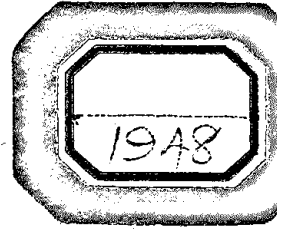


REPORT IV (2)

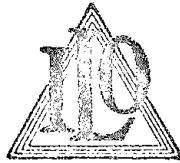
International Labour Conference



THIRTY-FIRST SESSION
SAN FRANCISCO, 1948

**EMPLOYMENT SERVICE
ORGANISATION**

Fourth Item on the Agenda



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International Labour Office
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INTRODUCTION

In accordance with the Standing Orders of the International Labour Conference, the Office prepared and communicated to Governments a proposed Convention and Recommendation concerning the organisation of the employment service, and a proposed Convention concerning fee-charging employment agencies (revised).¹

These texts were based on the general conclusions adopted by the 30th Session of the Conference in July 1947. Governments were asked to inform the International Labour Office in Geneva not later than 11 December 1947 whether they had any amendments to suggest or comments to make.

By 1 January 1948, replies had been received from the following Governments: Australia, Austria, Belgium, Finland, India, Ireland, Netherlands, New Zealand, Poland, Sweden, Switzerland, the Union of South Africa, the United Kingdom and the United States of America.

Chapter I of the present report reproduces the observations so far received from the Governments, and Chapter II surveys these comments briefly. Chapter III contains the proposed texts, modified in the light of the Government replies and submitted as the basis for the second discussion of the question of employment service organisation by the Conference at its 31st Session.

¹ International Labour Conference, Thirty-First Session, San Francisco, 1948, *Employment Service Organisation*, Report IV (1), Geneva, 1947.

CHAPTER I

REPLIES OF THE GOVERNMENTS

This chapter contains the observations of the Governments on the proposed Convention and Recommendation concerning the organisation of the employment service and on the proposed revision of the Fee-Charging Employment Agencies Convention.

The Governments of *Ireland* and the *Netherlands* consider the proposed Convention concerning employment service organisation and the proposed Recommendation on the same subject to be a suitable basis for discussion at the next Conference. The Government of *India* states that it has no amendments to suggest, or comments to offer, at this stage, on the proposed texts. The Government of *Finland* states that it has no amendments to suggest or comments to offer on the texts.

AUSTRALIA

Subject to the following amendments, the Government of Australia considers that the proposed Convention and Recommendation relative to employment service organisation are satisfactory.*

1. *Proposed Convention concerning the Organisation of the Employment Service*
Article 5.

It is considered that provisions to govern the policy of the employment service in the referral of workers to establishments where there is a strike or lockout, or where wages and conditions of work are below established standards, should be included in the Convention, and that Article 5, as drafted by the Office, should be deleted, and replaced by the following :

The employment service shall—

- (a) observe strict neutrality in the case of strike or lockout ;
- (b) not refer workers to employment where wages or conditions of work are below established standards ; and
- (c) subject to (a) and (b), develop the policy of the employment service in regard to the referral of workers to available employment after consultation of representatives of employers and workers.

In regard to (c), it is pointed out that the Australian Employment Service, and no doubt other national employment services, has already “formulated” a referral policy after reference, where necessary, to the Minister or to the Cabinet, and all that it is now possible to do is to “develop” the policy by either amending or expanding the conditions which have already been formulated. For this reason the word “develop” has been used instead of the word “formulate”.

2. *Proposed Recommendation concerning the Organisation of the Employment Service*

Paragraph 2, Clause (d).

The Office has not given any reason for altering the text of clause (d) which was recommended by the Employment Committee and adopted by the Conference at the 30th Session, viz.:

- (d) periodical reports from lower to higher administrative levels.

This was the original Office text, and was adopted after withdrawal of an Australian amendment which sought to clarify the view that reports must be furnished to the headquarters of the employment service from all levels of the employment service.

The clause as now drafted by the Office is not considered to be satisfactory as, apart from the point referred to in the preceding paragraph, reports furnished by “regional” offices to the headquarters of the employment service must cover a much wider field than “the work of local offices”.

It is considered that clause (d), as drafted by the Office, should be replaced by the clause recommended by the Employment Committee and adopted at the 30th Session, viz.:

- (d) periodical reports from lower to higher administrative levels.

Paragraph 2, Clause (f).

Periodical conferences between the head of the employment service and regional officers, and between regional officers and

local officers, would not be confined merely to an "exchange of ideas", and as the clause, as drafted, would have a limiting effect, it is considered that the words "for an exchange of ideas based on experience" should be deleted.

Paragraph 12.

If the amendments proposed by Australia to Article 5 of the proposed Convention are adopted, Paragraph 12 will need to be revised, but if provisions are not included in the Convention to govern the policy of the employment service in the referral of workers to establishments where there is a strike or lockout, or where wages or conditions of work are below established standards, there is no objection to Paragraph 12, subject to the words "which is available" being eliminated from (a). It is considered preferable to eliminate these words.

Paragraph 18.

It is the function of the employment service in Australia to define and interpret whether available employment is suitable for an applicant for unemployment benefit. In other words the employment service applies the "works test", and it is considered that the word "in" where first appearing should be deleted and replaced by the word "by".

3. *Proposed Revision of the Fee-Charging Employment Agencies Convention, 1933*

No objection is taken to the proposed amendments of the Fee-Charging Employment Agencies Convention, but, as a Federal country, it is not possible for the Commonwealth Government to indicate at present whether, as revised, the Convention will be ratified.

AUSTRIA

1. *Proposed Convention concerning the Organisation of the Employment Service*

In general it may be said that this draft provides a suitable basis for discussion at the 31st Session of the International Labour Conference. The Austrian Federal Government does not wish to suggest any substantial changes or additions. The only

noteworthy criticisms made by the workers' organisations are to the effect that the influence of representatives of the workers in the organisation of the employment service should be considerably reinforced and that private placing should be positively excluded. The following remarks apply to individual points.

Article 2.

Since it is necessary that the offices referred to in this Article should be in the closest contact with industry, it appears advisable to organise them in such a way that the occupational organisations of employers and workers play a decisive part therein.

Article 4.

The Austrian Government is of the opinion that the committees mentioned in Article 4 should not have a merely advisory function, but that they should have a considerable share in the work of administration and in the responsibility. As regards the numerical proportion of employers and workers on the committees, it is desired to refer to the wishes of the workers' organisations mentioned in the general introductory statement above.

Article 9.

If the expression "public officials" is intended to imply a statutory employment relationship which can in no case be terminated, the provision in question would be unduly restrictive, since it must be possible for personnel to be employed, in the offices in question, on the basis of private contracts also. Nevertheless, arrangements should be made to ensure that these employees too enjoy the general guarantees regarding their employment for which provision is made in the appropriate service regulations.

2. Proposed Recommendation concerning the Organisation of the Employment Service

The Austrian Government has no objection of principle to this draft. The principles contained in it are to a large extent already applied in Austria, and their further development is constantly pursued, having regard to the requirements of industry and the needs of persons seeking employment.

Here too, in accordance with their opposition of principle to private placing, the workers' organisations object to the various provisions in which reference is made to collaboration with private agencies.

The employers' organisations regard the provisions of the Recommendation as going into too much detail, and fear a resulting unnecessary increase in administrative machinery and administrative expenses; in particular they have misgivings regarding compulsory notification of job vacancies.

The following remarks relate to individual points in the proposed Recommendation.

Parts II and III.

It should certainly be an aim of policy to give employment services the degree of development described in these provisions. Nevertheless, at the present time conditions in most countries have not reached a stage corresponding to these very far-reaching requirements. Special reference should be made, as regards Paragraph 8 (a), to the attitude of the workers' organisations, which ask for greater influence to be accorded to the representatives of the workers.

Part IV.

The Austrian Government is of the opinion that there should be no referral of workers to employment in an establishment where there is a labour dispute. There are also serious objections to referral of workers in the other cases specified in Paragraph 12. The workers' organisations in particular are firmly opposed to Paragraph 12.

*Part V.**

In principle the Austrian Government agrees fully with the proposals for the development of the inter-occupational and geographical transfer of labour. It must however be pointed out that the present situation of Austria as regards housing and food—quite apart from the personal restrictions on workers—place considerable obstacles in the way of such a transfer process. As regards Paragraph 18, in particular, there are objections to the obligation—in this general form—to change residence.

Part VI.

As regards Paragraphs 20 and 26, reference should be made to the general attitude of the workers' organisations with regard to private employment agencies. As regards Paragraph 25, reference should be made to the misgivings of the employers' organisations regarding the obligation to notify all job vacancies.

3. *Proposed Revision of the Fee-Charging Employment Agencies Convention, 1933*

The Austrian Government has no objection to this draft. Reference must again be made to the general opposition of the workers' organisations to permitting fee-charging employment agencies to operate. In view of this general attitude, the workers' organisations oppose any weakening of the Convention.

BELGIUM

1. *Proposed Convention concerning the Organisation of the Employment Service*

The Belgian Government has no observations to make or amendments to suggest on the articles which are not mentioned.

Article 1.

The proposed text provides that each State should "maintain" an employment service. The Belgian Government considers that the word "maintain" implies that each State would be obliged directly to organise and finance the employment service. It would seem preferable to leave the State free to organise the service, if appropriate, by setting up an autonomous public undertaking which would be responsible for these tasks. Moreover, it should be provided that the expenses of the service may be defrayed, in whole or in part, from the revenue of unemployment insurance.

It is proposed that the word "maintain" should be replaced by "ensure the maintenance of".

Article 6.

The discussions at the 30th Session of the Conference and the provisions of Article 10 of the text indicate that employers and workers should make use of the employment service on a free

and voluntary basis. Article 6, clause (a) (ii), as drafted, is open to the interpretation that the State could require employers to notify the employment service of vacancies, because the Article provides that "the employment service . . . shall . . . obtain from employers precise information on vacancies and . . .". In order to avoid such an interpretation, which is not in keeping with the spirit of the Convention, the Belgian Government proposes to amend Article 6, clause (a) (ii) as follows: "obtain from employers on a voluntary basis precise information on . . .".

Article 7.

The present drafting of Article 7 includes terms such as "all practicable measures", "facilitate", and raises the question whether these provisions are not too vague and lacking in clear obligations to be included in the Convention. The Belgian Government therefore proposes to include these provisions in the Recommendation, in so far as Paragraph 4 of the Recommendation may not be considered already to cover them.

Article 8.

With reference to the point made above, in connection with Article 7, it is considered that if the words "wherever possible" are maintained, the provisions of Article 8 would be more suitable in the Recommendation. The Belgian Government therefore proposes that if the article is retained in the Convention the words "wherever possible" should be deleted.

Article 9.

In the Report¹ the Office points out that Article 9 was not discussed at the 30th Session, but is taken from Article 6 of the Labour Inspection Convention, 1947. It may be asked whether it is practical and possible to apply the same principles in their entirety both to the staff of the employment service and also to that of the labour inspection service. Taking account of its duties, it should be possible, in our opinion, to vary the numerical strength of the staff of the employment service according to the needs, sometimes temporary, arising out of the economic situation and its effects on the activities of the service. The labour

¹ Report IV (1), p. 47.

inspection service, on the other hand, does not seem necessarily to be so directly affected by the economic situation so far as the number of its personnel is concerned. The possibility of recruiting temporary officers, not assured of stability of employment, should not be excluded from the international regulations. The Belgian Government proposes the following amendment to Article 9, paragraph 1 :

The staff of the employment service shall be composed of public officials or agents whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of Government and of improper external influences.

2. *Proposed Recommendation concerning the Organisation of the Employment Service*

Paragraph 20.

Paragraph 20 (2) stipulates that the employment service should be represented on any co-ordinating machinery concerned with the formation and application of principles and methods relating to the different questions therein enumerated. Given the large number of such bodies, the Belgian Government suggests that the Recommendation should not necessarily provide for the representation of the employment service thereon. The Government suggests the following amendment :

For this purpose the service should be consulted and its views taken into account by any co-ordinating machinery . . . (The rest continues without change.)

3. *Proposed Revision of the Fee-Charging Employment Agencies Convention, 1933*

No observations.

NEW ZEALAND

1. *Proposed Convention concerning the Organisation of the Employment Service*

Article 1, Paragraph 2.

The New Zealand Government considers that this paragraph as it stands will require the employment service to consult all the numerous public and private bodies concerned. It is felt that

such a procedure will be both unnecessary and impracticable. Moreover, there may be some such bodies with which it would be undesirable for the employment service to co-operate. For these reasons, the New Zealand Government would suggest that the words "where necessary" should be inserted immediately after the word "co-operation".

Article 6 (a).

In sub-clauses (ii) and (iv) of clause (a), the text would appear to be somewhat tightly worded, and some modification in the drafting would appear desirable.

In the case of sub-clause (ii) it is suggested that the words "to the greatest extent possible" should be inserted after the word "employers". The existing text, it is felt, may be open to a construction making it necessary for the employment service to obtain the information compulsorily from all employers.

Similarly, in the case of sub-clause (iv), it is suggested that the words "where the applicant cannot be suitably placed or the vacancy suitably filled by the original office or where other circumstances may warrant" should be added. The existing text, it is felt, may be open to a construction making it necessary to refer all applicants and all vacancies to other employment offices.

