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LEAGUE OF NATIONS.
INTERNATIONAL LABOUR CONFERENCE.

DRAFT RECOMMENDATIONS ADOPTED BY THE CONFERENCE DURING ITS FIFTH SESSION,
22ND TO 29TH OCTOBER, 1923, RELATING TO FACTORY INSPECTION.

Presented to both Houses of the General Assembly by Command of His Excellency.

Geneva, 27th December, 1923.

THE recommendation concerning the general principles for the organization of systems of inspection to secure the enforcement of the laws and regulations for the protection of the workers here reprinted was adopted on the 29th October, 1923, by the International Labour Conference at its Fifth Session, Geneva, 22nd to 29th October, 1923.

The text of the recommendation 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 Director of the International Labour Office, and deposited with the Secretary-General of the League of Nations.

ERIC DRUMMOND,
Secretary-General of the League of Nations.

RECOMMENDATION CONCERNING THE GENERAL PRINCIPLES FOR THE ORGANIZATION OF SYSTEMS OF INSPECTION TO SECURE THE ENFORCEMENT OF THE LAWS AND REGULATIONS FOR THE PROTECTION OF THE WORKERS.

THE General Conference of the International Labour Organization of the League of Nations, having been convened at Geneva by the governing body of the International Labour Office, and having met in its Fifth Session on the 22nd October, 1923, and having decided upon the adoption of certain proposals with regard to the general principles for the organization of factory inspection, the question forming the agenda of the session, and having determined that these proposals should take the form of a recommendation, adopts, this twenty-ninth day of October of the year one thousand nine hundred and twenty-three, the following recommendation, to be submitted to the members of the International Labour Organization for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace.

Whereas the Treaty of Versailles and the other Treaties of Peace include among the methods and principles of special and urgent importance for the physical, moral, and intellectual welfare of the workers the principle that each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the workers: Whereas the resolutions adopted at the First Session of the International Labour Conference concerning certain countries where special conditions prevail involve the creation by these countries of an inspection system if they do not already possess such a system: Whereas the necessity of organizing a system of inspection becomes specially urgent when Conventions adopted at sessions of the Conference are being ratified by members of the organization and put into force: Whereas while the institution of an inspection system is undoubtedly to be recommended as one of the most effective means of ensuring the enforcement of Conventions and other engagements

for the regulation of labour conditions, each member is solely responsible for the execution of Conventions to which it is a party in the territory under its sovereignty or its authority, and must accordingly itself determine in accordance with local conditions what measures of supervision may enable it to assume such a responsibility: Whereas, in order to put the experience already gained at the disposal of the members with a view to assisting them in the institution or reorganization of their inspection system, it is desirable to indicate the general principles which practice shows to be the best calculated to ensure uniform, thorough, and effective enforcement of Conventions, and more generally of all measures for the protection of the workers; and, having decided to leave to each country the determination of how far these general principles should be applied to certain spheres of activity, and taking as a guide the long experience already acquired in factory inspection, the General Conference recommends that each member of the International Labour Organization should take the following principles and rules into consideration :—

I. SPHERE OF INSPECTION.

1. That it should be the principal function of the system of inspection which should be instituted by each member in accordance with the ninth principle of Article 427 of the Treaty of Versailles to secure the enforcement of the laws and regulations relating to the conditions of work and the protection of the workers while engaged in their work (hours of work and rest; night-work; prohibition of the employment of certain persons on dangerous, unhealthy, or physically unsuitable work; health and safety, &c.).

2. That, in so far as it may be considered possible and desirable, either for reasons of convenience in the matter of supervision or by reason of the experience which they gain in carrying out their principal duties, to assign to Inspectors additional duties, which may vary according to the conceptions, traditions, and customs prevailing in the different countries, such duties may be assigned, provided—(a) That they do not in any way interfere with the Inspectors' principal duties; (b) that in themselves they are closely related to the primary object of ensuring the protection of the health and safety of the workers; (c) that they shall not prejudice in any way the authority and impartiality which are necessary to Inspectors in their relations with employers and workers.

II. NATURE OF THE FUNCTIONS AND POWERS OF INSPECTORS.

A. *General.*

3. That Inspectors provided with credentials should be empowered by law—(a) To visit and inspect, at any hour of the day or night, places where they may have reasonable cause to believe that persons under the protection of the law are employed, and to enter by day any place which they may have reasonable cause to believe to be an establishment, or part thereof, subject to their supervision; provided that, before leaving, Inspectors should, if possible, notify the employer or some representative of the employer of their visit; (b) to question, without witnesses, the staff belonging to the establishment, and, for the purpose of carrying out their duties, to apply for information to any other persons whose evidence they may consider necessary, and to require to be shown any registers or documents which the laws regulating conditions of work require to be kept.

4. That Inspectors should be bound by oath, or by any method which conforms with the administrative practice or customs in each country, not to disclose, on pain of legal penalties or suitable disciplinary measures, manufacturing secrets, and working processes in general, which may come to their knowledge in the course of their duties.

5. That, regard being had to the administrative and judicial systems of each country, and subject to such reference to superior authority as may be considered necessary, Inspectors should be empowered to bring breaches of the laws which they ascertain directly before the competent judicial authorities; that in countries where it is not incompatible with their system and principles of law the reports drawn up by the Inspectors shall be considered to establish the facts stated therein in default of proof to the contrary.

