvertes par l'assurance sociale, aussitôt que la perception de cotisations à leur égard pourra être organisée et que les arrangements nécessaires pourront être pris pour l'administration des prestations.

21. Les travailleurs indépendants devraient être assurés contre les éventualités d'invalidité, de vieillesse et de décès dans les mêmes conditions que les salariés, aussitôt que la perception de cotisations à leur égard pourra être organisée. Il conviendrait d'envisager la possibilité de les assurer aussi pour les cas de maladie et de maternité nécessitant l'hospitalisation, de maladie ayant duré plusieurs mois et pour les cas de dépenses extraordinaires entraînées par la maladie, la maternité, l'invalidité ou le décès.

22. Les prestations devraient remplacer les gains perdus, les charges familiales étant dûment prises en considération, jusqu'au niveau le plus élevé qu'il soit possible d'atteindre sans affaiblir la volonté de reprendre le travail, si cette reprise est possible, et sans imposer aux groupes producteurs des charges si lourdes que le rendement et l'emploi s'en trouvent entravés.

23. Les prestations devraient être proportionnées aux gains antérieurs sur la base desquels l'assuré a cotisé. Toutefois, la fraction du gain en excédent du gain usuel des travailleurs qualifiés pourrait être négligée dans la détermination des taux de prestations ou de fractions de ces prestations imputées sur des ressources autres que les cotisations de l'assuré.

24. Benefits at flat rates may be appropriate for countries where adequate and economical facilities exist for the population to procure additional protection by voluntary insurance. Such benefits should be commensurate with the earnings of unskilled workers.

25. The right to benefits other than compensation for employment injuries should be subject to contribution conditions designed to prove that the normal status of the claimant is that of an employed or self-employed person and to maintain reasonable regularity in the payment of contributions: Provided that a person should not be disqualified for benefits by reason of the failure of his employer duly to collect the contributions payable in respect of him.

26. The cost of benefits, including the cost of administration, should be distributed among insured persons, employers and taxpayers in such a way as to be equitable to insured persons and to avoid hardship to insured persons of small means or any disturbance to production.

27. The administration of social insurance should be unified or co-ordinated within a general system of social security services, and contributors should, through their organisations, be represented on the bodies which determine or advise upon administrative policy and propose legislation or frame regulations.

### *Social Assistance*

28. Society should normally co-operate with parents through general measures of assistance designed to secure the well-being of dependent children.

29. Invalids, aged persons and widows who are not receiving social insurance benefits because they or their husbands, as the case may be, were not compulsorily insured, and whose incomes do not exceed a prescribed level, should be entitled to special maintenance allowances at prescribed rates.

30. Appropriate allowances in cash or partly in cash and partly in kind should be provided for all persons who are in want and do not require internment for corrective care.

## ANNEX

### GUIDING PRINCIPLES ACCOMPANIED BY SUGGESTIONS FOR APPLICATION

*(The paragraphs in bold type are the general guiding principles and the sub-paragraphs are the suggestions for application.)<sup>(1)</sup>*

#### GENERAL

1. Income security schemes should relieve want and prevent destitution by restoring, up to a reasonable level, income which is lost by reason of inability to work (including old age) or to obtain remunerative work or by reason of the death of a breadwinner.

2. Income security should be organised as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled, in consideration of the contributions they have paid to an insurance institution, to benefits payable at rates, and in contingencies, defined by law.

3. Provision for needs not covered by compulsory social insurance should be made by social assistance; certain categories of persons, particularly dependent children and needy invalids, aged persons and widows, should be entitled to allowances at reasonable rates according to a prescribed scale.

4. Social assistance appropriate to the needs of the case should be provided for other persons in want.

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<sup>(1)</sup>In this reprint of the authentic texts, the same type has been used for the general guiding principles and the suggestions for application. The main paragraphs are the general guiding principles and the sub-paragraphs are the suggestions for application.

24. Des prestations à taux fixe peuvent convenir aux pays où la population peut se procurer de manière satisfaisante et économique une protection supplémentaire au moyen de l'assurance facultative. Ces prestations devraient être proportionnées aux gains des travailleurs non qualifiés.

25. Le droit aux prestations autres que la réparation des lésions résultant de l'emploi devrait être subordonné à des conditions de cotisation permettant de vérifier que le statut normal du requérant est bien celui de salarié ou de travailleur indépendant et de maintenir une régularité satisfaisante dans le paiement des cotisations; toutefois, l'assuré ne pourra être déchu du droit aux prestations en raison du fait que l'employeur a négligé de percevoir régulièrement les cotisations payables pour lui.

26. Les frais de prestations, y compris les frais d'administration, devraient être répartis entre les assurés, les employeurs et les contribuables dans des conditions équitables pour les assurés et propres à épargner des charges trop lourdes aux assurés de ressources modestes et à éviter toute perturbation à la production.

27. La gestion des assurances sociales devrait être unifiée ou coordonnée dans un système général de services de sécurité sociale et les cotisants devraient être représentés par l'entremise de leurs organisations aux organes qui arrêtent ou conseillent les lignes générales de la gestion et qui présentent des projets législatifs ou établissent les règlements.

#### *Assistance sociale*

28. La société devrait normalement coopérer avec les parents par des mesures générales d'assistance destinées à assurer le bien-être des enfants à charge.

29. Les invalides, les vieillards et les veuves qui ne bénéficient d'aucune prestation d'assurance sociale parce qu'eux-mêmes ou leurs conjoints, selon le cas, n'étaient pas obligatoirement assurés, et dont les revenus ne dépassent pas un niveau fixé devraient bénéficier d'allocations spéciales de subsistance à des taux prescrits.

30. Des allocations suffisantes en espèces, ou partie en espèces et partie en nature, devraient être fournies à toutes personnes dans le besoin, lorsqu'il n'y a pas lieu à internement en vue de soins correctifs.

### ANNEXE

#### PRINCIPES DIRECTEURS ACCOMPAGNES DE SUGGESTIONS POUR LEUR APPLICATION

*(Les paragraphes en caractères gras constituent les principes directeurs d'un caractère général et les alinéas constituent les suggestions d'application.)<sup>(1)</sup>*

#### BASES

1. Tout régime de garantie des moyens d'existence devrait soulager le besoin et prévenir l'indigence, en rétablissant jusqu'à un niveau raisonnable les moyens d'existence perdus en raison de l'incapacité de travailler (y compris la vieillesse) ou d'obtenir un emploi rémunérateur ou en raison du décès du soutien de famille.

2. La garantie des moyens d'existence devrait être établie, autant que possible, sur la base de l'assurance sociale obligatoire, les assurés remplissant les conditions exigées ayant droit, en considération des cotisations payées à une institution d'assurance, à des prestations payables selon des taux et dans les éventualités fixés par la loi.

3. Il devrait être satisfait par l'assistance sociale aux besoins non couverts par l'assurance sociale obligatoire et certaines catégories de personnes, notamment les enfants à charge et les invalides, vieillards and veuves indigents, devraient avoir droit à des allocations d'un montant raisonnable selon un barème établi.

4. Une assistance sociale appropriée aux nécessités de chaque cas devrait être fournie à toutes autres personnes dans le besoin.

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<sup>(1)</sup>In this reprint of the authentic texts, the same type has been used for the general guiding principles and the suggestions for application. The main paragraphs are the general guiding principles and the sub-paragraphs are the suggestions for application.

## I. SOCIAL INSURANCE

### A. CONTINGENCIES COVERED

#### *Range of Contingencies to be Covered*

5. The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies, generally experienced, which involve extraordinary strain on limited incomes, in so far as they are not otherwise covered.

6. Compensation should be provided in cases of incapacity for work and of death resulting from employment.

7. In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows:

- (a) sickness;
- (b) maternity;
- (c) invalidity;
- (d) old age;
- (e) death of breadwinner;
- (f) unemployment;
- (g) emergency expenses; and
- (h) employment injuries.

Provided that benefits should not be payable at the same time for more than one of the following contingencies: invalidity, old age and unemployment.

8. Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.

#### *Sickness*

9. The contingency for which sickness benefit should be paid is loss of earnings due to abstention from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.

(1) The necessity for abstention from work should be judged, as a rule, with reference to the previous occupation of the insured person, which he may be expected to resume.

(2) Benefit need not be paid for the first few days of a period of sickness, but if sickness recurs within a few months, a fresh waiting period should not be imposed.

(3) Benefit should preferably be continued until the beneficiary is fit to return to work, dies or becomes an invalid. If, however, it is considered necessary to limit the duration of benefit, the maximum period should not be less than 26 weeks for a single case, and provision should be made for extending the duration of benefit in the case of specified diseases, such as tuberculosis, which often involve lengthy, though curable, sickness: Provided that at the outset of the operation of an insurance scheme it may be necessary to provide for a shorter period than 26 weeks.

#### *Maternity*

10. The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after childbirth.

## I. ASSURANCE SOCIALE

### A. EVENTUALITES COUVERTES

#### *Champ des éventualités couvertes*

5. Les éventualités couvertes par l'assurance sociale obligatoire devraient embrasser toutes les éventualités dans lesquelles un assuré est empêché de gagner sa subsistance en raison d'incapacité de travailler ou d'obtenir un emploi rémunérateur, ou décède, laissant une famille à charge, et comprendre certaines éventualités connexes qui se produisent couramment et constituent une charge excessive pour les revenus limités, en tant qu'elles ne sont pas couvertes d'une autre manière.

6. Une réparation devrait être fournie en case d'incapacité de travail et en cas de décès résultant de l'emploi.

7. Afin que les prestations fournies par l'assurance sociale soient étroitement adaptées à la diversité des besoins, les éventualités couvertes devraient être classées comme suit :

- a) maladie;
- b) maternité;
- c) invalidité;
- d) vieillesse;
- e) décès du soutien de famille;
- f) chômage;
- g) dépenses exceptionnelles;
- h) lésions (blessures ou maladies) résultant de l'emploi.

Toutefois, il ne peut y avoir cumul entre les prestations d'invalidité, de vieillesse et de chômage.

8. Des prestations supplémentaires pour chacun des deux premiers enfants devraient être ajoutées aux prestations payable en remplacement des gains perdus, des mesures en faveur des autres enfants pouvant être prises au moyen d'allocations familiales imputables sur les fonds publics ou provenant de systèmes contributifs.

#### *Maladie*

9. L'éventualité qui devrait donner lieu à prestations de maladie est la perte du gain en raison d'abstention de travail, nécessitée pour des raisons médicales par une maladie ou blessure à l'état aigu, exigeant un traitement médicale ou une surveillance médicale.

1) La nécessité de s'abstenir de travailler devrait, en règle générale, être appréciée par rapport à l'occupation que l'assuré exerçait antérieurement et qu'il peut être présumé reprendre.

2) Les prestations peuvent ne pas être versées pour les quelques premiers jours d'une période de maladie; toutefois, en cas de rechute dans les quelques mois suivants, il ne devrait pas être imposé de nouveau délai de carence.

3) Il serait préférable que le service des prestations soit continué jusqu'à ce que le bénéficiaire soit en état de reprendre son travail, décède ou soit atteint d'invalidité. Toutefois, s'il est jugé nécessaire de limiter la durée des prestations la période maximum ne devrait pas être inférieure à vingt-six semaines pour un même cas et des mesures devraient être prises pour prolonger la durée des prestations dans le cas de maladies spécifiées, telles que la tuberculose, qui comportent fréquemment, bien que curables, une longue période de maladie. Toutefois, lors de la mise en vigueur d'un système d'assurance il sera peut-être nécessaire de prévoir une période plus courte que vingt-six semaines.

#### *Maternité*

10. L'éventualité qui devrait donner lieu à prestations de maternité est la perte de gain en raison d'abstention de travail pendant des périodes fixées, avant et après les couches.

(1) A woman should have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks, and no woman should be permitted to work during the six weeks following her confinement.

(2) During these periods maternity benefit should be payable.

(3) Absence from work for longer periods or on other occasions may be desirable on medical grounds, having regard to the physical condition of the beneficiary and the exigencies of her work; during any such periods sickness benefits should be payable.

(4) The payment of maternity benefit may be made conditional on the utilisation by the beneficiary of health services provided for her and her child.

#### *Invalidity*

11. The contingency for which invalidity benefit should be paid is inability to engage in any substantially gainful work by reason of a chronic condition, due to disease or injury, or by reason of the loss of a member or function.

(1) A handicapped person should be expected to engage in any occupation which may reasonably be indicated for him, having regard for his remaining strength and ability, his previous experience, and any facilities for training available to him.

(2) A person for whom such an occupation can be indicated but is not yet available, and a person following a training course, should receive provisional invalidity benefit, training benefit or unemployment benefit, if he is otherwise qualified for it.

(3) A person for whom no such occupation can be indicated should receive invalidity benefit.

(4) Beneficiaries whose permanent inability to engage regularly in any gainful occupation has been confirmed should be allowed to supplement their invalidity benefit by casual earnings of small amount.

(5) Where the rate of invalidity benefit is related to the rate of the previous earnings of the insured person, the right to benefit should be admitted if the handicapped person is not able to earn by ordinary effort as much as one third of the normal earnings in his previous occupation of able-bodied persons having the same training.

(6) Invalidity benefit should be paid, from the date when sickness benefit ceases, for the whole duration of invalidity, provided that when the beneficiary reaches the age at which old-age benefit may be claimed the latter may be substituted for invalidity benefit.

#### *Old Age*

12. The contingency for which old-age benefit should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.

(1) The minimum age at which old-age benefit may be claimed should be fixed at not more than 65 in the case of men and 60 in the case of women: Provided that a lower age may be fixed for persons who have worked for many years in arduous or unhealthy occupations.

(2) Payment of old-age benefit may, if the basic benefit can be considered sufficient for subsistence, be made conditional on retirement from regular work in any gainful occupation; where such retirement is required, the receipt of casual earnings of relatively small amount should not disqualify for old-age benefit.

1) Toute femme devrait avoir le droit de quitter son travail, sur production d'un certificat médical déclarant que ses couches se produiront probablement dans un délai de six semaines, et aucune femme ne devrait être autorisée à travailler pendant une période de six semaines après ses couches.

2) Durant ces périodes, des prestations de maternité devraient être payées.

3) L'abstention de travail pour des périodes plus longues ou en d'autres occasions pourrait être désirable pour des raisons médicales, en considération de l'état physique de la bénéficiaire ainsi que des exigences de son travail; durant ces périodes, des prestations de maladie devraient être payées.

4) Le paiement de prestations de maternité pourra être subordonné à l'utilisation par la bénéficiaire des services sanitaires mis à sa disposition pour elle et son enfant.

#### *Invalidité*

11. L'éventualité qui devrait donner lieu à prestations d'invalidité est l'incapacité d'exercer une occupation comportant une rémunération appréciable en raison d'un état chronique dû à une maladie ou à une blessure, ou de la perte d'un membre ou d'une fonction.

1) Les personnes de capacité réduite devraient être tenues d'entreprendre toute occupation qui serait indiquée pour elles, en tenant compte des forces et aptitudes qui leur restent, de leur expérience antérieure et des possibilités de formation à leur portée.

2) Les personnes pour lesquelles de telles occupations seraient indiquées, sans qu'il puisse en être trouvé, et les personnes qui suivent un cours de formation devraient recevoir une indemnité temporaire d'invalidité, une indemnité de formation ou, si elles remplissent les conditions exigées par ailleurs, une indemnité de chômage.

3) Les personnes pour lesquelles aucune occupation de cette nature ne serait indiquée devraient recevoir une indemnité d'invalidité.

4) Les bénéficiaires dont l'incapacité permanente à exercer régulièrement une occupation lucrative a été confirmée devraient être autorisés à ajouter aux prestations d'invalidité qu'elles reçoivent des gains occasionnels d'un faible montant.

5) Lorsque le taux de la prestation d'invalidité est fonction des gains antérieurs de l'assuré, le droit à prestations devrait être admis si la personne de capacité réduite n'est pas en état de s'assurer par un effort ordinaire au moins un tiers du gain normal qu'obtiennent dans sa branche d'occupation antérieure les personnes physiquement saines ayant la même formation.

6) Les prestations d'invalidité devraient être payées à partir de la date de cessation des prestations de maladie, pour toute la durée de l'invalidité; toutefois, lorsque le bénéficiaire atteindra l'âge auquel le bénéfice des prestations de vieillesse peut être invoqué; celles-ci pourraient remplacer les prestations d'invalidité.

#### *Vieillesse*

12. L'éventualité qui devrait donner lieu à prestations de vieillesse est l'accomplissement d'un âge déterminé, qui serait l'âge auquel les individus deviennent normalement inaptes à un travail efficace, l'incidence de la maladie et de l'invalidité se fait lourdement sentir et le chômage éventuel menace de devenir permanent.

1) L'âge minimum auquel le bénéfice des prestations de vieillesse peut être invoqué devrait être fixé à soixante-cinq ans pour les hommes et à soixante ans pour les femmes, au plus tard. Toutefois l'âge de la retraite peut être avancé pour certaines personnes qui auraient été occupées pendant de longues années à des travaux pénibles et insalubres.

2) Le paiement des prestations de vieillesse pourra, si la prestation de base peut être considérée comme suffisante pour assurer la subsistance, être subordonné à l'abandon de tout travail régulier dans une occupation lucrative; si cet abandon est exigé, la jouissance de gains occasionnels d'un montant relativement faible ne devrait pas entraîner l'exclusion du droit aux prestations de vieillesse.

*Death of Breadwinner*

13. The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependants as the result of the death of the head of the family.

(1) Survivors' benefits should be paid: (a) to the widow of an insured man; (b) for the children, stepchildren, adopted children and, subject to their previous registration as dependants, illegitimate children of an insured man or of an insured woman who supported the children; and, (c) under conditions to be defined by national laws, to an unmarried woman with whom the deceased cohabited.

(2) Widow's benefit should be paid to a widow who has in her care a child for whom child's benefit is payable or who, at her husband's death or later, is an invalid or has attained the minimum age at which old-age benefit may be claimed; a widow who does not fulfil one of these conditions should be paid widow's benefit for a minimum period of several months, and thereafter if she is unemployed until suitable employment can be offered to her, after training if necessary.

(3) Child's benefit should be paid for a child who is under the school-leaving age, or who is under the age of 18 and is continuing his general or vocational education.

*Unemployment*

14. The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment in some occupation, and seeking suitable employment, or due to part-time unemployment.

(1) Benefit need not be paid for the first few days of a period of unemployment reckoned from the date on which the claim is registered, but if unemployment recurs within a few months, a fresh waiting period should not be imposed.

(2) Benefit should continue to be paid until suitable employment is offered to the insured person.

(3) During an initial period reasonable in the circumstances of the case, only the following should be deemed to be suitable employment:

(a) employment in the usual occupation of the insured person in a place not involving a change of residence and at the current rate of wages, as fixed by collective agreements where applicable; or

(b) another employment acceptable to the insured person.

(4) After the expiration of the initial period:

(a) employment involving a change of occupation may be deemed to be suitable if the employment offered is one which may reasonably be offered to the insured person, having regard to his strength, ability, previous experience and any facilities for training available to him;

(b) employment involving a change of residence may be deemed to be suitable if suitable accommodation is available in the new place of residence;

(c) employment under conditions less favourable than the insured person habitually obtained in his usual occupation and district may be deemed to be suitable if the conditions offered conform to the standard generally observed in the occupation and district in which the employment is offered.

*Emergency Expenses*

15. Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.



*Décès du soutien de famille*

13. L'éventualité qui devrait donner lieu à prestations de décès est la perte de moyens d'existence qui est présumée avoir été subie par les personnes à charge à la suite du décès du chef de famille.

1) Les prestations de décès devraient être payées: a) à la veuve de l'assuré; b) pour les enfants, enfants du conjoint, enfants adoptifs et (sous la réserve qu'ils aient été inscrits antérieurement comme personnes à charge) enfants illégitimes d'un assuré ou d'une assurée qui les entretenait, et c) dans les conditions déterminées par la législation nationale à une femme non mariée avec laquelle le décédé cohabitait.

2) Les prestations pour veuve devraient être payées à la veuve qui a la charge d'un enfant au titre duquel sont dues des prestations pour enfants ou qui, au décès de son conjoint ou postérieurement, est invalide ou a atteint l'âge minimum auquel le bénéfice des prestations de vieillesse peut être invoqué; la veuve qui ne remplit aucune de ces conditions devrait bénéficier de prestations pour veuve pendant une période minimum de quelques mois, et ensuite si elle n'a pas d'emploi, jusqu'à ce qu'un emploi convenable puisse lui être offert, après formation lorsqu'il y aura lieu.

3) Les prestations pour enfant devraient être payées au titre d'un enfant qui n'a pas dépassé l'âge de fin de scolarité, ou, s'il poursuit ses études générales ou professionnelles, de moins de dix-huit ans.

*Chômage*

14. L'éventualité qui devrait donner lieu à des prestations de chômage est la perte de gain résultant soit du chômage d'un assuré qui est ordinairement employé, est apte à un emploi régulier dans quelque occupation et est en quête d'un emploi convenable, soit d'un chômage partiel.

1) Les prestations peuvent ne pas être versées pour les quelques premiers jours d'une période de chômage, comptés à partir de la date de la demande de prestations; toutefois en cas de nouveau chômage dans les quelques mois suivants, il ne devrait pas être imposé de nouveau délai de carence.

2) Le service des prestations devrait continuer jusqu'à ce qu'un emploi convenable soit offert à l'assuré.

3) Durant la période initiale, fixée équitablement selon les circonstances du cas, seuls devraient être considérés comme emplois convenables;

a) un emploi dans la branche d'occupation ordinaire de l'assuré, ne comportant pas de changement de résidence et payé au taux de salaire en vigueur, fixé par convention collective lorsque celle-ci est applicable; ou

b) un autre emploi acceptable pour l'assuré.

4) Après l'expiration de la période initiale:

a) un emploi comportant un changement d'occupation pourra être considéré comme convenable s'il peut raisonnablement être offert à l'assuré, en tenant compte de ses forces, de ses aptitudes, de son expérience antérieure et des possibilités de rééducation à sa portée;

b) un emploi comportant un changement de résidence pourra être considéré comme convenable s'il peut être fourni au nouveau lieu de résidence un logement convenable;

c) un emploi dans des conditions moins favorables que l'assuré n'en obtenait habituellement dans sa branche d'occupation et sa région de résidence ordinaires pourra être considéré comme convenable si les conditions offertes correspondent aux normes généralement observées dans la branche d'occupation et la région où l'emploi est offert.

*Dépenses exceptionnelles*

15. Des prestations devraient être fournies pour faire face à des dépenses extraordinaires nécessitées par des cas de maladie, de maternité, d'invalidité et de décès, à moins qu'il n'y soit pourvu autrement.

(1) Necessary domestic help should be provided, or benefit paid for hiring it, during the hospitalisation of the mother of dependent children, if she is an insured woman or the wife of an insured man and is not receiving any benefit in lieu of earnings.

(2) A lump sum should be paid at childbirth to insured women and the wives of insured men towards the cost of a layette and similar expenses.

(3) A special supplement should be paid to recipients of invalidity or old-age benefit who need constant attendance.

(4) A lump sum should be paid on the death of an insured person, or of the wife, husband or dependent child of an insured person, towards the cost of burial.

#### *Employment Injuries*

16. The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim which results in temporary or permanent incapacity or death.

(1) Injuries resulting from employment should be deemed to include accidents occurring on the way to or from the place of employment.

(2) Where compensation for an employment injury is payable, the foregoing provisions should be subject to appropriate modifications as indicated in the following paragraphs.

(3) Any disease which occurs frequently only to persons employed in certain occupations or is a poisoning caused by a substance used in certain occupations, should, if the person suffering from such a disease was engaged in such an occupation, be presumed to be of occupational origin and give rise to compensation.

(4) A list of diseases presumed to be of occupational origin should be established and should be revised from time to time by a simple procedure.

(5) In fixing any minimum period of employment in the occupation required to establish the presumption of occupational origin and any maximum period during which the presumption of occupational origin will remain valid after leaving the employment, regard should be had to the length of time required for the contraction and manifestation of the disease.

(6) Temporary incapacity compensation should be payable under conditions similar to those applicable to the payment of sickness benefit.

(7) Consideration should be given to the possibility of paying compensation from the first day of temporary incapacity if the incapacity lasts longer than the waiting period.

(8) Permanent incapacity compensation should be payable in respect of the loss or reduction of earning capacity by reason of the loss of a member or function or by reason of a chronic condition due to injury or disease.

(9) A person who becomes permanently incapacitated should be expected to resume employment in any occupation which may reasonably be indicated for him, having regard to his remaining strength and ability, his previous experience, and any facilities for training available to him.

(10) If no such employment can be offered, the person should receive compensation for total incapacity on a definitive or provisional basis.

(11) If such employment can be offered, but the sum which the person is able to earn by ordinary effort in the employment is significantly less than that which he would probably have earned had he not suffered the injury or disease, he should receive compensation for partial incapacity proportionate to the difference in earning capacity.

- 1) L'assistance ménagère nécessaire devrait être fournie ou une prestation payée pour la louer, durant l'hospitalisation d'une mère d'enfants à charge, si elle est assurée ou épouse d'un assuré et ne reçoit pas de prestation en remplacement de son gain.
- 2) Il devrait être payé une somme globale en cas d'accouchement aux femmes assurées et aux épouses des assurés pour les frais de layette et dépenses similaires.
- 3) Il devrait être payé un supplément spécial aux bénéficiaires de prestations d'invalidité ou de vieillesse auxquels une assistance constante est nécessaire.
- 4) Il devrait être payé une somme globale au décès d'un assuré, du conjoint ou d'un enfant à charge de l'assuré, pour les frais funéraires.

#### *Lésions résultant de l'emploi*

16. L'éventualité qui devrait donner lieu à réparation d'une lésion résultant de l'emploi est le traumatisme ou la maladie résultant de l'emploi non provoqués délibérément ou par une faute grave et intentionnelle de la victime, et entraînant une incapacité temporaire ou permanente ou le décès.

1) Les lésions résultant de l'emploi doivent être interprétées de manière à comprendre les accidents survenant lorsque l'assuré se rend au lieu de son travail ou en revient.

2) Lorsqu'il sera dû une réparation pour lésion résultant de l'emploi, les dispositions précédentes devraient être sujettes à des modifications appropriées selon les indications des paragraphes suivants.

3) Toute maladie dont seules les personnes employées dans certaines branches d'occupation sont fréquemment atteintes ou qui consiste en une intoxication causée par des substances utilisées dans certaines branches d'occupation devrait, si la personne atteinte d'une telle maladie était employée dans une de ces branches d'occupation, être présumée d'origine professionnelle et donner lieu à réparation.

4) Une liste des maladies présumées d'origine professionnelle devrait être établie et, en certaines occasions, soumise à révision par une procédure simple.

5) En fixant la période minimum d'emploi, dans une branche d'occupation déterminée, qui sera exigée pour établir la présomption d'une maladie d'origine professionnelle et la période maximum pendant laquelle la présomption d'origine professionnelle restera valide après la cessation de l'emploi, il y aurait lieu de prendre en considération la durée nécessaire pour que la maladie se contracte et se manifeste.

6) Une réparation d'incapacité temporaire devrait être accordée dans des conditions semblables à celles qui régissent le paiement des prestations de maladie.

7) Il conviendrait d'envisager la possibilité de payer une réparation dès le premier jour d'une incapacité temporaire si celle-ci se prolonge au delà du délai de carence.

8) Une réparation d'incapacité permanente devrait être accordée pour la perte ou la réduction de la capacité de gain, due à la perte d'un membre ou d'une fonction ou à un état chronique résultant d'une lésion ou d'une maladie.

9) L'assuré atteint d'incapacité permanente devrait être tenu de reprendre un emploi dans une branche d'occupation qui serait indiquée pour lui, en tenant compte des forces et aptitudes qui lui restent, de son expérience antérieure et des possibilités de rééducation à sa portée.

10) S'il ne peut lui être offert aucun emploi de cette nature, il devrait recevoir une réparation d'incapacité absolue sur une base définitive ou provisoire.

11) S'il peut lui être offert un emploi de cette nature, mais que le montant qu'il est capable de gagner par un effort ordinaire dans l'emploi soit sensiblement inférieur à celui qu'il aurait vraisemblablement gagné s'il n'avait été atteint de la blessure ou de la maladie, il devrait recevoir une réparation d'incapacité partielle proportionnelle à la différence de la capacité de gain.

(12) Consideration should be given to the possibility of paying suitable compensation in every case of loss of a member or function or disfigurement, even where no reduction of capacity can be proved.

(13) Persons exposed to the risk of an occupational disease of gradual development should be examined periodically, and those for whom a change of occupation is indicated, should be eligible for compensation.

(14) Compensation for permanent incapacity, total or partial, should be paid from the time when temporary incapacity compensation ceases for the whole duration of permanent incapacity.

(15) Persons receiving compensation for permanent partial incapacity should be able to qualify for other benefits under the same conditions as able-bodied persons, where the rates of such benefits are related to the previous earnings of the insured person.

(16) Where the rates of such benefits are not related to the previous earnings of the insured person, a maximum may be fixed for the combined rate of compensation and other benefit.

(17) Survivors' compensation should, subject to the provisions of the following sub-paragraphs, be paid to the same dependants as could otherwise qualify for survivors' benefits.

(18) A widow should receive compensation for the whole duration of her widowhood.

(19) A child should receive compensation until the age of 18, or 21 if he is continuing his general or vocational education.

(20) Provision should be made for compensating other members of the family of the deceased who were dependent upon him, without prejudice to the claims of the widow and children.

(21) The survivors of a person permanently incapacitated in the degree of two thirds or more who dies otherwise than from the effects of an employment injury should be entitled to basic survivors' benefits, whether or not the deceased fulfilled the contribution conditions for such benefit at the time of his death.

## B. PERSONS COVERED

### *Range of Persons to be Covered*

17. Social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable:

(a) to collect contributions without incurring disproportionate administrative expenditure; and

(b) to pay benefits with the necessary co-operation of medical and employment services and with due precautions against abuse.

(1) Dependent wives (that is to say, wives who are not employed or self-employed) and dependent children (that is to say, persons who are under the school-leaving age, or who are under the age of 18 and are continuing their general or vocational education) should be protected in virtue of the insurance of their bread-winners.

### *Collection of Contributions*

18. The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

(1) Where membership of an occupational association or the possession of a licence is compulsory for any class of self-employed persons, the association or the licensing authority may be made responsible for collecting contributions from the persons concerned.

12) Il conviendrait d'envisager la possibilité de payer une réparation convenable dans tout cas de perte d'un membre ou d'une fonction ou de défiguration, même lorsqu'aucune réduction de capacité de travail ne peut être prouvée.

13) Les travailleurs exposés au risque d'une maladie professionnelle à évolution lente devraient être examinés périodiquement et ceux pour lesquels un changement d'occupation paraîtrait indiqué devraient être admis à bénéficier d'une réparation.

14) La réparation de l'incapacité permanente, soit absolue, soit partielle, devrait être payée à partir de la date à laquelle cesse la réparation de l'incapacité temporaire pour toute la durée de l'incapacité permanente.

15) Les bénéficiaires d'une réparation d'incapacité permanente et partielle devraient être admis au bénéfice d'autres prestations sous les mêmes conditions que les travailleurs physiquement sains, dans les cas où les taux de ces prestations sont fonction des gains antérieurs de l'assuré.

16) Dans les cas où les taux de ces prestations ne seraient pas fonction des gains antérieurs de l'assuré, il pourrait être fixé un maximum pour le taux combiné de la réparation et des autres prestations.

17) La réparation en cas de décès devrait, sous réserve des dispositions des alinéas suivants, être payée aux ayants droit qui seraient par ailleurs qualifiés pour bénéficier des prestations de décès.

18) La veuve devrait bénéficier de la réparation pour toute la durée de son veuvage.

19) Les enfants devraient bénéficier de la réparation jusqu'à l'âge de dix-huit ans, ou vingt-et-un ans s'ils poursuivent leurs études générales ou professionnelles.

20) Il y aurait lieu de prévoir l'admission d'autres membres de la famille du décédé, qui étaient à sa charge, au bénéfice de la réparation, sans qu'il soit porté atteinte aux droits de la veuve et des enfants.

21) Les ayants droit d'un assuré atteint d'une incapacité permanente des deux tiers ou plus, qui décède pour des causes autres que l'effet de la lésion résultant de l'emploi, devraient avoir droit aux prestations de décès de base, que l'assuré ait ou non, à la date de son décès, rempli les conditions de cotisation auxquelles est subordonné le bénéfice de ces prestations.

## B. ADMISSION A L'ASSURANCE

### *Catégories de personnes à admettre*

17. L'assurance sociale devrait accorder sa protection, dans les éventualités auxquelles ils sont exposés, à tous les salariés et travailleurs indépendants, ainsi qu'aux personnes à leur charge, à l'égard desquelles il est possible :

a) de percevoir des cotisations sans frais d'administration disproportionnés; et

b) de payer des prestations avec la coopération nécessaire des services médicaux et services de l'emploi et en prenant toutes précautions contre les abus.

1) Les épouses à charge (c'est-à-dire, les épouses qui n'appartiennent pas à la catégorie des salariés ou à celles des travailleurs indépendants) et les enfants à charge (c'est-à-dire les personnes qui n'ont pas dépassé l'âge de fin de scolarité, ou les personnes de moins de dix-huit ans poursuivant des études générales ou professionnelles) devraient être protégés en vertu de l'assurance du soutien de famille.

### *Perception des cotisations*

18. L'employeur devrait être chargé de la perception des cotisations pour toutes les personnes qu'il emploie et autorisé à déduire de leurs salaires, à l'occasion de la paye, les montants dont ils sont redevables.

1) Lorsque, pour une classe quelconque de travailleurs indépendants, l'affiliation à une association professionnelle ou l'obtention d'un permis est obligatoire, l'association, ou l'autorité qui établit le permis, pourra être chargée de la perception des cotisations de ces travailleurs.

(2) The national or local authority may be made responsible for collecting contributions from self-employed persons registered for the purpose of taxation.

(3) Pending the development of agencies to enforce payment of contributions, provision should be made for enabling self-employed persons to contribute voluntarily, either as individuals or as members of associations.

#### *Administration of Benefits*

19. In order to facilitate the efficient administration of benefits, arrangements should be made for the keeping of records of contributions, for ready means of verifying the presence of the contingencies which give rise to benefits, and for a parallel organisation of medical and employment services with preventive and remedial functions.

#### *Employed Persons*

20. Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect of them can be organised and the necessary arrangements can be made for the administration of benefit.

(1) Persons whose employment is so irregular, or likely to be so short in its total duration, that they are unlikely to qualify for benefit confined to employed persons, may be excluded from insurance for such benefits. Special provision should be made on behalf of persons who ordinarily work for a very short period for the same employer.

(2) Apprentices who receive no remuneration should be insured against employment injuries, and, as from the date at which they would have completed their apprenticeship for their trade, compensation based on the wages current for workers in that trade should become payable.

#### *Self-Employed Persons*

21. Self-employed persons should be insured against the contingencies of invalidity, old age and death under the same conditions as employed persons as soon as the collection of their contributions can be organised. Consideration should be given to the possibility of insuring them also against sickness and maternity necessitating hospitalisation, sickness which has lasted for several months, and extraordinary expenses incurred in cases of sickness, maternity, invalidity and death.

(1) Members of the employer's family living in his house, other than his dependent wife or dependent children, should be insured against the said contingencies on the basis of either their actual wages or, if these cannot be ascertained, the market value of their services; the employer should be responsible for the payment of contributions in respect of such persons.

(2) Self-employed persons whose earnings are ordinarily so low that they can be presumed to be a merely subsidiary or casual source of income, or that payment of the minimum contribution would be a hardship for them, should be excluded provisionally from insurance and referred for counsel to the employment service or to any special service that may exist for promoting the welfare of the occupational group to which they may belong.

(3) Persons who, after completing the contribution period prescribed as a qualification for invalidity and survivors' benefits, cease to be compulsorily insured, either as employed or as self-employed persons, should be given the option, to be exercised within a limited period, of continuing their insurance under the same conditions as self-employed persons, subject to such modifications as may be prescribed.

2) L'autorité nationale ou locale pourra être chargée de la perception des cotisations des travailleurs indépendants inscrits à des fins fiscales.

3) Jusqu'à ce que des organismes soient créés pour assurer le recouvrement des cotisations, des mesures devraient être prises pour permettre aux travailleurs indépendants de cotiser facultativement, soit à titre individuel, soit comme membres d'associations.

#### *Administration des prestations*

19. En vue de faciliter la bonne administration des prestations des mesures, devraient être prises pour la tenue de pièces justificatives du paiement des cotisations, pour l'adoption de moyens aisés de constater l'existence des éventualités ouvrant droit aux prestations et pour une organisation parallèle des services médicaux et services de l'emploi exerçant des fonctions préventives et curatives.

#### *Salariés*

20. Les salariés devraient être assurés contre l'ensemble des éventualités couvertes par l'assurance sociale, aussitôt que la perception des cotisations à leur égard pourra être organisée et que les arrangements nécessaires pourront être pris pour l'administration des prestations.

1) Les personnes dont l'emploi est si irrégulier ou semble devoir être d'une durée totale si courte qu'elles ne pourraient guère acquérir le droit aux prestations réservées aux salariés pourront être exclues de l'assurance en vue de ces prestations. Des dispositions spéciales devraient être prises en faveur des personnes qui ordinairement travaillent pendant un temps très court pour le même employeur.

2) Les apprentis qui ne reçoivent aucune rémunération devraient être assurés contre les lésions résultant de l'emploi et, à partir de la date à laquelle ils auraient terminé l'apprentissage de leur profession, la réparation devrait être fondée sur les salaires en vigueur dans la profession.

#### *Travailleurs indépendants*

21. Les travailleurs indépendants devraient être assurés contre les éventualités d'invalidité, de vieillesse et de décès dans les mêmes conditions que les salariés, aussitôt que la perception de leurs cotisations pourra être organisée. Il conviendrait d'envisager la possibilité de les assurer en outre pour les cas de maladies et de maternité nécessitant l'hospitalisation, de maladie ayant duré plusieurs mois et pour les cas de dépenses extraordinaires entraînées par la maladie, la maternité, l'invalidité ou le décès.

1) Les membres de la famille de l'employeur vivant en communauté domestique avec lui, autres que son épouse à charge et ses enfants à charge, devraient être assurés contre les mêmes éventualités sur la base soit de leurs salaires effectifs soit, si ceux-ci ne peuvent être déterminés, de la valeur marchande de leurs services; l'employeur devrait être chargé du paiement des cotisations dues pour eux.

2) Les travailleurs indépendants dont les gains sont ordinairement si bas qu'ils peuvent être considérés seulement comme une source accessoire ou occasionnelle de revenu, ou que le paiement de la cotisation minimum constituerait pour ces travailleurs une lourde charge, devraient être exclus provisoirement de l'assurance et invités à consulter le service de l'emploi ou tout autre service institué pour développer le bien-être du groupe professionnel auquel ils appartiennent.

3) Les personnes qui, après avoir accompli la durée de cotisation à laquelle est subordonné le bénéfice des prestations d'invalidité et de décès, cesseront d'être obligatoirement assurées en qualité soit de salariés, soit de travailleurs indépendants, devraient avoir la faculté d'opter, dans un délai limité, pour la reconduction de leur assurance aux mêmes conditions que les travailleurs indépendants, sous réserve de toutes modifications qui pourraient être prescrites.

## C. BENEFIT RATES AND CONTRIBUTION CONDITIONS

*Benefit Rates*

22. Benefits should replace lost earnings, with due regard to family responsibilities, up to as high a level as is practicable without impairing the will to resume work where resumption is a possibility, and without levying charges on the productive groups so heavy that output and employment are checked.

23. Benefits should be related to the previous earnings of the insured person on the basis of which he has contributed: Provided that any excess of earnings over those prevalent among skilled workers may be ignored for the purpose of determining the rate of benefits, or portions thereof, financed from sources other than the contributions of the insured person.

24. Benefits at flat rates may be appropriate for countries where adequate and economical facilities exist for the population to procure additional protection by voluntary insurance. Such benefits should be commensurate with the earnings of unskilled workers.

(1) Sickness and unemployment benefits should, in the case of unskilled workers, be not less than 40 per cent. of the previous net earnings of the insured person if he has no dependants, or 60 per cent. thereof if he has a dependent wife or housekeeper for his children; for each of not more than two dependent children, an additional 10 per cent. of such earnings, less the amount of any children's allowances for these children, should be payable.

(2) In the case of workers with high earnings, the foregoing proportions of benefit to previous earnings may be somewhat reduced.

(3) Maternity benefit should in all cases be sufficient for the full and healthy maintenance of the mother and her child; it should be not less than 100 per cent. of the current net wage for female unskilled workers or 75 per cent. of the previous net earnings of the beneficiary, whichever is the greater, but may be reduced by the amount of any child's allowance payable in respect of the child.

(4) Basic invalidity and old-age benefits should be not less than 30 per cent. of the current wage commonly recognised for male unskilled workers in the district in which the beneficiary resides, if the beneficiary has no dependants, or 45 per cent. thereof if he has a dependent wife who would be qualified for widow's benefit or a housekeeper for his children; for each of not more than two dependent children, an additional 10 per cent. of such wage, less the amount of any children's allowances for these children, should be payable.