In all other respects the draft text of the proposed Convention meets with the approval of the New Zealand Government.

2. *Proposed Recommendation concerning the Organisation of the Employment Service*

There are no points in the draft text of the proposed Recommendation concerning the organisation of the employment service on which the New Zealand Government has comment to make, and the text meets with its approval.

3. *Proposed Revision of the Fee-Charging Employment Agencies Convention, 1933*

The New Zealand Government has no comment to make on the text of the proposed revision of the Fee-Charging Employment Agencies Convention, 1933.

POLAND

1. *Proposed Convention concerning the Organisation of the
Employment Service**Article 3.*

The Polish Government considers that the new draft of Article 3, paragraph 2, proposed by the Office does not evoke any doubts. To introduce—before the review of the network of employment services—previous confirmatory procedure seems advisable, because such a procedure might disclose new concrete elements which would influence the decision materially.

Article 4.

The new draft of Article 4 may be accepted because the changes introduced hereby are of a purely formal character.

Article 5.

The new text of Article 5 proposed by the Office seems to be more fortunate. To replace the principle of “co-operation” with the organisations of employers and workers by the principle of “consultation” with those organisations, while fixing the procedure of placing workers looking for work to fill the existing employment vacancies, is more fortunate from the legal point of view. The word “co-operation” is not specific enough, while the word “consultation” gives to the provision of Article 5 a concrete form.

Articles 6-14.

Changes in the wording of Article 6 (7 in the text of the 30th Session of the Conference), and of Articles 7 and 8 (previously 5 and 6) of a purely formal character do not evoke any doubts.

To introduce in the text of the Convention Articles 9, 12, 13 and 14, according to the proposal of the Office, and to remove from the Convention former Article 9 seems justifiable for the reasons mentioned by the Office.

2. *Proposed Recommendation concerning the Organisation of the
Employment Service*

The Polish Government considers that Paragraphs 1-11 and 13-27 of the new text proposed by the Office, which do not differ materially from the text accepted by the 30th Session of the International Labour Conference, do not evoke any doubts.

Paragraph 12.

The new text proposed by the Office evokes some doubts. According to Point 7 (1) of the previous text, accepted by the 30th Session of the Conference, provisions regulating the terms of offering employment vacancies to workers concerning the matters covered by Point 7 (1) ought to be fixed by the employment service in order to determine the procedure of this service in the mentioned matters. In the proposed text of Paragraph 12, only the question of working out the provisions by the employment service is mentioned, without stating plainly that such provisions ought to determine the procedure of the employment service concerning the cases mentioned from (a) to (d).

In connection with this it would be necessary to introduce in the first sentence of Paragraph 12, after the words "to employment", the words "with a view to determining its procedure".

3. *Proposed Revision of the Fee-Charging Employment Agencies Convention, 1933*

The Polish Government considers that the revision of the Convention proposed by the Office in the Report IV (1) does not evoke any doubts inasmuch as it does not introduce any material changes in the text accepted by the 30th Session of the International Labour Conference.

SWEDEN

1. *Proposed Convention concerning the Organisation of the Employment Service*

Article 4.

In* Sweden, according to a decision adopted by the 1947 Session of the Riksdag regarding the creation as from 1 January 1948 of a State Employment Board (*Arbetsmarknadsstyrelsen*), this national organ shall include among its nine members two representatives of employers, two representatives of workers and one representative of salaried employees. The regional organs (*länsarbetsnämnd*) shall, as has been the case since 1 July 1945, include one representative of employers, one representative of workers and one representative of salaried employees, nominated by the Swedish Employers' Confederation, the Swedish Confederation of Trade Unions and the Swedish Federation of Salaried Employees' Organisations, respectively.

It should be noted that this system differs in two respects from the provisions of the proposed Convention :

(a) the representatives of the parties on the employment market participate in the work of these organs not merely in an advising capacity but as full members ;

(b) provision is made for representation not only of employers and workers but also of salaried employees.

The Swedish Government suggests that the Convention should be redrafted to make allowance for systems referred to under (a), for instance, by inserting in Article 4, paragraph 1, after the words " advisory committees ", the words " or in some other way ", and a corresponding redrafting of paragraphs 2 and 3 of the Article.

Further, as regards Article 4, paragraph 3, it would be desirable that a form should be found to cover conditions in countries, like Sweden, where salaried employees have their own central organisations.

Article 6.

In Sweden, statistics concerning the employment market are at present elaborated and published mainly by the Social Board and the Employment Market Commission (from 1 January 1948 transformed into a permanent institution, the State Employment Board). The question of the development of these statistics and the authority to be in charge of their elaboration and publication is now under consideration.

The Swedish Government suggests that it would be expedient to insert, after the words " collect and analyse ", the words " where this is not done by some other authority ", or a passage to that effect.

2. Proposed Recommendation concerning the Organisation of the Employment Service

The Swedish Government has no comments to make on this proposal.

3. Proposed Revision of the Fee-Charging Employment Agencies Convention, 1933

The Swedish Government has no comments to make on this proposal.

SWITZERLAND

The Government of Switzerland submits the following observations on the proposed Convention and Recommendation concerning the organisation of the employment service and on the proposed revision of the Fee-Charging Employment Agencies Convention, 1933, reserving, as usual, its right to propose additional modifications during the discussion at the forthcoming session of the International Labour Conference.

1. *Proposed Convention concerning the Organisation of the Employment Service*

In general this text does not call for any observations on the part of the Swiss Government. However, certain suggestions or reservations are made concerning certain of its provisions.

Article 2.

It should be clearly understood that the institution of a "national" system of employment offices placed under the control of a central authority should take account of the special conditions of Federal States. The Swiss Government interprets the term "national" to mean that the employment service should be of a public character and should extend throughout the country; it is not considered to mean, therefore, that this service should be organised by the central authority. If this interpretation is correct, the Swiss public employment service could be considered as meeting the requirements set forth in Article 2, although its regional and local offices are not offices organised directly by the Confederation, but by the cantons or communes. It would perhaps be useful to make more precise the sense of the term "national system".

Article 3.

It is proposed that paragraph 1 should be amended as follows :

The system should be composed of a network of regional and local offices sufficient in number to serve as effectively as possible each geographical area of the country.

It is presumed to be merely owing to an error of omission that the proposed text mentions only local offices. If local offices are mentioned, regional offices should also be mentioned.

Moreover, the phrase "as effectively as possible" seems to express more clearly and in a more general way the idea that

the employment offices should be "conveniently located for employers and workers".

As regards paragraph 2, it is possible that the drafting could be still further improved. Thus, the term "assess", which occurs in clause (a) (ii), does not seem clearly to express the idea in mind. It is really a question of undertaking a general review, not in order to assess experience gained during a period of experimental operation, but in order to collect the clues which experience may provide.

Article 4.

The drafting of paragraph 1 would be improved by being made more flexible.

As regards paragraph 2, it is proposed that it should read as follows :

These arrangements should provide for the establishment of one or more national advisory committees and, where necessary, of regional and local committees.

The point is that States which do not wish to have more than one advisory committee would not be bound by a text providing specifically for several committees.

Article 5.

It is presumed that this provision is related to that of Article 4, paragraph 2, which provides for the establishment of national advisory committees. It follows that the representation of employers and workers mentioned in this Article would necessarily be through the advisory committees. It would not be possible to consult all the representatives of employers and workers in a given country. In the view of the Swiss Government, the import of this provision should be clarified. In any event, the verb form "shall be" is too strong; it would be preferable to say "will be".

Article 6.

It is proposed that the following provision should be added to this Article :

The employment service shall—
supervise and co-ordinate the operations of private employment agencies in such manner that their activities do not conflict with public employment policy and do not interfere with other public or private interests.

This provision should be introduced in Article 6 as a necessary corollary to Article 11.

Article 11.

This provision seems too weak. It is necessary not only to ensure co-operation between the employment service and private employment agencies, but also to give the public service effective direction over employment policy by authorising it to exercise the necessary control over these agencies and to ensure that their activities are co-ordinated with the measures taken by the State. The following redraft of this Article is therefore proposed :

The competent authorities shall take all necessary measures to enable the employment service to co-ordinate the operations of private employment agencies with its own activities and to exercise the necessary supervision over these agencies.

2. Proposed Recommendation concerning the Organisation of the Employment Service

The proposed Recommendation is too detailed and would be improved by being simplified. Its application in its present form would undoubtedly encounter a number of difficulties in most countries. The present observations are confined to points which seem essential.

Paragraphs 9-11.

These paragraphs provide for the establishment of a kind of annual budget of needs and resources of manpower in each State. This idea is attractive, but it appears very doubtful whether it could be carried out in practice. The needs and resources of manpower depend on factors which are so complex and variable, and so often affected by unpredictable external forces, that it is difficult to see how it would be possible to estimate these needs, even approximately, without the risk of appreciable errors.

Paragraph 17.

The provisions of Paragraph 17 determine certain principles which, if they were to be applied generally, would impose reforms and financial burdens on such a scale that it is doubtful whether they could be borne by most countries. In the view of the

Swiss Government State assistance such as that envisaged in this Paragraph of the proposed Recommendation should be kept in the background and should therefore not be provided except as a last resort. The cases in which this assistance would be indispensable are necessarily more frequent in times of depression than in more or less normal economic conditions. It would thus appear advisable to limit the application of this Paragraph in this sense, and to leave to each State the responsibility of adapting the system to its particular requirements.

Paragraph 20.

The enumeration here made seems to go somewhat too far. It would be preferable merely to determine in this Paragraph the principle of employment service co-operation with other bodies interested in employment problems, and to leave it to each State to apply the principle appropriately to its own needs.

3. ^{1/2} Proposed Revision of the Fee-Charging Employment Agencies Convention, 1933

Switzerland has not ratified this Convention, and could not ratify any new Convention which provides purely and simply for the abolition of fee-charging employment agencies conducted with a view to profit. The views of the Swiss Government on this point have already been expressed on different occasions and in particular in the commentary of 12 February 1947, in which the Government replied to the questionnaire attached to Report V (1). Those views have not changed. The Swiss Government believes that it is not the abolition of private initiative which is necessary for the public employment service, but rather a steady improvement in the methods and activities of this service in such manner as gradually to reduce to a minimum the operations of its private competitors. At the same time, it is essential that the operations of private profit-making employment agencies should be strictly regulated and supervised in order to prevent abuse, and that the operations of these agencies should be co-ordinated with employment service policy in the same way as those of employment agencies not conducted with a view to profit.

It is therefore considered that the proposed revision of the 1933 Convention should not be limited so that the Convention still provides for the abolition of fee-charging employment

agencies conducted with a view to profit, but should be extended to take account of the position of countries which wish to maintain such agencies under public regulation. The proposed revision should provide for these two alternatives. The Swiss Government suggests that the Convention should be revised in this sense.

The Government has no other observations to make concerning the proposed text.

UNION OF SOUTH AFRICA

1. *Proposed Convention concerning the Organisation of the Employment Service*

With reference to the proposed Convention, the Union of South Africa is in general agreement with the provisions thereof, with the exception of Article 4, which provides for the compulsory establishment of advisory committees consisting of representatives of employers and workers.

The Union is strongly in favour of voluntary co-operation with employers and workers, its experience having been that such co-operation is more conducive to obtaining results in this matter than would be action through statutory requirement, and it is accordingly felt that to make the establishment of advisory committees compulsory, will hinder rather than assist in attaining the aim of the proposed Convention.

2. *Proposed Recommendation concerning the Organisation of the Employment Service*

The Union has no comments to offer on the proposed Recommendation.

3. *Proposed Revision of the Fee-Charging Employment Agencies Convention, 1933*

The Union Government has considered the proposed revised Convention concerning fee-charging employment agencies and has no detailed comments to offer thereon, for the reason that its experience of the operation of fee-charging agencies under a controlled system has led it to the conclusion that such agencies, provided they are subjected to safeguards and adequate

control, serve a useful purpose and should not be abolished. Such control is in fact exercised in the Union of South Africa.

The Union Government expressed its attitude at the time of the adoption of the first Convention as being in principle in keeping with the basis of the Convention but as being precluded by conditions within the Union, notably those surrounding the bulk recruitment of workers under the Native Labour Regulation Act for mines and other large industries, from ratifying the Convention.

The Union Government maintains today, as it did then, that the recruitment of Native labour is a matter for private enterprise, and that its function is to hold the balance between the conflicting interests of the various industries and of employer and employee, which it could not effectively do if it undertook recruiting. These security organisations are necessary where industrial centres and tribal reserves are far apart, and the system is adequately controlled by the Native Labour Regulation Act, 1911.

As regards other classes of private employment agencies, these are controlled and supervised under the Industrial Conciliation Act, No. 36 of 1937, if conducted for profit and if fees are charged; the maximum fees are laid down by regulation, periodical inspections are held and licences are issued for short periods (not exceeding one year at a time), and thorough supervision exists to prevent exploitation of either the worker or the employer.

The system was in operation under pre-Union Statutes, and in 1924 was entrenched in Union legislation, and in the view of the Union Government the existence of such bureaux should not be prohibited. The Government considers that, provided that the number of such bureaux is not excessive in relation to the demand for them, thus leading to abuse, and provided exploitation is prevented by adequate control of fees and services, any aid from fee-charging bureaux in placement problems is desirable. There should so far as practicable be free Government bureaux, but, if any worker desires extra efforts made on his behalf to secure employment and is prepared to pay for such efforts, there should be no barrier to giving effect to his wishes. Any placements so effected relieve the burden on the Government, its bureaux, the appropriate unemployment relief funds, local poor relief and other social aid services.

