

*Resolution concerning the Uniformity of the Protection of Workers in China, submitted by Mr. Mertens, Belgian Workers' Delegate, Mr. Chu, Chinese Workers' Delegate, Mr. Koizumi, Japanese Workers' Delegate, and Mr. Sen, Indian Workers' Delegate.*

The Committee heard the authors of the three draft resolutions concerning the uniformity of the protection of workers in China, who agreed to combine their draft resolutions in a single text. The Committee decided to transmit the joint draft resolution to the Conference. The final text as amended is as follows :—

Whereas the International Labour Conference at its First Session in 1919 dealt with the difficulties with which China was faced owing to the existence within its territory of industrial undertakings enjoying extra-territoriality :

Whereas even then the Commission on Special Countries reached the unanimous conclusion that a satisfactory solution ought to be found, in the interests both of the Chinese Government and of the workers, who are unquestionably the persons most closely concerned :

Whereas in its report that Commission made the following suggestions :—

In view of the special difficulties which the Chinese Government may experience from the existence, within the area of China, of foreign settlements and lease territories, the commission suggests that the Conference should make the necessary representations to the Governments concerned—that is, to those Governments which at present exercise jurisdiction in these settlements and territories under treaties and engagements with China—to enforce in their territories within China the same restrictions as the Chinese Government has accepted ; or, in the alternative, to decree that labour legislation adopted by the Government of China shall be enforced by that Government within those foreign settlements and territories where extra-territorial jurisdiction exists at present.

Whereas the report was adopted by the Conference ;

Whereas since that time the International Labour Office has never ceased to interest itself in the question in an attempt to reach a satisfactory solution ;

Whereas unfortunately its efforts have proved fruitless ;

Whereas actually the position has to some extent grown worse, as was shown by the declarations and statements made by the Chinese Delegates at the Technical Tripartite Conference on the Textile Industry, held at Washington from 2nd to 17th April, 1937 ;

Whereas it is desirable that the International Labour Organization should continue its efforts with a view to finding a remedy for a state of affairs which was denounced in 1919 by the First Session of the International Labour Conference ;

Whereas it is essential and indispensable that a State should possess complete administrative integrity as regards labour questions in order to enable it to fulfil its obligations as a Member of the International Labour Organization ;

Whereas it is impossible for a State to apply its labour legislation satisfactorily within its territory if the industrial and commercial undertakings in the country which are managed by certain foreigners are not subject to the application of such legislation by the State, whilst other industrial and commercial undertakings are subject thereto ;

Whereas the industrial and commercial undertakings in the country managed by certain foreigners, who are not subject either as regards themselves or their undertakings to the application of labour legislation, nevertheless employ large numbers of the nationals of the country in question, whom they thus deprive of the legitimate protection of the national legislation applied by their own Government ;

The Conference, considering that the International Labour Office should renew its efforts to bring about a settlement which would ensure that working conditions should be regulated on similar lines in the International Settlement and in the rest of China, in order that factories on Chinese territory and within the Settlement should not derive an unfair competitive advantage by availing themselves of the absence of labour standards ;

Requests the Governing Body to re-examine the question and to consider the adoption of any steps or procedure which might lead to an effective solution of this urgent problem by direct agreement between the various authorities concerned or, failing such an agreement, by an international Convention, with a view to ensuring the application of a uniform system of protection for the workers in all undertakings situated on Chinese territory, irrespective of whether they are or are not situated in the foreign settlements, or whether they do or do not enjoy extra-territoriality.

The resolution was adopted.

*Resolution concerning the Obligations of Members of the International Labour Organization, submitted by Mr. Kupers, Netherlands Workers' Delegate.*

The Committee, after hearing Mr. Serrarens, representing the author of this draft resolution, decided to transmit it to the Conference. The text of the draft resolution is as follows :—

Whereas paragraph 5 of Article 19 of the constitution lays strict obligations on the members of the Organization :

Whereas there are nevertheless doubts as to the fulfilment of those obligations by certain members :

The Conference invites the Governing Body to examine the methods by which the fulfilment of those obligations by all the members may be secured.

The resolution was adopted.