(5) Basic widow's benefit should be not less than 30 per cent. of the current minimum wage commonly recognised for male unskilled workers in the district in which the beneficiary resides; for each of not more than three dependent children, child's benefit at the rate of 10 per cent. of such wage, less the amount of any children's allowances for these children, should be payable.

(6) In the case of an orphan, basic child's benefit should be not less than 20 per cent. of the current minimum wage commonly recognised for male unskilled workers, less the amount of any child's allowance payable in respect of the orphan.

(7) A portion of every contribution additional to those paid as a qualification for basic invalidity, old-age and survivors' benefits may be credited to the insured person for the purpose of increasing the benefits provided for in sub-paragraphs (4), (5) and (6).

(8) In every case in which retirement is deferred beyond the minimum age at which old-age benefit could have been claimed, basic old-age benefit should be equitably increased.



## C. TAUX DES PRESTATIONS ET CONDITIONS DE COTISATION

*Taux des prestations*

22. Les prestations devraient remplacer les gains perdus, les charges familiales étant dûment prises en considération, jusqu'au niveau le plus élevé qu'il soit possible d'atteindre sans affaiblir la volonté de reprendre le travail, si cette reprise est possible, et sans imposer aux groupes producteurs des charges si lourdes que le rendement et l'emploi s'en trouvent entravés.

23. Les prestations devraient être proportionnées aux gains antérieurs sur la base desquels l'assuré a cotisé. Toutefois, la fraction du gain en excédent du gain usuel des travailleurs qualifiés pourrait être négligée dans la détermination des taux de prestations ou de fractions de ces prestations imputées sur des ressources autres que les cotisations de l'assuré.

24. Des prestations à taux fixe peuvent convenir aux pays où la population peut se procurer de manière satisfaisante et économique une protection supplémentaire au moyen de l'assurance facultative. Ces prestations devraient être proportionnées aux gains des travailleurs non qualifiés.

1) Dans le cas de travailleurs non qualifiés, les prestations de maladie et de chômage ne devraient pas être inférieures à 40 pour cent du gain net antérieur de l'assuré s'il n'a pas de personnes à sa charge, et à 60 pour cent de ce gain antérieur s'il a une épouse à sa charge ou une femme tenant le ménage pour ses enfants; il devrait être payé pour le premier enfant à charge, ainsi que pour le deuxième, un supplément égal à 10 pour cent de son gain antérieur, diminué du montant des allocations familiales payables éventuellement du chef de ces enfants.

2) Dans le cas de travailleurs qui réalisaient des gains élevés, les pourcentages du gain antérieur fixés ci-dessus pourraient être légèrement réduits.

3) La prestation de maternité devrait en tous cas être suffisante pour permettre l'entretien complet de la mère et de l'enfant dans de bonnes conditions d'hygiène; elle ne devrait pas être inférieure à 100 pour cent du salaire net courant des travailleuses non qualifiées ou à 75 pour cent du gain net antérieur de la bénéficiaire, suivant que l'un ou l'autre des deux montants sera le plus élevé, mais pourra être réduite du montant de l'allocation familiale payable éventuellement du chef de l'enfant.

4) Les prestations de base d'invalidité et de vieillesse ne devraient pas être inférieures à 30 pour cent du salaire courant communément admis pour les travailleurs non qualifiés du sexe masculin dans la région où réside le bénéficiaire s'il n'a pas de personnes à charge, ou à 45 pour cent de ce salaire s'il a une épouse à sa charge, qui aurait droit aux prestations pour veuve, ou une femme tenant le ménage pour ses enfants; il devrait être payé pour le premier enfant à charge ainsi que pour le deuxième, un supplément égal à 10 pour cent de ce salaire, diminué du montant des allocations familiales payables éventuellement du chef de ces enfants.

5) La prestation de base pour veuve ne devrait pas être inférieure à 30 pour cent du salaire minimum courant communément admis pour les travailleurs non qualifiés du sexe masculin dans la région où réside la bénéficiaire; il devrait être payé pour le premier enfant à charge, ainsi que pour le deuxième et le troisième, une prestation pour enfant au taux de 10 pour cent de ce salaire, diminuée du montant des allocations familiales payables éventuellement du chef de ces enfants.

6) Dans le cas d'un orphelin, la prestation de base pour enfant ne devrait pas être inférieure à 20 pour cent du salaire minimum courant communément admis pour les travailleurs non qualifiés du sexe masculin, diminuée du montant de toute allocation familiale payée du chef de l'orphelin.

7) Une fraction de chaque cotisation payée en sus du minimum exigé pour ouvrir droit aux prestations de base d'invalidité, de vieillesse et de décès pourra être inscrite au crédit de l'assuré afin de majorer les prestations prévues aux alinéas 4), 5) et 6).

8) Dans tous les cas où la retraite est reportée au-delà de l'âge minimum auquel le bénéfice de la pension de vieillesse peut être invoqué, la prestation de base de vieillesse devrait être équitablement majorée.

(9) Compensation for employment injuries should not be less than two thirds of the wages lost, or estimated to have been lost, as the result of the injury.

(10) Such compensation should take the form of periodical payments, except in cases in which the competent authority is satisfied that the payment of a lump sum will be more advantageous to the beneficiary.

(11) Periodical payments in respect of permanent incapacity and death should be adjusted currently to significant changes in the wage level in the insured person's previous occupation.

#### *Contribution Conditions*

25. The right to benefits other than compensation for employment injuries should be subject to contribution conditions designed to prove that the normal status of the claimant is that of an employed or self-employed person and to maintain reasonable regularity in the payment of contributions: Provided that a person shall not be disqualified for benefits by reason of the failure of his employer duly to collect the contributions payable in respect of him.

(1) The contribution conditions for sickness, maternity and unemployment benefits may include the requirement that contributions shall have been paid in respect of at least a quarter of a prescribed period, such as two years, completed before the contingency occurs.

(2) The contribution conditions for maternity benefit may include the requirement that the first contribution shall have been paid at least ten months before the expected date of confinement, but even though the contribution conditions are not fulfilled, maternity benefit at the minimum rate should be paid during the period of compulsory abstention from work after confinement, if the claimant's normal status appears, after consideration of the case, to be that of an employed person.

(3) The contribution conditions for basic invalidity, old-age and survivors' benefits may include the requirement that contributions shall have been paid in respect of at least two-fifths of a prescribed period, such as five years, completed before the contingency occurs; payment of contributions in respect of not less than three-quarters of a prescribed period, such as ten years, or of any longer period which has elapsed since entry into insurance, should be recognised as an alternative qualification for benefit.

(4) The contribution conditions for old-age benefit may include the requirement that the first contribution shall have been paid at least five years before the claim for benefit is made.

(5) The right to benefit may be suspended where an insured person wilfully fails to pay any contribution due by him in respect of any period of self-employment or to pay any penalty imposed for late payment of contributions.

(6) The insurance status of an insured person at the date when he becomes entitled to invalidity or old-age benefit should be maintained during the currency of such benefit for the purposes of ensuring him, in the event of recovery from invalidity, as full protection under the scheme as he was entitled to on the occurrence of the invalidity, and of entitling his survivors to survivors' benefits.

#### D. DISTRIBUTION OF COST

26. The cost of benefits, including the cost of administration, should be distributed among insured persons, employers and tax-payers, in such a way as to be equitable to insured persons and to avoid hardship to insured persons of small means or any disturbance to production.

(1) The contribution of an insured person should not exceed such proportion of his earnings taken into account for reckoning benefits as, applied to the estimated average earnings of all persons insured against the same contingencies,

9) Le montant de la réparation accordée pour des lésions résultant de l'emploi ne devrait pas être inférieur aux deux tiers du salaire perdu ou estimé perdu en raison de la lésion.

10) Cette réparation devrait prendre la forme d'une rente, sauf dans les cas où l'autorité compétente estimera que le paiement sous forme de capital sera plus avantageux pour le bénéficiaire.

11) Les rentes d'incapacité permanente et de décès devraient être constamment adaptées aux changements sensibles dans le niveau des salaires de la branche d'occupation antérieure de l'assuré.

#### *Conditions de cotisation*

25. Le droit aux prestations autres que la réparation des lésions résultant de l'emploi devrait être subordonné à des conditions de cotisation permettant de vérifier que le statut normal du requérant est bien celui de salarié ou de travailleur indépendant et de maintenir une régularité satisfaisante dans le paiement des cotisations; toutefois l'assuré ne pourra être déchu du droit aux prestations en raison du fait que l'employeur a négligé de percevoir régulièrement les cotisations payables pour lui.

1) Les conditions de cotisation pour les prestations de maladie, de maternité et de chômage pourront comprendre l'obligation d'avoir payé des cotisations pour le quart au moins d'une période déterminée, qui pourrait être fixée à deux ans, accomplie avant que l'éventualité se produise.

2) Les conditions de cotisation pour les prestations de maternité pourront comprendre la condition que la première cotisation ait été payée dix mois au moins avant la date probable de l'accouchement; toutefois, même si les conditions de cotisation ne sont pas remplies, les prestations de maternité devraient être fournies au taux minimum pour la période d'abstention obligatoire de travail après l'accouchement, si le statut normal de la requérante paraît, après examen du cas, être celui de salariée.

3) Les conditions de cotisation pour les prestations de base d'invalidité, de vieillesse et de décès pourront comprendre l'obligation d'avoir payé des cotisations pour les deux cinquièmes au moins d'une période déterminée, qui pourrait être fixée à cinq ans, accomplie avant que l'éventualité se produise; toutefois, le droit aux prestations serait également acquis par le paiement de cotisations pour les trois quarts au moins d'une période déterminée, qui pourrait être fixée à dix ans, ou de la période plus longue écoulée depuis l'admission à l'assurance.

4) Les conditions de cotisation pour les prestations de vieillesse pourront comprendre la condition que la première cotisation ait été payée cinq ans au moins avant que le bénéfice de la prestation soit invoqué.

5) Le droit aux prestations pourra être suspendu lorsque l'assuré négligera intentionnellement de payer des cotisations dues par lui pour une période d'activité indépendante ou de payer une amende infligée pour retard dans le paiement des cotisations.

6) Le statut d'assurance d'un assuré à la date de son admission au bénéfice des prestations d'invalidité ou de vieillesse devrait être maintenu tant qu'il reçoit ces prestations, afin que, au cas où il serait rétabli de son invalidité, la protection du régime lui soit assurée aussi complètement qu'à la date du début de l'invalidité et que ses ayants droit puissent bénéficier des prestations de décès.

#### D. REPARTITION DES FRAIS

26. Les frais de prestations, y compris les frais d'administration, devraient être répartis entre les assurés, les employeurs et les contribuables dans des conditions équitables pour les assurés et propres à épargner des charges trop lourdes aux assurés de ressources modestes et à éviter toute perturbation à la production.

1) La cotisation de l'assuré ne devrait pas excéder une proportion de ses gains pris en compte pour le calcul des prestations, fixée de telle sorte que, appliquée aux gains moyens évalués de toutes les personnes assurées contre les mêmes

would yield a contribution income the probable present value of which would equal the probable present value of the benefits to which they may become entitled (excluding compensation for employment injuries).

(2) In accordance with this principle the contributions of employed persons and self-employed persons for the same benefits may, as a rule, represent the same proportion of their respective earnings.

(3) A minimum absolute rate, based on the minimum rate of earnings which may be deemed to be indicative of substantial gainful work, may be prescribed for the insured person's contribution with respect to benefits the whole or part of which does not vary with the rate of previous earnings.

(4) Employers should be required to contribute, particularly by subsidising the insurance of low-wage earners, not less than half the total cost of benefits confined to employed persons, excluding compensation for employment injuries.

(5) The entire cost of compensation for employment injuries should be contributed by employers.

(6) Consideration should be given to the possibility of applying some method of merit rating in the calculation of contributions in respect of compensation for employment injuries.

(7) The rates of contribution of insured persons and employers should be kept as stable as possible, and for this purpose a stabilisation fund should be constituted.

(8) The cost of benefits which cannot properly be met by contributions should be covered by the community.

(9) Among the elements of cost which may be charged to the community may be mentioned:

(a) the contribution deficit resulting from bringing persons into insurance when already elderly;

(b) the contingent liability involved in guaranteeing the payment of basic invalidity, old-age and survivors' benefits and the payment of adequate maternity benefit;

(c) the liability resulting from the continued payment of unemployment benefit when unemployment persists at an excessive level; and

(d) subsidies to the insurance of self-employed persons of small means.

#### E. ADMINISTRATION

27. The administration of social insurance should be unified or co-ordinated within a general system of social security services, and contributors should, through their organisations, be represented on the bodies which determine or advise upon administrative policy and propose legislation or frame regulations.

(1) Social insurance should be administered under the direction of a single authority, subject, in federal countries, to the distribution of legislative competence; this authority should be associated with the authorities administering social assistance, medical care services and employment services in a co-ordinating body for matters of common interest, such as the certification of inability to work or to obtain work.

(2) The unified administration of social insurance should be compatible with the operation of separate insurance schemes, compulsory or voluntary in character, providing supplementary, but not alternative, benefits for certain occupational groups, such as miners and seamen, public officials, the staffs of individual undertakings and members of mutual benefit societies.

éventualités, elle fournirait un revenu de cotisations dont la valeur actuelle probable égalerait la valeur actuelle probable des prestations auxquelles elles pourraient acquérir droit (à l'exclusion de la réparation des lésions résultant de l'emploi).

2) Conformément à ce principe, les cotisations payées par les salariés et par les travailleurs indépendants en vue des mêmes prestations pourront, en règle générale, représenter la même proportion de leurs gains respectifs.

3) Un taux minimum absolu, fondé sur le taux minimum de gains qui peut être considéré comme correspondant à une occupation comportant une rémunération appréciable, pourra être prescrit pour la cotisation de l'assuré en ce qui concerne les prestations entièrement ou partiellement indépendantes du taux des gains antérieurs.

4) Les employeurs devraient être astreints à fournir, notamment en subventionnant l'assurance des travailleurs à salaires bas, la moitié au moins du coût total des prestations réservées aux salariés, à l'exception de la réparation des lésions résultant de l'emploi.

5) La totalité des frais de réparation des lésions résultant de l'emploi devrait être à la charge des employeurs.

6) Il conviendrait d'envisager la possibilité d'appliquer, dans le calcul des cotisations à payer en vue de la réparation des lésions résultant de l'emploi, quelque méthode de classification des entreprises d'après l'extension des mesures de protection.

7) Les taux de cotisation des assurés et des employeurs devraient être maintenus aussi stables que possible, et à cette fin un fonds de stabilisation devrait être constitué.

8) Les frais de prestations qui ne sauraient être couverts par les cotisations devraient être supportés par la communauté.

9) Parmi les éléments de frais à couvrir par la communauté peuvent figurer :

a) les déficits de cotisations résultant de l'admission à l'assurance de personnes d'un âge plutôt avancé;

b) les charges consécutives qu'entraîne la garantie du paiement des prestations de base d'invalidité, de vieillesse et de décès et du paiement de prestations de maternité suffisantes;

c) la charge résultant de la prolongation du paiement des prestations de chômage, quand le chômage persiste à un niveau élevé;

d) les subventions versées pour l'assurance des travailleurs indépendants de ressources modestes.

#### E. GESTION

27. La gestion des assurances sociales devrait être unifiée ou coordonnée dans un système général de services de sécurité sociale et les cotisants devraient être représentés par l'entremise de leurs organisations aux organes qui arrêtent ou conseillent les lignes générales de la gestion et qui présentent des projets législatifs ou établissent les règlements.

1) Les assurances sociales devraient être gérées sous la direction d'une seule autorité, sous réserve, dans les pays fédératifs, de la répartition des pouvoirs législatifs; cette autorité devrait être associée avec les autorités qui gèrent l'assistance sociale, les services de soins médicaux et les services de l'emploi en un organe de coordination pour les questions d'intérêt commun, telles que l'attestation de l'incapacité de travailler ou d'obtenir un emploi.

2) La gestion unifiée des assurances sociales devrait être compatible avec le fonctionnement de régimes spéciaux d'assurance, de caractère soit obligatoire, soit facultatif, ayant pour objet de fournir des prestations complétant, sans pouvoir s'y substituer, les prestations versées à certains groupes professionnels, tels que les mineurs et marins, les fonctionnaires, le personnel d'entreprises déterminées, et les membres de sociétés de secours mutuels.

(3) The law and regulations relating to social insurance should be drafted in such a way that beneficiaries and contributors can easily understand their rights and duties.

(4) In devising procedures to be followed by beneficiaries and contributors, simplicity should be a primary consideration.

(5) Central and regional advisory councils, representing such bodies as trade unions, employers' associations, chambers of commerce, farmers' associations, women's associations and child protection societies, should be established for the purpose of making recommendations for the amendment of the law and administrative methods, and generally of maintaining contact between the administration of social insurance and groups of contributors and beneficiaries.

(6) Employers and workers should be closely associated with the administration of compensation for employment injuries, particularly in connection with the prevention of accidents and occupational diseases and with merit rating.

(7) Claimants should have a right of appeal in case of dispute with the administrative authority concerning such questions as the right to benefit and the rate thereof.

(8) Appeals should preferably be referred to special tribunals, which should include referees who are experts in social insurance law, assisted by assessors, representative of the group to which the claimant belongs, and, where employed persons are concerned, by representatives of employers also.

(9) In any dispute concerning liability to insurance or the rate of contribution, for an employed or self-employed person, and where an employer's contribution is in question, an employer should have a right of appeal.

(10) Provision for uniformity of interpretation should be assured by a superior appeal tribunal.

## II. SOCIAL ASSISTANCE

### A. MAINTENANCE OF CHILDREN

2b. Society should normally co-operate with parents through general measures of assistance designed to secure the well-being of dependent children.

(1) Public subsidies in kind or in cash or in both should be established in order to assure the healthy nurture of children, help to maintain large families, and complete the provision made for children through social insurance.

(2) Where the purpose in view is to assure the healthy nurture of children, subsidies should take the form of such advantages as free or below-cost infants' food and school meals and below-cost dwellings for families with several children.

(3) Where the purpose in view is to help to maintain large families or to complete the provision made for children by subsidies in kind and through social insurance, subsidies should take the form of children's allowances.

(4) Such allowances should be payable, irrespective of the parents' income, according to a prescribed scale, which should represent a substantial contribution to the cost of maintaining a child, should allow for the higher cost of maintaining older children, and should, as a minimum, be granted to all children for whom no provision is made through social insurance.

(5) Society as a whole should accept responsibility for the maintenance of dependent children in so far as parental responsibility for maintaining them cannot be enforced.

3) La législation d'assurance sociale devrait être conçue de telle sorte que les bénéficiaires et les cotisants puissent aisément acquérir la compréhension de leurs droits et devoirs.

4) Pour l'établissement des procédures que doivent suivre les bénéficiaires et les cotisants, la simplicité devrait être l'un des principaux objets à considérer.

5) Il devrait être institué des conseils consultatifs centraux et régionaux, représentant des organes tels que les syndicats, associations d'employeurs, chambres de commerce, associations d'agriculteurs, associations féminines et sociétés pour la protection de l'enfance, en vue de présenter des recommandations pour la modification des lois et des méthodes administratives et, en général, de maintenir le contact entre la gestion de l'assurance sociale et les groupes de cotisants et de bénéficiaires.

6) Les employeurs et les salariés devraient être étroitement associés à la gestion de la réparation des lésions résultant de l'emploi, notamment dans le domaine de la prévention des accidents et des maladies professionnelles et dans celui de la classification des entreprises d'après l'extension des mesures de protection.

7) Les requérants devraient avoir un droit d'appel en cas de litige avec l'autorité de gestion au sujet de questions telles que le droit aux prestations et le taux de celles-ci.

8) Les appels devraient de préférence être portés devant des tribunaux spéciaux, comprenant des juges experts en législation d'assurances sociales, assistés par des assesseurs, représentant le groupe auquel appartient l'appelant et, s'il s'agit de salariés, également par des représentants des employeurs.

9) Dans tout litige concernant l'assujettissement à l'assurance ou le taux de cotisation, le salarié ou le travailleur indépendant devrait avoir un droit d'appel, ainsi que l'employeur dans le cas où il s'agirait d'une cotisation d'employeur.

10) L'uniformité de l'interprétation devrait être assurée par un tribunal supérieur d'appel.

## II. ASSISTANCE SOCIALE

### A. ENTRETIEN DES ENFANTS

28. La société devrait normalement coopérer avec les parents par des mesures générales d'assistance destinées à assurer le bien-être des enfants à charge.

1) Il devrait être institué des subventions publiques en nature ou en espèces ou sous les deux formes, pour permettre d'élever les enfants dans des conditions saines, aider à l'entretien des familles nombreuses et compléter les dispositions en faveur des enfants établies sous le régime de l'assurance sociale.

2) Lorsque l'objet visé est de permettre d'élever les enfants dans des conditions saines, les subventions devraient prendre la forme d'avantages tels qu'aliments gratuits ou au-dessous du prix de revient pour les enfants en bas âge, cantines scolaires et habitations au-dessous du loyer normal, pour les familles ayant plusieurs enfants.

3) Lorsque l'objet visé est d'aider à l'entretien des familles nombreuses ou de compléter les dispositions en faveur des enfants, soit prévoyant des avantages en nature, soit établies sous le régime de l'assurance sociale, les subventions devraient prendre la forme d'allocations familiales.

4) Ces allocations devraient être payées, quel que soit le revenu des parents, selon un barème établi, qui représenterait une contribution substantielle aux frais d'entretien de l'enfant et tiendrait compte de l'augmentation de frais que comporte l'entretien d'enfants plus âgés; elles devraient être attribuées au moins à tous les enfants pour lesquels aucune disposition n'est établie sous le régime de l'assurance sociale.

5) La société devrait assumer collectivement l'obligation d'entretenir les enfants à charge lorsque l'exécution de cette obligation par les parents s'avère impossible.

## B. MAINTENANCE OF NEEDY INVALIDS, AGED PERSONS AND WIDOWS

29. Invalids, aged persons and widows who are not receiving social insurance benefits because they or their husbands, as the case may be, were not compulsorily insured, and whose incomes do not exceed a prescribed level, should be entitled to special maintenance allowances at prescribed rates.

(1) The persons who should be entitled to maintenance allowances should include:

(a) persons belonging to occupational groups, or residing in districts to which social insurance does not yet apply, or has not yet applied for as long as the qualifying period for basic invalidity, old age or survivors' benefits, as the case may be, and the widows and dependent children of such person; and

(b) persons who are already invalids at the time when they would normally enter insurance.

(2) Maintenance allowances should be sufficient for full, long-term maintenance; they should vary with the current cost of living, and may vary as between urban and rural areas.

(3) Maintenance allowances should be paid at the full rate to persons whose other income does not exceed a prescribed level and at reduced rates in other cases.

(4) The provisions of the present Recommendation defining the contingencies in which invalidity, old-age and survivors' benefits should be paid should be applied, in so far as they are relevant, to maintenance allowances.

## C. GENERAL ASSISTANCE

30. Appropriate allowances in cash or partly in cash and partly in kind should be provided for all persons who are in want and do not require internment for corrective care.

(1) The range of cases in which the amount of the allowance is entirely discretionary should be gradually narrowed as the result of the improved classification of cases of want, and the establishment of budgets corresponding to the cost of maintenance in short-term and long-term indigency.

(2) The grant of allowance may be subject to compliance by the recipient with directions given by the authorities administering medical or employment services in order that the assistance may yield its greatest constructive effect.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Twenty-sixth Session which was held at Philadelphia and declared closed the 12th day of May 1944.

IN FAITH WHEREOF we have appended our signatures, this seventeenth day of May 1944.

*The President of the Conference.*

W. NASH,

*The Acting Director of the International Labour Office.*

EDWARD J. PHELAN.



## B. ENTRETIEN DES INVALIDES, VIEILLARDS, ET VEUVES NECESSITEUX

29. Les invalides, les vieillards et les veuves qui ne bénéficient d'aucune prestation d'assurance sociale parce qu'eux-mêmes ou leurs conjoints, selon le cas, n'étaient pas obligatoirement assurés et dont les revenus ne dépassent pas un niveau fixé devraient bénéficier d'allocations spéciales de subsistance à des taux prescrits.

1) Parmi les bénéficiaires d'allocations de subsistance devraient se trouver :

a) les personnes appartenant à des groupes professionnels ou habitant dans des régions auxquels les assurances sociales ne s'appliquent pas encore ou ne se sont pas encore appliquées pendant une durée égale au stage d'assurance ouvrant droit aux prestations de base d'invalidité, de vieillesse ou de décès, selon le cas, ainsi que leurs veuves et enfants à charge, et

b) les personnes qui sont déjà invalides à la date à laquelle elles devraient normalement devenir assurées.

2) L'allocation de subsistance devrait être suffisante pour assurer complètement la subsistance du bénéficiaire pour une longue durée; elle devrait varier avec le coût de la vie et pourrait être fixée différemment pour les zones urbaines et rurales.

3) Les allocations de subsistance devraient être payées à leur plein taux aux personnes dont les autres revenus ne dépassent pas un niveau fixé et à des taux réduits dans tous autres cas.

4) Les dispositions de la présente recommandation définissant les éventualités qui devraient donner lieu aux prestations d'invalidité, de vieillesse et de décès devraient être appliquées, en tant qu'elles s'y prêtent, aux allocations de subsistance.

## C. ASSISTANCE GENERALE

30. Des allocations suffisantes en espèces, ou partie en espèces et partie en nature, devraient être fournies à toutes personnes dans le besoin, lorsqu'il n'y a pas lieu à internement en vue de soins correctifs.

1) Le champ des cas dans lesquels le montant de l'allocation est fixé de manière entièrement discrétionnaire devrait être graduellement rétréci en conséquence de la classification améliorée des cas de besoin ainsi que de l'établissement de budgets afférents aux frais de subsistance pour l'indigence de courte ou de longue durée.

2) L'attribution d'allocations pourra être subordonnée à l'exécution par le bénéficiaire d'instructions données par les autorités qui gèrent les services médicaux et les services de l'emploi, afin que l'assistance produise le maximum d'effet constructif.

Le texte qui précède est le texte authentique de la recommandation dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa vingt-sixième session qui s'est tenue à Philadelphie et qui a été déclarée close le 12 mai 1944.

EN FOI DE QUOI ont apposé leurs signatures, ce dix-septième jour de mai 1944.

*Le Président de la Conférence.*

W. NASH.

*Le Directeur par intérim du Bureau international du Travail.*

EDWARD J. PHELAN.

## INTERNATIONAL LABOUR CONFERENCE

## RECOMMENDATION [No. 68] CONCERNING INCOME SECURITY AND MEDICAL CARE FOR PERSONS DISCHARGED FROM THE ARMED FORCES AND ASSIMILATED SERVICES AND FROM WAR EMPLOYMENT.

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to income security and medical care for persons discharged from the armed forces and assimilated services and from war employment, which is included in the third item on the agenda of the Session, and

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

adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Social Security (Armed Forces) Recommendation, 1944:

Whereas persons discharged from the armed forces and assimilated services have been obliged to interrupt their careers and will be faced with initial expenditure in re-establishing themselves in civil life; and

Whereas persons discharged from the armed forces or assimilated services or from war employment may in certain cases remain unemployed for a time before obtaining suitable employment; and

Whereas it is undesirable that persons discharged from the armed forces and assimilated services should find themselves at a disadvantage in respect of pension insurance as compared with persons who have remained in civil employment, and the Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933, while providing for the maintenance of the rights under pension insurance schemes of persons engaged in military service who were insured before beginning such service, does not provide for the attribution of any rights under such schemes to persons not insured before entering military service; and

Whereas it is desirable that persons discharged from the armed forces and assimilated services should be protected by insurance in respect of sickness occurring between their discharge and their re-establishment in civil life by entry into insurable employment or otherwise; and

Whereas it is necessary to make equitable provision in regard to these matters, without prejudice to the satisfaction of other essential needs, such as those of military and civilian war victims, which must also be a charge on the national income:

The Conference recommends the Members of the Organisation to apply the following principles and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

## I. MUSTERING-OUT GRANT

1. Persons discharged from the armed forces and assimilated services should, except in cases in which they have, in virtue of national laws or regulations, continued to receive a substantial part of their remuneration, receive on their discharge a special grant, which may be related to their length of service and should be paid in the form of a lump sum, in the form of periodical payments, or partly in the form of a lump sum and partly in the form of periodical payments.

## CONFERENCE INTERNATIONALE DU TRAVAIL

RECOMMANDATION [N° 68] CONCERNANT LA GARANTIE DES MOYENS D'EXISTENCE ET LES SOINS MEDICAUX POUR LES PERSONNES CONGÉDIEES DES FORCES ARMEES ET SERVICES ASSIMILES ET DES EMPLOIS DE GUERRE.

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Philadelphie par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 20 avril 1944 en sa vingt-sixième session,

Après avoir décidé d'adopter diverses propositions relatives à la garantie des moyens d'existence et aux soins médicaux pour les personnes congédiées des forces armées et services assimilés et des emplois de guerre, question qui est comprise dans le troisième point à l'ordre du jour de la session,

Après avoir décidé que ces propositions prendraient la forme d'une recommandation,

adopte, ce douzième jour de mai mil neuf cent quarante-quatre, la recommandation ci-après, qui sera dénommée Recommandation sur la sécurité sociale (forces armées), 1944 :

Considérant que les personnes congédiées des forces armées et services assimilés ont été obligées d'interrompre leur carrière et auront à faire face à une dépense initiale pour s'établir à nouveau dans la vie civile;

Considérant que les personnes congédiées des forces armées et services assimilés et des emplois de guerre risquent, dans certains cas, de rester en chômage pendant quelque temps avant d'obtenir un emploi convenable;

Considérant qu'il n'est pas désirable que les personnes congédiées des forces armées et services assimilés se trouvent désavantagées dans les régimes d'assurance-pension par rapport aux personnes qui sont restées dans un emploi civil, et que la Recommandation sur l'assurance-invalidité-vieillesse-décès, 1933, tout en prévoyant le maintien, pendant les périodes de service militaire, des droits à pension des personnes qui étaient assurées avant l'entrée en service, ne prévoit l'attribution d'aucun droit, en vertu de ces régimes, aux personnes qui n'étaient pas assurées avant leur entrée au service militaire;

Considérant qu'il est désirable que les personnes congédiées des forces armées et services assimilés soient protégées par l'assurance en ce qui concerne les maladies dont elles peuvent être atteintes entre leur mise en congé et leur réinstallation dans la vie civile à la suite de leur entrée dans un emploi assujéti à l'assurance ou de toute autre manière;

Considérant qu'il est nécessaire de prévoir des mesures équitables pour faire face à ces diverses éventualités sans préjudice de la satisfaction d'autres besoins essentiels, tels que ceux des victimes de la guerre militaire et civile, qui doit aussi être à la charge du revenu national :

La Conférence recommande aux Membres de l'Organisation d'appliquer les principes suivants et de communiquer au Bureau international du Travail les informations que le Conseil d'administration décidera de demander sur les mesures prises pour mettre ces principes en application :

## I. ALLOCATION DE DEMOBILISATION

1. Les personnes congédiées des forces armées et services assimilés, devraient à moins qu'elles n'aient continué à recevoir, en vertu de la législation nationale, une fraction importante de leur salaire, recevoir, au moment de leur mise en congé, une allocation spéciale dont le montant pourrait être proportionné à la durée de leur service et dont le paiement devrait prendre la forme soit d'un versement global, soit de versements périodiques, soit d'un versement global combiné avec des versements périodiques.

## II. UNEMPLOYMENT INSURANCE AND ASSISTANCE

2. Persons discharged from the armed forces and assimilated services should, so far as is administratively practicable, be treated under unemployment insurance schemes as insured contributors in respect of whom contributions have been paid for a period equal to their period of service. The resulting financial liability should be borne by the State.

3. Where persons discharged from the armed forces and assimilated services or from war employment, as defined by national laws or regulations, exhaust their right to benefit before suitable employment is offered to them, or are not covered by an unemployment insurance scheme, an allowance financed wholly from State funds should be paid until suitable employment is available; the allowance should, if possible, be paid irrespective of need.

## III. PENSION AND SICKNESS INSURANCE

4. (1) Where a compulsory insurance scheme providing pensions in case of invalidity, old age or death and covering a substantial part of the working population is in force, periods of service in the armed forces and assimilated services should be reckoned as contribution periods for the purpose of determining whether any requirement in regard to a minimum qualifying period has been fulfilled.

(2) Where the rate of pension varies with the number of contributions credited to the insured person, the period of service should be taken into account for the purpose of increasing the rate of pension.

(3) Where contributions are graduated according to remuneration, contributions should be credited in respect of periods of service on the basis of a uniform hypothetical remuneration of reasonable amount: Provided that contributions credited to persons insured immediately before beginning their service may be based on the remuneration which they were receiving at the time if such remuneration was higher than the hypothetical remuneration.

(4) Persons discharged from the armed forces and assimilated services should retain, during the period between their discharge and the time at which they can be considered to be re-established in civil life, their rights in respect of the contributions credited to their account; these rights should be maintained for a period of not less than twelve months.

5. (1) Where a compulsory insurance scheme providing sickness, maternity and medical benefits and covering a substantial part of the working population is in force, persons discharged from the armed forces and assimilated services should be entitled to such benefits in respect of sickness or childbirth occurring during the period between their discharge and the time at which they can be considered to be re-established in civil life; these rights should be maintained for a period of not less than twelve months.

(2) Where the compulsory insurance scheme provides maternity and medical benefits for the dependants of insured persons, discharged persons protected by the scheme should be entitled to such benefits for their dependants.

(3) Where the rate of sickness benefits is proportional to the remuneration of the insured person, the rate of benefit payable to discharged persons should be based on a uniform hypothetical remuneration of reasonable amount.

6. (1) The State should bear the liability created by crediting persons serving in the armed forces or assimilated services with pension insurance contributions and insuring them against sickness pending their re-establishment in civil life: Provided that, where the pay of any class of such persons may, having regard to the value of their subsistence and of dependants' allowances, be considered at least equivalent on the whole to the wages prevailing in industry, a portion of the pension insurance contribution may be deducted from their service pay.

## II. ASSURANCE ET ASSISTANCE CHOMAGE

2. Les personnes congédiées des forces armées et services assimilés devraient, pour autant que cela est administrativement possible, être traitées, pour l'application des systèmes d'assurance-chômage, comme des travailleurs assurés pour le compte desquels des cotisations auraient été payées pendant une période égale à la durée de leur service. Les charges financières qui en résultent devraient être assumées par l'Etat.

3. Si des personnes congédiées des forces armées et services assimilés ou d'emplois de guerre, tels que définis par la législation nationale, épuisent leur droit à indemnité avant qu'un emploi convenable leur ait été offert ou si elles ne sont pas couvertes par un système d'assurance-chômage, une allocation entièrement à la charge de l'Etat devrait leur être accordée, jusqu'à ce qu'un emploi convenable soit disponible; cette allocation devrait si possible être payée sans égard à l'état de besoin.

## III. ASSURANCE-PENSION ET ASSURANCE-MALADIE

4. 1) Lorsqu'un système d'assurance obligatoire, prévoyant des pensions en cas d'invalidité, de vieillesse ou de décès et couvrant une partie importante de la population active, est en vigueur, la durée de service accomplie dans les forces armées et services assimilés devrait être considérée comme période de cotisation pour déterminer si les conditions relatives à l'accomplissement d'un stage d'assurance sont remplies.

2) Lorsque le taux de pension varie en fonction du nombre des cotisations portées au compte de l'assuré, la durée de service devrait être prise en compte pour la majoration du taux de pension.

3) Lorsque les cotisations sont graduées d'après la rémunération, des cotisations devraient être portées au compte de l'intéressé, au titre de la durée de son service, sur la base d'une rémunération fictive uniforme d'un montant raisonnable. Toutefois, les cotisations portées au compte d'une personne qui était assurée immédiatement avant le début de son service pourront être basées sur la rémunération qu'elle recevait alors, si cette rémunération était plus élevée que la rémunération fictive.

4) Les personnes congédiées des forces armées et services assimilés devraient conserver, durant la période comprise entre leur mise en congé et la date à laquelle elles peuvent être considérées comme réinstallées dans la vie civile, les droits découlant des cotisations portées à leur compte; ces droits devraient être maintenus pour une période non inférieure à douze mois.

5. (1) Lorsqu'un système d'assurance obligatoire, prévoyant des indemnités de maladie, de maternité et une assistance médicale et couvrant une partie importante de la population active, est en vigueur, les personnes congédiées des forces armées et services assimilés devraient avoir droit à ces prestations en cas de maladie ou d'accouchement survenant au cours de la période comprise entre leur mise en congé et la date à laquelle elles peuvent être considérées comme réinstallées dans la vie civile; ce droit devrait être maintenu pour une période non inférieure à douze mois.

2) Lorsque le système d'assurance obligatoire prévoit des indemnités de maternité et une assistance médicale en faveur des ayants droit des assurés, les personnes congédiées qui sont protégées par le système devraient bénéficier de ces prestations en faveur de leurs ayants droit.

3) Lorsque le taux d'indemnité de maladie est proportionnel à la rémunération de l'assuré, le taux de l'indemnité payable aux personnes congédiées devrait être basé sur une rémunération fictive uniforme d'un montant raisonnable.

6. 1) L'Etat devrait supporter la charge constituée par les cotisations d'assurance-pension portées au compte des personnes servant dans les forces armées et services assimilés et par leur assurance en cas de maladie jusqu'à leur réinstallation dans la vie civile. Toutefois, lorsque la solde d'une catégorie de ces personnes peut, compte tenu du coût de leur subsistance ainsi que des allocations familiales, être considérée comme étant au moins équivalente, dans l'ensemble, au salaire usuel dans l'industrie, une fraction de la cotisation d'assurance-pension peut être déduite de cette solde.

(2) The provisions of sub-paragraph (1) shall not apply in cases where, in virtue of national laws or regulations, such persons continue to receive, during their service, a substantial part of their remuneration, and the normal contributions required by law continue to be payable in respect of them.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Twenty-sixth Session which was held at Philadelphia and declared closed the 12th day of May 1944.

IN FAITH WHEREOF we have appended our signatures, this seventeenth day of May 1944.

*The President of the Conference.*

W. NASH.

*The Acting Director of the International Labour Office.*

EDWARD J. PHELAN.

## INTERNATIONAL LABOUR CONFERENCE

### RECOMMENDATION [No. 69] CONCERNING MEDICAL CARE

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the question of medical care services which is included in the fourth item on the agenda of the Session, and

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

adopts, this twelfth day of May of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Medical Care Recommendation, 1944:

Whereas the Atlantic Charter contemplates "the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security"; and

Whereas the Conference of the International Labour Organisation, by a resolution adopted on 5 November 1941, endorsed this principle of the Atlantic Charter and pledged the full co-operation of the International Labour Organisation in its implementation; and

Whereas the availability of adequate medical care is an essential element in social security; and

Whereas the International Labour Organisation has promoted the development of medical care services—

by the inclusion of requirements relating to medical care in the Workmen's Compensation (Accidents) Convention, 1925, and the Sickness Insurance (Industry, etc.) and (Agriculture) Conventions, 1927,

by the communication to the Members of the Organisation by the Governing Body of the conclusions of meetings of experts relating to public health and health insurance in periods of economic depression, the economical administration of medical and pharmaceutical benefits under sickness insurance schemes, and guiding principles for curative and preventive action by invalidity, old-age and widows' and orphans' insurance,

2) Les prescriptions de l'alinéa 1) ne s'appliquent pas aux cas où, en vertu de la législation nationale, ces personnes continuent à recevoir, pendant qu'elles sont en service, une fraction importante de leur salaire et où les cotisations normales prévues par la loi restent payables en ce qui les concerne.

Le texte qui précède est le texte authentique de la recommandation dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa vingt-sixième session qui s'est tenue à Philadelphie et qui a été déclarée close le 12 mai 1944.

EN FOI DE QUOI ont apposé leurs signatures, ce dix-septième jour de mai 1944.

*Le Président de la Conférence.*

W. NASH.

*Le Directeur par intérim du Bureau international du Travail.*

EDWARD J. PHELAN.