UNITED KINGDOM

1. *Proposed Convention concerning the Organisation of the Employment Service*

As regards the proposed Convention concerning the organisation of the employment service, it is considered that the words "where necessary" should be inserted in Article 1, paragraph 2, after "co-operation". It will be recollected that the United Kingdom Government delegate reserved his position on this point at the 30th Session. It is suggested that the word "general" should be inserted before "policy" in Article 5 so as to exclude minor points of detail from its scope.

2. *Proposed Recommendation concerning the Organisation of the Employment Service*

As regards the proposed Recommendation, it is desired to observe that Part I, Paragraph 4 (c), is not interpreted as implying that an employment service is bound to submit women for vacancies merely because they are qualified in occupational skill and physical capacity where it is known that the employer is unwilling to accept them, or has specifically asked for workers of the opposite sex.

3. *Proposed Revision of the Fee-Charging Employment Agencies Convention, 1933*

It is not considered that the proposed amendments to Convention No. 34 will enable the United Kingdom Government to ratify this Convention, and it is not therefore desired to offer any comments on them at this stage.

UNITED STATES

The United States Government has carefully reviewed the *Employment Service Organisation* report, Fourth Item on the Agenda, International Labour Conference, 31st Session, San Francisco, 1948. The report reflects a gratifying consensus of the nations represented at the 30th Session and indicates that the proposed Convention and Recommendation may be disposed of without undue difficulty in the 31st Session. The following comments are submitted on the currently proposed texts.

1. *Proposed Convention concerning the Organisation
of the Employment Service*

Article 2.

Article 2 states: "The employment service shall consist of a national system of employment offices under the control of a central authority." It is assumed that this is, in effect, a re-statement of Article 2 of the original Unemployment Convention of 1919 which states, "Each member which ratifies this Convention shall establish a system of free public employment agencies under the control of a central authority." The point it is wished to emphasise in this connection is that the phrase "under the control of a central authority" does not preclude the establishment of a Federal-State system of public employment offices which does not assign to the Federal authority direct supervision of the working of the local employment offices. In the discussion in the 30th Session, the United States Government representatives made it clear that in this country, according to the Organic Law, the Federal authority has the responsibility, among other things, for "co-ordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States". It does not have direct supervisory responsibility for the working of the local employment offices.

Incidentally, the interpretation of the United States Government appears to be supported by the fact that the Swiss Government, which, for example, also has a Federal-State system of public employment offices with certain restrictions upon the national authority comparable to those existing in the United States, ratified the 1919 Unemployment Convention.

Article 6 (c).

Article 6 (c) in the proposed text provides that,

The employment service shall be so organised as to ensure effective recruitment and placement, and for this purpose shall . . . collect and analyse, in co-operation where necessary with other authorities and with management and trade unions, the fullest possible inform-

ation on the situation of the employment market and its probable evolution, both in the country as a whole and in the different industries, occupations and areas, and make such information available systematically and promptly to the public authorities, the employers' and workers' organisations concerned and the general public:

The United States Government interprets "in co-operation where necessary with other authorities..." to mean that, while the employment service has a basic and broad responsibility for obtaining "the fullest possible information on the situation of the employment market and its probable evolution...", it does not have exclusive responsibility in this connection.

United States Regulations require that "Each State (Employment Service) agency shall maintain, through its State administrative office and local employment offices, an effective labor market information service, through which it shall provide for the collection, analysis, and public issuance of information on current labor market developments, employment trends and opportunities for employment", but some of the information, particularly on a national basis, is regularly collected by other Government agencies. It is assumed that the present system would be consistent with the proposed Convention.

2. Proposed Recommendation concerning the Organisation of the Employment Service

Paragraph 10.

In the proposed Recommendation, Part III, Paragraph 10 states: "The manpower budget should be drawn up primarily by the employment service, in co-operation with other public authorities where appropriate." The United States would like to submit an amendment to this Paragraph to eliminate the word "primarily". The employment service is obliged, in carrying out its own activities and in calculating its financial needs, to obtain information upon the supply of and demand for workers. It can, through its resources, therefore, supply the employment market information necessary in the formulation of an annual manpower budget, but the responsibility of reporting on levels of employment, production, and purchasing power obtaining in the United States, and such levels as are needed to promote maximum employment, production, and purchasing power, is a specific responsibility of the Council of Economic Advisers. The deletion of the word "primarily" would not ignore the responsibilities of the employment service

in the formulation of the manpower budget, and would have the advantage of vesting the over-all responsibility in other governmental units in those countries that see fit to handle this matter in such a manner.

3. *Proposed Revision of the Fee-Charging Employment Agencies Convention, 1933*

The recommendations of the United States Government upon the proposed revision of the Fee-Charging Employment Agencies Convention, 1933, were submitted on November 7 (1947) as part of its comments upon the Decennial Report on that Convention. They are as follows:

The United States Government recommends that the revisions to be considered by the next general session be more substantial than those suggested in the ten-yearly report. The central theme of the Convention is found in Article 2:

1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of the preceding Article shall be abolished within three years from the coming into force of this Convention for the Member concerned.

2. During the period preceding abolition

- (a) there shall not be established any new fee-charging employment agency conducted with a view to profit;
- (b) fee-charging employment agencies conducted with a view to profit shall be subject to the supervision of the competent authority and shall only charge fees and expenses on a scale approved by the said authority.

The ten-yearly report suggests the revision of this Article by deleting the words "within three years" and substituting the words "within a limited period of time determined by competent authority". This Government recommends rather the elimination of Article 2 in its entirety and the modification of the language in Articles 1, 3, 4 and elsewhere, in so far as a distinction is drawn between fee-charging agencies which operate for profit and fee-charging agencies which do not operate for profit. Aside from the fact that the economic and social practices of this country and this Government would not tolerate the abolition of fee-charging agencies which operate for profit, a serious question is raised with respect to the practical implications of such a prohibition.

Fee-charging agencies which operate for profit, as well as those which do not, fill a real need in many segments of United

States industry, furnishing the kind of specialised personal service which is beyond the scope of a public employment service system. Furthermore, if the free public employment service in this country is to discharge the responsibilities assigned in its creation, it must continue to be free not only in the sense of making no monetary charge for its services, but also in the sense that workers and employers may use it or other private employment agencies without limitation on their freedom of choice.

The foregoing is not to say that private employment agencies should not be regulated by the State. They should be, and in the great majority of the jurisdictions in this nation are, so regulated. However, the language of Article 4 of the Convention and others (as modified to remove the distinction between profit-making and non-profit-making employment agencies) is sufficiently broad to encompass such regulations.

Finally, it is further recommended that Article 3, paragraph 3, be revised to provide that no new fee-charging agencies shall be allowed, except as licensed and approved by appropriate governmental agencies. This revision is considered necessary by this Government consistent with the statements made above.

CHAPTER II

SURVEY OF THE OBSERVATIONS OF THE GOVERNMENTS

The purpose of this chapter is to survey briefly the observations of Governments on the texts submitted in Report IV (1) as a basis for the second discussion of the question of employment service organisation by the Conference at its 31st Session.

I. OBSERVATIONS ON THE PROPOSED CONVENTION

General Observations

The Austrian Federal Government considers that the draft provides a suitable basis for discussion at the Conference. It points out in its reply that the workers' organisations of the country have two general proposals: first, that the influence of workers' representatives in the organisation of the employment service should be considerably reinforced, and secondly, that private placement should be positively excluded.

Article 1

The proposed text was as follows:

1. Each Member of the International Labour Organisation for which this Convention is in force shall maintain an employment service.
2. The essential duty of the employment service shall be to ensure, in co-operation with other public and private bodies concerned, the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.

The Belgian Government objects to the word "maintain" in the first paragraph, on the grounds that "maintain" implies

that the State would be obliged to organise and finance the service itself, whereas it considers that each State should have discretion to organise the service, if appropriate, by establishing an autonomous public undertaking charged with tasks of employment market organisation. The Government also urges that the Article should not exclude the possibility that part or all of the costs of employment service be met from unemployment insurance revenue. These observations of the Belgian Government have been taken into account in redrafting Article 1.

In paragraph 2 of the Article, both the United Kingdom and the New Zealand Governments suggest the inclusion, after the words "in co-operation with" of the words "where necessary". The New Zealand Government considers that the paragraph, as drafted, might require the employment service to consult all the numerous public and private bodies involved—a procedure which would be unnecessary and impracticable, and in certain circumstances undesirable. It will be remembered that a similar phrase, "where necessary", was deleted from the Office text during the discussion at the 30th Session of the Conference as the result of the adoption of an amendment proposed by the Employers' members of the Committee on employment service organisation. At that time, the Committee agreed, and so stated in its report, that the "co-operation with other public and private bodies" in question should include the bodies with a useful contribution to make in employment market organisation, with each Government free to decide for itself the bodies whose co-operation might usefully be enlisted. This interpretation might alleviate the fears of the New Zealand Government. However, the United Kingdom Government also urges the inclusion of the words "where necessary", noting that its delegate had reserved the Government's position on this point at the 30th Session of the Conference. In the circumstances, it seems reasonable to reinsert the phrase, if this appears to help to clarify the sense of the paragraph, leaving it to the Conference to decide whether the difficulties of the British and New Zealand Governments may not be resolved in this manner.

Article 2

The proposed text was as follows :

The employment service shall consist of a national system of employment offices under the control of a central authority.

The Governments of Switzerland and the United States, while not objecting to the text of the Article, wish some assurance that its interpretation would not cause difficulties to Federal States. The Government of Switzerland fears that the phrase "national system" might cause difficulties. The Government of the United States does not query the phrase "national system" but wishes to be sure that the words "under the control of a central authority" would not preclude the establishment of a Federal-State system of employment offices which does not assign to the Federal authority direct supervision of the actual working of the local offices. So far as the words "national system" are concerned, they have formed part of the United States Federal law on employment service organisation, so would probably not create special difficulties in other Federal countries. So far as the words "under the control of a central authority" are concerned, this phrase figures in the Unemployment Convention, 1919. Since, as the United States Government points out, this Convention has been ratified by Switzerland, the United States position would probably be adequately safeguarded.

The phrases in question were not intended to create difficulties for Federal States. The first, "national system", was designed, as the Swiss Government rightly supposed, to emphasise the public and nation-wide character of the employment service; the second, "under the control of a central authority", was intended to stress the responsibilities of the national or Federal authority in assuring the maintenance of an adequate and effective service. It is therefore suggested that the proposed text of the Article would not lend itself to interpretations which would create difficulties for the Federal countries and that their special position would be adequately safeguarded.

The Austrian Federal Government considers that since the offices referred to in this Article must work in close contact with industry, they should be so organised that employers' and workers' organisations can play a decisive rôle in them. The responsibilities of employers' and workers' representatives in employment service organisation were discussed in detail at the 30th Session of the Conference, and the conclusions reached on the question have been incorporated in the proposed text, for example, in Articles 4 and 5. In these circumstances, the Office does not feel justified in introducing at this stage the important modification proposed by the Austrian Government.

Article 3

The proposed text was as follows :

1. The system shall comprise a network of local offices, sufficient in number to serve each geographical area of the country, and conveniently located for employers and workers.

2. The organisation of the network shall—

(a) be reviewed

(i) whenever significant changes occur in the distribution of economic activity and of the working population, and

(ii) whenever the competent authority considers a review desirable to assess the experience gained during a period of experimental operation ; and

(b) be revised whenever such review shows revision to be necessary.

The Government of Switzerland proposes to modify the first paragraph of this Article as follows :

The system shall comprise a network of regional and local offices, sufficient in number to serve as effectively as possible each geographical area of the country.

The Swiss Government thus urges specific mention of regional offices. This point had arisen in the replies to the questionnaire of Report V (1), prepared for the 30th Session of the Conference, which were summarised in Report V (2) ; some countries pointed out that regional offices were either not necessary or not feasible in their national circumstances. This view was reiterated during the discussion at the 30th Session of the Conference. No objection was made to regional offices as such, but only to the necessity or feasibility of their maintenance. In order to take account of the Swiss view, however, the paragraph in question has been slightly modified so as to mention the establishment of regional offices where appropriate without in any way requiring their establishment. The second change which would be made by the Swiss substitute text of the paragraph raises a point of substance. The proposed text of Report IV (1) specified two things : first, that the employment service offices should be sufficient in number to serve each area of the country, and secondly, that they should be conveniently located from the standpoint of employers and workers. The Swiss text seems somewhat less precise, although possessing the possible advantage of making the paragraph more general and still conveying the central idea of effective service in each

area. It may therefore be wiser to leave the text as originally proposed, allowing the Swiss Government to suggest its amendment during the Conference discussions if it so desires.

The Swiss Government considers that the drafting of the second paragraph of this Article might be still further improved. Specifically, it suggests that the term " assess " in clause (a) (ii) might be replaced by a word expressing more clearly the idea that the general review of the employment service network should be undertaken to supply the clues furnished by experience, not to assess the experience gained during a period of experimental operation. The clause has been redrafted in this sense.