6. That the Inspectors should be empowered, in cases where immediate action is necessary to bring installation or plant into conformity with laws and regulations, to make an order (or, if that procedure should not be in accordance with the administrative or judicial systems of the country, to apply to the competent authorities for an order) requiring such alterations to the installation or plant to be carried out within a fixed time as may be necessary for securing full and exact observance of the laws and regulations relating to the health and safety of the workers; that in countries where the Inspector's order has executive force of itself its execution should be suspended only by appeal to a higher administrative or judicial authority, but in no circumstances should provisions intended to protect employers against arbitrary action prejudice the taking of measures with a view to the prevention of imminent danger which has been duly shown to exist.

B. *Safety.*

7. Having regard to the fact that while it is essential that the inspectorate should be invested with all the legal powers necessary for the performance of its duties, it is equally important, in order that inspection may progressively become more effective, that, in accordance with the tendency manifested in the oldest and most experienced countries, inspection should be increasingly directed towards securing the adoption of the most suitable safety methods for preventing accidents and diseases, with a view to rendering work less dangerous, more healthy, and even less exhausting, by the intelligent understanding, education, and co-operation of all concerned, it would appear that the following methods are calculated to promote this development in all countries :—

- (a.) That all accidents should be notified to the competent authorities, and that one of the essential duties of the Inspectors should be to investigate accidents, and more especially those of a serious or recurring character, with a view to ascertaining by what measures they can be prevented ;
- (b.) That Inspectors should inform and advise employers respecting the best standards of health and safety ;
- (c.) That Inspectors should encourage the collaboration of employers, managing staff, and workers for the promotion of personal caution, safety methods, and the perfecting of safety equipment ;
- (d.) That Inspectors should endeavour to promote the improvement and perfecting of measures of health and safety, by the systematic study of technical methods for the internal equipment of undertakings, by special investigations into problems of health and safety, and by any other means ;
- (e.) That in countries where it is considered preferable to have a special organization for accident insurance and prevention completely independent of the inspectorate, the special officers of such organizations should be guided by the foregoing principles.

III. ORGANIZATION OF INSPECTION.

A. *Organization of the Staff.*

8. That in order that the Inspectors may be as closely as possible in touch with the establishments which they inspect and with the employers and workers, and in order that as much as possible of the Inspectors' time may be devoted to the actual visiting of establishments, they should be localized, when the circumstances of the country permit, in the industrial districts.

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

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

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

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

B. *Qualifications and Training of Inspectors.*

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

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

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

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

C. *Standard and Methods of Inspection.*

17. That, as under a system of State inspection the visits of the Inspectors to any individual establishment must necessarily be more or less infrequent, it is essential—(a.) That the principle should be laid down and maintained that the employer and the officials of the establishment are

responsible for the observance of the law, and are liable to be proceeded against in the event of deliberate violation of or serious negligence in observing the law, without previous warning from the Inspector. It is understood that the foregoing principle does not apply in special cases where the law provides that notice shall be given in the first instance to the employer to carry out certain measures. (b.) That, as a general rule, the visits of the Inspectors should be made without any previous notice to the employer.

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

18. That, while it is recognized that very wide differences exist between the size and importance of one establishment and another, and that there may be special difficulties in countries or areas of a rural character where factories are widely scattered, it is desirable that, as far as possible, every establishment should be visited by an Inspector for the purposes of general inspection not less frequently than once a year, in addition to any special visits that may be made for the purpose of investigating a particular complaint or for other purposes; and that large establishments and establishments of which the management is unsatisfactory from the point of view of the protection of the health and safety of the workers, and establishments in which dangerous or unhealthy processes are carried on, should be visited much more frequently. It is desirable that when any serious irregularity has been discovered in an establishment it should be revisited by the Inspector at an early date with a view to ascertaining whether the irregularity has been remedied.

D. Co-operation of Employers and Workers.

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

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

IV. INSPECTORS' REPORTS.

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

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

23. That this annual report should also give the statistical tables necessary in order to provide all information on the organization and work of the inspectorate and on the results obtained. The information supplied should, as far as possible, state—(a) The strength and organization of the staff of the inspectorate; (b) the number of establishments covered by the laws and regulations, classified by industries, and indicating the number of workers employed (men, women, young persons, children); (c) the number of visits of inspection made for each class of establishment, with an indication of the number of workers employed in the establishments inspected (the number of workers being taken to be the number employed at the time of the first visit of the year), and the number of establishments inspected more than once during the year; (d) the number of and nature of breaches of the laws and regulations brought before the competent authorities, and the number and nature of the convictions by the competent authority; (e) the number, nature, and the cause of accidents and occupational diseases notified, tabulated according to class of establishment.

The foregoing is the authentic text of the recommendation duly adopted by the General Conference of the International Labour Organization during its Fifth Session which was held at Geneva and declared closed the 29th day of October, 1923.

In faith whereof we have appended our signatures, this 3rd day of December, 1923.

The President of the Conference,

M. ADATCI.

The Director of the International Labour Office,

ALBERT THOMAS.

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