## CONFERENCE INTERNATIONALE DU TRAVAIL

### RECOMMANDATION [N° 69] CONCERNANT LES SOINS MEDICAUX

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Philadelphie par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 20 avril 1944 en sa vingt-sixième session,

Après avoir décidé d'adopter diverses propositions relatives à la question des services de soins médicaux, question qui est comprise dans le quatrième point à l'ordre du jour de la session,

Après avoir décidé que ces propositions prendraient la forme d'une recommandation,

adopte, ce douzième jour de mai mil neuf cent quarante-quatre, la recommandation ci-après, qui sera dénommée Recommandation sur les soins médicaux, 1944:

Considérant que la Charte de l'Atlantique envisage " la collaboration la plus complète entre toutes les nations dans le domaine économique en vue de procurer à tous de meilleures conditions de travail, le progrès économique et la sécurité sociale ";

Considérant que la Conférence de l'Organisation internationale du Travail a, par une résolution adoptée le 5 novembre 1941, appuyé ce principe de la Charte de l'Atlantique et promis la pleine collaboration de l'Organisation internationale du Travail pour le traduire en actes;

Considérant que la possibilité de bénéficier de soins médicaux adéquats est un élément essentiel de la sécurité sociale;

Considérant que l'Organisation internationale du Travail a encouragé le développement des services de soins médicaux—

par l'insertion de prescriptions relatives aux soins médicaux dans la convention concernant la réparation des accidents du travail, 1925, et dans les conventions concernant l'assurance-maladie (industrie, etc.) et l'assurance maladie (agriculture), 1927,

par la communication aux Membres de l'Organisation par le Conseil d'administration des conclusions de réunions d'experts relatives à la santé publique et à l'assurance-maladie en période de dépression économique, à l'organisation économique des prestations médicales et pharmaceutiques dans l'assurance-maladie ainsi qu'à des principes directeurs pour l'action préventive et curative dans les domaines de l'assurance-invalidité-vieillesse-décès,

by the adoption by the First and Second Labour Conferences of American States of the resolutions constituting the Inter-American Social Insurance Code, by the participation of a delegation of the Governing Body in the First Inter-American Conference on Social Security which adopted the Declaration of Santiago de Chile, and by the approval by the Governing Body of the Statute of the Inter-American Conference on Social Security, established as a permanent agency of co-operation between social security administrations and institutions acting in concert with the International Labour Office, and

by the participation of the International Labour Office in an advisory capacity in the framing of social insurance schemes in a number of countries and by other measures; and

Whereas some Members have not taken such steps as are within their competence to improve the health of the people by the extension of medical facilities, the development of public health programmes, the spread of health education, and the improvement of nutrition and housing, although their need in that respect is greatest, and it is highly desirable that such Members take all steps as soon as possible to reach the international minimum standards and to develop these standards; and

Whereas it is now desirable to take further steps for the improvement and unification of medical care services, the extension of such services to all workers and their families, including rural populations and the self-employed, and the elimination of inequitable anomalies, without prejudice to the right of any beneficiary of the medical care service who so desires to arrange privately at his own expense for medical care; and

Whereas the formulation of certain general principles which should be followed by Members of the Organisation in developing their medical care services along these lines will contribute to this end:

The Conference recommends the Members of the Organisation to apply the following principles, as rapidly as national conditions allow, in developing their medical care services with a view to the implementation of the fifth principle of the Atlantic Charter, and to report to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles.

## I. GENERAL

### *Essential Features of a Medical Care Service*

1. A medical care service should meet the need of the individual for care by members of the medical and allied professions and for such other facilities as are provided at medical institutions:

(a) with a view to restoring the individual's health, preventing the further development of disease and alleviating suffering, when he is afflicted by ill health (curative care); and

(b) with a view to protecting and improving his health (preventive care).

2. The nature and extent of the care provided by the service should be defined by law.

3. The authorities or bodies responsible for the administration of the service should provide medical care for its beneficiaries by securing the services of members of the medical and allied professions and by arranging for hospital and other institutional services.

4. The cost of the service should be met collectively by regular periodical payments which may take the form of social insurance contributions or of taxes, or of both.



par l'adoption par les première et deuxième Conférences du Travail des Etats d'Amérique de résolutions constituant le Code interaméricain d'assurance sociale, la participation d'une délégation du Conseil d'administration à la première Conférence interaméricaine de sécurité sociale, qui a adopté la Déclaration de Santiago du Chili, et l'approbation par le Conseil d'administration du Statut de la Conférence interaméricaine de sécurité sociale instituée en qualité d'organe permanent de collaboration entre les administrations et institutions de sécurité sociale, agissant de concert avec le Bureau international du Travail, et

par la participation du Bureau international du Travail, à titre de conseiller, à l'élaboration de régimes d'assurance sociale dans nombre de pays, ainsi que par d'autres mesures;

Considérant que certains Membres n'ont pas pris les mesures qui sont de leur compétence pour améliorer la santé de la population par l'extension des possibilités d'obtenir des soins médicaux, l'élaboration de programmes de santé publique, l'extension de l'enseignement de l'hygiène et l'amélioration de l'alimentation et du logement, bien que leurs besoins sous ces rapports soient les plus grands, et qu'il est hautement désirable que ces Membres prennent toutes les mesures nécessaires aussitôt que possible pour atteindre aux normes minima internationales et pour développer ces normes;

Considérant qu'il est d'ores et déjà désirable d'adopter de nouvelles mesures pour l'amélioration et l'unification des services de soins médicaux, l'extension de ces services à tous les travailleurs et à leurs familles, y compris la population rurale et les travailleurs indépendants, et l'élimination d'injustes anomalies, sans préjudice du droit de tout bénéficiaire du service de soins médicaux qui le désire de se procurer des soins à ses propres frais par voie privée;

Considérant que la formulation de certains principes généraux que devraient observer les Membres de l'Organisation en développant leurs services de soins médicaux dans cet esprit contribuera à cette fin :

La Conférence recommande aux Membres de l'Organisation d'appliquer les principes ci-après, aussi rapidement que les conditions nationales le permettront, en développant leurs services de soins médicaux afin de traduire en actes le cinquième principe de la Charte de l'Atlantique, et de présenter au Bureau international du Travail, conformément à ce que décidera le Conseil d'administration, des rapports exposant les mesures prises pour mettre ces principes en application.

## I. PRINCIPES GENERAUX

### *Caractère essentiel d'un service de soins médicaux*

1. Tout service de soins médicaux devrait assurer à l'individu les soins que peuvent fournir les membres de la profession médicale et des professions connexes, ainsi que tous autres services que fournissent les institutions médicales :

a) en vue de rétablir la santé, de prévenir l'évolution de la maladie et d'alléger les souffrances, quand la santé de l'individu est atteinte (soins curatifs), et

b) en vue de protéger et améliorer sa santé (soins préventifs).

2. La nature et l'étendue des soins fournis par le service devraient être définies par voie législative.

3. Les autorités ou organes responsables de la gestion du service devraient assurer aux bénéficiaires les soins médicaux en recourant aux services des membres de la profession médicale et des professions connexes, ainsi que par l'organisation de services de soins médicaux dans les hôpitaux ou autres institutions médicales.

4. Les frais du service devraient être couverts collectivement au moyen de paiements réguliers et périodiques, soit sous la forme de cotisation à l'assurance sociale, soit au moyen d'impôts, ou par les deux méthodes à la fois.

- *Forms of Medical Care Service*

5. Medical care should be provided either through a social insurance medical care service with supplementary provision by way of social assistance to meet the requirements of needy persons not yet covered by social insurance, or through a public medical care service.

6. Where medical care is provided through a social insurance medical care service:

(a) every insured contributor, the dependent wife or husband and dependent children of every such contributor, such other dependants as may be prescribed by national laws or regulations, and every other person insured by virtue of contributions paid on his behalf, should be entitled to all care provided by the service;

(b) care for persons not yet insured should be provided by way of social assistance if they are unable to obtain it at their own expense; and

(c) the service should be financed by contributions from insured persons, from their employers, and by subsidies from public funds.

7. Where medical care is provided through a public medical care service:

(a) every member of the community should be entitled to all care provided by the service;

(b) the service should be financed out of funds raised either by a progressive tax specifically imposed for the purpose of financing the medical care service or of financing all health services, or from general revenue.

## II. PERSONS COVERED

### *Complete Coverage*

8. The medical care service should cover all members of the community, whether or not they are gainfully occupied.

9. Where the service is limited to a section of the population or to a specified area, or where the contributory mechanism already exists for other branches of social insurance and it is possible ultimately to bring under the insurance scheme the whole or the majority of the population, social insurance may be appropriate.

10. Where the whole of the population is to be covered by the service and it is desired to integrate medical care with general health services, a public service may be appropriate.

### *Coverage Through a Social Insurance Medical Care Service*

11. Where medical care is provided through a social insurance medical care service, all members of the community should have the right to care as insured persons or, pending their inclusion in the scope of insurance, should have the right to receive care at the expense of the competent authority when unable to provide it for themselves.

12. All adult members of the community (that is to say, all persons other than children as defined in paragraph 15) should be required to pay insurance contributions if their income is not below the subsistence level. The dependent wife or husband of a contributor should be insured in virtue of the contribution of her or his breadwinner, without any addition on that account.

13. Other adults who prove that their income is below the subsistence level, including indigents, should be entitled to care as insured persons, the contribution being paid on their behalf by the competent authority. Rules defining the subsistence level in each country should be laid down by the competent authority.

*Formes du service de soins médicaux*

5. Les soins médicaux devraient être fournis soit par un service de soins médicaux relevant de l'assurance sociale, complété par l'assistance sociale en ce qui concerne les besoins de personnes nécessiteuses qui ne bénéficient pas encore de l'assurance sociale, soit par un service public de soins médicaux.

6. Lorsque les soins médicaux sont fournis par un service d'assurance sociale :

a) tout assuré cotisant, son conjoint à charge et ses enfants à charge, et toutes autres personnes à sa charge déterminées par la législation nationale, ainsi que toute autre personne assurée en vertu de cotisations payées pour son compte, devraient avoir droit à tous les soins fournis par le service;

b) les personnes non encore assurées, si elles ne sont pas en état de se procurer des soins médicaux à leurs propres frais, devraient en recevoir par voie d'assistance sociale;

c) le service devrait être financé par les cotisations des assurés et de leurs employeurs, ainsi que par des subventions provenant de fonds publics.

7. Lorsque les soins médicaux sont fournis par un service public de soins médicaux :

a) chaque membre de la communauté devrait avoir droit à tous les soins fournis par le service;

b) le service devrait être financé au moyen de fonds provenant soit d'une taxe progressive prélevée spécialement en vue d'entretenir le service de soins médicaux ou tous les services de santé, soit des revenus généraux.

## II. CHAMP D'APPLICATION

### *Extension du service à la population entière*

8. Le service des soins médicaux devrait englober tous les membres de la communauté, qu'ils exercent ou non une occupation lucrative.

9. Lorsque le service est limité à une catégorie de la population ou à une région déterminée, ou lorsqu'un régime contributif est déjà en vigueur pour d'autres branches d'assurance sociale et qu'il est possible d'étendre l'assurance ultérieurement à l'ensemble ou à la majorité de la population, l'assurance sociale serait indiquée.

10. Lorsque la population entière doit être englobée dans le service de soins médicaux, et si l'on désire amalgamer ce service avec les services généraux de santé un service public serait indiqué.

### *Administration des soins médicaux par un service relevant de l'assurance sociale*

11. Lorsque les soins médicaux sont fournis par un service d'assurance sociale, tous les membres de la communauté devraient avoir droit aux soins fournis en qualité d'assurés, ou, en attendant qu'ils soient englobés dans le régime d'assurance, devraient avoir droit à recevoir des soins aux frais de l'autorité compétente s'ils ne sont pas à même de s'en procurer à leurs propres frais.

12. Tous les membres adultes de la communauté (c'est-à-dire toutes les personnes à l'exception des enfants, suivant la définition du paragraphe 15) dont le revenu n'est pas au-dessous du minimum d'existence, devraient être astreints à verser des cotisations d'assurance; le conjoint à charge d'un cotisant devrait être assuré en vertu de la cotisation du soutien de famille sans que la cotisation soit augmentée à ce titre.

13. Les autres adultes qui justifient du fait que leur revenu est au-dessous du minimum d'existence, y compris les indigents, devraient avoir droit aux soins médicaux en qualité d'assuré, la cotisation d'assurance étant payée pour leur compte par l'autorité compétente. L'autorité compétente dans chaque pays devrait déterminer le minimum d'existence.

14. If and so long as adults unable to pay a contribution are not insured as provided for in paragraph 13, they should receive care at the expense of the competent authority.

15. All children (that is to say, all persons who are under the age of 16 years, or such higher age as may be prescribed, or who are dependent on others for regular support while continuing their general or vocational education) should be insured in virtue of the contributions paid by or on behalf of adult insured persons in general, and no additional contribution should be payable on their behalf by their parents or guardians.

16. If and so long as children are not insured as provided for in paragraph 15, because the service does not yet extend to the whole population, they should be insured in virtue of the contribution paid by or on behalf of their father or mother without any additional contribution being payable on their behalf. Children for whom medical care is not so provided should, in case of need, receive it at the expense of the competent authority.

17. Where any person is insured under a scheme of social insurance for cash benefits or is receiving benefit under such a scheme, he and his qualified dependants as defined in paragraph 6, should also be insured under the medical care service.

#### *Coverage Through a Public Medical Care Service*

18. Where medical care is provided through a public medical care service, the provision of care should not depend on any qualifying conditions, such as payment of taxes or compliance with a means test and all beneficiaries should have an equal right to the care provided.

### III. THE PROVISION OF MEDICAL CARE AND ITS CO-ORDINATION WITH GENERAL HEALTH SERVICES

#### *Range of Service*

19. Complete preventive and curative care should be constantly available, rationally organised and, so far as possible, co-ordinated with general health services.

#### *Constant Availability of Complete Care*

20. Complete preventive and curative care should be available at any time and place to all members of the community covered by the service, on the same conditions, without any hindrance or barrier of an administrative, financial or political nature, or otherwise unrelated to their health.

21. The care afforded should comprise both general-practitioner and specialist out- and in-patient care, including domiciliary visiting; dental care; nursing care at home or in hospital or other medical institutions; the care given by qualified midwives and other maternity services at home or in hospital; maintenance in hospitals, convalescent homes, sanatoria or other medical institutions; so far as possible, the requisite dental, pharmaceutical and other medical or surgical supplies, including artificial limbs; and the care furnished by such other professions as may at any time be legally recognised as belonging to the allied professions.

22. All care and supplies should be available at any time and without time limit when and as long as they are needed, subject only to the doctor's judgment and to such reasonable limitations as may be imposed by the technical organisation of the service.

14. Aussi longtemps que des adultes qui ne sont pas à même de payer une cotisation ne sont pas assurés sous le régime prévu au paragraphe 13, ils devraient recevoir des soins aux frais de l'autorité compétente.

15. Tous les enfants (c'est-à-dire les personnes au-dessous de l'âge de seize ans ou d'un âge plus élevé qui pourrait être déterminé, ou qui sont à la charge d'autrui pour leur entretien normal tandis qu'ils poursuivent leurs études générales ou professionnelles) devraient être assurés en vertu des cotisations payées par des assurés adultes en général, ou pour leur compte, sans qu'une cotisation supplémentaire soit exigée pour eux de leurs parents ou tuteurs.

16. Aussi longtemps que les enfants ne sont pas assurés sous le régime prévu au paragraphe 15 parce que le service ne s'étend pas encore à toute la population, ils devraient être assurés en vertu de la cotisation versée par leur père ou leur mère, ou pour le compte de ceux-ci, sans qu'une cotisation supplémentaire soit exigée à ce titre; les enfants pour lesquels les soins médicaux ne sont pas fournis de ce chef devraient, en cas de besoin, les recevoir aux frais de l'autorité compétente.

17. Quiconque est assuré sous un régime d'assurance sociale pour des prestations en espèces ou reçoit des prestations sous un tel régime, devrait également, ainsi que les personnes à charge, telles que définies au paragraphe 6, être assuré sous le régime du service de soins médicaux.

#### *Administration des soins médicaux par un service public*

18. Lorsque les soins médicaux sont fournis par un service public de soins médicaux, l'administration des soins ne devrait être subordonnée à aucune condition d'attribution, telle que paiement d'impôts ou examen des ressources, et tous les membres de la communauté devraient avoir le même droit aux soins offerts.

### III. ADMINISTRATION DES SOINS MEDICAUX ET COORDINATION AVEC LES SERVICES GENERAUX DE SANTE

#### *Etendue du service*

19. Les bénéficiaires du service devraient pouvoir en tout temps recevoir des soins préventifs et curatifs complets, organisés d'une façon rationnelle et coordonnés dans toute la mesure du possible avec les services généraux de santé.

#### *Possibilité permanente de recevoir des soins complets*

20. Tous les membres de la communauté englobés dans le service devraient pouvoir en tout temps et lieu bénéficier de soins préventifs et curatifs complets sous les mêmes conditions et sans obstacles ou entraves de nature administrative, financière ou politique, ni autres sans relation avec leur état de santé.

21. Les soins fournis devraient comprendre les soins de praticiens de médecine générale et de spécialistes à des personnes hospitalisées ou non hospitalisées (y compris les soins à domicile); les soins dentaires; les soins d'infirmières soit à domicile, soit dans un hôpital ou dans toute autre institution médicale; les soins donnés par des sages-femmes diplômées et autres services de maternité, à domicile ou dans un hôpital; l'entretien dans un hôpital, une maison de convalescence, un sanatorium ou autre institution médicale; dans toute la mesure du possible, toutes fournitures dentaires, pharmaceutiques et autres fournitures médicales ou chirurgicales qui seraient nécessaires (y compris les appareils de prothèse), et les soins fournis par toute autre personne qui aura été légalement reconnue comme appartenant aux professions connexes.

22. Tous soins et fournitures devraient être à la disposition des intéressés en tout temps et sans limite de durée aussi longtemps qu'ils sont nécessaires, et n'être subordonnés qu'au jugement du médecin et à telles restrictions raisonnables que peut imposer l'organisation technique du service.

23. Beneficiaries should be able to obtain care at the centres or offices provided, wherever they happen to be when the need arises, whether at their place of residence or elsewhere within the total area in which the service is available, irrespective of their membership in any particular insurance institution, arrears in contributions or of other factors unrelated to health.

24. The administration of the medical care service should be unified for appropriate health areas sufficiently large for a self-contained and well-balanced service, and should be centrally supervised.

25. Where the medical care service covers only a section of the population or is at present administered by different types of insurance institutions and authorities, the institutions and authorities concerned should provide care for their beneficiaries by securing collectively the services of members of the medical and allied professions, and by the joint establishment or maintenance of health centres and other medical institutions, pending the regional and national unification of the services.

26. Arrangements should be made by the administration of the service for securing adequate hospital and other residential accommodation and care, either by contracts with existing public and approved private institutions, or by the establishment and maintenance of appropriate institutions.

#### *Rational Organisation of Medical Care Service*

27. The optimum of medical care should be made readily available through an organisation that ensures the greatest possible economy and efficiency by the pooling of knowledge, staff, equipment and other resources and by close contact and collaboration among all participating members of the medical and allied professions and agencies.

28. The wholehearted participation of the greatest possible number of members of the medical and allied professions is essential for the success of any national medical care service. The numbers of general practitioners, specialists, dentists, nurses and members of other professions within the service should be adapted to the distribution and the needs of the beneficiaries.

29. Complete diagnostic and treatment facilities, including laboratory and X-ray services, should be available to the general practitioner, and all specialist advice and care, as well as nursing, maternity, pharmaceutical and other auxiliary services, and residential accommodation, should be at the disposal of the general practitioner for the use of his patients.

30. Complete and up-to-date technical equipment for all branches of specialist treatment, including dental care, should be available, and specialists should have at their disposal all necessary hospital and research facilities, and auxiliary out-patient services such as nursing, through the agency of the general practitioner.

31. To achieve these aims, care should preferably be furnished by group practice at centres of various kinds working in effective relation with hospitals.

32. Pending the establishment of, and experiments with, group practice at medical or health centres, it would be appropriate to obtain care for beneficiaries from members of the medical and allied professions practising at their own offices.

23. Les bénéficiaires devraient être à même de recevoir les soins aux centres ou aux cabinets de consultation dont dispose le service, à quelque endroit qu'ils se trouvent lorsqu'ils en ont besoin, que ce soit au lieu de leur domicile ou à tout autre endroit dans la région où le service fonctionne sans qu'il soit tenu compte du fait qu'ils sont ou non affiliés à une institution d'assurance déterminée, des cotisations arriérées ou d'autres facteurs sans relation avec leur état de santé.

24. La gestion du service de soins médicaux devrait être unifiée pour des régions sanitaires judicieusement délimitées, suffisamment vastes pour permettre l'établissement d'un service formant un ensemble complet et bien équilibré et surveillée par une autorité centrale.

25. Lorsque le service de soins médicaux ne s'applique qu'à une catégorie de la population, ou est actuellement géré par des institutions et autorités d'assurance de caractères divers, les soins devraient être assurés en ayant recours, par l'action collective de ces institutions et autorités, au service des membres de la profession médicale et des professions connexes ainsi qu'au moyen de l'établissement ou de l'entretien en commun de centres sanitaires et d'autres institutions médicales, en attendant que les divers services soient unifiés sur le plan régional et national.

26. Des dispositions devraient être prises par l'organe de gestion du service pour assurer aux bénéficiaires le logement et les soins dans un hôpital ou autre institution médicale, soit au moyen de contrats avec des institutions médicales publiques ou avec des institutions médicales privées agréées, soit par l'établissement et l'entretien d'institutions appropriées.

#### *Organisation rationnelle du service de soins médicaux*

27. L'optimum de soins médicaux devrait être mis à la portée des bénéficiaires du service au moyen d'une organisation assurant la plus grande économie et efficacité possible par la mise en commun des connaissances, du personnel, de l'équipement et des autres ressources du service, ainsi que par un contact et une collaboration étroite entre tous les membres de la profession médicale et des professions connexes et les autres organes collaborant au service.

28. La participation sans réserve du plus grand nombre possible de membres de la profession médicale et des professions connexes est indispensable au succès d'un service national de soins médicaux. Le nombre de praticiens de médecine générale, de spécialistes, de dentistes, d'infirmières et de membres d'autres professions collaborant au service devrait être adapté à la répartition et aux besoins des bénéficiaires.

29. Les praticiens de médecine générale devraient avoir à leur disposition tout l'outillage nécessaire à l'établissement du diagnostic et à l'administration de soins, y compris des services de laboratoire et services radiologiques; les conseils et soins de spécialistes, des services d'infirmières et de sages-femmes, des services pharmaceutiques et autres services auxiliaires ainsi que des possibilités d'hospitalisation devraient être à la disposition du praticien de médecine générale à l'usage de ses malades.

30. Le service devrait disposer d'un outillage technique complet et moderne pour toutes les spécialités, y compris les soins dentaires; il devrait offrir aux spécialistes toutes facilités pour travailler dans les hôpitaux et se livrer à des recherches, et mettre à leur disposition tous services auxiliaires pour malades non hospitalisés, tels que soins d'infirmières, par l'intermédiaire du praticien de médecine générale.

31. Pour atteindre ces buts, les soins devraient, de préférence, être donnés par voie de collaboration médicale dans des centres de divers genres fonctionnant en relation effective avec les hôpitaux.

32. En attendant que la collaboration médicale aux centres médicaux ou sanitaires soit établie et expérimentée, il serait indiqué de faire donner les soins médicaux aux bénéficiaires du service par des membres de la profession médicale et des professions connexes pratiquant dans leurs propres cabinets de consultation.

33. Where the medical care service covers the majority of the population, medical or health centres may appropriately be built, equipped and operated by the authority administering the service in the health area, in one of the forms indicated in paragraphs 34, 35 and 36.

34. Where no adequate facilities exist or where a system of hospitals with out-patient departments for general-practitioner and specialist treatment already obtains in the health area at the time when the medical care service is introduced, hospitals may appropriately be established as, or developed into, centres providing all kinds of in- and out-patient care and complemented by local out-posts for general-practitioner care and for auxiliary services.

35. Where general practice is well developed outside the hospital system while specialists are mainly consultants and working at hospitals, it may be appropriate to establish medical or health centres for non-residential general-practitioner care and auxiliary services, and to centralise specialist in-patient and out-patient care at hospitals.

36. Where general and specialist practice are well developed outside the hospital system, it may be appropriate to establish medical or health centres for all non-residential treatment, general-practitioner and specialist, and all auxiliary services, while cases needing residential care are directed from the centres to the hospitals.

37. Where the medical care service does not cover the majority of the population but has a substantial number of beneficiaries, and existing hospital and other medical facilities are inadequate, the insurance institution, or insurance institutions jointly, should establish a system of medical or health centres which affords all care, including hospital accommodation at the main centres, and, so far as possible, transport arrangements; such centres may be required more particularly in sparsely settled areas with a scattered insured population.

38. Where the medical care service covers too small a section for complete health centres to be an economical means of serving its beneficiaries, and existing facilities for specialist treatment in the area are inadequate, it may be appropriate for the insurance institution, or the institutions jointly, to maintain posts at which specialists attend beneficiaries as required.

39. Where the medical care service covers a relatively small section of the population concentrated in an area with extensive private practice, it may be appropriate for the members of the medical and allied professions participating in the service to collaborate at centres rented, equipped and administered by the members, at which both beneficiaries of the service and private patients receive care.

40. Where the medical care service covers only a small number of beneficiaries who are scattered over a populated area with adequate existing facilities, and voluntary group practice as provided for in paragraph 39 is not feasible, beneficiaries may appropriately receive care from members of the medical and allied professions practising at their own offices, and at public and approved private hospitals and other medical institutions.

41. Travelling clinics in motor vans or aircraft, equipped for first-aid, dental treatment, general examination and possibly other health services such as maternal and infant health services, should be provided for serving areas with a scattered population and remote from towns or cities, and arrangements should be made for the free conveyance of patients to centres and hospitals.



33. Lorsque le service de soins médicaux englobe la majorité de la population, il serait indiqué que des centres médicaux ou sanitaires soient construits, équipés et dirigés par l'autorité qui gère le service dans la région sanitaire, sous l'une ou l'autre des formes indiquées dans les paragraphes 34, 35 et 36.

34. Lorsqu'il n'existe pas de possibilités suffisantes d'obtenir des soins médicaux ou lorsqu'il existe déjà, au moment de l'institution du service de soins médicaux, un système régional d'hôpitaux avec dispensaires pour médecine générale et soins de spécialistes, il serait indiqué que des hôpitaux soient établis comme centres fournissant tous les soins hospitaliers et non hospitaliers, ou que les hôpitaux existants soient transformés en de tels centres, et que, dans les deux cas, les hôpitaux soient complétés par des postes locaux pour médecine générale et services auxiliaires.

35. Si la pratique de la médecine générale est suffisamment développée en dehors du système hospitalier, tandis que les spécialistes sont établis surtout comme conseillers médicaux et travaillent pour les hôpitaux, il serait indiqué d'établir des centres médicaux ou sanitaires fournissant les soins de médecine générale et tous services auxiliaires aux malades non hospitalisés, et de centraliser dans les hôpitaux tous soins de spécialistes, administrés aux malades hospitalisés ou non hospitalisés.

36. Lorsque la pratique de la médecine générale et la pratique de spécialistes sont suffisamment développées en dehors du système hospitalier, il serait indiqué d'établir des centres médicaux ou sanitaires fournissant tous soins aux malades non hospitalisés, y compris les soins de praticiens de médecine générale et de spécialistes, et tous services auxiliaires, avec renvoi aux hôpitaux des cas qui exigent un traitement hospitalier.

37. Lorsque le service de soins médicaux ne couvre pas la majorité de la population, mais atteint un nombre considérable de personnes, et lorsque les possibilités d'obtenir l'hospitalisation et d'autres soins médicaux sont insuffisantes, l'institution d'assurance, ou les institutions d'assurance en commun, devraient établir un système de centres médicaux ou sanitaires fournissant tous soins, y compris l'hospitalisation, aux centres principaux, ainsi que dans toute la mesure du possible des moyens de transport; l'établissement de tels centres serait nécessaire surtout si les assurés sont dispersés dans des régions à population clairsemée.

38. Lorsque le champ d'application du service de soins médicaux est trop restreint pour que l'organisation de centres sanitaires complets destinés aux bénéficiaires du service constitue un moyen économique de pourvoir à leurs besoins et que les possibilités d'obtenir les soins de spécialistes sont insuffisantes dans le rayon du service, il serait indiqué que l'institution d'assurance, ou les institutions d'assurance en commun, entretiennent des postes où des spécialistes donneraient leurs soins aux bénéficiaires selon les besoins.

39. Lorsque le service de soins médicaux ne couvre qu'une fraction relativement faible de la population concentrée dans une région où la pratique privée a acquis une extension considérable, il serait indiqué que les membres de la profession médicale et des professions connexes participant au service collaborent dans des centres loués, installés et gérés par eux-mêmes, où les bénéficiaires du service comme la clientèle privée pourraient recevoir des soins.

40. Lorsque le service de soins médicaux ne couvre qu'un petit nombre de bénéficiaires dispersés dans une région à population dense où les possibilités d'obtenir des soins sont suffisantes, et lorsqu'une collaboration médicale volontaire, telle que prévue au paragraphe 39, n'est pas possible, il serait indiqué que les bénéficiaires reçoivent des soins de membres de la profession médicale et des professions connexes pratiquant dans leurs propres cabinets de consultation, ainsi que dans les hôpitaux ou autres institutions médicales, soit publics, soit privés et agréés.

41. Un service de cliniques ambulantes motorisées ou installées dans des avions, équipées en vue des premiers secours, de traitements dentaires et de visites générales, ainsi que, le cas échéant, d'autres services de santé tels que services sanitaires pour les mères et nourrissons, devraient être organisés dans les régions à population dispersée et éloignée des villes, et des arrangements en vue du transport gratuit des malades aux centres et hôpitaux devraient être prévus.

*Collaboration with General Health Services*

42. There should be available to the beneficiaries of the medical care service all general health services, being services providing means for the whole community and/or groups of individuals to promote and protect their health while it is not yet threatened or known to be threatened, whether such services be given by members of the medical and allied professions or otherwise.

43. The medical care service should be provided in close co-ordination with general health services, either by means of close collaboration of the social insurance institutions providing medical care and the authorities administering the general health services, or by combining medical care and general health services in one public service.

44. Local co-ordination of medical care and general health services should be aimed at either by establishing medical care centres in proximity to the headquarters for general health services, or by establishing common centres as headquarters for all or most health services.

45. The members of the medical and allied professions participating in the medical care service and working at health centres may appropriately undertake such general health care as can with advantage be given by the same staff, including immunisation, examination of school children and other groups, advice to expectant mothers and mothers with infants, and other care of a like nature.

#### IV. THE QUALITY OF SERVICE

##### *Optimum Standard*

46. The medical care service should aim at providing the highest possible standard of care, due regard being paid to the importance of the doctor-patient relationship and the professional and personal responsibility of the doctor, while safeguarding both the interests of the beneficiaries and those of the professions participating.

##### *Choice of Doctor and Continuity of Care*

47. The beneficiary should have the right to make an initial choice, among the general practitioners at the disposal of the service within a reasonable distance from his home, of the doctor by whom he wishes to be attended in a permanent capacity (family doctor); he should have the same right of choice for his children. These principles should also apply to the choice of a dentist as family dentist.

48. Where care is provided at or from health centres, the beneficiary should have the right to choose his centre within a reasonable distance from his home and to select for himself or his children a doctor and a dentist among the general practitioners and dentists working at this centre.

49. Where there is no centre, the beneficiary should have the right to select his family doctor and dentist among the participating general practitioners and dentists whose office is within a reasonable distance from his home.

50. The beneficiary should have the right subsequently to change his family doctor or dentist, subject to giving notice within a prescribed time, for good reasons, such as lack of personal contact and confidence.

51. The general practitioner or the dentist participating in the service should have the right to accept or refuse a client, but may not accept a number in excess of a prescribed maximum nor refuse such clients as have not made their own choice and are assigned to him by the service through impartial methods.

*Collaboration avec les services généraux de santé*

42. Les bénéficiaires du service de soins médicaux devraient avoir à leur disposition tous services généraux de santé, c'est-à-dire des services fournissant à toute la communauté, ou à des groupes de personnes, les moyens d'améliorer et de protéger leur santé avant qu'elle soit menacée ou qu'il se révèle qu'elle est menacée, ces services étant assurés par les membres de la profession médicale et des professions connexes ou autrement.

43. Le service de soins médicaux devrait être assuré en coordination étroite avec les services généraux de santé, soit au moyen d'une collaboration étroite des institutions d'assurance sociale qui fournissent les soins médicaux et des autorités chargées des services généraux de santé, soit en unifiant les services de soins médicaux et les services généraux de santé en un seul service public.

44. Il conviendrait de viser à une coordination locale des services de soins médicaux et des services généraux de santé, soit en établissant les centres pour soins médicaux à proximité des sièges centraux des services généraux de santé, soit en établissant des centres communs comme sièges de l'ensemble ou de la plupart des services de santé.

45. Les membres de la profession médicale et des professions connexes collaborant au service de soins médicaux et travaillant aux centres médicaux pourraient utilement être appelés à fournir les soins généraux de santé qui peuvent être donnés avantageusement par le même personnel, y compris l'immunisation, l'examen d'écoliers et d'autres groupes de personnes, les conseils donnés aux femmes enceintes et aux mères avec nourrissons, ainsi que d'autres soins de cette nature.

#### IV. QUALITE DU SERVICE

##### *Niveau optimum du service de soins médicaux*

46. Le service de soins médicaux devrait viser à fournir des soins de la meilleure qualité possible, en prenant dûment en considération l'importance des relations entre médecin et malade et de la responsabilité professionnelle et personnelle du médecin, et en protégeant en même temps les intérêts tant des bénéficiaires que des professions collaborant au service.

##### *Choix du médecin et continuité des soins*

47. Le bénéficiaire devrait avoir le droit de choisir, parmi les praticiens de médecine générale qui sont à la disposition du service et à une distance raisonnable de son domicile, le médecin par lequel il désire être soigné d'une façon permanente (médecin de famille); il devrait avoir le même droit de choisir le médecin pour ses enfants. Ces principes devraient également s'appliquer au choix d'un dentiste de famille.

48. Lorsque les soins sont fournis par des centres sanitaires, le bénéficiaire devrait avoir le droit de choisir son centre à une distance raisonnable de son domicile et de choisir, pour lui-même, et pour ses enfants, un médecin et un dentiste parmi les praticiens de médecine générale et les dentistes qui travaillent à ce centre.

49. A défaut de centre sanitaire, le bénéficiaire devrait avoir le droit de choisir son médecin et son dentiste de famille parmi les praticiens de médecine générale et les dentistes collaborant au service, dont les cabinets de consultation se trouvent à une distance raisonnable de son domicile.

50. Le bénéficiaire devrait avoir le droit de changer de médecin ou de dentiste de famille à la condition de donner un préavis dans le délai prévu à cet effet, pour des raisons valables, telles que l'absence de contact personnel et de confiance entre lui et le médecin.

51. Le praticien de médecine générale ou le dentiste collaborant au service devrait avoir le droit d'accepter ou de refuser un client, mais ne pourrait accepter un nombre de clients dépassant un maximum prescrit, ni refuser des clients qui n'auraient pas fait leur propre choix et lui seraient assignés par le service selon des méthodes impartiales.

52. The care given by specialists and members of allied professions, such as nurses, midwives, masseurs and others, should be available on the recommendation, and through the agency, of the beneficiary's family doctor who should take reasonable account of the patient's wishes if several members of the speciality or other profession are available at the centre or within a reasonable distance of the patient's home. Special provision should be made for the availability of the specialist when requested by the patient though not recommended by the family doctor.

53. Residential care should be made available on the recommendation of the beneficiary's family doctor, or on the advice of the specialist, if any, who has been consulted.

54. If residential care is provided at the centre to which the family doctor or specialist is attached, the patient should preferably be attended in the hospital by his own family doctor or the specialist to whom he was referred.

55. Arrangements for the general practitioners or dentists at a centre to be consulted by appointment should be made whenever practicable.

#### *Working Conditions and Status of Doctors and Members of Allied Professions*

56. The working conditions of doctors and members of allied professions participating in the service should be designed to relieve the doctor or member from financial anxiety by providing adequate income during work, leave and illness and in retirement, and pensions to his survivors, without restricting his professional discretion otherwise than by professional supervision, and should not be such as to distract his attention from the maintenance and improvement of the health of the beneficiaries.

57. General practitioners, specialists and dentists, working for a medical care service covering the whole or a large majority of the population, may appropriately be employed whole time for a salary, with adequate provision for leave, sickness, old age and death, if the medical profession is adequately represented on the body employing them.

58. Where general practitioners or dentists, engaged in private practice, undertake part-time work for a medical care service with a sufficient number of beneficiaries, it may be appropriate to pay them a fixed basic amount per year, including provision for leave, sickness, old age and death, and increased if desired by a capitation fee for each person or family in the doctor's or dentist's charge.

59. Specialists engaged in private practice who work part time for a medical care service with a considerable number of beneficiaries may appropriately be paid an amount proportionate to the time devoted to such service (part-time salary).

60. Doctors and dentists engaged in private practice who work part time for a medical care service with few beneficiaries only may appropriately be paid fees for services rendered.

61. Among the members of allied professions participating in the service, those rendering personal care may appropriately be employed whole time for salary, with adequate provision for leave, sickness, old age and death, while members furnishing supplies should be paid in accordance with adequate tariffs.

52. Les soins donnés par des spécialistes et des membres de professions connexes, tels qu'infirmières, sages-femmes, masseurs et autres, devraient être fournis sur le conseil et par l'intermédiaire du médecin de famille, qui devrait tenir compte dans la mesure du possible des préférences du malade si plusieurs membres de la spécialité ou de la profession en question travaillent au centre sanitaire ou à une distance raisonnable du domicile du malade. Des dispositions spéciales devraient être prises en vue de fournir des soins de spécialistes réclamés par le malade, mais non conseillés par le médecin de famille.

53. Des soins hospitaliers devraient être fournis sur le conseil du médecin de famille du bénéficiaire, ou sur l'avis du spécialiste qui aurait été consulté.

54. Si les soins hospitaliers sont fournis au centre même auquel le médecin de famille ou le spécialiste est attaché, le malade devrait de préférence être soigné à l'hôpital par son propre médecin de famille ou par le spécialiste qui lui aurait été désigné.

55. Autant que possible, des dispositions devraient être prises pour permettre la consultation sur rendez-vous de praticiens de médecine générale et de dentistes travaillant au centre sanitaire.

*Conditions de travail et statut des médecins et des membres des professions connexes*

56. Les conditions de travail des médecins et membres de professions connexes collaborant au service devraient viser à écarter du médecin ou autre collaborateur tous soucis d'ordre financier, en lui assurant un revenu suffisant pendant les périodes d'activité, de congé et de maladie, ainsi que dans la retraite, et en garantissant des pensions à ses survivants, sans restreindre sa liberté de décision en matière professionnelle autrement que par une surveillance professionnelle; les conditions ne devraient pas être telles que l'attention du médecin ou autre collaborateur soit détournée de sa tâche, consistant à maintenir et améliorer la santé des bénéficiaires.

57. Il serait indiqué que les praticiens de médecine générale, les spécialistes et les dentistes travaillant pour un service de soins médicaux qui englobe l'ensemble ou une large majorité de la population, soient employés à plein temps moyennant un traitement, avec garanties suffisantes en matière de congés, de maladie, de vieillesse et de décès, à condition que la profession médicale soit représentée de manière suffisante dans l'organe qui les emploie.

58. Lorsque des praticiens de médecine générale ou des dentistes soignant une clientèle privée travaillent à temps réduit pour un service de soins médicaux comptant un nombre suffisant de bénéficiaires, il serait indiqué de leur payer un montant de base fixe par an, en leur accordant des garanties suffisantes en matière de congés, de maladie, de vieillesse et de décès, ce montant étant augmenté, si cela est jugé désirable, par un honoraire fixe pour chaque personne ou famille confiée aux soins du médecin ou dentiste.

59. Lorsque des spécialistes soignant une clientèle privée travaillent à temps réduit pour un service de soins médicaux comptant un nombre appréciable de bénéficiaires, il serait indiqué de les rémunérer par un montant proportionnel aux heures de travail consacrées au service (traitement à temps réduit).

60. Lorsque des médecins et dentistes soignant une clientèle privée travaillent à temps réduit pour un service de soins médicaux qui ne compte qu'un petit nombre de bénéficiaires, il serait indiqué de les rémunérer par acte médical.

61. Il serait indiqué que, parmi les membres des professions connexes collaborant au service, ceux qui fournissent des soins personnels soient employés à plein temps moyennant un traitement, avec des garanties suffisantes en matière de congés, de maladie, de vieillesse et de décès; les membres de ces professions assurant un service de fournitures devraient être payés selon des tarifs suffisants.

62. Working conditions for members of the medical and allied professions participating in the service should be uniform throughout the country or for all sections covered by the service, and agreed on with the representative bodies of the profession, subject only to such variations as may be necessitated by differences in the exigencies of the service.

63. Provision should be made for the submission of complaints by beneficiaries, concerning the care received and by members of the medical or allied professions concerning their relations with the administration of the service, to appropriate arbitration bodies under conditions affording adequate guarantees to all parties concerned.

64. The professional supervision of the members of the medical and allied professions working for the service should be entrusted to bodies predominantly composed of representatives of the professions participating with adequate provision for disciplinary measures.

65. Where, in the proceedings referred to in paragraph 63, a member of the medical or allied professions working for the service is deemed to have neglected his professional duties, the arbitration body should refer the matter to the supervisory body referred to in paragraph 64.

#### *Standard of Professional Skill and Knowledge*

66. The highest possible standard of skill and knowledge should be achieved and maintained for the professions participating both by requiring high standards of education, training and licensing and by keeping up to date and developing the skill and knowledge of those engaged in the service.

67. Doctors participating in the service should be required to have an adequate training in social medicine.

68. Students of the medical and dental professions should, before being admitted as fully qualified doctors or dentists to the service, be required to work as assistants at health centres or offices, especially in rural areas, under the supervision and direction of more experienced practitioners.

69. A minimum period as hospital assistant should be prescribed among the qualifications for every doctor entering the service.