Article 4

The proposed text was as follows :

1. Suitable arrangements shall be made through advisory committees for the co-operation of representatives of employers and workers in the organisation and operation of the employment service and in the development of employment service policy.
2. These arrangements shall provide for national advisory committees and where necessary for regional and local committees.
3. The representatives of employers and workers on these committees shall be appointed in equal numbers after consultation with the representative organisations of employers and workers, where such organisations exist.

The Union of South Africa opposes the Article because it considers that the Article provides for the compulsory establishment of advisory committees consisting of representatives of employers and workers. The Government states that its experience favours voluntary co-operation with employers and workers and militates against any idea of the establishment of advisory committees on a compulsory basis.

The Austrian Federal Government urges that the committees provided for in the Article should not have merely advisory functions, but should have a considerable share in the administration and in general responsibility for the service. The workers' organisations of Austria feel that the influence of representatives of the workers should be considerably reinforced, *e.g.*, by providing for greater numerical representation on the committees. The Government of Switzerland proposes making the first paragraph more flexible, but suggests no specific change.

The Government of Sweden notes that its own system differs in two respects from the provisions proposed for the Conven-

tion¹, and suggests adding after the words "advisory committees" the words "or in some other way", with corresponding redrafting of the subsequent paragraphs of the Article. This point was fought over in detail at the 30th Session of the Conference, and the text proposed comes as near as possible to the consensus of opinion there expressed. The Conference agreed to specific mention of advisory committees as the means through which the co-operation of employers' and workers' representatives should be assured. It was feared that, if committees were not mentioned as the recognised means of co-operation, the door would be left open for arrangements which would not ensure to employers' and workers' representatives their full share of responsibility in employment service organisation and operation. The Swedish Government's proposal is clearly not intended to pave the way for such an interpretation, and it therefore seems appropriate to leave the proposed text as originally drafted for the consideration of the Conference.

In the second paragraph, the Government of Switzerland suggests making provision for "one or more" national advisory committees in order that Governments would not be obliged to set up more than one such committee. This point has been met in redrafting this paragraph.

In the third paragraph, the Swedish Government asks that account should be taken of countries where certain groups—for example, salaried employees—have their own central organisations. The modification of the preceding paragraph appears to cover this point as well.

Article 5

The proposed text was as follows :

The policy of the employment service in regard to referral of workers to available employment shall be formulated after consultation of representatives of employers and workers.

The Australian Government considers that the Convention should include provisions to govern employment service policy in the referral of workers to establishments where there is a strike or lockout or where wages or conditions of work are below established standards.

¹ See above, p. 13.

It, therefore, suggests the deletion of the proposed Article 5 and the substitution for it of the following :

The employment service shall

- (a) observe strict neutrality in the case of strike or lockout ;
- (b) not refer workers to employment where wages or conditions of work are below established standards ; and
- (c) subject to (a) and (b), develop the policy of the employment service in regard to the referral of workers to available employment after consultation of representatives of employers and workers.

It will be remembered that the substance of this amendment was discussed in great detail by the Committee on employment service organisation at the 30th Session of the Conference. The provisions then in question were rejected by a close vote and the voting was affected by the fact that the amendment on which the vote was cast included a controversial provision about the avoidance of unfair discrimination among workers not related to their vocational or physical qualifications. It would be difficult, however, to give complete satisfaction to the Australian Government in the proposed Convention. The substance of its amendment has therefore been included in the proposed Recommendation (Paragraph 12) and at the same time this Article of the Convention has been strengthened to take account of the Australian view—which appears to be shared by the Austrian Government.

The Government of Switzerland proposes that this Article should be related more closely to the preceding Article concerning advisory committees, and urges that its import be clarified. An effort has been made to meet this view in redrafting the Article.

The Government of the United Kingdom suggests that the word "general" should be inserted before the word "policy" so as to exclude minor points of detail from the scope of the Article. This change has been made.

Article 6

The proposed text was as follows :

The employment service shall be so organised as to ensure effective recruitment and placement, and for this purpose shall—

- (a) assist workers to find suitable employment and assist employers to find suitable workers, and more particularly shall in accordance with rules framed on a national basis—

- (i) register job seekers, take note of their occupation qualifications, experience and desires, interview them for employment, evaluate if necessary their physical and vocational capacity, and assist them where appropriate to obtain vocational guidance or vocational retraining,
 - (ii) obtain from employers precise information on vacancies and the requirements to be met by the workers whom they are seeking,
 - (iii) refer to available employment applicants with suitable skills and physical capacity,
 - (iv) refer applicants and vacancies from one employment office to another;
- (b) take appropriate measures to—
- (i) facilitate occupational mobility with a view to adjusting the supply of labour to employment opportunities in the various occupations,
 - (ii) facilitate geographical mobility with a view to assisting the movement of workers to areas with suitable employment opportunities,
 - (iii) facilitate temporary transfers of workers from one area to another as a means of meeting temporary local market adjustments in the supply of or the demand for workers
- (c) collect and analyse, in co-operation where necessary with other authorities and with management and trade unions, the fullest possible information on the situation of the employment market and its probable evolution, both in the country as a whole and in the different industries, occupations and areas, and make such information available systematically and promptly to the public authorities, the employers' and workers' organisations concerned and the general public;
- (d) co-operate in the administration of unemployment insurance and assistance and other measures for the relief of the unemployed; and
- (e) assist, as necessary, other public and private bodies in social and economic planning calculated to ensure a favourable employment situation.

On clause (a), sub-clause (ii), the Belgian Government proposes to add after "employers" the words "on a voluntary basis" to make it clear that employers are not required to report their vacancies to the employment service. The New Zealand Government raises the same point, proposing to add after "employers" the words "to the greatest extent possible". The clause in question has been redrafted to take account of these observations. On sub-clause (iv), the New Zealand Government proposes a self-explanatory addition—to add, at the end, the words "where the applicant cannot be suitably placed or the vacancy suitably filled by the original office of

where other circumstances may warrant". This proposed change has been made in redrafting the sub-clause in question.

So far as clause (c) is concerned, the Swedish and United States replies raise the same point. The United States Government states that it interprets the words "in co-operation where necessary with other authorities..." to mean that the employment service, while having a basic and broad responsibility for obtaining the fullest possible information on the employment market and its possible evolution, would not have exclusive responsibility in this connection. The Swedish Government notes that the question of developing employment market statistics, and the authority to be charged with this task, are now under consideration, and that it might be expedient to add after the words "collect and analyse" the words "where this is not done by some other authority". It seems clear, as the United States Government points out, that the employment service has a basic responsibility to collect and analyse employment market statistics and other data. It may be that the qualifying phrase "in co-operation where necessary with other authorities", could be more clearly worded to avoid any possibility of duplication of effort, and it is therefore suggested that "in co-operation where appropriate with other authorities" conveys the sense of the sub-clause more clearly.

The Government of Switzerland proposes to add a new clause, reading :

supervise and co-ordinate the activities of private employment agencies in such manner that their activities do not conflict with public employment policy and do not interfere with other public or private interests.

The Government considers this additional clause to be a logical corollary to the proposed Article 11. It may be pointed out that the rest of Article 6 deals entirely with the work which the public employment service does itself, in co-operation where appropriate with other authorities. The point raised by the Swiss Government is of a different and wider character, and its inclusion in the present Article might complicate the acceptance of the Article for other countries. A separate Article of the proposed Convention deals with the question of co-operative effort between the public employment service and private employment agencies. In the circumstances, it seems wiser to omit the proposed clause from Article 6 and to examine the Swiss proposal under Article 11.

Article 7

The proposed text was as follows :

All necessary and practicable measures shall be taken—

- (a) to facilitate within the various employment offices specialisation by occupations and by industries, such as agriculture and any other branch of activity in which such specialisation may be useful ; and
- (b) adequately to meet the needs of particular categories of job seekers such as disabled persons.

The Belgian Government proposes shifting this Article to the Recommendation on the grounds that the obligation imposed by it are too imprecise to be suitably incorporated in a Convention. The Office has given considerable thought to this proposal. It recognises that, as drafted, the Article lacks a clear-cut requirement regarding internal specialisation of employment service work, and that the difficulty originates in differences in practice in the various countries. However, the principle of developing such specialisation "as necessary and practicable" has appeared to be generally accepted. This view was substantiated, and in fact predominated, during the discussions at the 30th Session of the Conference. An effort has been made to meet the view of the Belgian Government and the redrafting of the Article is intended to make its provisions more precise. If this is not considered satisfactory, it is, of course, for the Conference to decide whether the content of the Article should be transferred to the proposed Recommendation.

Article 8

The proposed text was as follows :

1. Wherever possible special arrangements shall be made for juveniles within the framework of the employment service.
2. These arrangements shall include provision for vocational guidance.

The Belgian Government raises the same objection of principle to this Article that it did to Article 7. It suggests that the paragraphs should be transferred to the proposed Recommendation if the words "wherever possible" are retained in paragraph 1, and, alternatively, that these words should be deleted if the paragraphs are kept in the proposed Convention. The principle of establishing special arrangements for juveniles

within the employment service was so strongly approved by the 30th Session of the Conference as to justify the Office in choosing the latter of the solutions suggested by the Belgian Government, that is, the deletion of the words "wherever possible" from the Article proposed for the Convention.

Article 9

The proposed text was as follows :

1. The staff of the employment service shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of Government and of improper external influences.
2. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, the staff of the employment service shall be recruited with sole regard to their qualifications for the performance of their duties.
3. The means of ascertaining such qualifications shall be determined by the competent authority.
4. The staff of the employment service shall be adequately trained for the performance of their duties.

The Austrian Federal Government states that, if the expression "public officials" is intended to imply a statutory employment relationship which cannot be terminated, then it is unduly restrictive ; it must remain possible for the employment service to employ personnel on other than permanent contracts. ¹

The Belgian Government proposes the following redraft of this Article for reasons indicated in its reply ², having particular reference to the need for the employment service to recruit a certain number of temporary staff :

The staff of the employment service shall be composed of public officials or agents whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of Government and of improper external influence.³

This proposed modification is not very clear. However, it seems to raise a point of substance on which the Conference may have to express its opinion. No employment service can function properly without a permanent staff, and most employment services have had to resort in the past to too large a proportion of temporary staff, unable to feel any security of

¹ See above, p. 5.

² See above, pp. 8-9.

employment and to concentrate on their current and long-term work with any sense of career service. It would seem to be possible to avoid much of this difficulty by intelligent staff recruitment and deployment policy. At the same time, it would be inadvisable to overlook the necessity of meeting special needs by the recruitment of temporary collaborators. Temporary personnel of this kind would not be the "staff" covered by this Article. It may be that this point would meet the Austrian and Belgian difficulties.

Article 10

No observations relating to this Article have been received.

Article 11

The proposed text was as follows :

The competent authorities shall take the necessary measures to secure effective co-operation between the public employment service and private employment agencies not conducted with a view to profit.

The Government of Switzerland considers that this Article is too weak ; what is necessary is not only to secure co-operation between the employment service and private employment agencies, but also to give the public service effective direction over the entire employment policy by authorising the service to exercise the necessary control of private agencies and to ensure that their operations are in harmony with measures taken by the State. The Government proposes the following amended text :

The competent authorities shall take all necessary measures to enable the employment service to co-ordinate the activities of private employment agencies with its own work and to exercise the necessary supervision over these agencies.

In the light of the discussions at the 30th Session of the Conference, it does not seem wise to go further in the proposed Convention than the text drafted for Article 11. The Fee-Charging Employment Agencies Convention, 1933, the revision of which is now under examination, deals with the abolition of profit-making private employment agencies and the regulation of fee-charging agencies not conducted with a view to profit. This, together with the present Articles 10 and 11 of the proposed

Convention concerning the organisation of the employment service, may serve to satisfy the main aim of the Swiss Government's proposal.

Articles 12-14

No observations relating to these articles have been received.

II. OBSERVATIONS ON THE PROPOSED RECOMMENDATION

General Observations

The Government of Switzerland considers that the proposed Recommendation as a whole is overloaded, and that many of its provisions would be difficult to apply in most countries. It therefore suggests that the Recommendation might be simplified.

The Austrian Federal Government points out, in its reply, that the employers' organisations consider that the Recommendation goes into too much detail and fear consequential increases in administrative machinery and expense.

Paragraph 2

The Government of Australia suggests reverting, in the case of clause (d) of this Paragraph, the proposed text of which reads, "periodical reports to regional offices and central headquarters covering the work of the local offices", to the original Office text, which was agreed by the 30th Session of the Conference, and reads as follows: "periodical reports from lower to higher administrative levels". The Government recalls the withdrawal at the Conference of an Australian Government amendment which sought to clarify the view that reports must be furnished to the employment service headquarters from all levels of the employment service. It considers that the draft proposed in Report IV (1) is unsatisfactory, since reports furnished by regional offices to the headquarters would cover a wider field than "the work of the local offices". The Office has sought to meet the Australian point of view in redrafting clause (d).

On clause (f), the proposed text of which reads, "periodical conferences for an exchange of ideas based on experience among central, regional and local officers, including inspection staff", the Government of Australia proposes deleting the words

“ for an exchange of ideas based on experience ” on the grounds that these words have a limiting effect on the clause. This change has been made.