70. Doctors wishing to furnish specialist service should be required to have certificates of competence for their speciality.

71. Doctors and dentists participating should be required periodically to attend post-graduate courses organised or approved for this purpose.

72. Adequate periods of apprenticeship at hospitals or health centres should be prescribed for members of allied professions, and post-graduate courses should be organised and attendance periodically required for those participating in the service.

73. Adequate facilities for teaching and research should be made available at the hospitals administered by or working with the medical care service.

74. Professional education and research should be promoted with the financial and legal support of the State.

### V. FINANCING OF MEDICAL CARE SERVICE

#### *Raising of Funds Under Social Insurance Service*

75. The maximum contribution that may be charged to an insured person should not exceed such proportion of his income as, applied to the income of all insured persons, would yield an income equal to the probable total cost of the medical care service, including the cost of care given to qualified dependants as defined in paragraph 6.

62. Les conditions de travail des membres de la profession médicale et des professions connexes collaborant au service devraient être uniformes pour tout le pays ou pour toutes les catégories de la population englobées par le service, et devraient être fixées d'accord avec les organes représentatifs de la profession respective; des variations ne pourraient être admises que lorsque la diversité des exigences du service le demandera.

63. Une procédure devrait être prévue pour permettre aux bénéficiaires de présenter des réclamations concernant les soins reçus, et aux membres de la profession médicale et des professions connexes de présenter des réclamations concernant leurs relations avec la gestion du service, devant l'organisme d'arbitrage approprié, dans des conditions présentant des garanties suffisantes pour tous les intéressés.

64. La surveillance professionnelle des membres de la profession médicale et des professions connexes travaillant pour le service devrait être confiée à des organes comprenant surtout des représentants des professions collaborant au service, et comporter des mesures disciplinaires.

65. Lorsque, au cours de la procédure visée au paragraphe 63, un membre de la profession médicale ou des professions connexes travaillant pour le service est accusé d'une faute dans l'accomplissement de ses devoirs professionnels, l'organisme d'arbitrage devrait référer l'affaire à l'organe de surveillance visé au paragraphe 64.

#### *Conditions d'habileté et de connaissances professionnelles*

66. Il conviendrait d'atteindre et de maintenir le plus haut niveau possible d'habileté et de connaissances dans les professions collaborant au service, en exigeant des conditions rigoureuses de formation scientifique et pratique ainsi que d'admission à la profession et en veillant à ce que ceux qui collaborent au service entretiennent et développent leur habileté et leurs connaissances.

67. Les médecins participant au service devraient avoir une formation suffisante en matière de médecine sociale.

68. Les étudiants en médecine et en chirurgie dentaire devraient, avant d'être admis au service de soins médicaux en qualité de médecins ou dentistes pleinement qualifiés, être astreints à travailler en qualité d'assistants aux centres sanitaires ou cabinets de consultations, surtout dans des régions rurales, sous la surveillance et la direction de praticiens expérimentés.

69. Un stage minimum d'assistant dans un hôpital devrait être prescrit parmi les qualifications à exiger de tout médecin désirant collaborer au service.

70. Il devrait être exigé des médecins désirant être admis comme spécialistes dans le service un certificat de compétence dans la spécialité en cause.

71. Les médecins et dentistes collaborant au service devraient être tenus de participer périodiquement à des cours post-universitaires organisés ou approuvés à cet effet.

72. Il devrait être prescrit des stages suffisants d'apprentissage dans les hôpitaux ou aux centres sanitaires pour les membres des professions connexes et organisé des cours post-universitaires, avec obligation de participation périodique, pour ceux qui collaborent au service.

73. Les hôpitaux gérés par le service médical ou collaborant avec ce service devraient fournir des facilités pour permettre les recherches scientifiques et l'instruction médicale.

74. La formation professionnelle et les recherches scientifiques devraient être encouragées par une aide financière de l'Etat et par la législation.

#### V. FINANCEMENT DU SERVICE DE SOINS MEDICAUX

##### *Constitution de fonds pour financer un service d'assurance sociale*

75. La cotisation maximum à percevoir d'un assuré ne devrait pas dépasser le pourcentage de son revenu qui, appliqué aux revenus de tous les assurés, fournirait un revenu égal au coût total présumé du service de soins médicaux, y compris le coût des soins donnés aux personnes à charge, telles que définies au paragraphe 6.

76. The contribution paid by an insured person should be such part of the maximum contribution as can be borne without hardship.

77. Employers should be required to pay part of the maximum contribution on behalf of persons employed by them.

78. Persons whose income does not exceed the subsistence level should not be required to pay an insurance contribution. Equitable contributions should be paid by the public authority on their behalf: Provided that in the case of employed persons, such contributions may be paid wholly or partly by their employers.

79. The cost of the medical care service not covered by contributions should be borne by taxpayers.

80. Contributions in respect of employed persons may appropriately be collected by their employers.

81. Where membership of an occupational association or the possession of a licence is compulsory for any class of self-employed persons, the association or the licensing authority may be made responsible for collecting contributions from the persons concerned.

82. The national or local authority may be made responsible for collecting contributions from self-employed persons registered for the purpose of taxation.

83. Where a scheme of social insurance for cash benefits is in operation, contributions both under such scheme and under the medical care service may appropriately be collected together.

#### *Raising of Funds under Public Medical Care Service*

84. The cost of the medical care service should be met out of public funds.

85. Where the whole population is covered by the medical care service and all health services are under unified central and area administration, the medical care service may appropriately be financed out of general revenue.

86. Where the administration of the medical care service is separate from that of general health services, it may be appropriate to finance the medical care service by a special tax.

87. The special tax should be paid into a separate fund reserved for the purpose of financing the medical care service.

88. The special tax should be progressively graded and should be designed to yield a return sufficient for financing the medical care service.

89. Persons whose income does not exceed the subsistence level should not be required to pay the tax.

90. The special tax may appropriately be collected by the national income tax authorities or, where there is no national income tax, by authorities responsible for collecting local taxes.

#### *Raising of Capital Funds*

91. In addition to providing the normal resources for financing the medical care service, measures should be taken to utilise the assets of social insurance institutions, or funds raised by other means, for financing the extraordinary expenditure necessitated by the extension and improvement of the service, more particularly by the building or equipment of hospitals and medical centres.



76. La cotisation payée par chaque assuré devrait représenter la fraction de la cotisation maximum qu'il peut payer sans que cela constitue pour lui une charge excessive.

77. Les employeurs devraient être astreints à payer une partie de la cotisation maximum pour le compte des personnes employées par eux.

78. Les personnes dont le revenu ne dépasse pas le minimum d'existence ne devraient pas être tenues de payer la cotisation d'assurance. Des cotisations équitables devraient être payées par l'autorité publique pour le compte de ces personnes; toutefois, dans le cas de personnes employées, ces cotisations pourraient être payées entièrement ou partiellement par leurs employeurs.

79. La part des frais du service de soins médicaux non couverte par les cotisations devrait être à la charge des contribuables.

80. Il serait indiqué que les cotisations dues pour des salariés soient perçues par leurs employeurs.

81. Lorsque, pour une classe quelconque de travailleurs indépendants, l'affiliation à une association professionnelle ou l'obtention d'un permis est obligatoire, l'association, ou l'autorité qui établit le permis pourra être chargée de la perception des cotisations dues au titre de ces travailleurs.

82. L'autorité nationale ou locale pourra être chargée de la perception des cotisations des travailleurs indépendants inscrits à des fins fiscales.

83. Lorsqu'un régime d'assurance sociale comportant des prestations en espèces est en vigueur, il serait indiqué de percevoir en même temps les cotisations dues sous ce régime et celles qui sont dues pour le service des soins médicaux.

#### *Constitution de fonds pour financer un service public*

84. Les frais du service de soins médicaux devraient être imputés sur les fonds publics.

85. Lorsque toute la population est englobée dans le service de soins médicaux et que tous les services de santé relèvent d'une seule administration à l'échelon central et régional, il serait indiqué que le service de soins médicaux soit financé par les revenus généraux de l'État.

86. Lorsque l'administration du service de soins médicaux est indépendante de celle des services généraux de santé, il serait indiqué de financer le service de soins médicaux au moyen d'un impôt spécial.

87. L'impôt spécial devrait être versé à un fonds affecté exclusivement au financement du service de soins médicaux.

88. L'impôt spécial devrait être progressif et calculé de manière à fournir un rendement suffisant pour financer le service de soins médicaux.

89. Les personnes dont le revenu ne dépasse pas le minimum d'existence ne devraient pas être tenues de payer l'impôt spécial.

90. Il serait indiqué que l'impôt spécial soit perçu par les autorités chargées de la perception de l'impôt général sur le revenu ou, s'il n'existe pas d'impôt général sur le revenu, par les autorités chargées de la perception des impôts locaux.

#### *Constitution de capitaux*

91. En plus de prévoir les ressources normales pour le financement du service des soins médicaux, des mesures devraient être prises en vue d'utiliser le patrimoine des institutions d'assurance sociale, ou des fonds provenant d'autres sources, pour financer les dépenses extraordinaires nécessitées par l'extension et l'amélioration du service, notamment par la construction ou l'installation d'hôpitaux et de centres médicaux.

## VI. SUPERVISION AND ADMINISTRATION OF MEDICAL CARE SERVICE

*Unity of Health Services and Democratic Control*

92. All medical care and general health services should be centrally supervised and should be administered by health areas as defined in paragraph 24, and the beneficiaries of the medical care service, as well as the medical and allied professions concerned, should have a voice in the administration of the service.

*Unification of Central Administration*

93. A central authority, representative of the community, should be responsible for formulating the health policy or policies and for supervising all medical care and general health services, subject to consultation of, and collaboration with, the medical and allied professions on all professional matters, and to consultation of the beneficiaries on matters of policy and administration affecting the medical care service.

94. Where the medical care service covers the whole or the majority of the population and a central government agency supervises or administers all medical care and general health services, beneficiaries may appropriately be deemed to be represented by the head of the agency.

95. The central government agency should keep in touch with the beneficiaries through advisory bodies comprising representatives of organisations of the different sections of the population, such as trade unions, employers' associations, chambers of commerce, farmers' associations, women's associations and child protection societies.

96. Where the medical care service covers only a section of the population, and a central government agency supervises all medical care and general health services, representatives of the insured persons should participate in the supervision, preferably through advisory committees, as regards all matters of policy affecting the medical care service.

97. The central government agency should consult the representatives of the medical and allied professions, preferably through advisory committees, on all questions relating to the working conditions of the members of the professions participating, and on all other matters primarily of a professional nature, more particularly on the preparation of laws and regulations concerning the nature, extent and provision of the care furnished under the service.

98. Where the medical care service covers the whole or the majority of the population and a representative body supervises or administers all medical care and general health services, beneficiaries should be represented on such body, either directly or indirectly.

99. In this event, the medical and allied professions should be represented on the representative body, preferably in numbers equal to those of the beneficiaries or the government as the case may be; the professional members should be elected by the profession concerned, or nominated by their representatives and appointed by the central government.

100. Where the medical care service covers the whole or the majority of the population and a corporate body of experts established by legislation or by charter supervises or administers all medical care and general health services, such body may appropriately consist of an equal number of members of the medical and allied professions and of qualified laymen.

101. The professional members of the expert body should be appointed by the central government from among candidates nominated by the representatives of the medical and allied professions.

## VI. CONTROLE ET GESTION DU SERVICE DE SOINS MEDICAUX

*Unité des services de santé et contrôle démocratique*

92. Tous les services de soins médicaux et services généraux de santé devraient être contrôlés par un organe central et gérés par région sanitaire, définie au paragraphe 24; les bénéficiaires du service de soins médicaux ainsi que la profession médicale et les professions connexes intéressées devraient participer à la gestion du service.

*Unification administrative à l'échelon central*

93. Il devrait incomber à une autorité centrale représentant la communauté, de formuler les principes généraux d'action sanitaire, et de contrôler tous les services de soins médicaux et services généraux de santé, sous réserve de consultation et de collaboration avec la profession médicale et les professions connexes sur toutes les questions professionnelles, ainsi que sous réserve de consultation des bénéficiaires sur les questions de principes généraux et de gestion concernant le service de soins médicaux.

94. Lorsque le service de soins médicaux englobe l'ensemble ou la majorité de la population, et que tous les services de soins médicaux et services généraux de santé sont sous le contrôle ou la gestion d'un organisme du gouvernement, les bénéficiaires peuvent être considérés comme représentés par le chef de cet organisme.

95. L'organisme du gouvernement devrait se tenir en contact avec les bénéficiaires par l'intermédiaire d'organes consultatifs comprenant des représentants d'organisations des diverses catégories de la population, telles que syndicats, associations d'employeurs, chambres de commerce, associations d'agriculteurs, associations féminines et sociétés pour la protection de l'enfance.

96. Lorsque le service de soins médicaux n'englobe qu'une catégorie de la population et que tous les services de soins médicaux et services généraux de santé sont sous le contrôle d'un organisme du gouvernement, des représentants des assurés devraient participer au contrôle, de préférence par l'intermédiaire de comités consultatifs, à l'égard de toute question de principes généraux en relation avec le service de soins médicaux.

97. L'organisme du gouvernement devrait consulter les représentants de la profession médicale et des professions connexes, de préférence par l'intermédiaire de comités consultatifs, sur toute question en relation avec les conditions de travail des membres des professions collaborant au service, ainsi que sur toutes autres questions d'ordre essentiellement professionnel notamment sur l'élaboration de lois et règlements relatifs au caractère, à l'étendue et à l'administration des soins fournis par le service.

98. Lorsque le service de soins médicaux englobe l'ensemble ou la majorité de la population, et que tous les services de soins médicaux et services généraux de santé sont contrôlés ou gérés par un organe représentatif, les bénéficiaires devraient être représentés directement ou indirectement dans un tel organe.

99. Dans ce cas, la profession médicale et les professions connexes devraient être représentées dans l'organe représentatif, de préférence sur une base paritaire avec les représentants des bénéficiaires ou du gouvernement; les membres professionnels de l'organe devraient être soit élus par leur profession respective, soit proposés par les représentants des professions et nommés par le gouvernement.

100. Lorsque le service de soins médicaux englobe l'ensemble ou la majorité de la population, et que tous les services de soins médicaux et services généraux de santé sont contrôlés ou gérés par une corporation d'experts instituée par la législation ou sous le régime d'une charte, il serait indiqué que cette corporation soit composée, sur une base paritaire, de membres de la profession médicale et des professions connexes, d'une part, et de personnes qualifiées n'appartenant pas à ces professions, d'autre part.

101. Les membres professionnels de la corporation d'experts devraient être nommés par le gouvernement parmi les candidats proposés par les représentants de la profession médicale et des professions connexes.

102. The representative executive body or the expert body supervising or administering medical care and general health services should be responsible to the government for its general policy.

103. In the case of a federal state, the central authority referred to in the preceding paragraphs may be either a federal or a state authority.

#### *Local Administration*

104. Local administration of medical care and general health services should be unified or co-ordinated within areas formed for the purpose as provided for in paragraph 24, and the medical care service in the area should be administered by or with the advice of bodies representative of the beneficiaries and partly composed of, or assisted by, representatives of the medical and allied professions, so as to safeguard the interests of the beneficiaries and the professions, and secure the technical efficiency of the service and the professional freedom of the participating doctors.

105. Where the medical care service covers the whole or the majority of the population in the health area, all medical care and general health services may appropriately be administered by one area authority.

106. Where, in this event, the area government administers the health services on behalf of the beneficiaries, the medical and allied professions should participate in the administration of the medical care service, preferably through technical committees elected by the professions or appointed by the area or central government from among nominees of the professions concerned.

107. Where a medical care service covering the whole or the majority of the population in the health area is administered by a representative body, the area government, on behalf of the beneficiaries, and the medical and allied professions in the area, should be represented on such body preferably in equal numbers.

108. Where the medical service is administered by area offices or officers of the central authority, the medical and allied professions in the area should participate in the administration, preferably through executive technical committees, elected or appointed in the manner provided for in paragraph 106.

109. Whatever the form of the area administration, the authority administering the medical care service should keep in constant touch with the beneficiaries in the area through advisory bodies, elected by representative organisations of the different sections of the population, in the manner provided for in paragraph 95.

110. Where the social insurance medical care service covers only a section of the population, administration of that service may appropriately be entrusted to a representative executive body responsible to the government, and comprising representatives of the beneficiaries, of the medical and allied professions participating in the service and of the employers.

#### *Administration of Health Units*

111. Health units owned and operated by the medical care service, such as medical or health centres or hospitals, should be administered under democratic control with adequate provisions for the participation of the medical profession, or wholly or predominantly by doctors elected by, or appointed after consultation of, the members of the medical and allied professions participating in the medical care service, in co-operation with all the doctors working at the unit.

102. L'organe représentatif exécutif ou la corporation d'experts qui contrôle ou gère les services de soins médicaux et services généraux de santé devraient être responsables de leur programme d'action général devant le gouvernement.

103. Dans le cas d'un Etat fédéral, l'autorité centrale prévue aux paragraphes précédents peut être soit l'autorité fédérale soit l'autorité de l'Etat.

#### *Administration à l'échelon local*

104. La gestion locale des services de soins médicaux et services généraux de santé devrait être unifiée ou coordonnée dans des régions constituées à cet effet selon les indications du paragraphe 24, et le service de soins médicaux dans la région devrait être géré soit par des organes représentant les bénéficiaires, et comprenant des représentants de la profession médicale, et des professions connexes, ou assistés par de tels représentants, soit en consultation avec de tels organes, afin de sauvegarder tant les intérêts des bénéficiaires que ceux des professions et d'assurer l'efficacité technique du service ainsi que la liberté professionnelle des médecins qui y collaborent.

105. Lorsque le service de soins médicaux englobe l'ensemble ou la majorité de la population dans la région sanitaire, il serait indiqué que tous les services de soins médicaux et services généraux de santé soient gérés par une seule autorité régionale.

106. Lorsque, dans ce cas, l'autorité administrative régionale gère les services de santé au nom des bénéficiaires, les professions médicales et connexes devraient participer à la gestion du service de soins médicaux, de préférence par l'intermédiaire de comités techniques élus par les professions ou nommés soit par l'autorité administrative régionale soit par le gouvernement, parmi les candidats proposés par les professions intéressées.

107. Lorsque le service de soins médicaux englobe l'ensemble ou la majorité de la population dans la région sanitaire et que ce service est géré par un organe représentatif, l'autorité administrative régionale, au nom des bénéficiaires, ainsi que les professions médicales et connexes dans la région devraient être représentées dans cet organe, de préférence sur une base paritaire.

108. Lorsque le service de soins médicaux est géré par des branches régionales ou des fonctionnaires régionaux de l'autorité centrale, les professions médicales et connexes dans la région devraient participer à la gestion, de préférence par l'intermédiaire de comités techniques exécutifs, élus ou nommés selon les dispositions du paragraphe 106.

109. Quelle que soit la forme de la gestion régionale, l'autorité gérant le service de soins médicaux devrait rester en contact constant avec les bénéficiaires dans la région, par l'intermédiaire d'organes consultatifs, élus par des organisations représentatives des diverses catégories de la population, selon les dispositions du paragraphe 95.

110. Lorsque le service de soins médicaux relevant de l'assurance sociale n'englobe qu'une fraction de la population, il serait indiqué que la gestion de ce service soit confiée à un organe représentatif exécutif responsable devant le gouvernement et comprenant des représentants des bénéficiaires et des professions médicale et connexes collaborant au service, ainsi que des employeurs.

#### *Gestion des unités sanitaires*

111. Les unités sanitaires appartenant au service de soins médicaux et dont ce service assure le fonctionnement tels que centres médicaux, sanitaires ou hôpitaux, devraient être gérées sous un système de contrôle démocratique comportant une participation de la profession médicale, ou entièrement ou principalement par des médecins, soit élus par les membres de la profession médicale et des professions connexes collaborant au service, soit nommés après consultation de ces membres, en coopération avec tous les médecins travaillant auprès de l'unité.

*Right of Appeal*

112. Beneficiaries or members of the medical or allied professions who have submitted complaints to the arbitration body referred to in paragraph 63 should have a right of appeal from the decisions of such body to an independent tribunal.

113. Members of the medical and allied professions against whom disciplinary measures have been taken by the supervisory body referred to in paragraph 64 should have a right of appeal from the decisions of such body to an independent tribunal.

114. Where the supervisory body referred to in paragraph 64 takes no disciplinary action on a matter referred to it by the arbitration body, in accordance with paragraph 65, the interested parties should have a right of appeal to an independent tribunal.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Twenty-sixth Session, which was held at Philadelphia and declared closed the 12th day of May 1944.

IN FAITH WHEREOF we have appended our signatures, this seventeenth day of May 1944.

*The President of the Conference.*

W. NASH.

*The Acting Director of the International Labour Office.*

EDWARD J. PHELAN.

## INTERNATIONAL LABOUR CONFERENCE

RECOMMENDATION [No. 70] CONCERNING MINIMUM STANDARDS OF SOCIAL POLICY  
IN DEPENDENT TERRITORIES

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to minimum standards of social policy in dependent territories, which is the fifth item on the agenda of the Session, and

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

adopts, this twelfth day of May of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Social Policy in Dependent Territories Recommendation, 1944:

Whereas the economic advancement and social progress of the peoples of dependent territories have become increasingly a matter of close and urgent concern to the States responsible for their administration; and

Whereas the International Labour Organisation has from its inception endeavoured to assist the efforts towards this end of governments, employers and workers; and

Whereas the Atlantic Charter has expressed the desire of the signatories "to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labour standards, economic advancement and social security"; and

Whereas the Conference of the International Labour Organisation, by a Resolution adopted on 5 November 1941, endorsed the principles of the Atlantic Charter and pledged the full co-operation of the International Labour Organisation in their implementation; and

*Droit d'appel*

112. Les bénéficiaires ou les membres de la profession médicale et des professions connexes qui auront présenté des réclamations à l'organisme d'arbitrage mentionné au paragraphe 63, devraient avoir le droit d'en appeler de la décision de cet organisme à un tribunal indépendant.

113. Les membres de la profession médicale et des professions connexes contre lesquels des mesures disciplinaires auraient été prises par l'organe de surveillance, mentionné au paragraphe 64, devraient avoir droit d'en appeler de la décision de cet organe devant un tribunal indépendant.

114. Faute par l'organe de surveillance visé au paragraphe 64 d'intenter une action disciplinaire sur une affaire qui lui est soumise par l'organisme d'arbitrage, conformément au paragraphe 65, les parties intéressées devraient avoir un droit d'appel à un tribunal indépendant.

Le texte qui précède est le texte authentique de la recommandation dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa vingt-sixième session qui s'est tenue à Philadelphie et qui a été déclarée close le 12 mai 1944.

EN FOI DE QUOI ont apposé leurs signatures, ce dix-septième jour de mai 1944.

*Le Président de la Conférence.*

W. NASH.

*Le Directeur par intérim du Bureau international du Travail.*

EDWARD J. PHELAN.

### CONFERENCE INTERNATIONALE DU TRAVAIL

#### RECOMMANDATION [N° 70] CONCERNANT LES NORMES MINIMA POUR LA POLITIQUE SOCIALE DANS LES TERRITOIRES DEPENDANTS

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Philadelphie par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 20 avril 1944 en sa vingt-sixième session,

Après avoir décidé d'adopter diverses propositions relatives aux normes minima pour la politique sociale dans les territoires dépendants, question qui constitue le cinquième point à l'ordre du jour de la session, et

Après avoir décidé que ces propositions prendraient la forme d'une recommandation,

adopte, ce douzième jour de mai, mil neuf cent quarante-quatre, la recommandation ci-après, qui sera dénommée Recommandation sur la politique sociale dans les territoires dépendants, 1944 :

Considérant que le développement économique et le progrès social des peuples des territoires dépendants ont été mis au premier plan des objectifs des Etats responsables de leur administration;

Considérant que, depuis ses débuts, l'Organisation internationale du Travail s'est proposé pour tâche d'aider les gouvernements, les employeurs et les travailleurs dans leurs efforts vers ces objectifs;

Considérant que la Charte de l'Atlantique a exprimé le vœu des signataires " d'établir la collaboration la plus complète entre toutes les nations dans le domaine économique en vue de procurer à tous de meilleures conditions de travail, le progrès économique et la sécurité sociale ";

Considérant que la Conférence de l'Organisation internationale du Travail a, par une résolution adoptée le 5 novembre 1941, appuyé les principes de la Charte de l'Atlantique et promis la pleine collaboration de l'Organisation internationale du Travail pour les traduire en actes;

Whereas the International Labour Organisation has from time to time adopted Conventions and Recommendations dealing with special aspects of the conditions of life and labour in dependent territories and has promoted the application to such territories, in accordance with Article 35 of the Constitution of the Organisation, of Conventions and Recommendations of general application; and\*

Whercas the progress of the well-being and development of dependent peoples is influenced by the economic relations between the dependent territories and the rest of the world, as well as by measures taken within the dependent territories; and

Whereas it is desirable to state the fundamental principles of social policy in dependent territories, and to provide for the extension of the application to such territories of accepted international minimum standards and for the improvement of these standards, in order to promote the attainment of the aforesaid objects;

The Conference makes the following recommendations:

1. Each Member of the International Labour Organisation should take or continue to take such steps as are within its competence to promote the well-being and development of the peoples of dependent territories through the effective application of the general principles set forth in Part I of the Annex to this Recommendation.

2. Each Member of the Organisation which is responsible for any dependent territory should take all steps within its competence to secure the effective application in each such territory of the minimum standards set forth in Part II of the Annex to this Recommendation, and in particular should bring this Recommendation before the authority or authorities competent to make effective in each such territory the minimum standards set forth in Part II of the Annex.

3. Each Member of the Organisation should, if it approves this Recommendation, notify the Director of the International Labour Office of its acceptance of the general principles set forth in Part I of the Annex; should communicate to the Director at the earliest possible date particulars of the action taken to make effective the minimum standards set forth in Part II of the Annex in respect of each dependent territory for which the Member in question is responsible; and thereafter should report to the International Labour Office from time to time, as requested by the Governing Body, concerning the action taken to give effect to the Recommendation.

4. The standards set forth in Part II of the Annex to this Recommendation should be regarded as minimum standards, which do not qualify or impair any obligation to apply higher standards incumbent upon any Member of the Organisation under the Constitution of the Organisation or under any International Labour Convention which the Member may have ratified, and should in no case be so interpreted or applied as to lessen the protection afforded by existing legislation to the workers concerned.

## ANNEX

### PART I. GENERAL PRINCIPLES

#### *Article 1*

1. All policies designed to apply to dependent territories shall be primarily directed to the well-being and development of the peoples of such territories and to the promotion of the desire on their part for social progress.

2. Policies of more general application shall be formulated with due regard to their effect upon the well-being of dependent peoples.



Considérant que l'Organisation internationale du Travail a adopté en différentes occasions des conventions et recommandations concernant certains aspects des conditions de vie et de travail dans les territoires dépendants et, conformément à l'article 35 de la Constitution de l'Organisation, encouragé l'application dans ces territoires de conventions et recommandations d'application générale;

Considérant que le progrès du bien-être et du développement des peuples dépendants est influencé par les relations économiques entre les territoires dépendants et le reste du monde, aussi bien que par les mesures d'ordre intérieur prises dans ces territoires;

Considérant qu'il est désirable d'énoncer les principes fondamentaux de politique sociale à observer dans les territoires dépendants et d'assurer l'extension à ces territoires de l'application de normes minima acceptées internationalement, ainsi que l'amélioration de ces normes, en vue d'aider à la réalisation des fins ci-dessus mentionnées;

La Conférence recommande ce qui suit:

1. Tout Membre de l'Organisation internationale du Travail devrait prendre ou continuer à prendre les mesures rentrant dans sa compétence pour assurer le bien-être et le développement des peuples des territoires dépendants par l'application effective des principes généraux énoncés dans la partie I de l'annexe à la présente recommandation.

2. Tout Membre de l'Organisation de qui relève un territoire dépendant devrait prendre toutes mesures utiles rentrant dans sa compétence pour assurer l'application effective dans ce territoire des normes minima énoncées dans la partie II de l'annexe à la présente recommandation, et notamment soumettre la présente recommandation à l'autorité ou aux autorités ayant compétence pour rendre effectives dans ce territoire les normes minima énoncées dans la partie II de l'annexe.

3. Tout Membre de l'Organisation devrait, s'il approuve la présente recommandation, notifier au Directeur du Bureau international du Travail son acceptation des principes généraux énoncés dans la partie I de l'annexe; il devrait lui communiquer, dans le plus bref délai possible, les détails des mesures prises en vue de rendre effectives les normes minima énoncées dans la partie II de l'annexe, à l'égard de chaque territoire dépendant relevant de lui, et devrait ultérieurement présenter au Bureau international du Travail, conformément à ce que décidera le Conseil d'administration, des rapports exposant les mesures prises pour mettre la recommandation en application.

4. Les normes énoncées dans la partie II de l'annexe à la présente recommandation devraient être considérées comme des normes minima, qui ne sauraient restreindre ni affecter toute obligation d'appliquer des normes plus élevées qui peut incomber à un Membre de l'Organisation, soit en vertu de la Constitution de l'Organisation, soit en vertu d'une convention internationale du travail ratifiée par lui, et ne pourraient en aucun cas être interprétées ni appliquées de manière à diminuer la protection déjà accordée par la législation aux travailleurs dont il s'agit.

## ANNEXE

### PARTIE I. PRINCIPES GÉNÉRAUX

#### *Article 1*

1. Toute politique destinée à être appliquée aux territoires dépendants doit tendre en premier lieu au bien-être et au développement des peuples de ces territoires ainsi qu'à encourager leurs propres aspirations vers le progrès social.

2. Dans la définition de toutes politiques d'une portée plus générale, il doit être dûment tenu compte des répercussions de ces politiques sur le bien-être des peuples dépendants.

*Article 2*

1. In order to promote economic advancement and thus to lay the foundations of social progress, every effort shall be made to secure, on an international, regional, national or territorial basis, financial and technical assistance in the economic development of dependent territories under the control of the local administrations, in such a way as to safeguard the interests of the peoples of dependent territories.

2. It shall be an aim of policy for all government authorities to ensure that adequate funds are made available to provide capital for development purposes on terms which secure to the peoples of the dependent territories the full benefits of such development.

3. In appropriate cases international, regional or national action shall be taken with a view to establishing conditions of trade sufficient for the maintenance of reasonable standards of living for producers efficiently producing the essential export products of dependent territories.

*Article 3*

All possible steps shall be taken by appropriate international, regional, national and territorial measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, migratory labour, social security, standards of public services and general production. These steps shall include the adoption of appropriate commercial and trading policies by countries on which dependent territories depend.

*Article 4*

All possible steps shall be taken effectively to associate the peoples of the dependent territories in the framing and execution of measures of social progress, preferably through their own elected representatives where appropriate and possible.

## PART II. MINIMUM STANDARDS

## SECTION 1. SLAVERY

*Article 5*

In pursuance of the objective of free labour in a free world, the principle is affirmed that the slave trade and slavery in all its forms shall be prohibited and effectively suppressed in all dependent territories.

## SECTION 2. OPIUM

*Article 6*

1. In recognition of the menace which the use of opium may represent to the health, productivity and general welfare of the peoples of dependent territories, the principle is affirmed that the traffic in opium and other dangerous drugs shall be strictly regulated in such manner as to protect fully the interests of the workers.

2. Consideration shall be given to the prohibition of opium smoking and the abolition of government opium monopolies in all dependent territories where opium smoking is still authorised.

## SECTION 3. FORCED OR COMPULSORY LABOUR

*Article 7*

1. The use of forced or compulsory labour in dependent territories, which may have been inaugurated during the present war emergency, shall be eliminated entirely within the shortest possible period. In the meantime measures shall be adopted in dependent territories to increase the spontaneous offer of labour.

*Article 2*

1. En vue de favoriser l'avancement économique et de poser ainsi les bases du progrès social, tous efforts seront faits sur le plan international, régional, national ou territorial, pour donner au développement économique des territoires dépendants une assistance financière et technique placée sous le contrôle des autorités locales, de manière à sauvegarder les intérêts des populations des territoires dépendants.

2. Ce devra être l'un des buts de la politique sociale des autorités publiques d'assurer que des fonds suffisants seront disponibles pour fournir des capitaux pour le développement économique, à des conditions qui garantissent aux peuples des territoires dépendants le plein bénéfice de ce développement.

3. Le cas échéant, des mesures internationales, régionales ou nationales seront prises en vue d'établir des conditions de commerce suffisantes pour assurer un niveau de vie raisonnable aux producteurs compétents d'articles d'exportation essentiels de territoires dépendants.

*Article 3*

Toutes initiatives possibles seront prises au moyen de mesures appropriées sur le plan international, régional, national ou territorial pour encourager des améliorations dans des domaines tels que l'hygiène publique, le logement, l'alimentation, l'instruction publique, le bien-être des enfants, le statut des femmes, les conditions de travail, la rémunération des salariés et des producteurs indépendants, la protection des travailleurs migrants, la sécurité sociale, le fonctionnement des services publics et la production en général. Ces initiatives comprendront, de la part des pays dont relèvent les territoires dépendants, des mesures appropriées dans le domaine commercial.

*Article 4*

Toutes initiatives possibles seront prises pour associer d'une manière effective les peuples des territoires dépendants à l'élaboration et à l'exécution de mesures de progrès social, de préférence par leurs propres représentants élus, là où cette méthode est appropriée et possible.

## PARTIE II. NORMES MINIMA

## SECTION 1. ESCLAVAGE

*Article 5*

L'objectif recherché étant de promouvoir le travail libre dans un monde libre, le principe est proclamé que la traite des esclaves, et l'esclavage sous toutes ses formes, seront interdits et effectivement abolis dans tous les territoires dépendants.

## SECTION 2. OPIUM

*Article 6*

1. Etant donné la menace que le trafic de l'opium et des autres drogues nuisibles peut constituer pour la santé, la capacité de production et le bien-être général des populations des territoires dépendants, le principe est proclamé que ce trafic devra être sévèrement réglementé de manière à protéger complètement les intérêts des travailleurs.

2. On envisagera l'interdiction de fumer l'opium et l'abolition des monopoles d'Etat pour la vente de l'opium dans tous les territoires dépendants où il est encore licite de fumer l'opium.

## SECTION 3. TRAVAIL FORCE OU OBLIGATOIRE

*Article 7*

1. L'emploi du travail forcé ou obligatoire dans les territoires dépendants, qui peut avoir pris naissance avec les circonstances exceptionnelles de la guerre actuelle, sera supprimé complètement dans le plus bref délai possible. Entre temps, toutes mesures seront prises dans les territoires dépendants afin d'accroître l'offre spontanée de main-d'œuvre.

2. The use of forced or compulsory labour in all its forms shall be suppressed within the shortest possible period.

3. Where forced or compulsory labour is used in dependent territories as a temporary and exceptional measure the conditions and guarantees provided for in the Forced Labour Convention, 1930, shall be respected. In no case shall the use of forced or compulsory labour by private employers be permitted, irrespective of whether or not the State contracts with the employers.

4. Consideration shall be given to the possibility of eliminating or withdrawing any exceptions to the application in dependent territories of all the provisions of the Forced Labour Convention, 1930.

5. Consideration shall be given to the application of the Forced Labour Convention, 1930, to those dependent territories where forced or compulsory labour may occur in respect of which the Convention is not already in force.

6. Consideration shall be given to the desirability of ratifying the Forced Labour Convention, 1930, by such states responsible for dependent territories where forced or compulsory labour may occur as have not already done so.

#### *Article 8*

With a view to avoiding the development of indirect compulsion to labour, consideration shall be given to the application of the principles set forth in the Forced Labour (Indirect Compulsion) Recommendation, 1930.

### SECTION 4. RECRUITING OF WORKERS

#### *Article 9*

1. It shall be an aim of policy to eliminate the recruiting of workers and to replace such recruiting by arrangements which, though based upon the spontaneous offer of labour through free agencies controlled by government, provide for medical inspection, transport, food and shelter and all other benefits accruing to workers under existing systems.

2. Pending the formulation of any new proposals concerning the methods of obtaining labour and with a view to the more rapid promotion of a change over to the new methods contemplated, consideration shall be given to the application of the principles contained in the Elimination of Recruiting Recommendation, 1936.

#### *Article 10*

1. Consideration shall be given to the application of the Recruiting of Indigenous Workers Convention, 1936, to those dependent territories where recruiting may occur in respect of which the Convention is not already in force.

2. Consideration shall be given to the desirability of ratifying the Recruiting of Indigenous Workers Convention, 1936, by such states responsible for dependent territories where recruiting may occur as have not already done so.

### SECTION 5. SPECIAL TYPES OF CONTRACT OF EMPLOYMENT

#### *Article 11*

1. It shall be an aim of policy to regulate long-term employment by a system of written contracts in the cases required by and in accordance with the provisions of the Contracts of Employment (Indigenous Workers) Convention, 1939.

2. Consideration shall be given to the application of the Contracts of Employment (Indigenous Workers) Convention, 1939, to those dependent territories where employment under long-term contract may occur in respect of which the Convention is not already in force.

3. Consideration shall be given to the desirability of ratifying the Contracts of Employment (Indigenous Workers) Convention, 1939, by such states responsible for dependent territories where employment under long-term contract may occur as have not already done so.

2. L'emploi du travail forcé ou obligatoire sera supprimé sous toutes ses formes, dans le plus court délai possible.

3. Lorsque recours est fait au travail forcé ou obligatoire à titre temporaire et exceptionnel, les dispositions et garanties de la convention sur le travail forcé ou obligatoire, 1930, doivent être respectées. En aucun cas, le travail forcé ou obligatoire ne pourra être autorisé en faveur d'employeurs privés, qu'ils soient ou non titulaires de marchés de l'Etat.

4. Il conviendra d'examiner la possibilité de supprimer ou de retirer les autorisations de dérogations à la convention sur le travail forcé ou obligatoire, 1930, dans son application aux territoires dépendants.

5. Il conviendra d'examiner la possibilité d'appliquer la convention sur le travail forcé ou obligatoire, 1930, aux territoires dépendants où le travail forcé ou obligatoire pourrait exister et où ladite convention n'est pas encore en vigueur.

6. Il conviendra d'examiner l'opportunité de la ratification de la convention sur le travail forcé ou obligatoire, 1930, par ceux des Etats dont relève des territoires dépendants où le travail forcé ou obligatoire pourrait exister et qui n'ont pas encore ratifié cette convention.

#### *Article 8*

En vue d'éviter l'extension des procédés de contrainte indirecte au travail, on envisagera l'application des principes énoncés dans la recommandation concernant la contrainte indirecte au travail, 1930.

### SECTION 4. RECRUTEMENT DE TRAVAILLEURS

#### *Article 9*

1. Ce devra être l'un des buts de la politique sociale d'éliminer le recrutement de travailleurs et de le remplacer par des dispositions qui, bien qu'établies sur la base de l'offre spontanée de la main-d'œuvre, par des institutions libres sous le contrôle du gouvernement, comporteraient les visites médicales, le transport, l'alimentation et l'habitation et les autres avantages que reçoivent les travailleurs dans le système actuel.

2. En attendant que soient formulées d'autres propositions concernant les méthodes d'embauchage de la main-d'œuvre et en vue de faciliter et de hâter le passage aux nouvelles méthodes envisagées, on examinera la possibilité d'appliquer les principes contenus dans la recommandation concernant l'élimination progressive du recrutement, 1936.

#### *Article 10*

1. Il conviendra d'examiner la possibilité d'appliquer la convention sur le recrutement des travailleurs indigènes, 1936, dans ceux des territoires dépendants où un tel recrutement pourrait exister et où cette convention n'est pas encore en vigueur.

2. Les Etats qui ont la responsabilité de territoires dépendants où le recrutement pourrait exister, et qui n'ont pas encore ratifié la convention sur le recrutement des travailleurs indigènes, 1936, examineront l'opportunité de le faire.

### SECTION 5. TYPES SPECIAUX DE CONTRAT DE TRAVAIL

#### *Article 11*

1. Ce devra être l'un des buts de la politique sociale de régler l'emploi à long terme par le moyen de contrats écrits dans les cas prévus par les dispositions de la convention sur les contrats de travail (travailleurs indigènes), 1939, et en accord avec elles.

2. Il conviendra d'examiner la possibilité d'appliquer la convention sur les contrats de travail (travailleurs indigènes), 1939, à ceux des territoires dépendants où peut se rencontrer l'emploi sous le régime de contrats à long terme, et auxquels ladite convention ne s'applique pas encore.

3. Les Etats qui ont la responsabilité de territoires dépendants où peut se rencontrer l'emploi sous le régime de contrats à long terme et qui n'ont pas encore ratifié la convention sur les contrats de travail (travailleurs indigènes), 1939, devront examiner l'opportunité de le faire.

*Article 12*

With a view to the definite limitation of periods of service under contract, consideration shall be given to the application of the principles set forth in the Contracts of Employment (Indigenous Workers) Recommendation, 1939.

*Article 13*

1. All practicable steps shall be taken to equate supply and demand in areas where some casual employment is inevitable and to guard against undesirable attraction of casual labour to centres of potential employment.

2. Measures, such as short-term labour agreements, shall be considered in order to secure the maximum employment for labour normally available at such centres.