Paragraph 4

The United Kingdom Government observes that clause (c) of this Paragraph, the proposed text of which reads, “ adequate arrangements for the placement of women on the basis of their occupational skill and physical capacity”, is not interpreted as implying that an employment service would be bound to submit women for vacancies merely because they are qualified in occupational skill and physical capacity, where it is known that the employer is unwilling to accept them or has specifically asked for workers of the opposite sex. As drafted, it does not seem that the clause in question could have the effect of forcing women upon employers against the latter's will, or otherwise restricting the right of the employment service to submit for vacancies the candidates who meet most nearly the employers' requirements.

Paragraphs 5-11

These paragraphs form Parts II and III, and concern employment market information and the manpower budget.

The Austrian Federal Government agrees with the principles of these paragraphs, but points out that most countries would find it difficult to apply these principles fully at the present time. This is recognised, and was one of the main reasons why the points in question have been included in the Recommendation, the purpose of which is to suggest aims of policy and methods which may serve as standards in employment service development.

On Paragraph 8, clause (a), the proposed text of which reads, “ direct enquiries from the bodies with special knowledge of the subjects in question, such as other public bodies, employers' and workers' organisations, public and private undertakings, and joint committees”, the Austrian Government notes that the workers' organisations ask that their representatives be accorded greater influence. It is suggested that the clause, as at present drafted, may be considered adequately to safeguard the influence of workers' organisations in the matters in question.

Paragraphs 9 to 11.

The Government of Switzerland considers that an annual manpower budget would be difficult to draw up in practice, because so many complex and variable factors are involved, including a number dependent on unpredictable external influences. It believes that any budget would include a considerable margin of error. While the difficulties of forecasting the need for and the resources of manpower over a given period are fully appreciated, the limited experience so far acquired in this field during and since the war appears to indicate not only that such budgeting is valuable in a full employment economy, but also that it is gradually possible to develop means of reducing in some measure the errors which enter into this type of advance planning. In the light of the importance attached to these provisions during the discussions at the 30th Session of the Conference, it seems appropriate to leave these paragraphs in the proposed Recommendation, in order that the Conference may decide whether the practical difficulties which may be encountered are sufficiently numerous and serious to outweigh the merits of principle of the provisions.

The United States Government urges the deletion from Paragraph 10, the proposed text of which reads, "The manpower budget should be drawn up primarily by the employment service, in co-operation with other public authorities where appropriate", of the word "primarily" in order to make it clear that other governmental agencies as well as the employment service would share the over-all responsibility for the preparation of an annual manpower budget. This change has been adopted in redrafting the Paragraph in question.

Paragraph 12

This Paragraph, together with Paragraph 13, forms Part IV, and concerns the referral of workers to available employment.

The redrafting of Article 5 of the proposed Convention involves consequential modification of this Paragraph. As already indicated¹, it has seemed useful to incorporate the Australian and the Austrian suggestions for strengthening these provisions in the proposed Recommendation. This is the essence of the changes which have been made in the Paragraph.

¹ See above, p. 31.

The Government of Poland states that, according to the conclusions adopted by the 30th Session of the Conference, provisions regulating the referral of workers to available employment should be determined by the employment service in order to fix the policy of the service on these matters. However, the Government considers that the proposed text of this Paragraph in Report IV (1) provides merely that there should be rules on the matters mentioned, without specifying that such rules should determine employment service procedure on these matters. This point has been kept in mind in redrafting the Paragraph.

Paragraphs 14-19

These paragraphs form Part V, and concern the encouragement of necessary mobility of labour.

The Austrian Federal Government agrees with these paragraphs in principle, but points out that their application is restricted by food and housing difficulties as well as personal resistance to transfers in some cases.

Paragraph 17.

The Government of Switzerland suggests limiting the scope of this Paragraph because as drafted it would impose heavy financial responsibilities which most countries would probably be unable to meet. The Government suggests that each State should be left free to adopt the measures which it considers appropriate for the promotion of labour mobility.

This point raises an important question of principle, which the Conference itself must decide. The words "which it considers necessary" were intended to limit the application of employment service initiative to cases in which assistance appeared to be indispensable. However, the Government of Switzerland points out that in time of depression a great many cases might arise in which such aid might be considered indispensable. This would appear to be true only if employment opportunities existed in other parts of the country, which would be unlikely in a general depression. Moreover, it should be noted that subparagraphs 2 and 3 of Paragraph 17 are designed to safeguard the cases in which State assistance would be provided through the employment service and to leave each State free to determine the amount of the assistance in the light of national and individual circumstances.

Paragraph 18.

The Austrian Government notes that there is objection to the obligation, in this general form, to change residence. However, the Paragraph does not seem to impose any such obligation, its purpose being to ensure that the employment service assists in the formulation of the policy and conditions in which available employment may be considered suitable for an unemployed person.

The Government of Australia proposes to replace the word "in", where first appearing, by the word "by", on the grounds that it is the function of the employment service in Australia to define and interpret whether available employment is suitable for an applicant for unemployment benefit. This change would probably be acceptable to a good many countries, but in some countries it is the unemployment insurance and assistance authorities who are responsible, in principle, for defining and interpreting the conditions in which available employment may be regarded as suitable for an applicant for unemployment benefit or assistance.

Paragraphs 20-26

These paragraphs form Part VI, and contain miscellaneous provisions relating to employment service organisation or functions.

Paragraph 20.

The Government of Switzerland considers that this Paragraph goes somewhat too far and suggests that it should be limited to stating the principle of employment service co-operation with other bodies concerned with employment problems, leaving it to each State to apply this principle in the light of their own needs.

The Government of Belgium points out that sub-paragraph (2) stipulates that the employment service should be represented on any co-ordinating machinery concerned with the formation and application of policy relating to a variety of specified questions. The Government suggests that the Recommendation should not provide specifically for the representation of the employment service on any such machinery. It suggests the following amended text :

For this purpose the service should be consulted and its views taken into account by any co-ordinating machinery concerned with the formation and application of policy relating to such questions as—

This proposal has been adopted in the revised text.

Paragraphs 20 and 26.

The Austrian Federal Government states that the workers' organisations are strongly opposed to the idea of private placement or employment service co-operation with private bodies. No specific change is suggested.

Paragraph 25.

The Austrian Government notes that employers have misgivings in regard to the obligation to notify all job vacancies. However, this Paragraph provides merely that employers should be encouraged to notify the employment service of vacancies.

Paragraph 27

No observations relating to this Paragraph have been received.

III. REVISION OF FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933

At its 30th Session, the Conference reached certain conclusions in regard to the revision of the Fee-Charging Employment Agencies Convention, 1933, and the points to which such revision should be applied. The proposed revised text of the Convention was then submitted for the consideration of Governments in Report IV (1). It will be remembered that this revision was made by the Conference subject to any other modifications which might result from the consideration by the Governing Body of the Office of a ten-yearly report on the working of the Convention. This ten-yearly report was despatched to Governments and members of the Governing Body on 6 September 1947, and was revised in the light of the replies received from Governments. It was then examined by the Periodical Reports Committee of the Governing Body at its fifth meeting, in Geneva on 10 December 1947, and submitted by this Committee to the Governing Body at its 103rd Session held in Geneva in December 1947.

In its report to the Governing Body, the Periodical Reports Committee pointed out that various Governments had requested corrections or modifications of the draft report, but only the United States Government had submitted observations in

regard to the points to which the revision of the Convention should be applied. The Government of the United States considers that the proposed revision is insufficient, and recommends a more substantial revision.

The central theme of the Convention is found in Article 2, which provides for the abolition of fee-charging employment agencies. The United States recommends the deletion of this Article in its entirety and the modification of the language of Articles 1, 3 and 4, as well as of any other article which draws a distinction between employment agencies operated for profit and those not operated for profit. The Government explains the motives underlying its proposal as follows :

Aside from the fact that the economic and social practices of this country and this Government would not tolerate the abolition of fee-charging agencies which operate for profit, a serious question is raised with respect to the practical implications of such a prohibition.

Fee-charging agencies which operate for profit, as well as those which do not, fill a real need in many segments of our industry, furnishing the kind of specialised personal service which is beyond the scope of a public employment service system. Furthermore, if the free public employment service in this country is to discharge the responsibilities assigned in its creation, it must continue to be free not only in the sense of making no monetary charge for its services, but also in the sense that workers and employers may use it or other private employment agencies without limitation on their freedom of choice.

The Government specifies in its reply that its proposal does not aim at abolishing all regulation of fee-charging employment agencies. They should, on the contrary, be regulated. However, the language of Article 4 and other articles of the Convention, as modified to remove the distinction between profit-making and non-profit-making employment agencies, is sufficiently broad to encompass such regulation. Consequently, the Government recommends also the revision of Article 3, paragraph 3, of the Convention to provide that no fee-charging agencies shall be allowed to operate without a licence and permission of the competent governmental authorities.

In these circumstances, the Governing Body decided to—

(a) adopt the final ten-yearly report on the working of Convention No. 34, taking into account the corrections, etc., requested by certain Governments ; and

(b) take note of the suggestions made by the United States Government on the basis of the draft ten-yearly report,

and communicate these suggestions to the Conference for consideration.

The Conference has therefore to decide whether or not to accept the United States proposals for additional revision of the Convention. This decision will determine whether or not it has then to consider the points for revision proposed by the 30th Session of the Conference.

So far as this revision is concerned, the observations so far received from the Governments are closely related to the principle raised by the United States Government, and are summarised below. They are all of a general character.

The Government of Ireland states that the question of the regulation of fee-charging agencies is now under examination and that the principles of the Convention will be borne in mind.

The Government of Australia states that it has no objection to the revised text of the Convention but that, as a Federal country, the Commonwealth Government could not indicate at present whether the Convention, as revised, would be ratified.

The Government of the United Kingdom does not consider that the proposed revision would enable the Government to ratify the Convention, and it consequently does not wish to offer any comments on the points for revision at the present stage.

The Government of South Africa notes that its experience of fee-charging employment agencies indicates that such agencies, if operating under a system of safeguards and adequate control, serve a useful purpose and should not be abolished.¹ The Union Government considers, moreover, that conditions in the Union, notably those surrounding the bulk recruitment of workers under the Native Labour Regulation Act for mines and other large industries, prevent the Union from ratifying the Convention.

The Government of Switzerland states that it could not ratify any Convention which provided, without reservation, for the abolition of private employment agencies conducted with a view to profit. The Government considers that the essential problem is not the abolition of private initiative, but the continuous improvement of the methods of work and activities of the public employment service. Nevertheless, the Government believes that profit-making agencies should be subject to strict regulation and supervision in order to prevent abuse, and that

¹ See above, pp. 18-19.

their operations should be closely co-ordinated with the work of the public employment service, in the same manner as are those of non-profit-making or non-fee-charging agencies. The Government proposes that the revision of the Convention should be extended to meet the position of countries which wish to continue such agencies under a system of public regulation and supervision.

The Austrian Federal Government, on the other hand, calls special attention to the demand of workers' organisations in that country that private placement should be abolished altogether, whether the agencies operate for profit or not. The workers' organisations are therefore strongly opposed to any weakening of the Fee-Charging Employment Agencies Convention.

The preceding observations are reported to the Conference for its consideration. They should be examined in connection with the ten-yearly report on the working of the Convention, which will be circulated to Governments prior to the 31st Session of the Conference and submitted to the Conference.

The changes proposed in the Convention by the 30th Session of the Conference are all designed to make its provisions more flexible in order to facilitate the ratification of the Convention by Member States. They do not alter the basic principles of the Convention, however. It is for the Conference to decide whether these proposed changes are sufficient, or whether it wishes to undertake a revision of the Convention along the lines suggested above by certain Governments, the net effect of which would be to delete all provisions requiring the abolition of fee-charging agencies conducted with a view to profit. The replies so far received from Governments have not been sufficiently numerous and have not indicated sufficiently widespread agreement to justify the Office in suggesting any particular course of action.

Since no detailed observations were made concerning specific points to which the revision of the Convention should apply¹, the original text of the Convention and the text incorporating the proposed revision are reproduced in Chapter III.

¹ Those of the United States Government raise the major question of principle indicated in the preceding paragraph.

CHAPTER III

PROPOSED TEXTS

This chapter contains the draft texts of the proposed Convention and Recommendation concerning the organisation of the employment service, and the proposed revised text of the Convention concerning fee-charging employment agencies, modified in the light of the observations of the Governments, and submitted as the basis for the discussion of these questions by the Conference at its 31st Session.

I

PROJET DE CONVENTION
CONCERNANT L'ORGANISATION DU SERVICE DE L'EMPLOI

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à San-Francisco par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 17 juin 1948, en sa trente et unième session,

Après avoir décidé d'adopter diverses propositions relatives à l'organisation du service de l'emploi, 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 convention internationale,

adopte, ce jour de juillet mil neuf cent quarante-huit, la convention ci-après, qui sera dénommée Convention sur le service de l'emploi, 1948 :

Article 1

1. Chaque Membre de l'Organisation internationale du Travail pour lequel la présente convention est en vigueur doit entretenir ou veiller à ce que soit entretenu un service de l'emploi.

2. La tâche essentielle du service de l'emploi doit être de réaliser, en coopération si nécessaire avec d'autres organismes publics et privés intéressés, la meilleure organisation possible du marché de l'emploi comme partie intégrante du programme national tendant à assurer et à maintenir le plein emploi ainsi qu'à développer et à utiliser les ressources productives.

Article 2

Le service de l'emploi doit être constitué par un système national de bureaux de l'emploi placés sous le contrôle d'une autorité centrale.