*Article 14*

1. The practice of entering statements of a subjective nature on the worker's conduct or ability in work-cards or work-books required by law to be carried on the person of the worker shall be eliminated.

2. The use of work-cards or work-books shall be regulated to prevent their use as a device of intimidation or compulsion in employment.

*Article 15*

Where a married man is employed on contract within his own country but at a considerable distance from his home, the competent authority shall take all practical steps in appropriate cases to afford him full opportunity to be accompanied if he so desires by his wife and family.

## SECTION 6. PENAL SANCTIONS

*Article 16*

1. It shall be an aim of policy to abolish penal sanctions for breach of contract of employment as defined in Article 1 of the Penal Sanctions (Indigenous Workers) Convention, 1939.

2. Consideration shall be given to the application of the Penal Sanctions (Indigenous Workers) Convention, 1939, to those dependent territories where the imposition of penal sanctions may occur in respect of which the Convention is not already in force.

3. Consideration shall be given to the desirability of ratifying the Penal Sanctions (Indigenous Workers) Convention, 1939, by such states responsible for dependent territories where the imposition of penal sanctions may occur as have not already done so.

## SECTION 7. EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

*Article 17*

1. Adequate provision shall be made in dependent territories, to the maximum extent possible under local conditions, for the progressive development of broad systems of education, vocational training and apprenticeship, with a view to the elimination of illiteracy among children and young persons and to their effective preparation for a useful occupation.

2. In order that the child population may be able to profit by existing facilities for education and in order that the extension of these facilities may not be hindered by a demand for child labour, the employment of persons below the school-leaving age shall be prohibited in any area where educational facilities are provided on a scale adequate for the majority of the children of school age.

*Article 12*

En vue de fixer des limites précises aux périodes de service qui peuvent être stipulées dans un contrat, on examinera la possibilité d'appliquer les principes établis dans la recommandation sur les contrats de travail (travailleurs indigènes), 1939.

*Article 13*

1. Toutes mesures pratiques et possibles seront prises pour équilibrer l'offre et la demande dans les régions où un certain emploi de main-d'œuvre occasionnelle est inévitable et pour prévenir toute attraction non souhaitable de la main-d'œuvre occasionnelle vers les centres d'emploi sporadique.

2. Afin d'assurer l'emploi maximum de la main-d'œuvre normalement disponible dans ces centres, on étudiera des mesures appropriées comme, par exemple, les contrats de travail à court terme.

*Article 14*

1. Il conviendra de supprimer, là où elle peut exister, la pratique d'inscrire des appréciations d'une nature subjective concernant la conduite ou l'habileté professionnelle d'un travailleur, sur des cartes de travail ou livrets de travail que le travailleur est légalement tenu de porter sur soi.

2. L'emploi de cartes ou livrets de travail sera réglementé de manière à ne pouvoir pas constituer un moyen d'intimidation ou de pression dans le travail.

*Article 15*

Lorsqu'un homme marié est employé par contrat dans son pays, mais à une distance considérable de ses foyers, l'autorité compétente devra, dans les cas convenables, prendre toutes les mesures pratiques et possibles pour lui donner toutes les possibilités d'être accompagné, s'il le désire, par sa femme et sa famille.

## SECTION 6. SANCTIONS PENALES

*Article 16*

1. Ce devra être l'un des buts de la politique sociale d'abolir complètement les sanctions pénales frappant les manquements à un contrat de travail, tels qu'ils sont définis à l'article 1 de la convention sur les sanctions pénales (travailleurs indigènes), 1939.

2. Il conviendra d'examiner la possibilité d'appliquer la convention sur les sanctions pénales (travailleurs indigènes), 1939, dans ceux des territoires dépendants où des sanctions pénales pourraient être appliquées, et où ladite convention n'est pas encore en vigueur.

3. Les Etats qui ont la responsabilité de territoires dépendants où des sanctions pénales pourraient être appliquées et qui n'ont pas encore ratifié la convention sur les sanctions pénales (travailleurs indigènes), 1939, devront examiner l'opportunité de le faire.

## SECTION 7. EMPLOI DES ENFANTS ET DES JEUNES GENS

*Article 17*

1. Des dispositions appropriées seront prises dans les territoires dépendants, dans la plus grande mesure où les circonstances locales le permettent, pour développer progressivement un large programme d'éducation, de formation professionnelle et d'apprentissage, afin de supprimer l'analphabétisme chez les enfants et les jeunes gens et de préparer efficacement ceux-ci à une occupation utile.

2. Afin que les enfants puissent bénéficier des possibilités d'instruction existantes et que l'extension de ces possibilités ne soient pas entravée par la demande de main-d'œuvre de cette catégorie, l'emploi des enfants n'ayant pas atteint l'âge de fin de scolarité sera interdit dans les régions où existent des possibilités d'instruction suffisantes pour la majorité des enfants d'âge scolaire.

*Article 18*

1. Children under the age of twelve years shall not be employed in any employment, except on light work of an agricultural or domestic character in which only members of the employer's family are employed or except on agricultural light work carried on collectively by the local community. This age shall be progressively raised along with the school-leaving age.

2. Where the transfer of children to the family of an employer is permitted by custom, the conditions of transfer and of employment shall be closely regulated and supervised, whether the children are above or below twelve years of age. The progressive abolition of all such transfers shall be an aim of policy for all dependent territories.

*Article 19*

Children under the age of fifteen years shall not be employed or work in any industrial undertaking, or in any branch thereof.

*Article 20*

Children under the age of fifteen years shall not be employed or work on vessels.

*Article 21*

1. Young persons under the age of sixteen years shall not be employed underground in mines.

2. The employment underground in mines of young persons who have attained the age of sixteen years but not that of eighteen years shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

*Article 22*

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

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

3. Provided that the provisions of this Article do not apply:

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

(b) to young persons of not less than sixteen years of age who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in coastal trade.

*Article 23*

The provisions of Articles 18(1), 19 and 20 do not apply to work, approved and supervised by the competent authority, done by children or young persons in *bona-fide* state or private technical schools or school ships or training ships having prescribed courses of study and reasonable limits on the length of time in which students may remain in training or apprenticeship.

*Article 24*

1. In the case of unhealthy, dangerous or onerous work, minimum ages higher than those required in virtue of Articles 18 (1) and 19 shall be fixed, or the hours of work of children between the minimum age of employment and an appropriate higher age shall be subject to special limitations, or other special protection shall be afforded.

2. Special protection shall be provided for children who are permitted to undertake employment away from their homes.



*Article 18*

1. Les enfants de moins de douze ans ne peuvent être occupés dans aucun emploi, à l'exception de travaux légers d'un caractère agricole ou domestique dans lesquels sont seuls occupés les membres de la famille de l'employeur, ou de travaux agricoles légers exécutés collectivement par la communauté locale. Cet âge devra être progressivement élevé en même temps que l'âge de fin de scolarité.

2. Lorsque le transfert d'enfants à la famille d'un employeur est admis par la coutume, les conditions de transfert et d'emploi seront étroitement réglementées et surveillées, que l'enfant ait plus ou moins de douze ans. L'abolition progressive de tous transferts de cette nature sera l'un des buts de la politique sociale dans tous les territoires dépendants.

*Article 19*

Les enfants de moins de quinze ans ne peuvent être employés ou travailler dans les établissements industriels, ou dans leurs dépendances.

*Article 20*

Les enfants de moins de quinze ans ne peuvent être employés ou travailler à bord des navires.

*Article 21*

1. Les jeunes gens de moins de seize ans ne peuvent être employés aux travaux souterrains dans les mines.

2. Les jeunes gens âgés de seize à dix-huit ans ne peuvent être employés aux travaux souterrains dans les mines que sur présentation d'un certificat médical attestant leur aptitude à ce travail et signé d'un médecin agréé par l'autorité compétente.

*Article 22*

1. Les jeunes gens de moins de dix-huit ans ne peuvent être employés au travail à bord des navires en qualité de soutiers ou chauffeurs.

2. Au cas où il serait nécessaire d'embaucher un chauffeur ou un soutier dans un port où il ne serait pas possible de trouver des travailleurs de cette catégorie âgés de dix-huit ans au moins, l'emploi pourra être occupé par des jeunes gens âgés de moins de dix-huit ans et de plus de seize ans, mais dans ce cas deux de ces jeunes gens devront être embauchés à la place du chauffeur ou soutier nécessaire.

3. Toutefois, les dispositions du présent article ne s'appliquent pas:

a) au travail des jeunes gens sur les navires dont le moyen de propulsion est autre que la vapeur;

b) au travail des jeunes gens de seize ans au moins dont l'aptitude physique aura été reconnue par un examen médical et qui seront employés en qualité de soutiers ou chauffeurs sur des navires effectuant une navigation exclusivement côtière.

*Article 23*

Les dispositions des articles 18 1), 19 et 20 ne s'appliquent pas au travail exécuté par des enfants ou jeunes gens sur les bateaux-écoles ni dans des écoles techniques reconnus, publics ou privés, qui ont un programme d'études prescrit et qui limitent à une durée raisonnable le temps de formation ou d'apprentissage de leurs élèves, à la condition que ce travail soit soumis à l'approbation et au contrôle de l'autorité compétente.

*Article 24*

1. Dans le cas de travaux insalubres, dangereux ou pénibles, il y aura lieu soit de fixer des âges minima plus élevés que ceux qui sont fixés par les articles 18 1) et 19, soit de soumettre à des limitations spéciales la durée du travail des enfants entre l'âge minimum d'admission au travail et un âge approprié plus élevé, soit de prendre d'autres mesures spéciales de protection.

2. Une protection spéciale sera assurée aux enfants autorisés à prendre un emploi hors de leurs foyers.

*Article 25*

1. Young persons under eighteen years of age shall not be employed during the night in any industrial undertaking, or in any branch thereof.
2. Provided that young persons over the age of sixteen years may be employed during the night in exceptional circumstances defined by the competent authority.

*Article 26*

1. The employment of any young person under eighteen years of age on any vessel shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.
2. In urgent cases the competent authority may allow a young person below the age of eighteen years to embark without having undergone medical examination, always provided that such an examination shall be undergone, at the expense of the employer, at the first port at which the vessel calls, and that failing satisfactory medical attestation the young person shall be returned as a passenger to the port or place where he was engaged or to his home, whichever is the nearer, at the expense of the employer.

*Article 27*

In developing systems of education suited to the economic and social interests of the communities, consideration shall be given to the application of the principles set forth in the Vocational Training Recommendation, 1939, so far as this is practicable and appropriate to local circumstances.

*Article 28*

To assist in the application of the provisions of this Section, administrative bodies or officers shall be appointed. The appointment and establishment of these administrative bodies or officers shall be made in accordance with practices successfully adopted in metropolitan or independent countries.

## SECTION 8. EMPLOYMENT OF WOMEN

*Article 29*

It shall be an aim of policy for all competent authorities to take such measures as, having due regard to local conditions, are appropriate and practicable to secure for women: adequate opportunities of general education, vocational training and employment; safeguards against physically harmful conditions of employment and economic exploitation, including safeguards for motherhood; protection against any special forms of exploitation; and fair and equal treatment between men and women as regards remuneration and other conditions of employment.

*Article 30*

All practicable steps shall be taken to improve the social and economic status of women in any dependent territory where, whether by law or custom, arrangements survive which in effect maintain women in, or reduce women to, a condition of servitude.

*Article 31*

1. Provision shall be made as rapidly as possible for maternity protection for women employed in industrial and commercial undertakings.
2. In so doing the aim shall be to give effect, subject to such modifications as may be necessary in the light of local conditions, to the provisions of the Child-birth Convention, 1919, and in particular to the following principles:

- (a) the right to be absent from employment before and after childbirth;
- (b) the right to medical assistance and benefits during such absence.

*Article 25*

1. Les jeunes gens de moins de dix-huit ans ne peuvent être employés pendant la nuit dans les établissements industriels, ou dans leurs dépendances.

2. Toutefois, les jeunes gens de plus de seize ans peuvent être employés pendant la nuit dans des circonstances exceptionnelles, définies par l'autorité compétente.

*Article 26*

1. Les jeunes gens de moins de dix-huit ans ne peuvent être employés à bord que sur présentation d'un certificat médical attestant leur aptitude à ce travail et signé d'un médecin approuvé par l'autorité compétente.

2. Dans les cas d'urgence, l'autorité compétente peut admettre un jeune homme âgé de moins de dix-huit ans à embarquer sans avoir été soumis à un examen médical, à la condition toutefois que cet examen soit passé au premier port où le bâtiment touchera ultérieurement, aux frais de l'employeur, et à la condition, en outre, que, faute d'avoir obtenu un certificat médical satisfaisant, le jeune homme soit renvoyé, comme passager, au port ou au lieu d'embauche ou dans ses foyers, selon le lieu qui sera le plus proche, aux frais de l'employeur.

*Article 27*

Dans la mise en œuvre de systèmes d'éducation adaptés aux intérêts économiques et sociaux des communautés, on envisagera l'application, autant que possible et compte tenu des circonstances locales, des principes énoncés dans la recommandation sur la formation professionnelle, 1939.

*Article 28*

Pour faciliter l'application des dispositions de la présente section, des organes administratifs seront créés ou des fonctionnaires nommés. Ces créations ou nominations seront effectuées conformément aux méthodes qui se seront révélées efficaces dans les territoires métropolitains ou indépendants.

## SECTION 8. EMPLOI DES FEMMES

*Article 29*

Ce devra être l'un des buts de la politique sociale de l'autorité compétente de prendre, en tenant dûment compte des conditions locales, les mesures appropriées et applicables pour assurer aux femmes la possibilité d'une instruction générale, d'une formation professionnelle et d'un emploi, des garanties contre les conditions de travail nuisibles à la santé et contre l'exploitation économique, y compris des garanties en faveur de la maternité, une protection contre toutes formes spéciales d'exploitation et un traitement équitable et égal à celui des hommes en ce qui concerne la rémunération et autres conditions de travail.

*Article 30*

Toutes les mesures pratiques et possibles seront prises pour améliorer le statut social et économique des femmes dans les territoires dépendants où la loi ou la coutume maintiennent les femmes dans une condition de servitude.

*Article 31*

1. Il sera pourvu aussi rapidement que possible à une protection de la maternité dans le cas des femmes employées dans des établissements industriels et commerciaux.

2. Ce faisant, on se fixera pour but de donner effet, sous réserve de modifications appelées par les conditions locales, aux dispositions de la convention concernant l'emploi des femmes avant et après l'accouchement, 1919, et, en particulier, aux principes suivants :

- a) le droit de la femme de s'absenter de son travail avant et après ses couches;
- b) le droit de la femme à l'assistance médicale et à des allocations pendant cette absence.

*Article 32*

1. Women shall not be employed during the night in any industrial undertaking, or in any branch thereof.
2. Provided that women may be employed during the night:
  - (a) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration; and
  - (b) when in any undertaking an emergency occurs which it was impossible to foresee and which is not of a recurring character.
3. Provided also that the prohibition of night work may be suspended, when in case of serious emergency the public interest demands it.
4. The provisions of this Article do not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

*Article 33*

1. Women shall not be employed on underground work in any mine.
2. Provided that the competent authority may grant exemptions from the above prohibition in respect of:
  - (a) women holding positions of management who do not perform manual work;
  - (b) women employed in health and welfare services;
  - (c) women who, in the course of their studies, spend a period of training in the underground parts of a mine; and
  - (d) any other woman who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

*Article 34*

In order to promote the application of measures relating to the employment and economic status of women and their welfare, use shall be made of women advisers where questions especially affecting women are to be considered. The women advisers shall, whenever possible, be drawn from the local population.

## SECTION 9. REMUNERATION

*Article 35*

1. The improvement of standards of living shall be regarded as the principal objective in the planning of economic development.
2. All practicable measures appropriate to local conditions shall be taken to secure for independent producers and wage earners conditions which will ensure the maintenance of minimum standards of living as ascertained by means of official enquiries into living conditions and will give scope to independent producers and wage earners to improve those standards by their own efforts.
3. Forms of economic enterprise which require the labour of workers living away from their homes shall take account of the normal family needs of the workers.
4. Where the labour resources of other areas are used on a temporary basis for the benefit of one area, measures shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilisation to the areas of labour supply.
5. Where workers and their families move from low-cost to higher cost areas, account shall be taken of the increased cost of living resulting from the change.
6. The substitution of alcohol or other spirituous beverages for all or any part of wages for services performed by the workers shall be prohibited.

*Article 32*

1. Les femmes ne peuvent être employées pendant la nuit dans aucun établissement industriel, ni dans aucune dépendance d'un de ces établissements.
2. Toutefois, les femmes pourront être employées la nuit:
  - a) dans le cas où le travail s'applique soit à des matières premières, soit à des matières en élaboration, qui seraient susceptibles d'altération très rapide;
  - b) lorsque dans une entreprise se produit un événement exceptionnel impossible à prévoir et n'ayant pas un caractère périodique.
3. En outre, l'interdiction du travail de nuit peut être suspendue lorsque, en raison de circonstances particulièrement graves, l'intérêt public l'exige.
4. Les dispositions du présent article ne s'appliquent pas aux femmes qui occupent des postes de direction impliquant une responsabilité et qui n'effectuent pas normalement un travail manuel.

*Article 33*

1. Les femmes ne peuvent être employées aux travaux souterrains dans les mines.
2. Toutefois, l'autorité compétente peut accorder des exceptions de l'interdiction susmentionnée en ce qui concerne:
  - a) les femmes occupant un poste de direction, qui n'effectuent pas un travail manuel;
  - b) les femmes occupées dans les services sanitaires et sociaux;
  - c) les femmes en cours d'études admises à effectuer un stage dans les parties souterraines d'une mine en vue de leur formation professionnelle;
  - d) toutes autres femmes appelées occasionnellement à descendre dans les parties souterraines d'une mine pour l'exercice d'une profession de caractère non manuel.

*Article 34*

Afin de stimuler l'application de mesures relatives à l'emploi, au statut économique et au bien-être des femmes, on aura recours à des conseillers techniques féminins pour la discussion de questions intéressant spécialement les femmes. Les conseillers techniques féminins devront, là où c'est possible, provenir de la population locale.

## SECTION 9. REMUNERATION

*Article 35*

1. L'amélioration du niveau de vie sera considérée comme l'objectif principal des plans de développement économique.
2. Toutes mesures pratiques et possibles adaptées aux conditions locales seront prises pour assurer aux producteurs indépendants et aux salariés le maintien d'un niveau de vie minimum déterminé au moyen d'enquêtes officielles sur les conditions d'existence et pour leur permettre d'améliorer ce niveau de vie par leurs propres efforts.
3. Les formes d'entreprise économique qui exigent l'emploi de travailleurs résidant hors de leurs foyers devront tenir compte des besoins familiaux normaux des travailleurs.
4. Lorsqu'il sera fait appel, à titre temporaire, en faveur d'une région, aux ressources en main-d'œuvre d'autres régions, des mesures seront prises pour favoriser la participation des régions qui ont fourni la main-d'œuvre aux salaires et épargnes réalisés que celle-ci aura obtenus dans la région où elle aura été utilisée.
5. Lorsque les travailleurs et leur famille se transportent d'une région où le coût de la vie est bas à une région où le coût de la vie est plus élevé, il doit être tenu compte de l'augmentation du coût de la vie qu'entraîne ce changement de résidence.
6. La substitution de l'alcool ou d'autres boissons alcooliques à tout ou partie du salaire pour services rendus par le travailleur sera interdite.

*Article 36*

All public works, whether undertaken directly by a public authority or through a contract entered into between a public authority and an employer, shall be subject to the requirement that the rates of wages and the general conditions of employment shall be not less than the prevailing rates and conditions, and shall where practicable be fixed after consultation with any employers' and workers' organisations concerned.

## SECTION 10. HEALTH, HOUSING AND SOCIAL SECURITY

*Article 37*

1. All practicable measures shall be taken to improve the health of the people by the extension of medical facilities, by the development of public health programmes, by surveys of epidemic and endemic diseases prevalent in tropical dependent territories and by the introduction of appropriate measures of combating them, by the spread of health education and the improvement of nutrition and housing.

2. All practicable measures shall be taken to ascertain by nutritional surveys the food requirements of the people and the ways of improving nutrition and to give effect to the food policies which such surveys indicate. National nutritional organisations shall be set up and shall be provided with adequate funds, facilities and authority.

3. The competent authority shall be responsible for ensuring the establishment of satisfactory housing conditions. The general aim of policy shall be to provide workers normally dependent on wage earning with the opportunity of securing satisfactory housing accommodation on premises not the property of the employer.

4. Where an undertaking employing labour is situated in an area where satisfactory housing accommodation is not available, the provision of housing may be made an obligation on the undertaking on an equitable basis. In such cases the competent authority shall define the minimum standards of accommodation and shall exercise strict control over the enforcement of these standards. The competent authority shall also define the rights of the worker who may be required to vacate his house on leaving employment and shall take all necessary steps to secure the enforcement of these rights.

*Article 38*

Such arrangements as are practicable, having due regard to local conditions, shall be made for the maintenance and treatment of the sick and for the care of the aged, of the incapacitated and of the dependent survivors of deceased persons.

*Article 39*

1. Provision shall be made by law for the payment of compensation to employed persons in case of incapacity for work caused by accidents arising out of and in the course of their employment, and to their dependent survivors in case of death caused by such accidents, and for the medical care of persons injured by such accidents.

2. The laws and regulations concerning workmen's compensation shall apply to all workers, employees and apprentices employed on vessels and by industrial, commercial, and agricultural undertakings.

3. Provided that exceptions may be made in respect of:

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

(b) out-workers;

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

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

*Article 36*

Tous les travaux publics, qu'ils soient entrepris directement par une autorité publique ou sous des contrats passés entre une autorité publique et un employeur, seront soumis à l'exigence que les taux de salaires et les conditions générales de travail ne soient pas inférieurs aux taux et conditions ordinairement admis et soient fixés, lorsque ce sera possible, après consultation de toutes organisations d'employeurs et de travailleurs intéressées.

## SECTION 10. SANTE PUBLIQUE, LOGEMENT ET SECURITE SOCIALE

*Article 37*

1. Toutes mesures pratiques et possibles seront prises pour améliorer l'état de santé de la population par l'extension des services médicaux, le développement de programmes de santé publique, l'établissement d'enquêtes sur les maladies épidémiques et endémiques des territoires dépendants tropicaux et l'introduction de mesures propres à combattre ces maladies, comme aussi par la diffusion de l'enseignement de l'hygiène et l'amélioration de l'alimentation et du logement.

2. Toutes mesures pratiques et possibles seront prises pour déterminer par des enquêtes les besoins alimentaires de la population et les moyens d'améliorer le régime alimentaire et pour réaliser la politique alimentaire que suggèrent ces enquêtes. Des organisations nationales de l'alimentation seront créées et munies des budgets, des moyens et de l'autorité nécessaires.

3. L'autorité compétente sera responsable de l'établissement et du maintien de conditions de logement satisfaisantes. En règle générale, les travailleurs qui vivent normalement de leur salaire doivent avoir la possibilité de jouir de conditions de logement satisfaisantes, dans des locaux n'appartenant pas à l'employeur.

4. Lorsqu'une entreprise employant de la main d'œuvre est située dans une région où il n'existe pas de logement convenable, l'entreprise pourra être astreinte à fournir le logement sur une base équitable; en de tels cas, l'autorité compétente définira les normes minima de logement et exercera un contrôle strict sur l'observance de ces normes. L'autorité compétente définira aussi les droits du travailleur qui peut avoir à évacuer son logement en quittant son emploi et toutes les mesures nécessaires devront être prises pour assurer le respect de ces droits.

*Article 38*

Dans toute la mesure où la possibilité en sera reconnue et compte dûment tenu des conditions locales, des dispositions seront prises pour l'entretien et le traitement des malades et pour le soin des vieillards, des invalides ainsi que des ayants droit des personnes décédées.

*Article 39*

1. La législation devra prévoir le paiement d'indemnités aux personnes employées, en cas d'incapacité de travail due à des accidents survenus au cours et à l'occasion du travail, et à leurs ayants droit en cas de décès dû à de tels accidents, ainsi qu'une assistance médicale aux personnes victimes de tels accidents.

2. La législation sur la réparation des accidents du travail devra s'appliquer à tous les ouvriers, employés ou apprentis occupés sur des navires ou par des établissements industriels, commerciaux ou agricoles.

3. Toutefois, il pourra être prévu des exceptions concernant:

- a) les personnes exécutant des travaux occasionnels étrangers à l'entreprise de l'employeur;
- b) les travailleurs à domicile;
- c) les membres de la famille de l'employeur qui travaillent exclusivement pour le compte de celui-ci et qui vivent sous son toit;
- d) les travailleurs non manuels dont le gain dépasse une limite qui doit être fixée par la législation.

*Article 40*

1. Compensation shall be payable to workers incapacitated by occupational diseases, or, in case of death from any such disease to their dependants, in accordance with the general principles of workmen's compensation.

2. Provided that such compensation may be limited to the occupational diseases of chief importance in the territory concerned.

SECTION 11. PROHIBITION OF COLOUR AND RELIGIOUS BARS AND OTHER DISCRIMINATORY PRACTICES

*Article 41*

1. The standards set by law in each territory with respect to conditions of labour shall have due regard to the equitable economic treatment of all workers lawfully resident or working therein.

2. Discrimination directed against workers for reason of race, colour, confession or tribal association, as regards their admission to public or private employment shall be prohibited.

3. All measures practicable under local conditions shall be taken to promote effective equality of treatment in employment by the provision of facilities for training, by the discouragement of discrimination in the negotiation of collective agreements or on grounds of trade union membership, and by other appropriate means.

## SECTION 12. INSPECTION

*Article 42*

1. Labour inspection services shall be established in territories where such services do not already exist. Inspectors shall be required to inspect conditions of employment at frequent intervals.

2. The inspectors shall have no direct or indirect interest in undertakings subject to their supervision.

3. Workers and their representatives shall be afforded every facility for communicating freely with the inspectors.

## SECTION 13. INDUSTRIAL ORGANISATION

*Article 43*

1. The rights of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.

2. All practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of machinery for conciliation, arbitration, minimum wage fixing and labour inspection. Where representative organisations of workers have not developed, the competent authority shall appoint persons specially qualified to act on behalf of the workers and by advice and guidance to assist in the early development of workers' organisations.

3. All practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organisations.

*Article 44*

1. As rapidly as possible, machinery shall be created for the settlement of collective disputes between employers and workers.

2. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall where practicable, be associated in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.



*Article 40*

1. Il sera assuré aux travailleurs victimes de maladies professionnelles ou, en cas de décès résultant d'une telle maladie, à leurs ayants droit, une réparation conforme aux principes généraux de la réparation des accidents du travail.
2. Toutefois, cette réparation pourra être limitée aux maladies professionnelles principales existant dans le territoire dont il s'agit.

## SECTION II. INTERDICTION DES DISCRIMINATIONS FONDÉES SUR LA COULEUR ET SUR LA RELIGION ET AUTRES PRATIQUES DISCRIMINATOIRES

*Article 41*

1. Les règles édictées dans chaque pays au sujet des conditions de travail devront assurer un traitement économique équitable à tous les travailleurs résidant ou travaillant légalement dans le pays.
2. Toutes discriminations contre les travailleurs, fondées sur la race, la couleur, la religion ou tribu, pour leur admission aux emplois tant publics que privés, seront interdites.
3. Toutes mesures pratiques et possibles seront prises, en tenant dûment compte des conditions locales, pour assurer effectivement l'égalité de traitement dans l'emploi en fournissant des facilités d'éducation professionnelle, en décourageant les discriminations dans les négociations relatives aux conventions collectives et les discriminations fondées sur l'adhésion à une organisation syndicale, ainsi que par tous autres moyens appropriés.

## SECTION 12. INSPECTION

*Article 42*

1. Des services d'inspection du travail seront établis dans les territoires où il n'en existe pas encore. Les inspecteurs seront tenus de procéder à des inspections à des intervalles rapprochés.
2. Les inspecteurs ne devront être ni directement ni indirectement intéressés dans les entreprises assujetties à leur contrôle.
3. Les travailleurs et leurs représentants devront jouir de toutes facilités pour communiquer librement avec les inspecteurs.

## SECTION 13. ORGANISATION PROFESSIONNELLE

*Article 43*

1. Le droit des employeurs et des salariés à s'associer en vue de tous objets non contraires aux lois sera garanti par des mesures appropriées.
2. Toutes mesures pratiques et possibles seront prises pour consulter et associer les représentants des organisations d'employeurs et de travailleurs dans l'établissement et au fonctionnement des organismes de conciliation, d'arbitrage, de fixation de salaires minima et d'inspection du travail. Là où les organisations représentatives des travailleurs ne se sont pas développées, l'autorité compétente désignera des personnes spécialement qualifiées pour agir au nom des travailleurs et pour aider, par leurs avis et conseils, au premier développement des organisations ouvrières.
3. Toutes mesures pratiques et possibles seront prises pour assurer aux syndicats professionnels représentant les travailleurs intéressés le droit de conclure des conventions collectives avec les employeurs ou avec les organisations d'employeurs

*Article 44*

1. Il sera institué aussi rapidement que possible des méthodes de règlement des différends collectifs entre employeurs et travailleurs.
2. Des représentants des employeurs et des travailleurs intéressés, y compris des représentants de leurs organisations respectives, s'il en existe, seront associés, autant que possible, à l'application de ces méthodes, sous la forme et dans la mesure fixées par l'autorité compétente, mais, dans tous les cas, en nombre égal et sur un pied d'égalité.

## SECTION 14. CO-OPERATIVE ORGANISATIONS

*Article 45*

1. The assistance and development of co-operative societies, including co-operative organisations of workers for the promotion of health, housing and education, shall be accepted as part of the economic programme of competent authorities in dependent territories, and the measures to be taken shall include financial assistance wherever this is appropriate.

2. To this end consideration shall be given to:

(a) the adoption of adequate legislation, simple and inexpensive in application, covering all forms of co-operative organisations;

(b) the creation of special services to promote and supervise the development of co-operative organisations and to encourage education in co-operation.

3. In appropriate cases co-operative organisations shall be effectively represented on public boards and agencies affecting their interests.

## SECTION 15. DEFINITIONS AND SCOPE

*Article 46*

For the purposes of this Part of the present Annex:

(a) the term "agricultural undertaking" may be defined so as to include processes conducted on the undertaking for the preservation and despatch of the agricultural products of the undertaking, unless it is desired to classify these processes as parts of an industrial undertaking;

(b) the term "commercial undertaking" includes:

(i) commercial establishments and offices, including establishments engaging wholly or mainly in the sale, purchase, distribution, insurance, negotiation, loan, or administration of goods or services of any kind;

(ii) establishments for the treatment or care particularly of the aged, infirm, sick, destitute, or mentally unfit;

(iii) hotels, restaurants, boarding houses, clubs, cafés and other refreshment houses;

(iv) theatres and places of public amusements; and

(v) any establishment similar in character to those enumerated in subparagraphs (i); (ii), (iii), and (iv) above;

(c) the term "industrial undertaking" includes:

(i) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding, in the generation, transformation, or transmission of electricity, in the production or distribution of gas or motive power of any kind, in the purification or distribution of water, or in heating;

(ii) undertakings engaged in the construction, reconstruction, maintenance, repair, alteration, or demolition of any one or more of the following: buildings, railways, tramways, airports, harbours, docks, piers, works of protection against floods or coast erosion, canals, works for the purpose of inland, maritime or aerial navigation, roads, tunnels, bridges, viaducts, sewers, drains, wells, irrigation or drainage works, telecommunication installations, works for the production or distribution of electricity or gas, pipelines, waterworks, and undertakings engaged in other similar work or in the preparation for or laying the foundations of any such work or structure;

*Article 45*

1. Les autorités compétentes devront inclure dans leur programme économique l'assistance aux sociétés coopératives et le développement des sociétés coopératives, y compris les organisations coopératives de travailleurs formées à des fins sanitaires, les coopératives d'habitation et les coopératives à fins éducatives; les mesures à prendre devront comprendre une aide financière, toutes les fois qu'il conviendra.

2. A cette fin, on envisagera :

a) l'adoption d'une législation appropriée, simple et peu coûteuse dans son application, couvrant toutes les formes d'organisations coopératives;

b) la création de services spécialisés chargés de promouvoir et de contrôler le développement des organisations coopératives et d'encourager l'éducation coopérative.

3. Dans les cas appropriés, les organisations coopératives seront représentées effectivement dans les offices et comités publics dont l'activité affecte leurs intérêts.

## SECTION 15. DEFINITIONS ET CHAMP D'APPLICATION

*Article 46*

Aux fins de la présente partie de la présente annexe :

a) le terme "établissement agricole" peut être défini de manière à comprendre les opérations effectuées dans l'établissement pour la conservation et l'expédition des produits agricoles de l'établissement, à moins qu'on ne désire classer ces opérations comme faisant partie d'un établissement industriel;

b) le terme "établissement commercial" comprend :

i) les établissements commerciaux et les bureaux, comprenant les établissements dont l'activité consiste essentiellement ou principalement à vendre, acheter, distribuer, assurer, négocier, prêter ou gérer des biens ou des services de toute nature;

ii) les établissements où sont hospitalisés, traités ou soignés, notamment, les vieillards, les malades, les infirmes, les indigents, ou les aliénés;

iii) les hôtels, restaurants, pensions, cercles, cafés et autres établissements où sont servies des consommations;

iv) les établissements de spectacles et de divertissements;

v) tous les établissements de caractères similaires à ceux des établissements énumérés aux sous-alinéas i), ii), iii) et iv) ci-dessus;

c) l'expression "établissement industriel" comprend :

i) les établissements dans lesquels des produits sont manufacturés, modifiés, nettoyés, réparés, décorés, achevés, préparés pour la vente, détruits ou démolis, ou dans lesquels des matières subissent une transformation, y compris la construction des navires, ainsi que les entreprises de production, de transformation et de transmission de l'électricité, les entreprises de production et de distribution de gaz ou de force motrice en général, les entreprises d'épuration et de distribution d'eau, et les entreprises de chauffage;

ii) les entreprises de construction, reconstruction, entretien, réparation, modification ou démolition des ouvrages suivants : bâtiments et édifices, chemins de fer, tramways, aéroports, ports, docks, jetées, ouvrages de protection contre l'action des cours d'eau et de la mer, canaux, installations pour la navigation intérieure, maritime ou aérienne, routes, tunnels, ponts, viaducs, égouts collecteurs, égouts ordinaires, puits, installations pour l'irrigation et le drainage, installations pour télécommunications, installations afférentes à la production ou à la distribution de force électrique et de gaz, pipe-lines, installations de distribution d'eau, ainsi que les entreprises s'adonnant à d'autres travaux similaires et aux travaux de préparation ou de fondation précédant les travaux ci-dessus;

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

(iv) undertakings engaged in the transport of passengers or goods, excluding transport by hand, unless such undertakings are regarded as parts of the operation of an agricultural or commercial undertaking;

(d) the terms " agricultural undertaking ", " commercial undertaking " and " industrial undertaking " include both public and private undertakings;

(e) the term " vessel " includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned, excluding ships of war; it may be interpreted as excluding vessels of less than a specified tonnage and carrying a crew of less than a specified number;

(f) the term " night " signifies a period of at least eleven consecutive hours: Provided that in those tropical countries in which work is suspended during the middle of the day, the night period may be shorter if compensatory rest is accorded during the day;

(g) provisions prescribing a minimum age may be interpreted as relating to an apparent minimum age where records of birth are inadequate.

#### *Article 47*

The competent authority may exclude from the application of the provisions of this Part of the present Annex undertakings or vessels in respect of which, from their nature and size, adequate supervision may be impracticable.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Twenty-sixth Session which was held at Philadelphia and declared closed the 12th day of May 1944.

IN FAITH WHEREOF we have appended our signatures, this seventeenth day of May 1944.

*The President of the Conference.*

W. NASH.

*The Acting Director of the International Labour Office.*

EDWARD J. PHELAN.

### INTERNATIONAL LABOUR CONFERENCE

#### RECOMMENDATION [No. 71] CONCERNING EMPLOYMENT ORGANISATION IN THE TRANSITION FROM WAR TO PEACE.

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the organisation of employment in the transition from war to peace which is the third item on the agenda of the Session, and

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

adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Employment (Transition from War to Peace) Recommendation, 1944:

iii) les mines, carrières et industries extractives de toute nature;

iv) les entreprises de transport de personnes ou de marchandises, à l'exception du transport à la main, à moins que ces entreprises ne soient considérées comme comprises dans l'exploitation d'un établissement agricole ou commercial;

d) les termes "établissement agricole", "établissement commercial" et "établissement industriel" comprennent les établissements tant publics que privés;

e) le terme "navire" comprend tout navire ou bâtiment de quelque nature qu'il soit, de propriété publique ou privée, effectuant une navigation maritime, à l'exclusion des bateaux de guerre; il peut être interprété comme excluant les bateaux jaugeant moins d'un tonnage spécifié et monté par un équipage inférieur à un effectif spécifié;

f) le terme "nuit" signifie une période d'au moins onze heures consécutives; toutefois, dans les pays tropicaux où le travail est suspendu pendant un certain temps au milieu de la journée, la période de nuit pourra être inférieure, pourvu qu'un repos compensateur soit accordé pendant le jour;

g) les dispositions relatives à l'âge minimum pourront être interprétées, lorsque la date de naissance ne pourra être déterminée avec une précision suffisante, comme s'appliquant à un âge minimum apparent.

#### Article 47

L'autorité compétente pourra exclure de l'application des dispositions de la présente partie de la présente annexe les entreprises ou navires à l'égard desquels, en raison de leur nature et de leurs dimensions, un contrôle suffisamment efficace peut n'être pas possible.

Le texte qui précède est le texte authentique de la recommandation dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa vingt-sixième session qui s'est tenue à Philadelphie et qui a été déclarée close le 12 mai 1944.

EN FOI DE QUOI ont apposé leurs signatures, ce dix-septième jour de mai 1944.

*Le Président de la Conférence.*

W. NASH.

*Le Directeur par intérim du Bureau international du Travail.*

EDWARD J. PHELAN.

### CONFERENCE INTERNATIONALE DU TRAVAIL

#### RECOMMANDATION [N° 71] CONCERNANT L'ORGANISATION DE L'EMPLOI AU COURS DE LA TRANSITION DE LA GUERRE A LA PAIX

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Philadelphie par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 20 avril 1944 en sa vingt-sixième session,

Après avoir décidé d'adopter diverses propositions relatives à l'organisation de l'emploi au cours de la transition de la guerre à la paix, question qui constitue le troisième point à l'ordre du jour de la session,

Après avoir décidé que ces propositions prendraient la forme d'une recommandation,

adopte, ce douzième jour de mai mil neuf cent quarante-quatre, la recommandation suivante, qui sera dénommée recommandation sur l'emploi (transition de la guerre à la paix), 1944:

Whereas the promotion of full employment with a view to satisfying the vital needs of the population and raising the standard of living throughout the world is a primary objective of the International Labour Organisation;

Whereas in order to achieve full employment economic measures providing employment opportunities must be supplemented by effective organisation to help employers to secure the most suitable workers, to help workers to find the most suitable employment, and generally to ensure that, at any given moment, the necessary skills are available and are distributed satisfactorily among the various branches of production and the various areas; and

Whereas the character and magnitude of the employment adjustments required during the transition from war to peace will necessitate special action, more particularly for the purpose of facilitating the re-employment of demobilised members of the armed forces, discharged war workers, and all persons whose usual employment has been interrupted as a result of the war, enemy action, or resistance to the enemy or enemy-dominated authorities, by assisting the persons concerned to find without delay the most suitable employment;

The Conference recommends the Members of the Organisation to apply the following general principles, and in so doing to take into account, according to national conditions, the suggested methods of application, and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles.

#### GENERAL PRINCIPLES

I. Each Government should collect whatever information is necessary regarding workers seeking or likely to be seeking employment and regarding prospective employment opportunities, with a view to ensuring the most rapid reabsorption or redistribution in suitable employment of all persons who desire to work.

II. The demobilisation of the armed forces and of assimilated services and the repatriation of prisoners of war, persons who have been deported, and others, should be planned with the objective of maximum fairness to individuals and maximum opportunities for satisfactory re-establishment in civil life.

III. National programmes for industrial demobilisation and reconversion should be planned, in co-operation with employers' and workers' organisations, and other adequate measures taken, in such manner as to facilitate the most rapid attainment of full employment for the production of needed goods and services.

IV. In the organisation of full employment in the transition period and thereafter, the widest possible use of employment service facilities by employers seeking workers and by workers seeking employment should be encouraged by the competent authorities and by employers' and workers' organisations.

V. Each Government should, to the maximum extent possible, provide public vocational guidance facilities, available to persons seeking work, with a view to assisting them to find the most suitable employment.

VI. Training and retraining programmes should be developed to the fullest possible extent in order to meet the needs of the workers who will have to be re-established in employment or provided with new employment.

VII. With a view to avoiding the need for excessive movements of workers from one area to another and preventing localised unemployment in particular areas, each Government should, in co-operation with employers' and workers' organisations, formulate a positive policy in regard to the location of industry and the diversification of economic activity. Governments should also take steps to facilitate any necessary mobility of labour, both occupational and geographical.

Considérant qu'un des objectifs primordiaux de l'Organisation internationale du Travail est de promouvoir le plein emploi des travailleurs en vue de satisfaire les besoins vitaux des populations et, en général, d'élever le niveau de vie dans le monde entier;

Considérant que, pour réaliser le plein emploi, il est nécessaire que les mesures économiques d'où résultent les possibilités de travail s'accompagnent d'une organisation adéquate susceptible d'aider les employeurs à se procurer les travailleurs convenant le mieux à leurs besoins, d'aider les travailleurs à trouver les emplois convenant le mieux à leurs capacités et, en général, d'assurer que les travailleurs avec les capacités nécessaires soient disponibles et répartis à chaque moment de manière satisfaisante entre les diverses branches de production et les diverses régions;

Considérant que le caractère et l'importance des ajustements à opérer dans la période de transition de la guerre à la paix nécessiteront des mesures spéciales en vue, notamment, de faciliter la remise au travail des démobilisés, des travailleurs licenciés des industries de guerre et de toutes personnes dont l'emploi habituel a été interrompu en conséquence de la guerre, de l'action de l'ennemi ou de la résistance à l'ennemi ou aux autorités dominées par l'ennemi, en aidant les intéressés à trouver sans retard les emplois qui leur conviennent le mieux;

La Conférence recommande aux Membres de l'Organisation d'appliquer les principes généraux suivants et de tenir compte, selon les conditions de chaque pays, des méthodes d'application suggérées, et de communiquer au Bureau international du Travail les informations que le Conseil d'administration déciderait de demander concernant les mesures prises pour mettre ces principes en application.

#### PRINCIPES GENERAUX

I. Chaque gouvernement devrait réunir tous les renseignements nécessaires concernant les travailleurs qui cherchent un emploi ou sont susceptibles d'en chercher, et concernant les possibilités probables d'emploi, afin de permettre la réintégration et le reclassement le plus rapides de toutes les personnes qui désirent un emploi dans une occupation qui leur convienne.

II. La démobilisation des forces armées et des services assimilés et le rapatriement des prisonniers de guerre, déportés et autres expatriés devraient être préparés de façon à traiter chaque individu avec la plus grande justice et à lui donner les plus grandes possibilités pour se réintégrer d'une manière satisfaisante dans la vie civile.

III. Des programmes nationaux de démobilisation et de reconversion industrielles devraient être établis, en collaboration avec les organisations d'employeurs et de travailleurs, et d'autres dispositions appropriées devraient être prises, de manière à faciliter la réalisation la plus rapide du plein emploi pour la production des biens et la distribution des services qui sont nécessaires.

IV. Pour l'organisation du plein emploi durant la période de transition et celle qui suivra, les employeurs cherchant à recruter des travailleurs et les travailleurs cherchant un emploi devraient être incités par les autorités compétentes et par les organisations d'employeurs et de travailleurs à faire le plus large usage des possibilités du service de l'emploi.

V. Chaque gouvernement devrait, dans la plus large mesure possible, instituer des services publics d'orientation professionnelle à l'usage des personnes en quête d'emploi, afin de les aider à trouver l'emploi qui leur convient le mieux.

VI. Les programmes de formation et de rééducation professionnelles devraient être développés dans la plus large mesure possible, afin de faire face aux besoins des travailleurs qui auront à être remis au travail ou pourvus d'un nouvel emploi.

VII. Chaque gouvernement devrait, en vue de prévenir la nécessité de déplacements excessifs de travailleurs d'une région à une autre et d'éviter le risque d'un chômage localisé dans des régions particulières, formuler, en collaboration avec les organisations d'employeurs et de travailleurs, une politique positive concernant la distribution régionale des industries et la diversité de l'activité économique. Les gouvernements devraient aussi prendre des dispositions pour faciliter la mobilité nécessaire, professionnelle et géographique, de la main d'œuvre.

VIII. Efforts should be made during the transition period to provide the widest possible opportunities for acquiring skill for juveniles and young workers who were unable, because of the war, to undertake or to complete their training and efforts should also be made to improve the education and health supervision of young persons.

IX. The redistribution of women workers in each national economy should be carried out on the principle of complete equality of opportunity for men and women in respect of admission to employment on the basis of their individual merit, skill and experience, and steps should be taken to encourage the establishment of wage rates on the basis of job content, without regard to sex.

X. Disabled workers, whatever the origin of their disability, should be provided with full opportunities for rehabilitation, specialised vocational guidance, training and retraining, and employment on useful work.

XI. Measures should be taken to regularise employment within the industries and occupations in which work is irregular, in order to achieve full use of the capacities of the workers.

## METHODS OF APPLICATION

### I. ADVANCE COLLECTION OF INFORMATION

1. Each Government should arrange for the co-ordinated collection and utilisation of as complete and up-to-date information as possible on :

(a) the number, educational and occupational backgrounds, past and present skills, and occupational wishes of members of the armed forces and of assimilated services, and as far as possible of all persons whose usual employment has been interrupted as the result of enemy action or resistance to the enemy or enemy-dominated authorities;

(b) the number, location, industrial distribution, sex distribution, skills and occupational wishes of workers who will have to change their employment during the transition from war to peace; and

(c) the number and distribution of older workers, women and juveniles who are likely to withdraw from gainful employment after the war emergency and the number of juveniles who are likely to be seeking employment on leaving school.

2. (1) Comprehensive material on prospective labour requirements, showing the probable extent and timing of the demand for workers from each major industry, both in total and by major skills, should be collected and analysed before the end of the war.

(2) Where such information is in the possession of any administrative authority, it should be made available to the authorities primarily responsible for the collection or utilisation of advance information on labour supply and requirements.

(3) The material on labour requirements should cover more particularly :

(a) the probable contraction of labour requirements resulting from the closing of certain munitions undertakings;

(b) the probable rate of contraction of the armed forces and of assimilated services upon the termination of hostilities;

(c) probable fluctuations and changes by areas in the labour force of industries or undertakings which will, with or without a period of conversion, continue in operation to meet peacetime needs;



VIII. Des efforts devraient être faits dans la période de transition pour mettre les plus larges facilités d'acquérir une qualification à la disposition des adolescents et des jeunes travailleurs qui n'ont pu, en conséquence de la guerre, commencer ou achever leur formation, ainsi que pour améliorer l'instruction de la jeunesse et la protection de sa santé.

IX. Le reclassement des travailleuses dans l'économie de chaque pays devrait se faire selon le principe d'une complète égalité des hommes et des femmes pour l'accès à l'emploi, sur la base de leurs aptitudes, de leur habileté et de leur expérience individuelles. Des mesures devraient être prises pour encourager l'établissement de taux de salaires d'après le caractère du travail, sans distinction de sexe.

X. Les travailleurs invalides, quelle que soit l'origine de leur invalidité, devraient disposer des plus larges facilités d'orientation professionnelle spécialisée, de formation professionnelle, de rééducation fonctionnelle et professionnelle et de placement dans un emploi utile.

XI. Des mesures devraient être prises pour régulariser l'emploi dans les industries ou professions où le travail est irrégulier en vue d'obtenir une pleine utilisation de la main-d'œuvre.

## METHODES D'APPLICATION

### I. REUNION PREALABLE D'INFORMATIONS

1. Chaque gouvernement devrait prendre des dispositions pour assurer la réunion coordonnée et l'utilisation d'informations aussi complètes et à jour que possible concernant :

a) le nombre, l'instruction, la carrière, les qualifications passées et présentes et les aspirations professionnelles des membres des forces armées et services assimilés et, dans la mesure du possible, de toutes les personnes dont l'emploi habituel a été interrompu en conséquence de l'action de l'ennemi ou de la résistance à l'ennemi ou aux autorités dominées par l'ennemi;

b) le nombre, la distribution géographique et professionnelle, la répartition par sexe, les qualifications et aspirations professionnelles des travailleurs qui auront à changer d'emploi pendant la période de transition de la guerre à la paix;

c) le nombre et la répartition des travailleurs âgés, des femmes et des adolescents susceptibles de se retirer de tout emploi rétribué quand les circonstances exceptionnelles créées par la guerre auront pris fin et le nombre des adolescents susceptibles de chercher un emploi à la fin de leurs études.

2. 1) Il conviendrait de réunir et d'analyser, avant la fin de la guerre, des renseignements étendus concernant les besoins probables de main-d'œuvre, en faisant ressortir le volume et le rythme probables de la demande de travailleurs, à la fois globalement et par grandes spécialisations dans chacune des principales industries.

2) Lorsqu'une administration publique est en mesure de fournir de tels renseignements, elle devrait les communiquer aux organes spécialement chargés de réunir ou d'utiliser les informations préalables sur les disponibilités et les besoins de main-d'œuvre.

3) Les renseignements concernant les besoins de main-d'œuvre devraient porter notamment sur :

a) la contraction probable des besoins de main-d'œuvre résultant de la fermeture d'usines d'armement;

b) la proportion probable de la contraction des effectifs des forces armées et services assimilés après la cessation des hostilités;

c) les fluctuations et les changements probables, dans chaque région, de la composition des effectifs des industries ou entreprises qui continueront à travailler, sans interruption ou après une période de conversion, pour les besoins du temps de paix;

(d) probable labour requirements in industries which will be expanding to meet peacetime needs, in particular in industries the output of which is most urgently needed to improve the standard of living of the workers, and in public works, including works of a normal character and works held in reserve for the provision of supplementary employment in periods of declining economic activity; and

(e) the probable demand for workers in the main industries and occupations under conditions of full employment.

3. Prospective labour supply and demand in the various areas should be kept under constant review by the appropriate authorities, in order to show the effect of the war and the probable effect of the termination of hostilities on the employment situation in each of these areas.

4. Members should co-operate in collecting the information referred to in subparagraphs (a), (b) and (c) of paragraph 1 in respect of persons transferred out of their own countries as a result of Axis aggression. Each Government should supply such information in respect of nationals of other Members living in its territory, in Axis territories, or in territory occupied by the Axis, who are awaiting repatriation, even where the information available is merely of a general character.

## II. DEMOBILISATION OF THE ARMED FORCES

5. Close contact should be organised and maintained between the employment service and the authorities responsible for the demobilisation of the armed forces and assimilated services and for the repatriation of prisoners of war and persons who have been deported, in order to ensure the speediest re-employment of the men and women concerned.

6. (1) The rate and order of demobilisation should be controlled according to clearly expressed principles which should be given wide publicity in order that they may be clearly understood.

(2) In the process of demobilisation, which should in general be as rapid as military necessity and transportation facilities permit, consideration should be given to:

(a) the desirability of regulating the rate and distributing the flow of demobilisation so as to avoid local concentrations of ex-service men and women disproportionate to the capacity of their community to provide opportunity for employment or training; and

(b) the desirability of arranging, where necessary, for an early release of workers whose qualifications make them indispensable for urgent reconstruction work.

7. (1) Schemes for reinstating in their former employment persons whose usual employment has been interrupted by military mobilisation, enemy action, or resistance to the enemy or enemy-dominated authorities, should be adopted and carried out so far as changed post-war circumstances allow.

(2) The fullest possible employment and advancement opportunities for these men and women, on the basis of their qualifications, should be assured through Government action and collective agreements.

(3) Immediate alternative employment should be secured for the workers displaced by the operation of these schemes.

8. In addition to schemes for re-employment, immediate consideration should be given to the provision, wherever justified by prospective opportunities to make a living, of adequate financial and other assistance to enable qualified demobilised persons to settle or resettle on the land, to enter or re-enter a profession, or to take up other independent work.

d) la demande probable de main-d'œuvre des industries qui prendront de l'expansion pour faire face aux besoins du temps de paix, notamment des industries dont la production est la plus urgente pour élever le niveau de vie des travailleurs, et la demande probable de main-d'œuvre pour les travaux publics, tant ceux d'un caractère normal que ceux réservés pour augmenter les possibilités de travail en période de déclin de l'activité économique;

e) la demande probable de main-d'œuvre dans les principales industries et professions dans l'hypothèse du plein emploi.

3. Les disponibilités et les besoins de main-d'œuvre probables dans les diverses régions devraient être étudiés continuellement par les autorités appropriées, afin de déterminer les répercussions de la guerre et les résultats probables de l'arrêt des hostilités sur la situation de l'emploi dans chacune de ces régions.

4. Les Membres devraient collaborer pour la réunion d'informations sur les questions mentionnées aux alinéas a), b) et c) du paragraphe 1) concernant les personnes qui ont été déplacées hors de leur pays par suite de l'agression axiste. Chaque gouvernement devrait fournir ces informations, même si elles n'ont qu'un caractère générale, concernant les ressortissants des autres Membres vivant sur son territoire, sur les territoires des pays de l'Axe ou sur les territoires occupés par l'Axe, et qui attendent leur rapatriement.

## II. DEMOBILISATION DES FORCES ARMEES

5. Un contact étroit devrait être organisé et maintenu entre le service de l'emploi et les autorités chargées de la démobilisation des forces armées et services assimilés et du rapatriement des prisonniers de guerre et des personnes qui ont été déportées, afin d'assurer le réemploi le plus rapide des hommes et des femmes intéressés.

6. 1) Le rythme et l'ordre de la démobilisation devraient être réglés selon des principes clairement définis qui devraient recevoir la plus large publicité pour être clairement compris.

2) Au cours des opérations de démobilisation qui devraient, dans l'ensemble, être aussi rapides que le permettent les exigences militaires et les facilités de transport, il conviendrait de prendre en considération :

a) l'opportunité de régler et de répartir le flot des démobilisés de manière à éviter des concentrations incompatibles avec la capacité d'absorption des localités ou avec les possibilités d'emploi ou de formation professionnelle qu'elles peuvent offrir;

b) l'opportunité d'assurer, le cas échéant, une prompte libération de travailleurs que leurs qualifications rendraient indispensables pour un travail urgent de reconstruction.

7. 1) Des dispositions devraient être adoptées et appliquées, dans la mesure où le permettent les conditions nouvelles d'après-guerre, en vue de réintégrer dans leur emploi antérieur les personnes dont l'emploi habituel a été interrompu par suite du service militaire, de l'action de l'ennemi ou de la résistance à l'ennemi ou aux autorités dominées par l'ennemi.

2) Les plus larges possibilités d'emploi et de promotion devraient être assurées à ces personnes sur la base de leurs qualifications, par décision gouvernementale ou par convention collective.

3) Les travailleurs qui perdraient leur emploi en conséquence des mesures ci-dessus devraient être pourvus immédiatement d'un autre emploi.

8. En dehors des dispositions visant le réemploi des travailleurs, il conviendrait d'envisager immédiatement l'octroi—dans tous les cas où une telle mesure offre aux intéressés une possibilité de gagner leur vie—d'une assistance adéquate, financière ou autre, permettant aux démobilisés qualifiés de s'établir ou de se rétablir sur la terre, d'entrer ou de rentrer dans les professions libérales ou d'entreprendre quelque autre travail indépendant.

### III. INDUSTRIAL DEMOBILISATION AND CONVERSION

9. (1) Each Government should, in co-operation with employers' and workers' organisations, formulate a national industrial demobilisation and reconversion programme to facilitate the rapid and orderly conversion of the economy from wartime to peacetime requirements during the period of reconstruction, account being taken of the urgent need of countries devastated by the war, with a view to attaining full employment with the least possible delay. All information in regard to the demobilisation and reconversion programme should be made available to the authorities responsible for collecting advance information on labour supply and requirements.

(2) The co-operation of employers' and workers' organisations should be invited with a view to working out comprehensive industry and area demobilisation and reconversion programmes to facilitate the change-over from war to peace production in a manner that will minimise transitional unemployment.

10. (1) Each Government should, so far as possible before the end of the war, determine its policy in regard to the peacetime use of Government-owned war production capacity and equipment and in regard to the disposition of surplus materials.

(2) Special consideration should be given to the early release of factories and equipment urgently needed for peacetime production or training.

(3) In general, factories, equipment or materials should not be destroyed or kept out of use where human needs are unsatisfied or where no excess production would exist at reasonable prices under conditions of demand associated with full employment.

11. Each Government should, in formulating its policy and procedure for the termination or adjustment of war contracts, give special consideration to the possibilities of continued employment or rapid re-employment of the workers affected or of favourable opportunities for employment in other areas. Governments should also arrange for the prompt settlement of claims under terminated contracts, so that employment will not be held back by needless financial difficulties of contractors. Contractors in countries at present occupied who have worked voluntarily in the interest of the enemy should not be granted the benefit of such arrangements.

12. (1) Arrangements should be made to ensure that administrative authorities give information at the earliest possible moment to the employment service and contractors regarding any circumstances likely to cause dismissals or lay-offs.

(2) Procurement agencies should give contractors both at home and abroad and the employment service as long advance notice as possible of cut-backs in war orders. In no case should the notice given be less than two weeks.

(3) Employers should give the employment service at least two weeks' advance notice of proposed dismissals affecting more than a specified number of workers, in order to enable the employment service to make plans for alternative employment for the workers concerned.

(4) Employers should give the employment service at least two weeks' advance notice of proposed temporary lay-offs affecting more than a specified number of workers, together with information to show the probable duration of such lay-offs, in order to enable the employment service to find temporary public or private employment or training for the laid-off workers. Employers should so far as possible inform the laid-off workers of the expected duration of such lay-offs.

## III. DEMOBILISATION ET CONVERSION DES INDUSTRIES

9. 1) Chaque gouvernement devrait formuler, en collaboration avec les organisations d'employeurs et de travailleurs, un programme national de démobilisation et de reconversion industrielles tendant à faciliter une conversion rapide et ordonnée de l'économie de guerre en fonction des besoins de la production de paix pendant la reconstruction, compte tenu des besoins urgents des pays dévastés par la guerre, de manière à atteindre le plein emploi dans le plus bref délai possible. Toutes informations concernant le programme de démobilisation et de reconversion devraient être mises à la disposition des autorités chargées de réunir des informations préalables sur l'offre et la demande de main-d'œuvre.

2) Il conviendrait de faire appel à la collaboration des organisations d'employeurs et de travailleurs en vue d'établir pour certaines industries et régions des plans d'ensemble de démobilisation et de reconversion industrielles susceptibles de faciliter le passage de la production de guerre à la production de paix de façon à réduire au minimum le chômage de la période de transition.

10. 1) Chaque gouvernement devrait déterminer, autant que possible avant la fin des hostilités, sa politique concernant l'utilisation en temps de paix des moyens de production appartenant à l'Etat ainsi que l'utilisation des stocks en surplus.

2) Il devrait envisager spécialement la libération rapide des fabriques et du matériel qui seront nécessaires de manière urgente pour la production et la formation professionnelle en temps de paix.

3) D'une façon générale, il conviendrait, lorsqu'il existe des besoins de consommation non satisfaits, de ne pas détruire ou laisser inutilisés des usines, de l'équipement ou des matériaux susceptibles de servir à la production de biens qui, à des prix raisonnables, trouveraient à s'écouler dans le cas d'une consommation correspondant au plein emploi.

11. Chaque gouvernement devrait, en formulant sa politique et la procédure à suivre pour la résiliation ou l'aménagement des contrats de guerre, prendre spécialement en considération les possibilités qui existent pour les travailleurs de conserver leur emploi ou d'obtenir rapidement un autre emploi, ou les occasions favorables qui s'offrent à eux de trouver du travail dans d'autres régions. Les gouvernements devraient également prendre les dispositions pour le règlement rapide des demandes d'indemnités présentées aux termes de contrats résiliés, de sorte que l'ouverture d'emplois ne soit pas retardée inutilement par des difficultés financières que rencontreraient des entrepreneurs. Dans les pays actuellement occupés, les entrepreneurs ayant travaillé volontairement dans l'intérêt de l'ennemi ne seront pas mis au bénéfice de tels arrangements.

12. 1) Des dispositions devraient être prises pour que les administrations publiques informent, aussi longtemps que possible à l'avance, le service de l'emploi et les entrepreneurs de toutes circonstances susceptibles de causer des mises à pied ou un arrêt du travail.

2) Les services de fourniture devraient notifier aussi longtemps que possible à l'avance aux entrepreneurs du pays ou de l'étranger ainsi qu'au service de l'emploi, les réductions opérées dans les commandes de guerre. Dans aucun cas, le préavis ne devrait être inférieur à deux semaines.

3) Les employeurs devraient notifier au service de l'emploi, au moins deux semaines à l'avance, les licenciements envisagés qui affecteraient plus qu'un nombre spécifié de travailleurs afin de le mettre en mesure de trouver d'autres possibilités d'emploi pour les travailleurs licenciés.

4) Les employeurs devraient notifier au service de l'emploi, au moins deux semaines à l'avance, toutes suspensions temporaires envisagées qui affecteraient plus qu'un nombre spécifié de travailleurs. Ils devraient lui communiquer en même temps toutes informations concernant la durée probable de ces suspensions, afin de le mettre en mesure de trouver des possibilités d'emploi temporaire, public ou privé, ou des possibilités de formation professionnelle pour les travailleurs suspendus. Les employeurs devraient indiquer autant que possible à ces travailleurs la durée probable de la suspension.

## IV. APPLICATIONS FOR WORK AND FOR WORKERS

13. (1) Vacancies on public works and in undertakings working on public orders to the extent of 75 per cent. or more of their operations should be filled through the employment service.

(2) Consideration should be given to the advisability of requiring employers in specified industries or areas to engage their workers through the employment service in order to facilitate the readjustment of employment.

(3) Employers should be encouraged to give advance notice of their labour requirements to the employment service.

14. Persons applying for employment on Government-sponsored projects, as well as persons applying for publicly supported training programmes of transfer assistance, or claiming unemployment benefit or allowance, should be required to register with the employment service.

15. Special efforts should be made to assist demobilised members of the forces and war workers to find the most suitable work of which they are capable, making use wherever possible of the skills acquired by them during the war.

16. Every effort should be made, by the authorities, and in particular by the employment service, in co-operation with employers' and workers' organisations, to encourage as wide a use as possible of the employment service by employers and workers.

## V. VOCATIONAL GUIDANCE

17. Special and immediate attention should be given to the development of suitable methods and techniques of vocational guidance for adult workers.

18. In cases of prolonged unemployment, the use of vocational guidance facilities should be made a condition for the continued receipt of unemployment benefit or allowance.

19. The competent authorities should, in co-operation with the private bodies concerned, develop and maintain adequate training facilities for vocational guidance officers.

## VI. TRAINING AND RETRAINING PROGRAMMES

20. On the basis of information concerning labour supply and demand in the post-war period, each Government should, in close co-operation with employers' and workers' organisations, formulate a national training and retraining programme, geared to the post-war needs of the economy and taking into account changes in the different skill requirements of each industry.

21. Every possible step should be taken to facilitate the occupational mobility necessary to adjust the supply of workers to present and prospective labour requirements.

22. Training and retraining programmes should be extended and adapted to meet the needs of demobilised persons, discharged war workers, and all persons whose usual employment has been interrupted as the result of enemy action or resistance to the enemy or enemy-dominated authorities. Special emphasis should be placed on courses of training designed to fit the persons concerned for employment which offers a permanent career.

23. In addition to apprenticeship schemes, systematic methods of training, retraining and upgrading workers should be developed to meet post-war needs for the reconstitution and expansion of the skilled labour force.

## IV. OFFRES ET DEMANDES D'EMPLOI

13. 1) Les emplois vacants dans les travaux publics et les entreprises qui travaillent dans une proportion d'au moins 75 pour cent pour l'exécution de commandes des autorités publiques devraient être pourvus par l'intermédiaire du service de l'emploi.

2) Il conviendrait d'envisager l'opportunité, dans des industries ou régions déterminées, d'obliger les employeurs à opérer leurs embauchages par l'intermédiaire du service de l'emploi en vue de faciliter le rajustement du marché de l'emploi.

3) Les employeurs devraient être incités à notifier leurs besoins de main-d'œuvre au service de l'emploi.

14. Les personnes qui postulent un emploi dans les travaux patronnés par l'Etat, ou l'admission dans une institution subventionnée de formation professionnelle, ou une indemnité de déplacement, ou une indemnité ou allocation de chômage, devraient être obligées de s'inscrire auprès du service de l'emploi.

15. Des efforts spéciaux devraient être faits pour aider les démobilisés et les travailleurs de guerre à trouver les emplois qui conviennent le mieux à leurs capacités, en tenant compte, dans toute la mesure du possible, des qualifications acquises par eux pendant la guerre.

16. Tous efforts devraient être faits par les administrations publiques, et plus spécialement par le service de l'emploi, en collaboration avec les organisations d'employeurs et de travailleurs, pour encourager l'utilisation la plus étendue du service de l'emploi par les employeurs et les travailleurs.

## V. ORIENTATION PROFESSIONNELLE

17. Il conviendrait de porter une attention particulière et immédiate au développement de méthodes et de techniques adaptées aux besoins de l'orientation des travailleurs adultes.

18. La continuation du droit aux indemnités ou aux allocations de chômage devrait, en case de chômage prolongé, être subordonnée au recours aux services d'orientation professionnelle.

19. Les autorités compétentes devraient, en coopération avec les institutions privées, développer et entretenir des possibilités adéquates de formation de conseillers d'orientation.

## VI. PROGRAMMES DE FORMATION ET DE REEDUCATION PROFESSIONNELLES

20. Sur la base des informations concernant l'offre et la demande de main-d'œuvre dans la période d'après-guerre, chaque gouvernement devrait élaborer, en association étroite avec les organisations d'employeurs et de travailleurs, un programme national de formation et de rééducation professionnelles, orienté vers les besoins d'après-guerre de l'économie et tenant compte des changements intervenus dans les différentes qualifications professionnelles requises pour chaque industrie.

21. Toutes les mesures devraient être prises en vue de faciliter la mobilité professionnelle nécessaire pour adapter les disponibilités de travailleurs aux besoins présents et futurs de main-d'œuvre.

22. Les programmes de formation ou de rééducation professionnelles devraient être étendus et adaptés aux besoins des démobilisés et des travailleurs licenciés des industries de guerre et de toutes personnes dont l'emploi habituel a été interrompu en conséquence de la guerre, de l'action de l'ennemi ou de la résistance à l'ennemi ou aux autorités dominées par l'ennemi. Une attention particulière devrait être portée aux cours de formation qui préparent à des emplois offrant des perspectives d'avenir.

23. En plus des systèmes d'apprentissage, des mesures méthodiques devraient être prises pour développer la formation, la rééducation et la promotion des travailleurs en vue de faire face à la reconstitution et à l'expansion nécessaires du personnel qualifié après la guerre.

24. Persons undertaking training should be paid, where necessary, remuneration or allowances which provide an inducement to undergo and continue training and are sufficient to maintain a reasonable standard of life.

25. Men and women whose higher training and education has been prevented or interrupted by war service, whether in a military or civilian capacity, or by enemy action, or by resistance to the enemy or enemy dominated authorities, should be enabled to enter upon or resume and complete their training and education, subject to continued proof of merit and promise, and should be paid allowances during their training and education.

26. (1) Qualified vocational teachers and instructors who have been engaged in other work during the war should be encouraged to resume their previous occupation at the earliest possible moment.

(2) Refresher courses should be organised in case of need:

(a) for vocational instructors returning to their work after a lengthy absence; and

(b) for teaching new methods and techniques.

(3) Additional vocational teachers and instructors should be trained in the numbers required to meet the needs of the training and retraining programme.

(4) Members should co-operate, where necessary, in reconstituting and expanding vocational training and retraining, by such methods as:

(a) the provision in one country of training as instructors for persons from another country to enable them to acquire broader skill or training not available in their own country;

(b) the loan of experienced vocational instructors and teachers from one country to help meet shortages of vocational training staff or new industrial needs in another country;

(c) facilitating the return to the territories of member countries of subjects thereof living in the territory of another member country who are qualified for teaching and instructing in their home country; and

(d) the provision of training handbooks and other equipment to assist instructors and persons in training.

27. Training and retaining services should be co-ordinated on a national, regional and local basis, and should be closely associated at all levels of operation with guidance work, with the placement work of the employment service, and with the training activities of employers' and workers' organisations.

## VII. GEOGRAPHICAL MOBILITY

28. With a view to facilitating the necessary mobility of labour, the employment service should take action to overcome the obstacles to transfers from one area to another and to assist the movement of workers to areas needing labour, thereby helping to bring together available skills and available employment opportunities and thus preventing unemployment.

29. (1) Where a worker is transferred from one area to another on the initiative or with the consent of the employment service, arrangements should be made to grant travelling expenses and to assist the worker to meet initial expenses in the new place of work by granting or advancing him a specified amount, fixed according to the circumstances.

(2) Where a temporary transfer made through the employment service involves the separation of the head of the household from his family, arrangements should be made to grant an appropriate separation allowance to cover the added costs of maintaining double living quarters.



24. Les personnes qui se soumettent à une formation professionnelle devraient, si cela est nécessaire, recevoir une rémunération ou une allocation qui soit suffisante pour les induire à entreprendre ou continuer leur formation et pour leur permettre de maintenir un niveau de vie convenable.

25. Les personnes dont la formation ou les études supérieures ont été empêchées ou interrompues par un service de guerre, militaire ou civil, ou par l'action de l'ennemi, ou par leur résistance à l'ennemi ou aux autorités dominées par l'ennemi devraient être mises en mesure d'int reprendre ou de reprendre et de compléter leur formation ou leurs études, sous réserve qu'elles fassent preuve de capacité et de progrès continus. Des allocations devraient leur être payées durant leur formation professionnelle et leurs études.

26. 1) Les professeurs et instructeurs qualifiés qui ont été éloignés de l'enseignement professionnel et technique pendant la guerre devraient être encouragés à y revenir le plus tôt possible.

2) Des cours spéciaux devraient être organisés selon les besoins :

a) pour permettre aux instructeurs qui reviennent à leur profession après une longue absence de rafraîchir leurs connaissances;

b) pour l'enseignement des méthodes et techniques nouvelles.

3) Des professeurs et instructeurs nouveaux devraient être formés en nombre suffisant pour faire face aux besoins des programmes de formation et de rééducation professionnelle.

4) Les Membres devraient, en cas de besoin, coopérer en vue de restaurer et développer la formation et la rééducation professionnelles, notamment par les moyens suivants :

a) la formation à l'étranger, à titre d'instructeurs, de personnes qui ont besoin d'élargir leurs connaissances techniques ou d'acquérir une formation qui ne peut être acquise dans leur pays;

b) le prêt, par un pays, de professeurs et d'instructeurs professionnels expérimentés en vue de faire face, dans un autre pays, à une pénurie de personnel d'instruction ou à des besoins nouveaux de l'industrie;

c) en facilitant le rapatriement des ressortissants d'un Membre domiciliés sur le territoire d'un autre Membre, s'ils sont qualifiés pour des postes d'enseignement ou d'instruction dans leur pays;

d) la fourniture de manuels et d'autre matériel d'instruction pour aider les instructeurs et les personnes qui sont en cours de formation.

27. Les institutions de formation et de rééducation professionnelles devraient être coordonnées sur une base nationale, régionale et locale. Elles devraient être étroitement associées, à tous les degrés, au fonctionnement des services d'orientation professionnelle et à l'œuvre de placement du service de l'emploi, ainsi qu'à l'action poursuivie dans ce domaine par les organisations d'employeurs et de travailleurs.

## VII. MOBILITE GEOGRAPHIQUE

28. En vue de faciliter la mobilité nécessaire de la main-d'œuvre, le service de l'emploi devrait prendre des mesures pour surmonter les obstacles qui s'opposent au transfert des travailleurs d'une région à une autre et pour diriger les travailleurs vers les régions qui ont besoin de main-d'œuvre, de manière à mettre les travailleurs disponibles en rapport avec les emplois à pourvoir et à prévenir ainsi le chômage.

29. 1) Quand un travailleur se déplace d'une région à une autre à l'initiative du service de l'emploi ou d'accord avec lui, des arrangements devraient être pris pour payer au travailleur ses frais de voyage et pour l'aider à couvrir ses dépenses initiales au nouveau lieu de travail par l'octroi ou par l'avance d'une somme fixée selon les circonstances.

2) Quand un transfert temporaire effectué par l'intermédiaire du service de l'emploi oblige le chef du ménage à se séparer de sa famille, des arrangements devraient être pris en vue de lui accorder des indemnités appropriées pour couvrir les frais supplémentaires qu'entraîne une double installation.

## VIII. EMPLOYMENT OF YOUNG WORKERS

30. (1) The policy of revising upward the school-leaving age and the age for admission to employment should be considered by all countries as a primary factor in planning employment policy for the transition period.

(2) Maintenance allowances should be granted to parents by the competent authorities during the additional period of compulsory education referred to above.

31. Student-aid programmes should be developed to enable young persons above the school-leaving age to continue their education in secondary schools or high schools, and for those beyond the secondary school level, subject to continued proof of merit, in technical or higher education schools or courses on a full-time basis.

32. (1) Vocational guidance services adapted to their needs should be available for all young persons, both prior to and at the time of leaving school, through the school or the employment service.

(2) Free pre-employment medical examination should be provided for all young persons. The results of this examination should be incorporated in a certificate to serve as a basis for periodical re-examinations during a period to be prescribed by national laws or regulations.

(3) In countries in which war conditions and enemy occupation have undermined the health of young persons, particular attention should be given to the health supervision of such persons from the time of their admission to employment through the period of adjustment to working life, and, where necessary, measures of physical rehabilitation should be adopted.

(4) Members should co-operate, when requested, in providing for the training of medical and nursing staff, and the loan of experienced doctors, surgeons, nursing personnel and appropriate equipment, in order to facilitate the physical rehabilitation of the young persons referred to in sub-paragraph (3) above.

33. (1) Young persons whose contracts of apprenticeship have been interrupted owing to the war should be entitled to resume apprenticeship on the termination of their war service.

(2) State aid should be made available to enable a person whose apprenticeship has been resumed in accordance with sub-paragraph (1) above to be assured of an income which is reasonable, having regard to his age and to the remuneration he would have been receiving had his apprenticeship not been interrupted.

(3) In all cases in which military service, raw material shortages, enemy action, or other war circumstances, have prevented young persons from entering or continuing apprenticeship, arrangements should be made to encourage them, as soon as circumstances permit, to resume their apprenticeship or to learn a skilled trade.

(4) With a view to encouraging the resumption of interrupted apprenticeships, arrangements should be made to review the provisions of apprenticeship contracts and to vary them where this seems equitable to take account of training, skill or experience acquired during war service.

(5) Existing apprenticeship programmes should be re-examined, in co-operation with employers' and workers' organisations, with a view to giving wider opportunities to learn a skilled trade to the younger workers who have not been able, owing to the war, to enter apprenticeship. More particularly, consideration should be given to making arrangements for varying existing restrictions on admission to apprenticeship and for taking into account any training, skill or experience acquired during the war.

34. Employers should be encouraged to introduce programmes of systematic in-plant training to enable all the young workers employed in the undertaking to acquire training or to improve their skill and broaden their knowledge of the operations of the undertaking as a whole. Such programmes should be developed in co-operation with workers' organisations and should be adequately supervised.

## VIII. EMPLOI DES JEUNES GENS

30. 1) Tous les pays devraient prendre en considération comme un des éléments essentiels de leur politique d'emploi pendant la période de transition, l'opportunité d'élever l'âge de fin de scolarité et d'admission à l'emploi.

2) Les autorités compétentes devraient accorder aux parents des allocations de subsistance dans la période durant laquelle la scolarité a été prolongée conformément à l'alinéa ci-dessus.

31. Des systèmes de bourses d'études devraient être institués pour permettre aux jeunes gens ayant dépassé l'âge de fin de scolarité obligatoire de continuer leur instruction à plein temps dans des écoles secondaires et ensuite, sous réserve qu'ils fassent preuve de capacité et de progrès continus, leurs études dans les écoles ou cours d'enseignement supérieur et technique.

32. 1) Des services d'orientation professionnelle adaptés à leurs besoins devraient être mis à la disposition de tous les jeunes gens, aussi bien pendant la durée qu'à la fin de leurs études, par l'intervention de l'école ou du service de l'emploi.

2) Un examen médical gratuit de préemploi devrait être prévu pour tous les adolescents. Les résultats de cet examen devraient être consignés dans un certificat susceptible de servir de base à des réexamens périodiques de l'état de santé de l'adolescent durant une période à fixer par les lois et règlements nationaux.

3) Dans les pays où les conditions résultant de la guerre et de l'occupation ennemie ont miné l'état de santé de la jeunesse, le contrôle médical des adolescents lors de leur entrée en emploi et durant la période d'adaptation au travail devrait être particulièrement attentif et s'accompagner, le cas échéant, de mesures de rétablissement physique.

4) Pour faciliter ce rétablissement physique, les Membres devraient coopérer, lorsqu'ils en sont priés, pour assurer la formation du personnel médical et infirmier ou le prêt de médecins, de chirurgiens et de personnel infirmier expérimentés, ainsi que la fourniture du matériel approprié.

33. 1) Les jeunes gens dont le contrat d'apprentissage a été interrompu par la guerre devraient être en droit de reprendre leur apprentissage à la fin de leur service de guerre.

2) Une assistance officielle devrait être accordée aux personnes qui reprennent leur apprentissage dans les conditions prévues à l'alinéa 1) ci-dessus, de manière à leur assurer un revenu raisonnable, compte tenu de leur âge et de la rémunération qu'ils auraient reçue si leur apprentissage n'avait pas été interrompu.

3) Dans tous les cas où le service militaire, la pénurie de matières premières, l'action de l'ennemi ou d'autres circonstances créées par la guerre ont empêché de jeunes travailleurs de commencer ou de continuer un apprentissage, il conviendrait d'encourager ces travailleurs, dès que les circonstances le permettraient, à apprendre un métier qualifié ou à reprendre leur apprentissage interrompu.

4) En vue d'encourager les jeunes gens à reprendre leur apprentissage, des arrangements devraient être pris pour réexaminer les contrats d'apprentissage et en modifier les clauses lorsqu'une telle modification paraît équitable pour tenir compte de la formation professionnelle, des qualifications et de l'expérience acquises au cours du service de guerre.

5) Les programmes d'apprentissage existants devraient être réexaminés, en collaboration avec les organisations d'employeur et de travailleurs, afin de donner aux jeunes travailleurs qui n'ont pas eu, en conséquence de la guerre, la possibilité d'entrer en apprentissage, de larges facilités pour apprendre un métier qualifié. Des arrangements devraient être pris notamment pour modifier les restrictions apportées à l'entrée en apprentissage et, le cas échéant, pour prendre en considération la formation professionnelle, les qualifications ou l'expérience que les intéressés ont pu acquérir pendant la guerre.

34. Les employeurs devraient être encouragés à organiser des moyens systématiques de formation professionnelle dans le cadre de l'entreprise, afin d'offrir à tous les jeunes travailleurs qu'ils emploient la possibilité d'acquérir une formation ou de perfectionner leurs qualifications, ainsi que d'élargir leur connaissance des diverses opérations qui s'exécutent dans l'ensemble de l'entreprise. De tels systèmes devraient être institués avec la collaboration des organisations de travailleurs et être l'objet d'un contrôle adéquat.

35. In countries which have been invaded during the war, and in which there are young persons who have been compelled to abstain from work, or, without regard to their aptitudes or desires, to work for the enemy, special attention should be devoted to the readjustment of such young persons to work habits and to supplementing their vocational training.

#### IX. EMPLOYMENT OF WOMEN

36. The redistribution of women workers in the economy should be organised on the principle of complete equality of opportunity for men and women on the basis of their individual merit, skill and experience, without prejudice to the provisions of the International Labour Conventions and Recommendations concerning the employment of women.

37. (1) In order to place women on a basis of equality with men in the employment market, and thus to prevent competition among the available workers prejudicial to the interests of both men and women workers, steps should be taken to encourage the establishment of wage rates based on job content, without regard to sex.

(2) Investigations should be conducted, in co-operation with employers' and workers' organisations, for the purpose of establishing precise and objective standards for determining job content, irrespective of the sex of the worker, as a basis for determining wage rates.

38. The employment of women in industries and occupations in which large numbers of women have traditionally been employed should be facilitated by action to raise the relative status of these industries and occupations and to improve conditions of work and methods of placement therein.

#### X. EMPLOYMENT OF DISABLED WORKERS

39. The criterion for the training and employment of disabled workers should be the employability of the worker, whatever the origin of the disability.

40. There should be the closest collaboration between medical services for the disabled and vocational rehabilitation and placement services.

41. Specialised vocational guidance for the disabled should be developed in order to make it possible to assess each disabled worker's capacity and to select the most appropriate form of employment for him.

42. (1) Wherever possible, disabled workers should receive training in company with able-bodied workers, under the same conditions and with the same pay.

(2) Training should be continued to the point where the disabled person is able to enter employment as an efficient worker in the trade or occupation for which he has been trained.

(3) Wherever practicable, efforts should be made to retrain disabled workers in their former occupations or in related occupations where their previous qualifications would be useful.

(4) Employers with suitable training facilities should be induced to train a reasonable proportion of disabled workers.

(5) Specialised training centres, with appropriate medical supervision, should be provided for those disabled persons who require such special training.

43. (1) Special measures should be taken to ensure equality of employment opportunity for disabled workers on the basis of their working capacity. Employers should be induced by wide publicity and other means, and where necessary compelled, to employ a reasonable quota of disabled workers.

(2) In certain occupations particularly suitable for the employment of seriously disabled workers, such workers should be given preference over all other workers.