Article 3

1. Le système doit comprendre un réseau de bureaux locaux, et, s'il y a lieu, de bureaux régionaux, en nombre suffisant pour desservir chacune des régions géographiques du pays, et commodément situés pour les employeurs et les travailleurs.

2. The organisation of the network shall
 - (a) be reviewed
 - (i) whenever significant changes occur in the distribution of economic activity and of the working population, and
 - (ii) whenever the competent authority considers a review desirable to determine the experience gained during a period of experimental operation ; and
 - (b) be revised whenever such review shows revision to be necessary.

Article 4

1. Suitable arrangements shall be made through advisory committees for the co-operation of representatives of employers and workers in the organisation and operation of the employment service and in the development of employment service policy.

2. These arrangements shall provide for one or more national advisory committees and where necessary for regional and local committees.

3. The representatives of employers and workers on these committees shall be appointed in equal numbers after consultation with the representative organisations of employers and workers, where such organisations exist.

Article 5

1. The general policy of the employment service in regard to referral of workers to available employment shall be formulated after consultation of representatives of employers and workers through the advisory committees provided for in Article 4.

2. Subject to such consultation, the employment service shall frame rules to determine its policy concerning the referral of workers to employment—

- (a) which is available in an establishment where there is a labour dispute; and
- (b) in respect of which the wages or conditions of work fall below the standard defined by law or regulation, collective agreement or prevailing practice.

Article 6

The employment service shall be so organised as to ensure effective recruitment and placement, and for this purpose shall—

2. L'organisation du réseau :
- a) doit faire l'objet d'un examen général :
 - i) lorsque des changements importants se sont produits dans la répartition de l'activité économique et de la population active ;
 - ii) lorsque l'autorité compétente considère qu'un examen général est souhaitable pour apprécier l'expérience acquise au cours d'une période d'essai ;
 - b) doit être révisée lorsqu'un tel examen aura fait apparaître la nécessité d'une révision.

Article 4

1. Des arrangements appropriés doivent être pris par la voie de commissions consultatives, en vue de la coopération de représentants des employeurs et des travailleurs à l'organisation et au fonctionnement du service de l'emploi, ainsi qu'au développement de la politique du service de l'emploi.

2. Ces arrangements doivent prévoir l'institution d'une ou de plusieurs commissions nationales consultatives et, si besoin est, de commissions régionales et locales.

3. Les représentants des employeurs et des travailleurs dans ces commissions doivent être désignés, en nombre égal, après consultation des organisations représentatives d'employeurs et de travailleurs, là où de telles organisations existent.

Article 5

1. La politique générale du service de l'emploi lorsqu'il s'agit de diriger les travailleurs vers les emplois disponibles doit être formulée après consultation de représentants des employeurs et des travailleurs par l'intermédiaire des commissions consultatives prévues à l'article 4.

2. Après cette consultation, le service de l'emploi doit formuler des règles précisant la politique adoptée pour diriger les travailleurs vers un emploi :

- a) qui est vacant dans un établissement où il existe un conflit du travail ;
- b) qui comporte un salaire ou d'autres conditions de travail inférieurs aux normes fixées par la législation, les conventions collectives ou la pratique.

Article 6

Le service de l'emploi doit être organisé de manière à assurer l'efficacité du recrutement et du placement des travailleurs ; à cette fin, il doit :

- (a) assist workers to find suitable employment and assist employers to find suitable workers, and more particularly shall in accordance with rules framed on a national basis—
- (i) register job seekers, take note of their occupational qualifications, experience and desires, interview them for employment, evaluate if necessary their physical and vocational capacity, and assist them where appropriate to obtain vocational guidance or vocational retraining,
 - (ii) obtain from employers precise information on vacancies notified to the service and the requirements to be met by the workers whom they are seeking,
 - (iii) refer to available employment applicants with suitable skills and physical capacity,
 - (iv) refer applicants and vacancies from one employment office to another where the applicants cannot be suitably placed or the vacancies suitably filled by the original office or where other circumstances warrant such action ;
- (b) take appropriate measures to—
- (i) facilitate occupational mobility with a view to adjusting the supply of labour to employment opportunities in the various occupations,
 - (ii) facilitate geographical mobility with a view to assisting the movement of workers to areas with suitable employment opportunities,
 - (iii) facilitate temporary transfers of workers from one area to another as a means of meeting temporary local maladjustments in the supply of or the demand for workers ;
- (c) collect and analyse, in co-operation where appropriate with other authorities and with management and trade unions, the fullest possible information on the situation of the employment market and its probable evolution, both in the country as a whole and in the different industries, occupations and areas, and make such information available systematically and promptly to the public authorities, the employers' and workers' organisations concerned and the general public ;
- (d) co-operate in the administration of unemployment insurance and assistance and other measures for the relief of the unemployed ; and

- a) aider les travailleurs à trouver un emploi convenable et les employeurs à recruter des travailleurs qui conviennent aux besoins des entreprises; plus particulièrement, il doit, conformément aux règles formulées sur une base nationale :
- i) enregistrer les demandeurs d'emploi, prendre note de leurs qualifications professionnelles, de leur expérience et de leurs goûts, les interroger aux fins de leur emploi, contrôler, si besoin est, leurs aptitudes physiques et professionnelles, et les aider à obtenir, lorsqu'il y a lieu, une orientation ou une réadaptation professionnelles ;
 - ii) obtenir des employeurs des informations précises sur les emplois vacants notifiés au service et sur les conditions que doivent remplir les travailleurs qu'ils recherchent pour occuper ces emplois ;
 - iii) diriger vers les emplois vacants les candidats possédant les aptitudes professionnelles et physiques requises ;
 - iv) organiser la compensation des offres et des demandes d'emploi d'un bureau à un autre, lorsque le bureau consulté en premier lieu n'est pas en mesure de placer convenablement les candidats ou de remplir convenablement les emplois vacants, ou lorsque d'autres circonstances justifient cette action ;
- b) prendre des mesures appropriées pour :
- i) faciliter la mobilité professionnelle en vue d'ajuster l'offre de main-d'œuvre aux possibilités d'emploi dans les diverses professions ;
 - ii) faciliter la mobilité géographique de la main-d'œuvre en vue d'aider au déplacement de travailleurs vers les régions offrant des possibilités d'emploi convenables ;
 - iii) faciliter les transferts temporaires de travailleurs d'une région à une autre, en vue de pallier un déséquilibre local et momentané entre l'offre et la demande de main-d'œuvre ;
- c) recueillir et analyser, en collaboration, s'il y a lieu, avec d'autres autorités ainsi qu'avec les employeurs et les syndicats, des informations aussi complètes que possible sur la situation du marché de l'emploi et son évolution probable, à la fois dans l'ensemble du pays et dans les différentes industries, professions ou régions, et mettre systématiquement et rapidement ces informations à la disposition des autorités publiques, des organisations d'employeurs et de travailleurs intéressés ainsi que du public.
- d) collaborer à l'administration de l'assurance-chômage et de l'assistance-chômage et aux autres mesures destinées à venir en aide aux chômeurs ;

- (e) assist, as necessary, other public and private bodies in social and economic planning calculated to ensure a favourable employment situation.

Article 7

Measures shall be taken—

- (a) to facilitate within the various employment offices specialisation by occupations and by industries, such as agriculture and any other branch of activity in which such specialisation may be useful; and
- (b) adequately to meet the needs of particular categories of job seekers such as disabled persons.

Article 8

1. Special arrangements shall be made for juveniles within the framework of the employment service.

2. These arrangements shall include provision for vocational guidance.

Article 9

1. The staff of the employment service shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of Government and of improper external influences.

2. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, the staff of the employment service shall be recruited with sole regard to their qualifications for the performance of their duties.

3. The means of ascertaining such qualifications shall be determined by the competent authority.

4. The staff of the employment service shall be adequately trained for the performance of their duties.

Article 10

The employment service and other public authorities where appropriate shall, in co-operation with employers' and workers' organisations and other interested bodies, take all possible measures to encourage full use of employment service facilities by employers and workers on a voluntary basis.

- e) aider, autant qu'il est nécessaire, d'autres organismes publics ou privés dans l'élaboration de plans sociaux et économiques de nature à influencer favorablement la situation de l'emploi.

Article 7

Des mesures doivent être prises pour :

- a) faciliter, au sein des différents bureaux, la spécialisation par professions et par industries, telles que l'agriculture ou toutes autres branches d'activité où cette spécialisation peut être utile ;
- b) répondre de façon satisfaisante aux besoins de catégories particulières de demandeurs d'emploi, tels que les invalides.

Article 8

1. Des mesures spéciales doivent être prises pour les adolescents, dans le cadre du service de l'emploi.
2. Ces mesures doivent comprendre des dispositions relatives à l'orientation professionnelle.

Article 9

1. Le personnel du service de l'emploi doit être composé de fonctionnaires publics bénéficiant d'un statut et de conditions de service qui leur assurent la stabilité dans leur emploi et les rendent indépendants de tout changement de gouvernement et de toute influence extérieure indue.

2. Sous réserve des conditions auxquelles la législation nationale soumettrait le recrutement des membres des services publics, les fonctionnaires du service doivent être recrutés uniquement sur la base de l'aptitude du candidat à remplir les tâches qu'il aura à assumer.

3. Les moyens de vérifier ces aptitudes doivent être déterminés par l'autorité compétente.

4. Les fonctionnaires du service de l'emploi doivent recevoir une formation appropriée pour l'exercice de leurs fonctions.

Article 10

Toutes mesures possibles doivent être prises par le service de l'emploi, et, s'il y a lieu, par d'autres autorités publiques, en collaboration avec les organisations d'employeurs et de travailleurs et d'autres organismes intéressés, pour encourager la pleine utilisation du service de l'emploi par les employeurs et les travailleurs sur une base volontaire.

Article 11

The competent authorities shall take the necessary measures to secure effective co-operation between the public employment service and private employment agencies not conducted with a view to profit.

Article 12

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present article and shall give the reasons for which it proposes to have recourse thereto ; no Member shall, after the date of its first annual report, have recourse to the provisions of the present article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present article.

Article 13

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating—

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification ;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications ;

Article 11

Les autorités compétentes doivent prendre toutes les mesures nécessaires pour assurer une coopération efficace entre le service de l'emploi et les bureaux de placement privés à fin non lucrative.

Article 12

1. Lorsque le territoire d'un Membre comprend de vastes régions où, en raison du caractère clairsemé de la population ou en raison de l'état de leur développement, l'autorité compétente estime impraticable d'appliquer les dispositions de la présente convention, elle peut exempter lesdites régions de l'application de la convention soit d'une manière générale, soit avec les exceptions qu'elle juge appropriées à l'égard de certains établissements ou de certains travaux.

2. Tout Membre doit indiquer, dans son premier rapport annuel à soumettre sur l'application de la présente convention en vertu de l'article 22 de la Constitution de l'Organisation internationale du Travail, toute région pour laquelle il se propose d'avoir recours aux dispositions du présent article, et doit donner les raisons pour lesquelles il se propose d'avoir recours à ces dispositions. Par la suite, aucun Membre ne pourra recourir aux dispositions du présent article, sauf en ce qui concerne les régions qu'il aura ainsi indiquées.

3. Tout Membre recourant aux dispositions du présent article doit indiquer, dans ses rapports annuels ultérieurs, les régions pour lesquelles il renonce au droit de recourir auxdites dispositions.

Article 13

1. En ce qui concerne les territoires mentionnés par l'article 35 de la Constitution de l'Organisation internationale du Travail telle qu'elle a été amendée par l'Instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1946, à l'exclusion des territoires visés par les paragraphes 4 et 5 dudit article ainsi amendé, tout Membre de l'Organisation qui ratifie la présente convention doit communiquer au Directeur général du Bureau international du Travail, dans le plus bref délai possible après sa ratification, une déclaration faisant connaître :

- a) les territoires pour lesquels il s'engage à ce que les dispositions de la convention soient appliquées sans modification ;
- b) les territoires pour lesquels il s'engage à ce que les dispositions de la convention soient appliquées avec des modifications, et en quoi consistent lesdites modifications ;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article X, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 14

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.

- c) les territoires auxquels la convention est inapplicable et, dans ces cas, les raisons pour lesquelles elle est inapplicable ;
- d) les territoires pour lesquels il réserve sa décision.

2. Les engagements mentionnés aux alinéas a) et b) du premier paragraphe du présent article seront réputés parties intégrantes de la ratification et porteront des effets identiques.

3. Tout Membre pourra renoncer par une nouvelle déclaration à tout ou partie des réserves contenues dans sa déclaration antérieure en vertu des alinéas b), c) et d) du paragraphe 1 du présent article.

4. Tout Membre pourra, pendant les périodes au cours desquelles la présente convention peut être dénoncée conformément aux dispositions de l'article X, communiquer au Directeur général une nouvelle déclaration modifiant à tout autre égard les termes de toute déclaration antérieure et faisant connaître la situation dans des territoires déterminés.

Article 14

1. Lorsque les questions traitées par la présente convention entrent dans le cadre de la compétence propre des autorités d'un territoire non métropolitain, le Membre responsable des relations internationales de ce territoire, en accord avec le gouvernement dudit territoire, pourra communiquer au Directeur général du Bureau international du Travail une déclaration d'acceptation, au nom de ce territoire, des obligations de la présente convention.

2. Une déclaration d'acceptation des obligations de la présente convention peut être communiquée au Directeur général du Bureau international du Travail :

- a) par deux ou plusieurs Membres de l'Organisation pour un territoire placé sous leur autorité conjointe ;
- b) par toute autorité internationale responsable de l'administration d'un territoire en vertu des dispositions de la Charte des Nations Unies ou de toute autre disposition en vigueur, à l'égard de ce territoire.

3. Les déclarations communiquées au Directeur général du Bureau international du Travail, conformément aux dispositions des paragraphes précédents du présent article, doivent indiquer si les dispositions de la convention seront appliquées dans le territoire avec ou sans modification ; lorsque la déclaration indique que les dispositions de la convention s'appliquent sous réserve de modifications, elle doit spécifier en quoi consistent lesdites modifications.

I. General Organisation

1. The employment service should comprise a central headquarters, local offices and, where necessary, regional offices.

2. In order to promote development of the employment service, and to secure unified and co-ordinated national administration, provision should be made for :

- (a) the issue by the headquarters of national administrative instructions ;
- (b) the formulation of minimum national standards concerning the staffing and material arrangements of the employment offices ;
- (c) adequate financing of the service by the central Government ;
- (d) periodical reports from local to regional offices and to the central headquarters ;
- (e) national inspection of regional and local offices ; and
- (f) periodical conferences among central, regional and local officers, including inspection staff.

3. Appropriate arrangements should be made for such co-operation as may be necessary between the employment service and management and workers' representatives and bodies set up with a view to studying the special employment problems of particular groups of industries, industries, undertakings or areas.

4. Measures should be taken in appropriate cases to establish and develop, within the general framework of the employment service—

- (a) separate employment offices specialising in meeting the needs of employers and workers belonging to particular industries or occupations such as port transport, merchant marine, building and civil engineering, agriculture and forestry and domestic service, wherever the character or importance of the industry or occupation or other special factors justify the maintenance of such separate offices ;
- (b) specialised arrangements for the vocational guidance and the placement of
 - (i) juveniles ;
 - (ii) disabled persons ; and

I. *Organisation générale*

1. Le service de l'emploi devrait comprendre un service central, des bureaux locaux et, là où cela est nécessaire, des bureaux régionaux.

2. En vue de favoriser le développement du service de l'emploi et d'assurer une administration nationale unifiée et coordonnée, des dispositions devraient prévoir :

- a) la publication par le service central d'instructions administratives de portée nationale ;
- b) l'établissement sur le plan national de normes minima relatives aux questions de personnel et à l'organisation matérielle des bureaux du service de l'emploi ;
- c) un financement satisfaisant du service par le gouvernement central ;
- d) des rapports périodiques adressés par les bureaux locaux aux bureaux régionaux et au service central ;
- e) une inspection nationale des bureaux régionaux et locaux ;
- f) des conférences périodiques réunissant les fonctionnaires centraux, régionaux et locaux, y compris le personnel d'inspection.

3. Des dispositions appropriées devraient être prises pour réaliser, dans toute la mesure nécessaire, la coopération entre le service de l'emploi et les représentants des employeurs et des travailleurs et tous organismes en vue d'étudier les problèmes d'emploi particuliers à certains groupes d'industries, à certaines industries, entreprises ou régions.

4. Des mesures devraient être prises, là où il convient, pour instituer et développer dans le cadre général du service de l'emploi :

- a) des bureaux de l'emploi distincts spécialement destinés à pourvoir aux besoins des employeurs et des travailleurs appartenant à des industries ou professions particulières, dans les cas où la nature, l'importance de l'industrie ou de la profession, ou tout autre facteur spécial, justifieraient la création et le maintien de tels bureaux distincts ; cette disposition pourrait s'appliquer, par exemple, aux entreprises portuaires, à la marine marchande, à la construction et aux travaux de génie civil, à l'agriculture et à l'industrie forestière, aux services domestiques ;
- b) un système spécialisé pour l'orientation professionnelle et le placement :
 - i) des adolescents,
 - ii) des invalides,

- (iii) technicians, professional workers, salaried employees and executive staff;
- (c) adequate arrangements for the placement of women on the basis of their occupational skill and physical capacity.

II. *Employment Market Information*

5. The employment service should collect employment market information, including material pertaining to—

- (a) current and prospective labour requirements (including the number and type of workers needed, classified on an industrial, occupational or area basis);
- (b) current and prospective labour supply (including details of the number, age and sex, skills, occupations, industries and areas of residence of the workers and of the number, location and characteristics of applicants for employment).

6. The employment service should make continuous and special studies on such questions as—

- (a) the causes and incidence of unemployment, including technological unemployment;
- (b) the placement of particular groups of job seekers such as the disabled or juveniles;
- (c) the factors affecting the level and character of unemployment;
- (d) the regularisation of employment;
- (e) vocational guidance in relation to placement;
- (f) occupation and job analysis; and
- (g) other aspects of the organisation of the employment market.

7. This information should be collected by suitably trained and qualified staff, in co-operation where necessary with other official bodies, and with the assistance of employers' and workers' organisations.

8. The methods used for the collection and analysis of the information should include, as may be found practicable and appropriate—

- (a) direct enquiries from the bodies with special knowledge of the subjects in question, such as other public bodies, employers' and workers' organisations, public and private undertakings, and joint committees;

- iii) des techniciens, des travailleurs intellectuels, des employés et du personnel de cadre ;
- c) un système approprié pour le placement des femmes en fonction de leurs qualifications professionnelles et de leur capacité physique.

II. Informations sur le marché de l'emploi

5. Le service de l'emploi devrait recueillir des informations sur le marché de l'emploi, concernant notamment les points suivants :

- a) besoins présents et futurs de main-d'œuvre (y compris des données sur le nombre et les catégories de travailleurs nécessaires, classés par industrie, profession ou région) ;
- b) disponibilités présentes et futures en main-d'œuvre (y compris des données sur le nombre, l'âge et le sexe, les qualifications, la profession, l'industrie et le lieu de résidence des travailleurs et sur le nombre, la répartition géographique et les caractéristiques des demandeurs d'emploi).

6. Le service de l'emploi devrait procéder à des études générales ou spéciales sur des questions telles que :

- a) les causes et l'incidence du chômage, y compris le chômage technologique ;
- b) le placement de catégories particulières de demandeurs d'emploi, comme les invalides ou les adolescents ;
- c) les facteurs influant sur le niveau et la nature de l'emploi ;
- d) la régularisation de l'emploi ;
- e) l'orientation professionnelle en relation avec le placement ;
- f) l'analyse des métiers et professions ;
- g) d'autres aspects de l'organisation du marché de l'emploi.

7. Ces informations devraient être recueillies par un personnel convenablement formé et qualifié, au besoin en coopération avec d'autres organismes publics et avec l'aide des organisations d'employeurs et de travailleurs.

8. Les méthodes utilisées pour recueillir et analyser ces informations devraient comprendre, autant que les circonstances le permettent et le justifient :

- a) des enquêtes directes auprès des organismes spécialement informés de ces questions, par exemple, d'autres services publics, les organisations d'employeurs et de travailleurs, les entreprises publiques ou privées et les commissions paritaires ;

- (b) co-operation with labour inspection and unemployment insurance and assistance services ;
- (c) periodical reports on questions having a special bearing on the employment market ; and
- (d) investigations of particular questions, research projects and analyses carried out by the employment service.

III. *Manpower Budget*

9. In order to facilitate the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources, an annual, national manpower budget should be drawn up as part of a general economic survey.

10. The manpower budget should be drawn up by the employment service in co-operation with other public authorities where appropriate.

11. The manpower budget should include detailed material concerning the anticipated volume and distribution of the labour supply and demand.

IV. *Referral of Workers*

12. The employment service should—

- (a) observe strict neutrality in the case of employment available in an establishment where there is a labour dispute ;
- (b) not refer workers to employment—
 - (i) in respect of which the wages or conditions of work fall below the standard defined by law or regulation, collective agreement or prevailing practice ;
 - (ii) in respect of which there is unfair discrimination against applicants on grounds of race, colour, sex or belief, or which the competent authority considers unsuitable for other reasons.

13. The employment service should be responsible for providing applicants for employment with all relevant information about the jobs to which such applicants are referred, including information on the matters dealt with in the preceding paragraph.

- b) une coopération avec l'inspection du travail et les services d'assurance-chômage et d'assistance-chômage ;
- c) des rapports périodiques sur les questions qui ont une incidence particulière sur le marché de l'emploi ;
- d) des enquêtes sur certaines questions particulières, des travaux de recherche et d'analyse effectués par le service de l'emploi.

III. - *Estimation des besoins et ressources en main-d'œuvre*

9. En vue de permettre la meilleure organisation possible du marché de l'emploi, partie intégrante de tout programme national tendant à assurer et à maintenir le plein emploi ainsi qu'à développer et à utiliser les ressources productives, une estimation annuelle et nationale des besoins et des ressources en main-d'œuvre devrait être établie, en tant qu'élément d'une étude générale de la situation économique.

10. Cette estimation devrait être établie principalement par le service de l'emploi et, s'il y a lieu, en coopération avec d'autres services publics.

11. L'estimation des besoins et des ressources en main-d'œuvre devrait comprendre des données précises sur les prévisions concernant le volume et la répartition de l'offre et de la demande de main-d'œuvre.

IV. *Orientation des travailleurs vers les emplois disponibles*

12. Le service de l'emploi devrait :

- a) observer une stricte neutralité lorsqu'il s'agit d'emplois qui sont vacants dans un établissement où il existe un conflit du travail ;
- b) s'abstenir de diriger les travailleurs vers des emplois :
 - i) qui comportent des salaires ou d'autres conditions de travail inférieurs aux normes fixées par la législation, les conventions collectives ou la pratique ;
 - ii) qui comportent l'application à certains demandeurs d'emploi de mesures discriminatoires fondées sur des considérations de race, de couleur, de sexe ou de croyance, ou que l'autorité considère, pour d'autres raisons, comme n'étant pas convenables.

13. Le service de l'emploi devrait être tenu de fournir aux demandeurs d'emploi tous renseignements utiles concernant l'emploi qui leur est offert, y compris des renseignements sur les points mentionnés au paragraphe précédent.

V. *Mobility of Labour*

14. For the purpose of facilitating the mobility of labour necessary to achieve and maintain maximum production and employment, the employment service should take the measures indicated in paragraphs 15 to 20 below.

15. The fullest and most reliable information concerning employment opportunities and working conditions in other occupations and areas and concerning living conditions (including the availability of suitable housing accommodation) in such areas should be collected and disseminated.

16. Workers should be furnished with appropriate information and advice designed to eliminate objections to changing their occupation or residence.

17. (1) The employment service should remove economic obstacles to geographical transfers which it considers necessary by such means as financial assistance.

(2) Such assistance should be granted, in cases authorised by the service, in respect of transfers made through or approved by the service, particularly where no other arrangements exist for the payment other than by the worker of the extra expense involved in the transfers.

(3) The amount of the assistance should be determined according to national and individual circumstances.

18. The employment service should assist the unemployment insurance and assistance authorities in defining and interpreting the conditions in which available employment which is in an occupation other than the usual occupation of an unemployed person or which requires him to change his residence should be regarded as suitable for him.

19. The employment service should assist the competent authorities in establishing and developing the programmes of training or retraining courses (including apprenticeship, supplementary training and upgrading courses), selecting persons for such courses and placing in employment persons who have completed them.

VI. *Miscellaneous Provisions*

20. (1) The employment service should co-operate with other public and private bodies concerned with employment problems.

(2) For this purpose the service should be consulted and its views taken into account by any co-ordinating machinery concerned with the formation and application of policy relating to such questions as—

V. *Mobilité des travailleurs*

14. En vue de faciliter la mobilité des travailleurs nécessaires pour atteindre et maintenir la production et l'emploi maxima, le service de l'emploi devrait prendre les mesures indiquées aux paragraphes 15 à 20 ci-dessous.

15. Des informations les plus complètes et les plus exactes sur les possibilités d'emploi et les conditions de travail dans d'autres professions et régions, et sur les conditions de vie dans ces régions (y compris les disponibilités en logements convenables) devraient être réunies et diffusées.

16. Les travailleurs devraient recevoir des renseignements et des conseils propres à surmonter les objections que provoque, de leur part, un changement de profession ou de résidence.

17. (1) Le service de l'emploi devrait écarter les obstacles d'ordre économique aux transferts géographiques considérés comme nécessaires, par des mesures telles qu'une aide financière.

(2) Une telle assistance devrait être accordée, dans les cas autorisés par le service, pour les déplacements effectués par son intermédiaire ou avec son approbation, notamment s'il n'existe pas d'autres dispositions prévoyant que les frais supplémentaires entraînés par le déplacement seront couverts autrement que par le travailleur.

(3) Le montant de cette aide devrait être adapté aux circonstances nationales et aux situations individuelles.

18. Le service de l'emploi devrait aider les autorités compétentes en matière d'assurance-chômage ou d'assistance-chômage à définir et interpréter les conditions dans lesquelles un emploi disponible dans une profession autre que la profession normale du chômeur, ou qui l'obligent à changer de résidence, devrait être considéré comme convenable.

19. Le service de l'emploi devrait aider les autorités compétentes à établir et développer les programmes des cours de formation ou de réadaptation professionnelles (y compris l'apprentissage, la formation complémentaire et les cours de promotion), à choisir les personnes qui suivront ces cours et à pourvoir au placement des personnes qui les ont terminés.