35. Dans les pays qui ont été envahis durant la guerre et où des jeunes gens ont été forcés de renoncer à travailler ou de travailler pour l'ennemi sans considération pour leurs aptitudes et leurs goûts, il conviendrait de porter une attention particulière à réadapter ces jeunes gens au travail et à compléter leur formation professionnelle.

#### IX. EMPLOI DES FEMMES

36. Le reclassement des travailleuses dans l'économie de paix devrait se faire selon le principe d'une complète égalité des hommes et des femmes pour l'accès à l'emploi et sur la base de leurs aptitudes individuelles, de leur habileté et de leur expérience, sans préjudice des dispositions des conventions et recommandations internationales du travail concernant l'emploi des femmes.

37. 1) Afin de placer les femmes sur un pied d'égalité avec les hommes sur le marché de l'emploi et d'éviter ainsi entre les travailleurs disponibles une concurrence préjudiciable pour tous, des mesures devraient être prises pour encourager l'établissement de taux de salaire fondés sur le caractère du travail, sans distinction de sexe.

2) Des enquêtes devraient être menées, en collaboration avec les organisations d'employeurs et de travailleurs, en vue d'établir, pour la détermination du caractère du travail, des normes précises et objectives, sans considération du sexe du travailleur, pour servir de base à la fixation des taux de salaire.

38. Le placement des femmes dans les industries et services qui emploient traditionnellement une main-d'œuvre féminine considérable devrait être facilité par des mesures tendant à élever le statut de ces professions et à y améliorer les conditions de travail et les méthodes de placement.

#### X. EMPLOI DES INVALIDES

39. Le critère pour la formation professionnelle et le placement des travailleurs invalides devrait être la capacité de travail des intéressés, quelle que soit l'origine de l'invalidité.

40. La collaboration la plus étroite devrait exister entre les services médicaux pour invalides et les services de rééducation professionnelle et de placement.

41. Des possibilités d'orientation professionnelle spécialisée pour les invalides devraient être développées pour permettre de déterminer la capacité de travail de chaque invalide et de choisir le type d'emploi qui lui convient le mieux.

42. 1) Les travailleurs invalides devraient, dans toute la mesure du possible, être formés professionnellement en compagnie de travailleurs valides, dans les mêmes conditions et moyennant la même rémunération.

2) La formation professionnelle devrait être poussée jusqu'au point où l'invalide est en mesure de prendre un emploi comme travailleur pleinement capable dans le métier ou la profession pour lesquels il a reçu sa formation.

3) Des efforts devraient être faits, dans toute la mesure du possible, pour rééduquer le travailleur invalide dans son ancienne profession ou dans une profession connexe où ses qualifications antérieures peuvent être utilisées.

4) Les employeurs qui disposent de moyens appropriés pour la formation professionnelle, devraient être induits à former une proportion raisonnable de travailleurs invalides.

5) Des centres spéciaux de formation professionnelle, soumis à une inspection médicale appropriée, devraient être organisés pour les invalides qui requièrent une formation spéciale.

43. 1) Des mesures spéciales devraient être prises pour garantir aux travailleurs invalides l'égalité d'accès à l'emploi avec les autres travailleurs sur la base de leur capacité de travail. Les employeurs devraient être induits par une large publicité ou par d'autres moyens et, s'il est nécessaire, être obligés à employer un contingent raisonnable de travailleurs invalides.

2) Dans certaines occupations qui se prêtent particulièrement à l'emploi de travailleurs atteints d'une invalidité grave, ces travailleurs devraient bénéficier d'un droit de priorité par rapport à tous les autres travailleurs.

(3) Efforts should be made, in close co-operation with employers' and workers' organisations, to overcome employment discriminations against disabled workers which are not related to their ability and job performance, and to overcome the obstacles to their employment including the possibility of increased liability in respect of workmen's compensation.

(4) Employment on useful work in special centres under non-competitive conditions should be made available for all disabled workers who cannot be made fit for normal employment.

44. Information should be assembled by the employment service in regard to the occupations particularly suited to different disabilities and the size, location and employability of the disabled population.

#### XI. REGULARISATION OF EMPLOYMENT IN PARTICULAR INDUSTRIES

45. In industries in which operations are irregular, such as construction and port transport, the schemes for the regularisation of employment adopted or extended during the war by Member States should be maintained and adapted to peacetime conditions in consultation with the employers' and workers' organisations concerned.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Twenty-sixth Session which was held at Philadelphia and declared closed the 12th day of May 1944.

IN FAITH WHEREOF we have appended our signatures, this seventeenth day of May 1944.

*The President of the Conference.*

W. NASH.

*The Acting Director of the International Labour Office.*

EDWARD J. PHELAN.

### INTERNATIONAL LABOUR CONFERENCE

#### RECOMMENDATION [No. 72] CONCERNING THE EMPLOYMENT SERVICE

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the employment service, which is included in the third item on the agenda of the Session, and

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

adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Employment Service Recommendation, 1944:

Whereas the application of the Employment (Transition from War to Peace) Recommendation, 1944, requires the existence and development of an efficient employment service; and

Whereas the Unemployment Convention, 1919, provides for the establishment of a "system of free public employment agencies under the control of a central authority"; and

Whereas the fulfilment of the tasks enumerated in the Employment (Transition from War to Peace) Recommendation, 1944, involves a new and broader definition of the responsibilities, functions and methods of operation of the employment service; and

3) Des efforts devraient être faits, en collaboration étroite avec les organisations d'employeurs et de travailleurs, pour protéger les travailleurs invalides contre toute discrimination qui serait sans rapport avec leur capacité de travail et leur rendement, ainsi que pour surmonter les obstacles qui s'opposent à leur embauchage, notamment la possibilité de charges accrues du fait de la réparation d'accidents.

4) Des possibilités d'emploi, dans des centres spéciaux, pour un travail utile ne constituant pas une concurrence à l'emploi des autres travailleurs, devraient être mises à la disposition des travailleurs invalides qui ne peuvent être rééduqués pour un emploi normal.

44. Le service de l'emploi devrait réunir des informations concernant les professions qui conviennent particulièrement à différents types d'incapacités et concernant le nombre de ces travailleurs, leur distribution géographique et leur aptitude au travail.

#### XI. REGULARISATION DE L'EMPLOI DANS CERTAINES INDUSTRIES

45. Dans les industries, telles que la construction et la manutention dans les ports, où le travail est irrégulier, les systèmes qui ont été adoptés ou étendus par des États Membres pendant la guerre pour régulariser l'emploi devraient être maintenus et adaptés aux conditions du temps de paix, en consultation avec les organisations d'employeurs et de travailleurs intéressés.

Le texte qui précède est le texte authentique de la recommandation dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa vingt-sixième session qui s'est tenue à Philadelphie et qui a été déclarée close le 12 mai 1944.

EN FOI DE QUOI ont apposé leurs signatures, ce dix-septième jour de mai 1944.

*Le Président de la Conférence.*

W. NASH.

*Le Directeur par intérim du Bureau international du Travail.*

EDWARD J. PHELAN.

#### CONFERENCE INTERNATIONALE DU TRAVAIL

##### RECOMMANDATION [N° 72] CONCERNANT LE SERVICE DE L'EMPLOI

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Philadelphie par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 20 avril 1944 en sa vingt-sixième session,

Après avoir décidé d'adopter diverses propositions relatives au service de l'emploi, question qui est comprise dans le troisième point de l'ordre du jour de la session,

Après avoir décidé que ces propositions prendraient la forme d'une recommandation,

adopte, ce douzième jour de mai mil neuf cent quarante-quatre, la recommandation ci-après, qui sera dénommée recommandation sur le service de l'emploi, 1944 :

Considérant que l'application de la Recommandation concernant l'organisation de l'emploi (transition de la guerre à la paix), 1944, requiert l'existence et le développement d'un service de l'emploi efficace;

Considérant que la convention sur le chômage, 1919, prévoit l'établissement d'un " système de bureaux publics de placement gratuit placé sous le contrôle d'une autorité centrale ";

Considérant que l'exécution des tâches énoncées dans la recommandation sur l'organisation de l'emploi (transition de la guerre à la paix), 1944, implique une définition nouvelle et plus large des responsabilités, des fonctions et des méthodes de travail du service de l'emploi;

Whereas this broader conception is of importance in the formulation and application of a long-term full employment policy;

The Conference recommends the Members of the Organisation to apply the following general principles, and to report to the International Labour Office from time to time, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

1. The essential duty of the employment service should be to ensure, in co-operation with other public and private bodies concerned, the best possible organisation of industrial, agricultural and other employment as an integral part of the national programme for the full use of productive resources.

2. (1) To fulfil this duty, steps should be taken to strengthen the employment service and related authorities.

(2) These services should be responsible for:

(a) collecting and making available information concerning labour supply, employment opportunities, the skills required to do particular jobs, changes in skill requirements within the different industries, employment and unemployment trends, the regularisation of employment, and the causes of unemployment, and other information of value in promoting full employment;

(b) assisting workers to find suitable employment and employers to find suitable workers;

(c) assisting in developing and in determining the content of training and retraining courses;

(d) developing methods of facilitating the transference, where necessary, of workers from one occupation or area to another;

(e) helping to achieve the best possible distribution of manpower within each industry and area;

(f) co-operating as may be required in the administration of unemployment insurance and assistance;

(g) assisting other public and private bodies in planning the location of industry, public works, housing projects, social amenities, and other social and economic measures.

3. The closest co-operation between the employment service and other authorities whose activities affect the employment situation, including authorities charged with responsibility for accelerating or slowing down public works in accordance with the current state of employment and unemployment, should be established at the national, regional and local levels.

4 (1) In addition to the joint advisory bodies provided for in Article 2 of the Unemployment Convention, 1919, the employment service should co-operate closely with employers' and workers' organisations. Appropriate machinery should be devised to enable these organisations to assist in the formulation and carrying out of employment policy.

(2) The employment service should co-operate with any joint industry committees which may be set up to facilitate the solution of the special problems of the industries concerned.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Twenty-sixth Session which was held at Philadelphia and declared closed the 12th day of May 1944.

IN FAITH WHEREOF we have appended our signatures, this seventeenth day of May 1944.

*The President of the Conference.*

W. NASH.

*The Acting Director of the International Labour Office.*

EDWARD J. PHELAN.



Considérant que cette conception plus large est importante en vue de l'élaboration et de l'application d'une politique à longue échéance visant le plein emploi;

La Conférence recommande aux Membres d'appliquer les principes généraux suivants et de présenter au Bureau international du Travail, conformément à ce que décidera le Conseil d'administration, des rapports exposant les mesures prises pour mettre ces principes en application:

1. La tâche essentielle du service de l'emploi devrait être d'assurer, en collaboration avec les autres organismes publics et privés intéressés, la meilleure organisation de l'emploi des travailleurs industriels, agricoles ou autres, dans le cadre d'un programme national de pleine utilisation des ressources productives.

2. 1) En vue de l'accomplissement de cette tâche, des mesures devraient être prises pour renforcer le service de l'emploi et les services publics connexes.

2) Ces services devraient être chargés de:

a) réunir et fournir des informations concernant la main-d'œuvre disponible, les possibilités de travail, les qualifications requises pour des occupations particulières, les changements qui interviennent dans les qualifications requises dans les différentes industries, les tendances du marché de l'emploi, la régularisation de l'emploi et les causes du chômage, ainsi que toutes autres informations utiles pour la poursuite d'une politique de plein emploi;

b) aider les travailleurs à trouver des emplois convenables et les employeurs à trouver des travailleurs convenant à leurs besoins;

c) aider à développer des cours de formation et de rééducation professionnelles et à en établir les programmes;

d) élaborer des méthodes susceptibles de faciliter, le cas échéant, le transfert de travailleurs d'une occupation ou d'une région à une autre;

e) aider à assurer la meilleure distribution de la main-d'œuvre au sein de chaque industrie et de chaque région;

f) coopérer, selon les besoins, à l'administration de l'assurance et de l'assistance-chômage;

g) aider d'autres organismes publics et privés à préparer des programmes visant la distribution géographique des entreprises industrielles, les travaux publics, la construction de logements, les services sociaux et les autres mesures sociales et économiques.

3. La collaboration la plus étroite devrait être organisée sur le plan national, régional et local, entre le service de l'emploi et les autres autorités dont l'activité affecte la situation de l'emploi, y compris les autorités chargées d'accélérer ou de ralentir le rythme des travaux publics en rapport avec les fluctuations de l'emploi et du chômage.

4. 1) En plus des comités mixtes consultatifs prévus à l'article 2 de la convention sur le chômage, 1919, le service de l'emploi devrait maintenir une collaboration étroite avec les organisations d'employeurs et de travailleurs. Des organismes appropriés devraient être institués pour permettre à ces organisations de participer à l'élaboration et à l'exécution de mesures visant l'organisation de l'emploi.

2) Le service de l'emploi devrait collaborer avec toutes commissions mixtes d'industrie qui seraient instituées pour faciliter la solution des problèmes spéciaux des industries intéressées.

Le texte qui précède est le texte authentique de la recommandation dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa vingt-sixième session qui s'est tenue à Philadelphie et qui a été déclarée close le 12 mai 1944.

EN FOI DE QUOI ont apposé leurs signatures, ce dix-septième jour de mai 1944.

*Le Président de la Conférence.*

W. NASH.

*Le Directeur par intérim du Bureau international du Travail.*

EDWARD J. PHELAN.

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## INTERNATIONAL LABOUR CONFERENCE

RECOMMENDATION [No. 73] CONCERNING THE NATIONAL PLANNING OF  
PUBLIC WORKS

The General Conference of the International Labour Organisation,

Having been convened at Philadelphia by the Governing Body of the International Labour Office, and having met in its Twenty-sixth Session on 20 April 1944, and

Having decided upon the adoption of certain proposals with regard to the national planning of public works, which is included in the third item on the agenda of the Session, and

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

adopts, this twelfth day of May, of the year one thousand nine hundred and forty-four, the following Recommendation which may be cited as the Public Works (National Planning) Recommendation, 1944:

Whereas the Public Works (National Planning) Recommendation, 1937, recommends that all works undertaken or financed by public authorities should be timed in such a way as to reduce industrial fluctuations as far as possible, and that special consideration should be given to the financing by loan in periods of depression of works likely to stimulate economic recovery and to the application of a monetary policy which will make possible the expansion of credit required for the speeding up of such works and ensure the lowest possible rate of interest on the loans; and

Whereas at the end of the war public authorities will be faced with the great need to repair the damage caused by the war, to restore and replace existing public works, and to provide new public works and services; and

Whereas public works constitute a large element in the economic life of all nations, and public works programmes are an important method by which levels of productivity can be increased, and by which levels of living of all peoples can be raised; and

Whereas it is important in the transition from war to peace that public and private enterprise should be co-ordinated to assure the prompt and orderly use of human and material resources, avoiding on the one hand rush demands for materials, which would leave contractors temporarily in short supply and on the other hand inadequate development of demand;

The Conference recommends the Members of the Organisation to apply the following general principles, and to communicate information to the International Labour Office, as requested by the Governing Body, concerning the measures taken to give effect to these principles:

1. Each Member should prepare a long-term development programme which can be accelerated or slowed down in accordance with the employment situation in different parts of the country.

2. Special attention should be paid to the importance of timing the execution of the works and the ordering of supplies, so as to limit the demand for labour at a time when there is already full employment and to increase it at a time when there is unemployment.

3. In applying this policy, consideration should be given not only to the employment situation in the country as a whole but also to the situation in each area and to the particular types of skill available in the area concerned.

## CONFERENCE INTERNATIONALE DU TRAVAIL

RECOMMANDATION [N° 73] CONCERNANT L'ORGANISATION NATIONALE  
DES TRAVAUX PUBLICS

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Philadelphie par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 20 avril 1944 en sa vingt-sixième session,

Après avoir décidé d'adopter diverses propositions relatives à l'organisation nationale des travaux publics, question qui est comprise dans le troisième point à l'ordre du jour de la session,

Après avoir décidé que ces propositions prendraient la forme d'une recommandation,

adopte, ce douzième jour de mai mil neuf cent quarante-quatre, la recommandation ci-après, qui sera dénommée recommandation sur les travaux publics (organisation nationale), 1944 :

Considérant que la recommandation sur les travaux publics (organisation nationale), 1937, recommande de donner à l'ensemble des travaux entrepris ou financés par les pouvoirs publics un rythme qui soit propre à réduire autant que possible les fluctuations économiques, et de prendre en considération particulière l'opportunité de financer par voie d'emprunts, en période de dépression, les travaux susceptibles de stimuler l'activité économique, et d'appliquer une politique monétaire qui permette l'expansion du crédit nécessaire pour l'accélération de tels travaux et qui assure pour ces emprunts le taux d'intérêt le plus réduit possible;

Considérant qu'à la fin de la guerre les pouvoirs publics se trouveront confrontés avec la nécessité impérieuse de réparer les dommages causés par la guerre, de remettre en état ou de remplacer l'équipement existant et de créer un équipement nouveau;

Considérant que les travaux publics constituent un élément important de la vie économique de toutes les nations et que l'exécution de programmes de travaux publics est une méthode efficace pour obtenir l'élévation des niveaux de production et l'amélioration des niveaux de vie de tous les peuples;

Considérant qu'il importe, dans la période de transition de la guerre à la paix, de coordonner l'entreprise publique et l'entreprise privée pour assurer l'utilisation rapide et systématique des ressources humaines et matérielles, de manière à prévenir, d'une part, des demandes désordonnées de matériaux et des difficultés d'approvisionnement pour les entrepreneurs et, d'autre part, une insuffisance dans l'expansion de la demande;

La Conférence recommande aux Membres de l'Organisation d'appliquer les principes généraux suivants et de communiquer au Bureau international du Travail les informations que le Conseil d'administration décidera de demander sur les mesures prises pour mettre ces principes en application :

1. Chaque Membre devrait élaborer un programme de travaux d'équipement à longue échéance, susceptible d'être accéléré ou ralenti selon la situation de l'emploi dans les différentes parties du pays.

2. Il conviendrait de porter une attention spéciale à l'importance de régler le rythme de l'exécution des travaux et des commandes de fournitures de manière à limiter la demande de main-d'œuvre en un moment où il y a déjà plein emploi et à l'augmenter en un moment où il y a du chômage.

3. En appliquant cette politique, il conviendrait de prendre en considération non seulement la situation de l'emploi dans l'ensemble du pays, mais aussi la situation dans chaque région et les différentes catégories de main-d'œuvre disponibles dans la région.

4. Local authorities and others responsible for framing schemes for employment should be informed by their central authorities at the earliest possible moment what financial support will be forthcoming, so that the local authorities and technical services may proceed without further delay to prepare plans and to make such practical preparation as would enable large numbers of demobilised soldiers to be absorbed as soon as they are available.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Twenty-sixth Session which was held at Philadelphia and declared closed the 12th day of May 1944.

IN FAITH WHEREOF we have appended our signatures, this seventeenth day of May 1944.

*The President of the Conference.*

W. NASH.

*The Acting Director of the International Labour Office.*

EDWARD J. PHELAN

4. Les autorités locales et autres, chargées de l'élaboration des plans d'emploi devraient être informées le plus tôt possible par les autorités centrales de l'étendue de l'aide financière qui leur sera accordée, de manière que les autorités locales ainsi que les services techniques puissent commencer sans délai à dresser des plans et à préparer les mesures pratiques qui permettront d'absorber un grand nombre de soldats démobilisés dès qu'ils seront disponibles.

Le texte qui précède est le texte authentique de la recommandation dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa vingt-sixième session qui s'est tenue à Philadelphie et qui a été déclarée close le 12 mai 1944.

EN FOI DE QUOI ont apposé leurs signatures, ce dix-septième jour de mai 1944.

*Le Président de la Conférence.*

W. NASH.

*Le Directeur par intérim du Bureau international du Travail.*

EDWARD J. PHELAN.

APPENDIX III  
TEXTS OF THE RESOLUTIONS ADOPTED BY THE INTERNATIONAL LABOUR  
CONFERENCE AT ITS 26TH SESSION

I

RESOLUTION CONCERNING SOCIAL PROVISIONS IN THE PEACE SETTLEMENT.

Whereas the Conference is called upon to make recommendations to the United Nations for present and post-war social policy, and more particularly concerning the social provisions to be inscribed in the various general or special treaties or agreements to which the United Nations will jointly or severally become parties;

Whereas the prospect of a complete victory of the United Nations makes it possible to prepare a better world order directed towards the achievement of the social objectives which these nations proclaimed in the Atlantic Charter in expressing their desire to bring about the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security;

I

The Conference considers that the principles stated in the following draft are appropriate for inclusion in a general or special treaty or agreement between nations desirous of giving early effect to the principles of the Atlantic Charter and Article VII of the Mutual Aid agreement:

*The signatory Governments:*

*Having pledged themselves to provide conditions which will ensure an increasing measure of freedom from want to their own peoples and to all peoples;*

*Recognising, therefore, their common obligation to foster expanding production and employment on a sound basis, free from disruptive fluctuations, and to ensure that workers and productive resources shall not be allowed to be idle while the needs of large parts of the world remain unsatisfied;*

*Realising that the economic life and conditions in each nation are increasingly dependent upon the economic life and conditions of other nations, and that hence the attainment of the above-stated objectives requires increasing collaboration among nations;*

*Have agreed that:*

*Article I*

*The Declaration concerning the aims and purposes of the International Labour Organisation adopted by the International Labour Conference at Philadelphia in 1944, the text of which is annexed, is hereby reaffirmed.*

*Article II*

*Each Government recognises its duty to maintain a high level of employment. Accordingly, all arrangements by and among the signatory and other like-minded Governments for international economic co-operation should be framed and administered to serve the objectives set forth in Article I. They should be directed to the expansion of production, employment and the exchange and consumption of goods and to the liberation of economic activity from unreasonable restrictions. Particular consideration should be given to measures for promoting the reconstruction of economic life in countries whose economic and social life has been disrupted as the result of Axis aggression.*

*Article III*

*The following matters are of international concern and should be among the social objectives of international as well as national policy:*

*(1) Opportunity for useful and regular employment to all persons who want work, at fair wages or returns and under reasonable conditions, with provision for protection of health and against injury in all occupations;*

(2) *Raising standards of living to provide adequate nutrition, housing, medical care and education;*

(3) *Establishment of minimum standards of employment to prevent exploitation of workers, whether employed or self-employed, whose opportunities for high-wage employment are limited;*

(4) *Provision for child welfare;*

(5) *Provision for a regular flow of income to all those whose employment is interrupted by sickness or injury, by old age or by lack of employment opportunity;*

(6) *The effective recognition of the right of freedom of association and of collective bargaining;*

(7) *Provision of facilities for training and transfer of labour.*

#### Article IV

*The International Labour Office may, under standards constitutionally determined by the International Labour Conference, as occasion requires, collect from, and interchange with, the signatory Governments, uniform statistical and other economic information on the following matters which are among those of direct interest to the International Labour Organisation and are of international concern:*

(1) *Employment, wages and conditions of work;*

(2) *Standards of living and the distribution of income, with particular reference to wage and salaried workers;*

(3) *Technical education and training for employment;*

(4) *Industrial health, safety and welfare;*

(5) *Industrial relations;*

(6) *Social security; and*

(7) *Administration of labour and social security legislation.*

#### Article V

*With respect to the matters set forth in Article III:*

(1) *The Governments, through appropriate international agencies, shall develop standards and statistical measures, and shall maintain uniform statistics and other information;*

(2) *The Governments shall interchange among themselves and make available to the International Labour Organisation such information and reports as may be required to assist them and the Organisation to develop Recommendations with respect to such matters;*

(3) *The Governments shall take appropriate steps to assure close collaboration and full exchange of information between the International Labour Organisation and any other international bodies which now exist or may be established for the promotion of economic advancement and social well-being;*

(4) *The Governments shall take appropriate steps to have placed on the agenda of the International Labour Conference annually the subject of the extent to which the social objectives set forth in Article I have been attained and on the measures taken during the year towards the attainment of the objectives.*

#### Article VI

*With respect to draft international Conventions and Recommendations adopted by the Conference in accordance with Article 19 of the Constitution of the International Labour Organisation, the signatory Governments undertake to report to the International Labour Office as requested by the Governing Body on the status of legislation and administration and, in so far as practicable, of practices under collective agreements between employers and workers.*

*Declaration concerning the aims and purposes of the  
International Labour Organisation*

*The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members.*

I

*The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that:*

- (a) labour is not a commodity;*
- (b) freedom of expression and of association are essential to sustained progress;*
- (c) poverty anywhere constitutes a danger to prosperity everywhere;*
- (d) the war against want requires to be carried on with unremitting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.*

II

*Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:*

- (a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;*
- (b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;*
- (c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;*
- (d) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;*
- (e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.*

III

*The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve:*

- (a) full employment and the raising of standards of living;*
- (b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;*
- (c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;*
- (d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;*
- (e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;*



- (f) *the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;*
- (g) *adequate protection for the life and health of workers in all occupations;*
- (h) *provision for child welfare and maternity protection;*
- (i) *the provision of adequate nutrition, housing and facilities for recreation and culture;*
- (j) *the assurance of equality of educational and vocational opportunity.*

#### IV

*Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.*

#### V

*The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.*

#### II

The Conference recommends that the Governing Body of the International Labour Office:

- (1) Call a special conference of the Organisation, when in its opinion there is a danger of a substantial fall in general employment levels, for the purpose of recommending appropriate national or international measures to prevent the development or spread of unemployment and to establish conditions under which high levels of employment may be maintained or restored;
- (2) Correlate the activities of the International Labour Organisation towards the end of maintaining full employment with those of any other international agency or agencies which may be designated by the United Nations to have primary responsibility in related economic fields.

#### III

The Conference recommends that:

1. The United Nations should undertake—

(a) to apply to any independent territories, in respect of which they have accepted or may accept a measure of international accountability through any international or regional commission or other body, the principle that all policies designed to apply to dependent territories shall be primarily directed to the well-being and development of the peoples of such territories, and to the promotion of the desire on their part for social progress;

(b) to apply to such territories the provisions of the Forced Labour Convention, 1930; the Recruiting of Indigenous Workers Convention, 1936; the Contracts of Employment (Indigenous Workers) Convention, 1939; and the Penal Sanctions (Indigenous Workers) Convention, 1939;

(c) to make a periodical report to the International Labour Office in respect of each such territory indicating the extent to which effect has been given to the provisions of the Social Policy (Dependent Territories) Recommendation, 1944;

(d) to ask the International Labour Office to appoint, in continuation of the collaboration established in the case of the Permanent Mandates Commission, a representative on any committee which may be entrusted with the task of watching over the application of the principle of international accountability, and further to ensure that any facilities which may be afforded, in the form of inspection or otherwise, for the better implementation of this principle, shall include appropriate measures for examining the application of the above-mentioned Conventions and Recommendation.

2. When determining the future status of dependent territories which on 1 September 1939 were controlled by Axis Powers, the United Nations should specifically require the application thereto of the arrangements provided for in the preceding paragraph.

3. In any negotiations regarding the organisation, control and operation of merchant shipping, and in particular in making international arrangements for the disposal of merchant shipping tonnage, the United Nation concerned should consult the competent bodies of the International Labour Organisation, such as the Joint Maritime Commission, in regard to the possibility of including stipulations concerning the standard of accommodation to be provided for crews and stipulations embodying the provisions of Conventions already adopted by the maritime sessions of the Conference, or of any further such Conventions that may be adopted before the negotiation of such agreement.

4. In making international arrangements concerning transport by air, land, and inland waterway, the United Nations should have due regard to the repercussions of such arrangements on the working and living conditions of persons employed in transport, and should consult the International Labour Organisation in regard to such repercussions and more particularly in regard to the working and living conditions of persons who, in operating such transport systems, work in or under the jurisdiction of more than one country.

5. The International Labour Organisation should make available to the United Nations any information or assistance calculated to facilitate the implementation of the proposals contained in the resolution concerning economic policies for the attainment of social objectives and the present resolution and should be prepared to participate in any international conference which may be considering such proposals.

#### IV

Believing that the exceptional opportunity of the negotiations of the peace settlement should be taken to secure a concerted advance in the acceptance of binding obligations concerning conditions of labour;

The Conference, reaffirming the principle of the association of management and labour in the framing of such standards;

Recommends:

(1) That throughout the peace settlement the United Nations should wherever appropriate include provisions for labour standards. In a number of cases such provisions might properly be taken from Conventions or Recommendations that have been or may be adopted by the International Labour Conference;

(2) That the Governing Body should appoint a consultative committee on labour provisions in the peace settlement. This committee should hold itself in readiness, together with the Director of the International Labour Office, to give advice with reference to such provisions on the request of the United Nations or of particular groups of the United Nations. This committee should have the right to co-opt additional members of special competence with respect to the particular sets of provisions under consideration;

(3) That the United Nations should make full use of this committee in any way in which they consider it appropriate to include labour provisions in the peace settlement.

## V

The Conference recommends to Governments that a Conference of representatives of the Governments of the United, associated, and other Nations, willing to attend, be called at an early date, in association with the Governing Body of the International Labour Office, to consider an international agreement on domestic policies of employment and unemployment; and this Conference pledges the full co-operation and the assistance of the International Labour Organisation in calling such a conference on employment, and in helping to carry into effect appropriate decisions it might make.

## II

RESOLUTION CONCERNING THE DECLARATION MADE TO THE CONFERENCE BY THE DELEGATIONS OF THE OCCUPIED COUNTRIES OF EUROPE

The Conference having taken note of the declaration made on behalf of the occupied countries:

- (1) Expresses the conviction that the heroic resistance of the occupied countries is one of the essential factors in the struggle of the United Nations against the common enemy;
- (2) Shares the preoccupations, anxieties and wishes expressed by the representatives of the occupied countries concerning the special difficulties with which they are confronted in their economic and social reconstruction;
- (3) Welcomes the decisions already taken by the United Nations to heal the wounds caused by the war;
- (4) Expresses the hope that the United Nations and the other members of the Conference will unite their efforts to promote in every way the economic and social recovery of all the countries sorely tried by enemy occupation and by the devastation due to the war;
- (5) Asserts the determination of the International Labour Organisation to associate its endeavours with the concerted will of the oppressed nations for the purpose of rebuilding their social life according to principles of international solidarity and respect for the fundamental spiritual and human values.

ANNEX: DECLARATION MADE TO THE CONFERENCE BY THE DELEGATIONS OF THE OCCUPIED COUNTRIES OF EUROPE.

The delegates of the occupied countries of Europe represented at the Philadelphia Conference—that is, Belgium, Czechoslovakia, France, Greece, Luxemburg, the Netherlands, Norway, Poland, and Yugoslavia,

Having taken note of the declaration concerning the aims and purposes of the International Labour Organisation, the resolution concerning social provisions in the peace settlement, and the resolution concerning economic policies for the attainment of social objectives,

Consider it to be their duty to state their views on the special problems of the economic, financial and social reconstruction of the occupied countries of Europe, once they have been liberated.

## I

They desire to stress their complete agreement with the principles and social objectives that should prevail in the reorganisation of the world after the war, as set forth in the draft of the fundamental declaration and in the resolutions before the Conference. In particular, they express their complete conviction that their respective countries will keep these principles and objectives closely in view in their economic policy, and will set as their essential aims the achievement of full employment, rising standards of living for the peoples, and social security. The social ideal that is their goal is thus the same as that which inspires all the members of the Conference, and they will devote all their efforts to its speedy realisation.

## II

Unfortunately, by reason of the loss and destruction caused by the war, and of the systematic persecution, devastation and pillage resulting directly from the actions of the invader, the situation of the occupied countries at the actual moment of liberation will be one bristling with difficulties.

The problem will not merely be how to transform a war economy into a peace economy, but, rather, how to provide for full-scale reconstruction in both the economic and the social fields, and the conditions in which this work of almost total reconstruction must be undertaken will in themselves be particularly difficult.

We shall deliberately confine ourselves here to the economic and social fields. But we would briefly note that before all else, we must reconstruct the free political institutions that our countries formerly enjoyed, and amongst them all those based on the right of free association.

Without claiming to paint a complete picture here of the tragic situation in which the liberated countries will find themselves, we wish, however, to draw attention to certain aspects of the problems that they will have to face.

1. Famine, privation of all kinds, isolation, imprisonments, deportations, executions—these are the marks that the long years of occupation will leave; the population as a whole will be greatly weakened. Many of the prisoners, the deported and the refugees will return home with their health undermined. The ground will be prepared for the spread of epidemics. The first task, and the most urgent, will be to improve nutrition, to provide medical aid and to distribute medicaments.

It seems to all of us highly desirable that, beginning now, and with a view to safeguarding the future of the race, medical supplies and vitamins intended for the children in occupied countries should be assembled for delivery to them, if possible immediately, and, in any case, as soon as delivery can be made without the enemy's obtaining any benefit therefrom.

2. Stocks are completely exhausted. We shall find these countries emptied of their substance. For a long time the essential needs of their populations will far exceed the available quantities of consumption goods.

3. The wear and tear on machines and materials, the exhaustion of reserves, the complete destruction of means of communication and transport, confiscations of all kinds, chaos in finance, currency and securities, all the destruction of buildings, factories, mines and electric power stations due to the campaigns of invasion and to the deliberate policy of an invader faced with indomitable resistance—to all these will be added still further devastation in the course of the campaign of liberation. Under such conditions, the immediate possibilities of the production of goods will be considerably reduced.

4. Until the emergence of order out of chaos and the restoration of equilibrium between needs and means, as regards both capital goods and consumption goods, the Governments of the liberated countries will doubtless find themselves compelled to maintain or to introduce economic controls similar to those that the United Nations have had to impose on themselves to meet war needs.

5. The dislocation of the entire machinery of production and distribution—including the loss of foreign markets—will of course render it for some considerable time still more difficult to ensure employment for all. Here there is a serious risk of extensive unemployment.

And that is just the very time when the repatriated, the demobilised and the members of the resistance organisations will have to be reincorporated in economic life.

An immense effort will thus have to be made to approach the ideal of employment for all. A series of special provisional measures will doubtless be required pending a gradual return to less abnormal conditions.

## III

The sooner these efforts of economic reconstruction are successful, the sooner will it be possible to achieve the social objectives defined by the Conference.

The liberated countries are minded to undertake themselves, by their own efforts and under their own responsibility, the great work of national reconstruction, which will require gigantic efforts in the fields of labour and finance, but they are aware of the parallel need for a concerted effort in the international domain. In this general effort they will actively participate. They are justified in counting upon the full collaboration of countries less impoverished than they.

They are convinced that the international solidarity forged between the United Nations during the war will continue during the peace, and that the countries that have known neither occupation nor devastation will wish to give them priority in the supply of the essential consumption and capital goods required for their economic and social restoration.

The rapid restoration of the producing and consuming capacity of Europe is, moreover, indispensable to the return of the prosperity of the other countries of the world, and more especially to the prosperity of the great producers of raw materials, industrial products and agricultural produce.

In the general interest, international solidarity must be established both in the economic domain and in the financial domain with a view to the complete and speedy reconstruction of the occupied and devastated countries. To the United Nations falls the task of finding and applying the necessary measures for an equitable distribution of the costs of reconstruction after the war.

## IV

Another danger threatens the occupied countries at the present time. The enemy, on the eve of his retreat or rout, may resort to the last excesses in destroying without discrimination both life and wealth. In certain regions this threat has already materialised. The more extensive the destruction, the more difficult will be the reconstruction and the longer will the achievement of social conditions answering the hopes of this Conference be delayed. A last warning to the invaders informing them categorically that the authors of such excesses will answer for them with their persons and with their property might lessen the danger that threatens. In the circumstances, such warning should be given without delay and with the high moral authority of all the nations gathered together at this Conference.

## V

The peoples of Europe, at this moment bent under the yoke of the invader, will find in the solicitude of the Conference for their own special problems a measure of comfort and a guarantee that the effective organisation of international solidarity will help them after the war to efface the marks of the tragedy that has weighed them down through these years of hardship.

## III

RESOLUTION CONCERNING THE CONSTITUTION AND CONSTITUTIONAL PRACTICE OF THE INTERNATIONAL LABOUR ORGANISATION AND ITS RELATIONSHIP WITH OTHER INTERNATIONAL BODIES.

The General Conference resolves that:

1. During periods of emergency when, in the judgment of the Governing Body, the efficient operation of the Organisation or of the Office will be advanced thereby, and the Governing Body so notifies the Members of the Organisation, it shall provide that, supplementary to the normal procedure, the following communication should be transmitted through the Director:

(a) the communication to Members of certified copies of Recommendations and Conventions in accordance with paragraph 4 of Article 19 of the Constitution of the Organisation;

(b) the communication by Members of the information concerning the action taken in regard to Recommendations required by paragraph 6 of Article 19 of the Constitution;

(c) the communication by Members of the formal ratifications of International Labour Conventions in accordance with paragraph 7 of Article 19 of the Constitution and the relevant provisions of the individual Conventions;

(d) the communication to Members of all notifications required by the terms of International Labour Conventions.

2. The Conference requests the Governing Body:

(a) to take effective steps as promptly as possible to deal with problems common to a region or to a particular industry, with due regard to the Constitution and principles of the Organisation, and its competence; and

(b) to report to the next general session of the Conference the steps taken and plans for the further regionalisation of the Office and of the Organisation and for special consideration of the problems of particular industries.

3. The Conference requests the Governing Body during the period of the deliberations of the committee to be established under the terms of this Resolution and of the development of an overall pattern of international institutions, to take appropriate steps to assure close collaboration and a full exchange of information between the International Labour Organisation and any other public international organisations which now exist or may be established for the promotion of economic and social well-being, and in the furtherance of this objective it may instruct the Director to arrange with such organisations, on conditions mutually agreeable, for

(a) the exchange of information, views, reports, studies and other documents regarding policies and measures of mutual interest and concern at appropriate stages in their formulation and execution; and

(b) the exchange of representatives without vote, at meetings convened by this Organisation and such other organisations; and

(c) the creation and maintenance of such joint committees as may facilitate their effective co-operation.

4. The Conference requests the Governing Body:

(a) to appoint a committee as soon as possible to consider the future constitutional development of the Organisation. The committee shall particularly consider the following matters in active collaboration with the Office, and in the light of the Report on Item I submitted by the Office, the resolutions and amendments submitted to the Conference, the views expressed in the Conference and any suggestions which may be communicated to the Office by Governments—

(i) the relationship of the Organisation to other international bodies;

(ii) the constitutional practice of the Organisation and its clarification and codification;

(iii) the status, immunities and other facilities to be accorded to the Organisation by Governments as necessary to the efficient discharge of the responsibilities of the Organisation;

(iv) the methods of financing the Organisation;

(b) after receiving and considering the report of the committee to bring to the attention of the Conference at its next general session such matters as in its judgment require action by the Conference.

5. The Conference requests the Governing Body to appoint representatives with power to negotiate, if necessary prior to the next general session of the Conference, with international authorities on behalf of the Organisation concerning any constitutional questions which at any time require immediate action, including the matters referred to in paragraph 4.

6. The Conference authorises the Governing Body to decide the place at which the Twenty-seventh Session of the Conference shall be held. In the event of a maritime session being convened in the near future, this authorisation shall apply to the Twenty-seventh and Twenty-eighth Sessions.

## IV

## RESOLUTION CONCERNING THE INTERNATIONAL CHARACTER OF THE RESPONSIBILITIES OF THE DIRECTOR AND STAFF OF THE INTERNATIONAL LABOUR OFFICE.

The Conference, desirous of reaffirming the international character of the responsibilities of the Director and staff of the International Labour Office, adopts the following resolution:

1. The Director of the International Labour Office shall, on appointment, make a solemn declaration before the Governing Body that he will discharge the duties committed to him with the interests of the International Labour Organisation alone in view, will not seek or receive instructions in regard to the discharge thereof from any authority external to the Organisation, and will at all times uphold the provisions of the Constitution of the International Labour Organisation.
2. The responsibilities of the staff of the International Labour Office shall be exclusively international in character. Members of the staff shall on appointment make a solemn declaration in the form and manner approved by the Governing Body that they will not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organisation.
3. The Conference affirms it to be the duty of the Members of the Organisation to respect fully the international character of the responsibilities of the Director and staff of the International Labour Office and not to seek to influence any of their nationals in the discharge of such responsibilities.

## V

## RESOLUTION CONCERNING INDUSTRIAL COMMITTEES

The Conference is of the opinion that the International Labour Office should proceed forthwith with the setting up of industrial sections and invites the Governing Body to elaborate regulations governing the activities of industrial committees.

## VI

## RESOLUTION CONCERNING ECONOMIC POLICIES FOR THE ATTAINMENT OF SOCIAL OBJECTIVES.

Whereas the prospect of a complete victory of the United Nations makes it possible to prepare a better world order directed towards the achievement of the social objectives which these nations proclaimed in the Atlantic Charter in expressing their desire to bring about the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security; and

Whereas these objectives of the United Nations coincide with the basic principles of the International Labour Organisation, and whereas the Conference which met in New York in 1941 pledged the full collaboration of the International Labour Organisation in their implementation; and

Whereas the International Labour Conference is called upon by Item II on the agenda of the present session to make recommendations to the United Nations for present and post-war social policy concerning more especially the measures required to be taken internationally and nationally to ensure full employment, social security and rising standards of living; and

Whereas the initiative with regard to international policy lies with the United Nations at the present time, and it is desirable in order to attain the objectives referred to that all nations should pursue an appropriate national policy; and

Whereas the attainment of full employment and high productivity by the various nations after the war is essential to the achievement of freedom from want, the attainment of increasing living standards, the realisation of genuine economic security and the continuation of peaceful economic progress; and

Whereas full employment can be achieved and maintained only through the adoption, by Governments, industry and labour, of policies and measures which effectively encourage the continuing expansion of production and improvement of distribution; and

Whereas the speedy achievement of full employment requires the prompt and orderly reconversion, reconstruction and expansion of industry, trade, commerce and agriculture after the war, and the subsequent maintenance of employment and production at high levels requires the creation of an economic and social environment conducive to a progressive and expanding economy;

The Conference adopts the following resolution :

#### I. INTERNATIONAL POLICY

1. Believing that the relief of war-stricken peoples, repatriation of prisoners and exiles and resumption of agricultural and industrial production are matters which will be of the utmost urgency immediately on the liberation of occupied countries and that on the successful handling of these problems the possibility of achieving the long-range objectives of social and economic well-being will largely depend,

The Conference welcomes the creation of the United Nations Relief and Rehabilitation Administration, urges all States concerned to co-operate actively in the achievement of the tasks entrusted to it and assures the Administration of the readiness of the International Labour Organisation to assist it in every appropriate way.

2. In view of the fact that for varying periods after the end of hostilities many essential commodities and transport facilities will be in short supply, and that international arrangements will be needed to ensure a fair allocation of available supplies and prevent excessive price movements,

The Conference considers that the Governments of the United Nations concerned should arrange to continue in operation, for such periods as any serious shortages may persist, the existing machinery of international co-ordination and control subject to such modification, and in particular to such enlargement of the membership of the authorities concerned, as may contribute to the equitable and efficient operation of such machinery in the transition from war to peace.

3. The Conference endorses the declaration of the United Nations Conference on Food and Agriculture held in May 1943, that while the primary responsibility lies with each nation for seeing that its own people have the food needed for life and health, each nation can fully achieve this goal only if all co-operate in appropriate international action, and urges the setting up of a permanent international organisation, as recommended by the Conference on Food and Agriculture, to raise the level of nutrition and improve the efficiency of agricultural production and distribution.

4. Recognising that a satisfactory international monetary system is essential to the full development of mutually advantageous economic relations between nations, and consequently to the raising of standards of living,

The Conference attaches great importance to the establishment at the earliest possible moment of effective international machinery for settling balances arising out of international trade and other transactions and for maintaining stability in rates of exchange, notes with satisfaction that the Governments of the United Nations are giving careful attention to this matter, and urges that they include in any agreement establishing such machinery a provision requiring the authorities responsible for its application to have regard in framing and applying their policies to the effect of their decisions on employment and living standards.

5. Noting that imports of capital will be needed for reconstruction, development and the raising of living standards in many countries, and believing that the provision of such capital will contribute to the maintenance of full employment in the lending countries,



The Conference:

(a) considers that the existing machinery of the international capital market should be supplemented by the establishment of appropriate international machinery for the purpose of promoting the international movement of capital;

(b) considers that the promotion of full employment and higher living standards should be regarded as a primary objective of any such international machinery;

(c) considers that the authorities responsible for the operation of such international machinery should consult the International Labour Organisation as to the appropriateness of including in the terms under which development works financed in whole or in part through such machinery are to be carried out, provisions regarding the welfare and working conditions of the labour employed; and that such provisions should be framed in consultation with the International Labour Organisation;

(d) affirms the readiness of the International Labour Organisation to render every assistance in its power in determining the appropriateness of the inclusion of such provisions and in their framing and application and in the promotion through the operations of such international machinery of the general objectives of full employment and higher living standards.

6. Recognising the great contribution which the international exchange of goods and services can make to higher living standards and to high levels of employment,

The Conference:

(a) believes that the measures proposed in the foregoing paragraphs for the promotion of exchange stabilisation and international lending will contribute to the expansion of international trade, but considers that the United Nations should also examine wartime changes in industrial capacity, should arrange for exchange of information on post-war industrial programmes and should take vigorous action to promote the expansion of international trade by appropriate commercial policies; and considers that all countries, creditor as well as debtor, should adapt their commercial policy in such a way as to enable them to settle all obligations arising out of international transactions;

(b) considers that the United Nations should initiate measures to facilitate the co-ordination through appropriate international machinery of the commercial policies of all countries for the purpose of promoting a steady expansion in world trade on a multilateral basis;

(c) considers that in such co-ordination special consideration should be given to the need of countries which are highly dependent on returns from exports to take measures to ensure a high degree of stability in the level of their economic activity and observes that the need for these measures will decrease to the extent that international collaboration proves successful; and

(d) considers that in such co-ordination special account should be taken of the dislocation and the accumulated needs resulting from the devastation caused by war operations and from the prolonged diversion from peacetime production in countries which have been engaged for a long period in a sustained and total war effort.

7. In order to lay the foundation for rising levels of consumption throughout the world and at the same time to ensure more stable and adequate incomes to those primary producers whose services are needed for the production of essential raw materials and foodstuffs,

The Conference considers that the United Nations should initiate concerted action designed to ensure the constant availability to all purchasers of adequate supplies of such commodities at prices which give a reasonable return to the efficient producer and are held sufficiently stable to afford protection against major short-term fluctuations in supply or demand; and that such international arrangements: (a) should provide for adequate representation of consumers as well as producers, representing both importing and exporting

countries, in all authorities responsible for the determination and application of policy; and (b) should aim to assure to all workers, including the self-employed, engaged in the production of the commodities concerned, fair remuneration, satisfactory working conditions and adequate social security protection, having regard to the general standards in the countries concerned.

8. Believing that migratory movements may play an important part in the development of a dynamic economy, and that disorderly international migration may create economic and social dislocation in the countries concerned and involve serious individual hardship for the migrants themselves, while desirable migratory movements are often hampered by technical and financial difficulties which can be overcome only through international co-operation,

The Conference considers that:

(a) the United Nations should encourage by appropriate measures, with adequate safeguards for all concerned, the orderly migration of labour and settlers in accordance with the economic needs and social conditions prevailing in the various countries, and in this connection should note the Conclusions adopted by the Conference of Experts on Technical and Financial Co-operation with regard to Migration for Settlement held at the International Labour Office in 1938;

(b) arrangements should be made for close co-operation between the International Labour Organisation and any public international agency established to deal with migration;

(c) the Governing Body should take steps to bring before an early session of the Conference a report of a representative commission, with such technical assistance as it may require, on the means necessary to protect the interests of labour, on the one hand, against barriers which prevent migration from areas of limited resources, and on the other hand against the lowering of the labour standards that might result from immigration at a rate exceeding the capacity of the receiving countries to absorb immigrants.

9. In order that re-employment may be expedited and healthy living standards established within a period of minimum duration in areas liberated from Axis occupation,

The Conference recommends that arrangements be made by those nations whose productive capacities have been maintained during the war, by all other nations which are in a position to make materials available and by the appropriate international organisations, to give the highest priority consistent with the exigencies of war to immediately supplying the territories liberated from Axis occupation with materials and equipment required for industrial installations, agriculture, transport, public works and utilities of an essential character.

10. Believing that the best possible conditions for a rise in the standard of living and the maintenance of full employment in the world can only be obtained by mutually consistent national economic, financial and social policies and by co-ordination of the activities of the different international institutions in this field,

The Conference considers that appropriate international measures should be taken which guarantee sufficient contact and consultation with regard to such policies between Governments as well as between the different international institutions.

## II. NATIONAL POLICY.

11. In order that full employment at productive peacetime pursuits, freedom from want, rising standards of living and genuine economic security may be achieved with a minimum of delay after the war,

The Conference urges that Governments and employers' and workers' organisations formulate comprehensive and co-ordinated programmes, suited to the particular needs of their countries, for prompt and orderly reconversion, reconstruction and economic expansion, and that such programmes be prepared and applied simultaneously with the consideration of the international measures referred to in the preceding paragraphs.

12. Recognising that the economic situation will differ markedly among the various countries at the war's end, varying particularly with the degree and type of industrial development, the extent to which the peacetime economy has been disrupted by the war, and whether the country's territory has been occupied by the enemy; and recognising that national post-war economic programmes must vary accordingly, in order to meet most effectively the needs of the country in which they are to be applied,

The Conference urges that, with due allowance for difference in national economic situations, programmes for economic reconversion, reconstruction and expansion include the development of sound policies and procedures to provide:

(a) effective arrangements for the orderly and expeditious demobilisation and repatriation, and for the early absorption in productive peacetime employment, of members of the armed forces, civilian workers, prisoners, persons who have resisted deportation, deported persons and refugees; the prompt termination of contracts and settlement of claims; the prompt determination of policy on the peacetime use of Government-owned war production capacity and equipment and the disposition of surplus materials, with a view to the use of these items to satisfy human needs; and liberal provision for the maintenance, educational training and retraining of persons unavoidably out of employment; as recommended by the Twenty-sixth Session of the International Labour Conference in its Recommendation concerning employment organisation in the transition from war to peace;

(b) retention, as long as shortages exist, of such war-created economic controls—for example, price and exchange controls and rationing—as are necessary to prevent inflation, and the relaxation of such controls as rapidly thereafter as is consistent with the public welfare;

(c) adjustment of tax systems to encourage rapid reconversion, reconstruction and economic expansion, while maintaining an equitable distribution of tax burdens and avoiding financial measures which tend to increase the dangers of inflation or deflation;

(d) development of effective mechanisms for adequate financing of the reconversion, reconstruction and expansion of industry, trade, commerce and agriculture, and particularly to assist the establishment of new and efficient enterprises.

13. The Conference urges that all practicable measures be taken to maintain a high and steady level of employment, to minimise fluctuations in business activity, and to assure a steadily expanding volume of production, more particularly by means of:

(a) fiscal, monetary and other measures, including useful public works, to sustain the volume of demand for goods and services at a high level, while avoiding the dangers of an inflationary spiral of prices and wages; in this connection attention should be paid, among other measures, to such methods as an adequate income security system, and to properly timed public works financed by borrowing in periods of depression, in accordance with the Public Works (National Planning) Recommendation, 1937;

(b) measures to discourage monopolistic practices and to encourage technological progress, to maintain a reasonably flexible system of prices and wages, to encourage the transfer of workers and productive resources from declining to expanding industries, and to attain a high degree of mobility of resources and freedom of access to alternative employments;

(c) measures to provide adequate incentives to engage in and expand constructive economic activity, to encourage private investment and to maintain the rate of investment; among the measures which warrant careful consideration in this connection are the adjustment of tax systems, removal of artificial barriers limiting access to resources and markets, the relaxation of unreasonable restrictions imposed by governmental agencies or by business or by labour organisations, and the maintenance of a high and stable demand for goods;

(d) measures to provide adequate opportunity for workers to engage in productive activity and to obtain advancement; among the measures which warrant careful consideration in this connection are the provision of improved and more generally accessible educational and training facilities, provision of higher nutritional and health standards, improvement of public employment services, increased provision against economic insecurity, the maintenance of wages at a high level, and the protection, extension and improvement of collective bargaining procedures.

## VII

### RESOLUTION REQUESTING THE GOVERNING BODY TO EXAMINE PROBLEMS INVOLVED IN LABOUR PROVISIONS FOR INTERNATIONALLY-FINANCED DEVELOPMENT WORKS.

Considering that the International Labour Organisation should be in a position to offer effective assistance in determining the appropriateness of including provisions concerning welfare and working conditions in the terms under which any international development works are to be carried out, and in framing and applying any such provisions,

The Conference requests the Governing Body to examine the methods which might be adopted for determining the appropriateness in any particular case of the inclusion of such provisions, for framing such provisions, and for ensuring their effective application.

## VIII

### RESOLUTION CONCERNING MEASURES FOR THE PROTECTION OF TRANSFERRED FOREIGN WORKERS AND OF FOREIGN WORKERS' AND EMPLOYERS' ORGANISATIONS.

Whereas the International Labour Conference is called upon by Item II on the agenda of the present session to make recommendations to the United Nations for present and post-war social policy; and

Whereas some of the gravest problems of social policy that will confront the United Nations when they come to occupy certain portions of Axis territory will be those which will arise in connection with the millions of foreign workers who have been transferred to work in Axis countries; and

Whereas the Council of the United Nations Relief and Rehabilitation Administration has assumed responsibility for the measures to be taken to repatriate such workers; and

Whereas it is desirable that provision should be made for the protection of such workers in regard to their health, welfare and general interests pending their repatriation;

The Conference recommends as follows:

(1) Precautions should be taken, subject to the removal of all officials identified with the former totalitarian régime, to ensure that the administrative machinery set up by the former régime for handling questions connected with the utilisation of foreign labour power, together with all its records and documents, is for the time being preserved intact. In particular, the United Nations and the occupying authorities should make it clear that the personnel concerned will be held individually responsible for the preservation of such documents and records and that persons convicted of destroying or concealing them will be severely punished.

(2) Pending the repatriation of foreign workers, which should be carried out with the greatest possible speed, the competent occupation authority should take appropriate action for the purpose of protecting such workers in regard to their feeding, accommodation, health, safety, welfare and general interests.

(3) All discriminatory treatment in respect of remuneration, the right to employment, conditions of employment, the wearing of distinctive badges, etc., on account of race, national or local origin, or religion, should be immediately abolished.

(4) The competent occupation authority should in the matters concerning foreign workers in Axis nations collaborate with the Governments and trade unions of Allied countries.

(5) Arrangements should be made, within the framework of general restitution arrangements, for the restitution of funds or property that may have been confiscated in Germany or elsewhere from international and foreign trade union organisations, co-operatives, and employers' organisations by Axis agents.

## IX

### RESOLUTION CONCERNING THE HOLDING OF A REGIONAL CONFERENCE OF THE COUNTRIES OF THE NEAR AND MIDDLE EAST.

Whereas the International Labour Organisation, during the coming year, will have to pay closer attention to the various regions of the world where similar social and economic conditions exist; and

Whereas the raising of the social standards of the workers in town and country will largely depend upon appropriate solutions being sought to the specific problems of the regions concerned; and

Whereas the Near and the Middle East constitute a vast region of particular importance, where similar conditions prevail as regards the working and living conditions of great masses of agricultural workers, whether independent, semi-independent, or wage-paid; and

Whereas these conditions, as well as the problems with which the countries concerned are confronted in their effort towards systematic development of resources and industrialisation, require special study, exchange of experience and joint action; and

Whereas particular attention should be directed to the working and living conditions in the oil producing areas of this region;

The Twenty-sixth Session of the International Labour Conference resolves to invite the Governing Body of the International Labour Office to examine the possibility of convening at an early date a regional conference of the countries of the Near and Middle East, with a view to giving effect to the consideration of the specific problems of that region.

## X

### RESOLUTION CONCERNING THE CONVENTIONS AND RECOMMENDATIONS ADOPTED AT EARLIER SESSIONS OF THE CONFERENCE BEARING UPON THE PROBLEM OF THE ORGANISATION OF EMPLOYMENT IN THE TRANSITION FROM WAR TO PEACE.

The General Conference of the International Labour Organisation,

Having adopted the Employment (Transition from War to Peace) Recommendation, 1944, the Employment Service Recommendation, 1944, the Public Works (National Planning) Recommendation, 1944,

draws the attention of the Members of the Organisation to the bearing upon the problem of the organisation of employment in the transition from war to peace of the following Conventions and Recommendations—

- the Unemployment Convention, 1919,
- the Fee-Charging Employment Agencies Convention, 1933,
- the Employment Agencies Recommendation, 1933,
- the Unemployment Provision Convention, 1934,
- the Unemployment Provision Recommendation, 1934,
- the Unemployment (Young Persons) Recommendation, 1935,
- the Vocational Training Recommendation, 1939,
- the Apprenticeship Recommendation, 1939,
- the Vocational Education (Building) Recommendation, 1937,
- the Minimum Age (Industry) Convention (Revised), 1937,
- the Minimum Age (Family Undertakings) Recommendation, 1937,

the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937,  
 the Minimum Age (Agriculture) Convention, 1921,  
 the Public Works (National Planning) Recommendation, 1937,  
 the Public Works (International Co-operation) Recommendation, 1937; and  
 urges that Members which have not already done so should give consideration to  
 ratifying the said Conventions, and to giving effect, wherever possible, to their  
 provisions pending ratification, and that all Members should give consideration to  
 making effective the provisions of the said Recommendations.

## XI

### RESOLUTION CONCERNING CO-OPERATION IN REGARD TO THE PREPARATION FOR PLANS FOR PUBLIC WORKS IN COUNTRIES AT PRESENT IN ENEMY OCCUPATION

Whereas the Governments of the United Nations, whose territory is still  
 under the occupation of the enemy, are unable to prepare detailed plans for  
 public works in their countries, because they do not possess the data necessary  
 for such a preparation and because they are handicapped either by the lack of  
 trained technical personnel, or by the lack of adequate financial means, or by  
 both;

Whereas the universities and technical colleges in some of the occupied coun-  
 tries have been forcibly closed for years, and laboratories, research institutes and  
 libraries destroyed;

Whereas in most of these countries the number of previously trained technical  
 experts has been, because of persecution, considerably reduced and the remaining  
 experts have been for years without any communication with the outside world  
 and consequently have been unable to keep up with the results and methods of  
 technical progress achieved in non-occupied territories;

And whereas a considerable volume of public works will have to be undertaken  
 upon the liberation of those countries in order to provide the basis for a speedy  
 reconstruction, to organise the transportation network, to provide housing for  
 the great masses of the population, and finally to provide employment;

It is resolved:

(a) that the Members of the International Labour Organisation be invited  
 to exchange the results of their research in the various branches of develop-  
 ment works, including public utilities, and their experiences with the technical  
 problems involved in the preparation and carrying out of development works  
 programmes;

(b) that they exchange experiences gained in the planning and organisation  
 of development works and in the maintenance of such works and public utilities;  
 and exchange information on the education of technical experts and on making  
 these matters known to the public;

(c) that the Conference invites the Governing Body to call a meeting of the  
 International Public Works Committee at the earliest practicable moment and  
 include in the agenda of the meeting the study of the exchange of such informa-  
 tion as is referred to in clauses (a) and (b).

## XII

### RESOLUTION CONCERNING SOCIAL INSURANCE AND RELATED QUESTIONS IN THE PEACE SETTLEMENT

Whereas the peace settlement must necessarily comprise various clauses in-  
 tended to solve a number of international problems of a social nature, of capital  
 importance, which will arise as between the Axis and associated countries on the  
 one hand and the United Nations on the other;

Whereas among these problems the following deserve special attention—

(a) the protection of the social insurance rights of displaced persons;

(b) indemnities for losses and damage suffered, in consequence of the war and occupation, by the social security institutions of members of the United Nations and by their nationals;

(c) the settlement of the social problems resulting from the transfer of territories and the exchange of populations;

(d) the revival of bilateral social treaties and the juridical status under social legislation of nationals of members of the United Nations in the Axis and associated countries;

The Conference approves as a basis for the solution of the problems mentioned above the principles which are submitted in Annexes I to IV of the present Resolution; and

Invites the Governing Body to appoint within six months a special committee constituted in the manner indicated in Annex V, which should be entrusted with the preparation, on the basis of the said principles, of—

(1) precise provisions concerning these questions for submission to the United Nations with a view to their insertion in the peace settlement; and

(2) such executive measures as may appear practical.

#### ANNEX I

##### PRINCIPLES CONCERNING THE PROTECTION OF THE SOCIAL INSURANCE RIGHTS OF DISPLACED PERSONS

1. The peace settlement should include the following arrangements to protect the social insurance rights of workers recruited for employment by Axis and associated countries.

2. The arrangements shall apply to any person who, while residing in the territory of a member of the United Nations (hereinafter called "country of residence") has, at any time since 31 August 1939 (since 28 September 1938 in the case of Czechoslovakia) and before the cessation of hostilities, been recruited by or on behalf of an agency of an Axis or associated country (hereinafter called "recruiting country") for employment in its own or in another territory occupied by it, and who in virtue of such employment has been liable to compulsory social insurance as a manual worker, salaried employee or miner, as the case may be, under the laws or regulations of the recruiting country or would have been so liable if a national of such country. Similar arrangements should also apply to workers subjected to forced labour in their country of residence.

##### *Pension Insurance*

3. A recruited worker shall be deemed to have been affiliated to the pension insurance institution of the recruiting country appropriate to the nature of his employment as from the date of his departure from his country of residence—

(1) until the date of his return thereto; or

(2) until the date of his death or his becoming an invalid, according as (1) or (2) is the earlier.

4. During the whole period for which he is deemed to have been affiliated to an insurance institution of the recruiting country, contributions shall be deemed to have been paid in respect of the recruited worker. Such contributions shall be based on the normal wage of a worker of the recruiting country performing similar work and shall comprise such part of the total of the joint contribution of employed persons and employers, payable in virtue of the social insurance laws or regulations of the recruiting country, as is applied to the financing of the pension insurance scheme administered by the insurance institution to which the recruited worker concerned is deemed to have been affiliated.

5. Where the last employment of a recruited worker in his country of residence was in work of a higher grade than that in which he was employed in the recruiting country, the contributions deemed to have been paid in respect of him shall be based on the earnings corresponding to the work of higher grade and shall be deemed to have been paid to the pension insurance institution of the recruiting country appropriate to the nature of this employment.

6. The total of the contributions deemed to have been paid in respect of a recruited worker, together with a proportionate share of any State subsidy to the revenue or expenditure of the pension insurance scheme, shall constitute a debt due to the country of residence. The recruiting country accepts full responsibility for the discharge of this debt: provided that such acceptance of responsibility shall not be interpreted as altering the nature of the debt, which remains primarily a joint liability of all the social insurance institutions of the recruiting country. The discharge of the above-mentioned responsibility by the recruiting country shall be effected independently of all other financial obligations which may be incurred as the result of the war by the recruiting country to the country of residence:

Provided that the total of any instalments of a pension or any lump sum in commutation of a pension which have been paid by an insurance institution of the recruiting country to a recruited worker or his survivors up to the date when the arrangements came into force shall be deducted from the total of the contribution debts due by the recruiting country, and, in such proportion as the country of residence may determine, from the proceeds of each debt individually.

7. The debt shall fall due on the date on which its amount is notified to the recruiting country and shall be increased by compound interest at the rate of  $x$  per cent. annually from the date at which the recruited worker is deemed to have ceased to be affiliated to an insurance institution of the recruiting country, until the debt is discharged.

8. Any rules adopted for the conversion, with a view to payment, of the amount of any debts expressed in the currency of the recruiting country into the currency of the country of residence, shall provide equitably for protecting the creditor from the effects of the depreciation of the currency of the recruiting country.

9. On the payment of the debt, the liabilities of the recruiting country in respect of the rights in course of acquisition and rights acquired by a recruited worker while he was deemed to be affiliated to an insurance institution of the recruiting country shall be considered as discharged:

Provided that, where, in the course of five years from the date when these arrangements came into force, the frequency of invalidity and death among recruited workers while in the recruiting country and while insured in their country of residence after their return is found to be significantly greater than that assumed in the actuarial estimates of the scheme under which they are insured, the resultant increase in the pension expenditure shall constitute a debt due by the recruiting country, to be discharged in accordance with the provisions of paragraphs 6 to 8.

10. The country of residence shall use the proceeds of the debt paid in respect of each recruited worker in order to credit him with rights under its pension insurance laws and regulations, and for this purpose shall affiliate him to an insurance institute appropriate for him in view of the nature of his occupation. If there is no such institution the country of residence shall apply the proceeds for the benefit of the worker concerned in such way as it may deem fit.

11. Where the recruited worker died or became disabled before the date when these arrangements came into force, a pension shall be awarded if the qualifying conditions can be deemed to have been fulfilled, having regard to the period during which he is deemed to have been affiliated to an insurance institution of the recruiting country.

#### *Accident Insurance*

12. Where a recruited worker became permanently incapacitated or died in consequence of an occupational accident or disease occurring in the recruiting country in respect of which compensation was payable under the laws or regulations of the recruiting country concerning accident insurance, or would have been so payable if he had been a national of the recruiting country, such compensation shall be commuted for a lump sum representing its capital value, calculated in accordance with actuarial tables applied under the accident insurance laws or



regulations of the country of residence. Where necessary the rate of the pension shall be recalculated on the basis of the normal wage of a worker of the recruiting country performing similar work, and the provisions of paragraph 5 shall apply correspondingly.

13. Such lump sum shall constitute a debt due by the recruiting country to the country of residence, and paragraph 6 shall apply correspondingly.

14. The debt shall fall due at the date at which its amount is notified to the recruiting country and shall be increased by compound interest at the rate of  $x$  per cent. annually from the date when the first instalment, due but not yet paid, became payable, until the debt is discharged; paragraph 8 shall apply correspondingly.

15. The country of residence shall use the proceeds of the debt paid in respect of the recruited worker in order to provide him or his survivors with a pension under its accident insurance laws or regulations.

#### *Unemployment Insurance*

16. The provisions of these arrangements shall apply correspondingly to the unemployment insurance contributions paid in respect of workers recruited by the recruiting country:

17. Provided that the country of residence shall apply the proceeds of the debts in respect of such contributions on behalf of recruited workers who are unemployed after their return.

#### *General Provisions*

18. For the purpose of assisting the countries of residence concerned in applying these arrangements, there shall be established in connection with the International Labour Office a commission consisting of one delegate from each such country, together with three persons appointed respectively by the Government, workers' and employers' representatives upon the Governing Body of the International Labour Office.

19. The commission shall be empowered to make regulations for the purpose of giving effect to these arrangements and resolving any difficulties which may arise in connection with the application thereof; it shall establish its own procedure.

20. Without prejudice to the generality of the powers conferred by paragraph 19, the commission is entitled to make regulations designed to:

(a) substitute more summary methods than those specified in paragraphs 4 to 6 for the calculation of debts;

(b) substitute for the present arrangements the general provisions of the Maintenance of Migrants' Pension Rights Convention, 1935, as between certain countries or certain categories of recruited workers;

(c) resolve any doubt whether workers are to be regarded as having been recruited;

(d) determine the rate of the contribution to be deemed to have been paid in respect of a recruited worker;

(e) determine one wage on which the contribution is to be deemed to have been based, taking into consideration typical wages of broad occupational groups and the necessity of ignoring all discrimination based on race, nationality and religion;

(f) determine the propriety of classifying as recruited workers nationals of members of the United Nations recruited while residing in the territory of an Axis or associated country and certain other groups such as deported persons, and, for the purposes of workmen's compensation, prisoners of war.

21. The commission shall accord just consideration to representations and complaints from recruiting countries arising out of the application of these arrangements.

22. Any expenses properly incurred by the commission shall be borne by the recruiting countries.

## ANNEX II

## PRINCIPLES CONCERNING INDEMNITIES FOR SOCIAL CLAIMS

1. In the peace settlement which will impose financial obligations on the Axis and associated countries, provision should be made for full indemnities in respect of legitimate claims of a social character which result from the events of the present war and from the occupation of the territories of certain members of the United Nations.

2. The above provision relates:

(a) on the one hand, to the satisfaction of claims for indemnity made by social security institutions (social insurance or autonomous welfare funds) of members of the United Nations in respect of all loss and damage which they have suffered as the result of the events mentioned in paragraph 1; the indemnity should include the reconstruction of the reserves of social insurance institutions which are necessary to cover their liabilities as affected by the said events, including the increase of those liabilities resulting from the aggravation of the risks in consequence of the said events;

(b) on the other hand, to the satisfaction of the claims of individual nationals of members of the United Nations in respect of treatment contrary to international law or other inequitable treatment imposed on them by Axis or associated countries in the matter of conditions of employment (including remuneration), loss of social insurance rights not covered by the provisions of Annex I to the present resolution, and of any other claims connected with working conditions and social protection and the like which are the direct or indirect consequence of the events mentioned in paragraph 1 and involve the liability either of Governments and public institutions of the Axis and associated countries or of physical or legal persons belonging to such countries;

(c) in the peace settlement which will impose financial obligations on the Axis and associated countries, provision should be made for priority in favour of the payment of indemnities in respect of the claims mentioned under paragraphs 1 and 2 over all other claims.

## ANNEX III

## PRINCIPLES CONCERNING THE SETTLEMENT OF THE SOCIAL PROBLEMS RESULTING FROM THE TRANSFER OF TERRITORIES AND THE EXCHANGE OF POPULATIONS

1. Any provisions in the peace settlement on the subject of the transfer of territories should provide for—

(a) the transfer of a clearly defined part of the social insurance liabilities pertaining to the ceded territories from the countries previously competent to the countries subsequently competent, corresponding to the ceded territories;

(b) the immediate transfer by the previously competent countries to the subsequently competent countries of the reserves necessary, according to actuarial calculations, to cover the liabilities which will be assumed and discharged by the latter; this transfer should be effected independently of any payments from the Axis or associated countries to the United Nations on account of war reparations or any other account;

(c) the resumption by the successor countries of the payment of the social insurance benefit for which they become liable, so as to secure the uninterrupted continuation of the payment of current benefits and the award of benefits in respect of rights in course of acquisition which have been assumed;

(d) the application of the principles set out under sub-paragraphs (a) to (c), not only to social insurance but to all similar social security institutions, such as pension funds, unemployment funds, autonomous provident or welfare funds, etc.

2. All arrangements entered into among members of the United Nations for the exchange of populations between different countries should include suitable provisions for the protection of the social rights of workers, including regulations similar to those provided for under paragraph 1.

## ANNEX IV

## PRINCIPLES RELATING TO THE REVIVAL OF BILATERAL SOCIAL TREATIES AND TO THE JURIDICAL STATUS OF NATIONALS OF MEMBERS OF THE UNITED NATIONS UNDER SOCIAL LEGISLATION IN AXIS AND ASSOCIATED COUNTRIES

1. The peace settlement should, at the request of members of the United Nations concerned, provide for the revival of treaties and bilateral agreements on the subjects of social insurance, labour, unemployment, public assistance and other related subjects in force on 31 August 1939 (or at any earlier date at which the territory of a member was occupied) between Axis and associated countries on the one hand and these members of the United Nations on the other; it should provide that such treaties and agreements may not thereafter be denounced unilaterally by Axis or associated countries within five years from the date of the peace settlement.

2. The peace settlement should guarantee the nationals of the United Nations the same treatment as Axis and associated countries grant to their own nationals in the application of all branches of social legislation.

## ANNEX V

## COMPOSITION OF THE PROPOSED COMMISSION

A. Three representatives of the Governing Body appointed from members of the three groups, being nationals of countries other than those directly represented on the committee, in accordance with paragraph B below;

B. Ten experts on social insurance and the international regulation of social questions, appointed in particular by countries directly concerned in this matter;

C. Duly qualified representatives of the international bodies which are competent for related questions.

## XIII

## RESOLUTION CONCERNING INTERNATIONAL ADMINISTRATIVE CO-OPERATION TO PROMOTE SOCIAL SECURITY.

Whereas mutual assistance in social security administration is one of the forms of collaboration between nations calculated to promote the progressive development in all countries of comprehensive social security schemes providing for income security and medical care; and

Whereas the International Labour Office has co-operated with Members of the Organisation in an advisory capacity in the planning and development of social security schemes by means of expert missions, and it is now desirable to take further measures to make the experience of social security administration gained by members individually available through the International Labour Office to other members about to introduce social security schemes or to amend their existing schemes; and

Whereas the Inter-American Conference on Social Security adopted at its first session, held at Santiago de Chile in 1942, resolutions favouring co-operation among social security administrations and institutions with a view to the unification of statistics of medical care and the encouragement of research and technical studies;

The Conference requests the International Labour Office:

(a) to take the necessary measures to facilitate the interchange of qualified technicians and experts by means of agreements between Members of the Organisation;

(b) to continue efforts to promote, on an international or regional basis, systematic and direct collaboration among social security administrations or institutions with a view to the regular interchange of information which will facilitate their work and the study of common problems in the application of social security; among these problems the following are enumerated without implying any order of preference—

(i) the comparability of statistics on the working of social security services, and their possible standardisation;

- (ii) long-term investment of the reserves of social security institutions;
  - (iii) simplification of social security administration;
  - (iv) relations between social security institutions based on assistance and those based on insurance;
  - (v) the prevention of the risks covered;
  - (vi) the training and technical improvement of the personnel of social security administration through the organisation of courses of higher study in the actuarial and accounting fields and others related to the application of social security systems;
- (c) to study the possibility and appropriateness of international or multi-lateral agreements which would establish bodies responsible for performing common functions, in the field either of finances or of administration.

#### XIV

##### RESOLUTION CONCERNING THE DEFINITION OF TERMS USED IN INTERNATIONAL CONVENTIONS AND RECOMMENDATIONS CONCERNING SOCIAL SECURITY

Whereas it would greatly contribute to the clarification of the terms used in Conventions and Recommendations concerning social security to establish an international nomenclature of social security terms in order to avoid misinterpretation due to differences in the terminology employed in various countries;

The Conference requests the International Labour Office to prepare, in consultation with experts on social security, on sociology, and on economic and legal questions, a list containing definitions of terms occurring in international Conventions or Recommendations on social security, with a view to arriving at international agreement.

#### XV

##### RESOLUTION CONCERNING SOCIAL SECURITY IN ASIATIC COUNTRIES

Whereas the proposals for the promotion of social security before the Conference are for the most part inapplicable to Asiatic countries such as India in their present stage of industrial development; and

Whereas the Asiatic Member States constitute a large part of the world with vast populations which should not be excluded from the benefits of the proposed measures for the promotion of social security, having regard to the aims and purposes of the International Labour Organisation;

The Conference recommends that an Asiatic regional conference be held at as early a date as possible and that the question of the organisation of social security be included in the agenda of that conference.

#### XVI

##### RESOLUTION INCLUDING THE QUESTION OF MINIMUM STANDARDS OF SOCIAL POLICY IN DEPENDENT TERRITORIES (SUPPLEMENTARY PROVISIONS) IN THE AGENDA OF THE NEXT GENERAL SESSION OF THE CONFERENCE.

In accordance with the provisions of paragraph 3 of Article 16 of the Constitution of the International Labour Organisation, the Twenty-sixth Session of the International Labour Conference decides to include in the agenda of the next general session of the International Labour Conference the question of—

Minimum standards of social policy in dependent territories (supplementary provisions).

#### XVII

##### RESOLUTION REQUESTING THE GOVERNING BODY TO SET UP A COMMITTEE TO ADVISE THE INTERNATIONAL LABOUR OFFICE ON STANDARDS OF SOCIAL POLICY IN DEPENDENT TERRITORIES.

The Twenty-sixth Session of the International Labour Conference,  
Recognising the value of the work of the Committee of Experts on Native Labour and the necessity of providing the Office with all possible technical advice on social problems in dependent territories,

Requests the Governing Body of the International Labour Office to set up as soon as possible a committee to advise the Office on standards of social policy in dependent territories.

The following are among the questions which the Governing Body may consider should appropriately be laid before the committee, the creation of which is suggested:

- (1) The status of women in dependent territories;
- (2) Migratory labour and its protection;
- (3) Housing standards in dependent territories, including methods to facilitate the interchange of information on progress realised.

### XVIII

#### RESOLUTION TO CONFIRM THE READMISSION OF COSTA RICA TO THE INTERNATIONAL LABOUR ORGANISATION.

The General Conference of the International Labour Organisation, Taking note of the decision of the Governing Body of the International Labour Office that the Republic of Costa Rica should be entitled to the full rights of membership of the organisation from 12 November 1942, pending formal confirmation of her readmission to the Organisation by the Conference,

Hereby confirms the readmission of Costa Rica to the International Labour Organisation with the same rights and obligations as the other Members of the Organisation.

### XIX

#### RESOLUTION CONCERNING THE MEMBERSHIP OF AUSTRIA IN THE INTERNATIONAL LABOUR ORGANISATION.

The Conference takes note with satisfaction of the Moscow Declaration expressing the wish of the signatories to see re-established a free and independent Austria, recalls the active participation of Austria in the International Labour Organisation from 1919 to 1938 and expresses the hope that a free, independent and democratic Austria will soon resume her participation in the International Labour Organisation.

### XX

#### RESOLUTION CONCERNING THE MEMBERSHIP OF CERTAIN AMERICAN STATES IN THE INTERNATIONAL LABOUR ORGANISATION.

The International Labour Conference,

Expresses its great satisfaction that Nicaragua and Paraguay are represented at the Twenty-sixth Session of the Conference by observers;

Requests the Governing Body of the International Labour Office to consider, in consultation with those States, as well as other States of the American continent which are not at present Members of the Organisation, how the resumption of active membership of the Organisation by all of the States of the American continent could best be achieved; and

Expresses the earnest hope that all the States of the American continent will be represented at the next session of the International Labour Conference as Members of the Organisation.

### XXI

#### RESOLUTION CONCERNING COMPLETE DELEGATIONS TO THE CONFERENCE.

In view of the growing volume and importance of the work of the International Labour Organisation, and in order to enable the Conference of the Organisation to have full and fruitful discussion of the questions on the agenda of the Conference and also to enable each delegation to participate effectively in the deliberations of the Conference and the several committees, this session of the International Labour Conference earnestly invites the Members of the International Labour Organisation to send complete delegations, including an adequate number of advisers, to each session without regard to cost or distance.

## XXII

RESOLUTION CONCERNING THE USE OF SPANISH AND PORTUGUESE AS  
OFFICIAL LANGUAGES.

Considering that the nations of Latin America have made a substantial contribution to the development and universalisation of the International Labour Organisation;

~ Considering that the nations of Latin America have unanimously developed, spontaneously and with exceptional rapidity, a social policy based on the international Conventions and on the generous conceptions of the protection of labour and collective welfare;

Considering that the prominent position attained by the American republics and the special social conditions of the Western Hemisphere have been demonstrated at the labour conferences of the American States which were held in 1936 and 1939, at Santiago de Chile and Havana respectively, and which had far-reaching results;

Considering that the nations of Latin America constitute the great majority of the States of America and number twenty independent Republics, of which thirteen are Members of the International Labour Organisation;

Considering that the ethnical unity, historic traditions and ideals characteristic of the peoples of Latin America demonstrate the existence of an authentic culture, the value of which is all the greater in as much as it extends over the whole of the South American continent and Central America;

Considering that the social development of Latin America springs from the Iberian civilisation, which is both Spanish and Portuguese and is two-fold in its nature, and still maintains this diversity, which so far from being a cause of division, rather serves to bind them more closely together for the preservation of the characteristics they derive from a common historic source;

Considering that the Spanish and Portuguese languages spoken by the nations of Latin America are also the languages of the countries of the Iberian Peninsula, of the peoples of a large part of the continent of Africa, and of various regions of Asia;

Considering also that the Spanish and Portuguese languages are regional transformations and progressive adaptations of Latin and at the same time modern, living languages, with a classical etymology, which can be readily understood and acquired;

Considering that the original root and the manner of development of the Portuguese and Spanish idioms, which development has taken place in geopolitical conditions presenting substantial similarities, have rendered impossible wide divergences between the two tongues, so that today the peoples who speak them can readily understand one another;

Considering that the Havana Conference of 1939, in resolution XXV, expressed itself unanimously in favour of the publication of legal decisions by the International Labour Organisation in Spanish and Portuguese;

Considering finally that the use of the Spanish language has become an established practice of the International Labour Organisation and that Portuguese has been used for several official publications of the Organisation;

The Conference requests the Governing Body to consider the possibility of making Spanish and Portuguese official languages of the International Labour Organisation and to submit to the next general session of the Conference any necessary amendments of the Standing Orders of the Conference and of its committees.

## XXIII

## RESOLUTION CONCERNING ATROCITIES IN THE OCCUPIED COUNTRIES OF EUROPE

Whereas the Declaration concerning the aims and purposes of the International Labour Organisation, adopted by the Twenty-sixth Session of the International Labour Conference, includes the reaffirmation of the following fundamental principle on which the Organisation is based;

“ That all human beings irrespective of race, creed or sex have the right to pursue both their material well-being and their spiritual development under conditions of freedom and dignity ”;

Whereas Nazi Germany and its satellites are continuing the criminal persecutions of all Axis-occupied countries, aiming particularly at annihilation of the Jews of Europe;

Whereas especially in occupied Poland mass murder of populations is being committed on a scale hitherto unknown in modern history;

The International Labour Conference adopts the following resolution:

The General Conference of the International Labour Organisation, convened in its Twenty-sixth Session at Philadelphia, on 12 May 1944,

1. Protests against Nazi crimes which violate the fundamental principles of humanity and of international law;

2. Welcomes the statement on atrocities signed by President Roosevelt, Prime Minister Churchill and Premier Stalin, announced on 1 November 1943, following the Three-Power Conference in Moscow, and the Joint Declaration against extermination of the Jewish people announced on 17 December 1942, in London, Moscow and Washington by the Governments of Belgium, Czechoslovakia, Greece, Luxemburg, the Netherlands, Norway, Poland, the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and Yugoslavia, and the French National Committee; and expresses its firm conviction that all guilty of such crimes must be tried and punished;

3. Requests that the United Nations take immediately all possible steps to stop mass slaughter of the population of the occupied countries of Europe;

4. Expresses its deepest sympathy for all victims of Nazi terror and its great admiration for the underground fighters of all occupied countries, including the defenders of the Ghettos of Warsaw and other cities, who have been fighting and dying together for the common cause of the United Nations