VI. *Dispositions diverses*

20. (1) Le service de l'emploi devrait coopérer avec d'autres institutions publiques ou privées intéressées au problème de l'emploi.

(2) A cette fin, le service devrait être consulté et son avis pris en considération par tout organisme de coordination intéressé dans l'élaboration et l'application des principes et des méthodes applicables à des questions telles que :

- (a) the distribution of industry ;
- (b) public works and public investment ;
- (c) technological progress in relation to production and employment ;
- (d) migration ;
- (e) housing ;
- (f) the provision of social amenities such as health care, schools and recreational facilities ; and
- (g) general community organisation and planning affecting the availability of employment.

21. In order to promote use of employment service facilities and enable the service to perform its tasks efficiently, the service should take the measures indicated in paragraphs 22 to 25 below.

22. (1) Continuous efforts should be made to encourage full voluntary use of employment service information and facilities by persons seeking employment or workers.

(2) These efforts should include the use of films, radio and all other methods of public information and relations with a view to making better known and appreciated, particularly among employers and workers and their organisations, the basic work of the service in employment organisation and the advantages accruing to the workers, employers and the nation from the fullest use of the employment service.

23. Workers applying for unemployment benefit or allowances, and so far as possible persons completing courses of vocational training under public or government-subsidised training programmes, should be required to register for employment with the employment service.

24. Special efforts should be made to encourage juveniles, and so far as possible all persons entering employment for the first time, to register for employment and to attend for an employment interview.

25. Employers, including the management of public or semi-public undertakings, should be encouraged to notify the service of job vacancies.

26. Systematic efforts should be made by the employment service to develop its work in such manner as to obviate the need for private employment agencies in all occupations except

- a) la distribution géographique de l'industrie ;
- b) les travaux publics et les investissements publics ;
- c) les progrès techniques dans leurs rapports avec la production et l'emploi ;
- d) les migrations ;
- e) le logement ;
- f) la création de services sociaux tels que soins médicaux, écoles et facilités de récréation ;
- g) l'organisation et la planification intéressant l'ensemble de la collectivité et de nature à influencer sur les possibilités d'emploi.

21. En vue de développer l'utilisation du service de l'emploi et permettre à celui-ci de s'acquitter efficacement de ses fonctions, le service devrait prendre les mesures indiquées aux paragraphes 22 à 25 ci-dessous.

22. (1) Des efforts constants devraient être entrepris pour encourager les demandeurs d'emploi ou les personnes recherchant des travailleurs à utiliser pleinement, sur une base volontaire, les renseignements et facilités que fournit le service de l'emploi.

(2) Ces efforts devraient comporter l'utilisation du film, de la radiodiffusion et de toute autre méthode d'information générale et de communication avec le public en vue de faire mieux connaître et apprécier, en particulier parmi les employeurs et les travailleurs et leurs organisations, le rôle essentiel que joue le service dans l'organisation de l'emploi, et les avantages résultant pour les travailleurs, les employeurs et la nation de la plus complète utilisation du service de l'emploi.

23. Les travailleurs qui demandent une prestation d'assurance-chômage ou d'assistance-chômage et, dans la mesure du possible, les personnes qui terminent des cours de formation professionnelle assurés par un système public ou subventionné par l'Etat devraient être tenues de s'inscrire en vue de leur placement auprès du service de l'emploi.

24. Des efforts particuliers devraient être déployés pour encourager les jeunes gens et, dans la mesure du possible, toutes les personnes qui recherchent un emploi pour la première fois, à s'inscrire et à se présenter pour un entretien en vue de leur placement.

25. Les employeurs, y compris les chefs d'entreprises publiques ou semi-publiques, devraient être engagés à notifier au service les vacances d'emploi.

26. Le service de l'emploi devrait s'efforcer systématiquement de développer son activité de telle manière que l'existence de bureaux privés ne se justifie plus pour aucune branche

those in which the competent authority considers that for special reasons the existence of private agencies is desirable or essential.

VII. *International Co-operation among Employment Services*

27. (1) International co-operation among employment services should include, as may be appropriate and practicable, and with the help where desired of the International Labour Office—

(a) the systematic exchange of information and experience on employment service policy and methods, either on a bilateral, regional or multilateral basis; and

(b) the organisation of bilateral, regional or multilateral technical conferences on employment service questions.

(2) The employment service should co-operate with other competent authorities in the framing and application of inter-governmental bilateral, regional or multilateral agreements relating to migration.

III

PROPOSED REVISION OF THE FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933 ¹

Existing Text

CONVENTION CONCERNING
FEE-CHARGING EMPLOYMENT
AGENCIES, 1933

The General Conference of the
International Labour Organisa-
tion of the League of Nations,

Having been convened at
Geneva by the Governing
Body of the International
Labour Office, and having
met in its Seventeenth
Session on 8 June 1933, and

Proposed Text

PROPOSED CONVENTION
CONCERNING FEE-CHARGING
EMPLOYMENT AGENCIES
(REVISED), 1948

The General Conference of the
International Labour Organi-
sation,

Having been convened at San
Francisco by the Governing
Body of the International
Labour Office, and having
met in its Thirty-first Ses-
sion on 17 June 1948, and

¹ In the existing text in the left-hand column, the words suggested for omission are in parentheses. In the proposed text in the right-hand column, the words suggested for insertion are in italics.

professionnelle, sauf dans les cas où l'autorité compétente estime que, pour des raisons particulières, l'existence de tels bureaux est désirable ou essentielle.

VII. *Coopération internationale entre les services de l'emploi*

27. (1) La coopération internationale entre les services de l'emploi devrait comporter, autant qu'il est utile et possible, et sur demande avec l'aide du Bureau international du Travail :

- a) l'échange systématique, sur une base bilatérale, régionale ou multilatérale, des informations recueillies et de l'expérience acquise sur la politique du service de l'emploi et sur les méthodes adoptées ;
- b) l'organisation de conférences techniques bilatérales, régionales ou multilatérales sur les questions relevant du service de l'emploi.

(2) Le service de l'emploi devrait coopérer avec d'autres autorités compétentes pour l'élaboration et l'application des accords bilatéraux, régionaux ou multilatéraux conclus par les gouvernements en matière de migrations.

III

PROJET DE REVISION DE LA CONVENTION
CONCERNANT LES BUREAUX DE PLACEMENT PAYANTS, 1933¹

<i>Texte existant</i>	<i>Texte proposé</i>
CONVENTION CONCERNANT LES BUREAUX DE PLACEMENT PAYANTS, 1933	PROJET DE CONVENTION CONCERNANT LES BUREAUX DE PLACEMENT PAYANTS (REVISÉ) 1948
La Conférence générale de l'Organisation internationale du Travail de la Société des Na- tions,	La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 8 juin 1933, en sa dix- septième session,	Convoquée à San-Francisco par le Conseil d'administra- tion du Bureau internatio- nal du Travail, et s'y étant réunie le 17 juin 1948, en sa trente et unième session,

¹ Dans le texte existant, colonne de gauche, les mots dont la suppression est proposée sont entre parenthèses. Dans le texte proposé, colonne de droite, les termes dont l'insertion est suggérée sont en italiques.

Having decided upon the adoption of certain proposals with regard to fee-charging employment agencies, which is the first item on the Agenda of the Session, and

Having decided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention, 1933, adopted by the Conference at its Seventeenth Session, 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 Draft International Convention,

Having determined that these proposals shall take the form of an international Convention,

adopts, this twenty-ninth day of June of the year one thousand nine hundred and thirty-three, the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace :

adopts this day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Fee-Charging Employment Agencies Convention (Revised), 1948 :

Article 1

1. For the purpose of this Convention the expression "fee-charging employment agency" means :

- (a) employment agencies conducted with a view to profit, that is to say, any person, company, institution, agency or other organisation which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either employer or

No change.

Après avoir décidé d'adopter diverses propositions relatives aux bureaux de placement payants, question qui constitue la première question à l'ordre du jour de la session, et

Après avoir décidé que ces propositions prendraient la forme d'un projet de convention internationale,

adopte, ce vingt-neuvième jour de juin mil neuf cent trente-trois le projet de convention ci-après, à ratifier par les Membres de l'Organisation internationale du Travail, conformément aux dispositions de la Partie XIII du Traité de Versailles et des Parties correspondantes des autres Traités de Paix :

Après avoir décidé d'adopter diverses propositions relatives à la révision de la convention concernant les bureaux de placement payants, 1933, adoptée par la Conférence à sa dix-septième session, 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 convention internationale,

adopte, ce jour de juillet mil neuf cent quarante-huit, la convention ci-après, qui sera dénommée Convention concernant les bureaux de placement payants (révisée) 1948.

Article 1

1. Aux fins de la présente convention, l'expression « bureau de placement payant » désigne :

a) Les bureaux de placement à fin lucrative, c'est-à-dire toute personne, société, institution, agence ou autre organisation qui sert d'intermédiaire pour procurer un emploi à un travailleur ou un travailleur à un employeur, à l'effet de tirer de l'un ou de l'autre un profit matériel direct ou indirect ; cette définition ne s'applique pas aux journaux ou autres publications, sauf à ceux dont l'objet exclusif ou principal est

Pas de changement.

worker; the expression does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers;

- (b) employment agencies not conducted with a view to profit, that is to say, the placing services of any company, institution, agency or other organisation which, though not conducted with a view to deriving any pecuniary or other material advantage, levies from either employer or worker for the above services an entrance fee, a periodical contribution or any other charge.

2. This Convention does not apply to the placing of seamen.

Article 2

1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of the preceding Article shall be abolished (within three years from the coming into force of this Convention for the Member concerned).

2. During the period preceding abolition

- (a) there shall not be established any new fee-charging employment agency conducted with a view to profit;

1. Fee-charging employment agencies conducted with a view to profit as defined in paragraph 1 (a) of the preceding article shall be abolished *within a limited period of time determined by the competent authority.*

No change.

d'agir comme intermédiaires entre employeurs et travailleurs ;

- b) Les bureaux de placement à fin non lucrative, c'est-à-dire les services de placement des sociétés, institutions, agences ou autres organisations qui, tout en ne poursuivant pas un profit matériel perçoivent de l'employeur ou du travailleur, pour lesdits services, un droit d'entrée, une cotisation ou une rémunération quelconque.

2. La présente convention ne s'applique pas au placement des marins.

Article 2

1. Les bureaux de placement payants à fin lucrative visés au paragraphe 1 a) de l'article précédent, devront être supprimés (dans un délai de trois années à partir de l'entrée en vigueur, pour chaque Membre, de la présente convention).

2. Pendant le délai précédant cette suppression :

- a) Il ne sera pas établi de nouveau bureau de placement payant à fin lucrative ;

1. Les bureaux de placement payants à fin lucrative, visés au paragraphe 1 a) de l'article précédent, devront être supprimés *dans un délai limité dont la durée sera spécifiée par l'autorité compétente.*

2. Pas de changement.

(b) fee-charging employment agencies conducted with a view to profit shall be subject to the supervision of the competent authority and shall only charge fees and expenses on a scale approved by the said authority.

Article 3

1. Exceptions to the provisions of paragraph 1 of Article 2 of this Convention may be allowed by the competent authority in exceptional cases, but only after consultation of the organisations of employers and workers concerned.

No change.

2. Exceptions may only be allowed in virtue of this Article for agencies catering for categories of workers exactly defined by national laws or regulations and belonging to occupations placing for which is carried on under special conditions justifying such an exception.

No change.

3. (The establishment of new fee-charging employment agencies shall not be allowed in virtue of this Article after the expiration of the period of three years referred to in Article 2.)

3. The establishment of new fee-charging employment agencies shall be allowed in virtue of this article only in respect of categories of persons for whom appropriate placing arrangements cannot conveniently be made within the framework of the public employment service.

4. Every fee-charging employment agency for which an exception is allowed under this Article—

No change.

- b) Les bureaux de placement payants à fin lucrative seront soumis au contrôle de l'autorité compétente et ne pourront prélever que les taxes et frais figurant sur un tarif approuvé par ladite autorité.

Article 3

1. Des dérogations aux dispositions du paragraphe 1 de l'article 2 de la présente convention pourront être accordées exceptionnellement par l'autorité compétente, mais seulement après consultation des organisations patronales et ouvrières intéressées.

Pas de changement.

2. Les dérogations autorisées en vertu du présent article ne pourront porter que sur des bureaux affectés au placement de catégories de travailleurs nettement désignées par la législation nationale et appartenant à des professions dans lesquelles le placement s'effectue dans des conditions spéciales de nature à justifier la dérogation.

Pas de changement.

3. (L'établissement de nouveaux bureaux de placement payants ne pourra être autorisé en vertu du présent article, après l'expiration du délai de trois ans prévu à l'article 2.)

3. L'établissement de nouveaux bureaux de placement payants ne devra être autorisé, en vertu du présent article, que si ces bureaux sont destinés à des catégories de personnes au placement desquelles il ne saurait être convenablement pourvu dans le cadre du service public de l'emploi.

4. Tout bureau de placement payant auquel une dérogation est accordée en vertu du présent article :

Pas de changement.

- (a) shall be subject to the supervision of the competent authority; No change.
- (b) shall be required to be in possession of a yearly licence renewable at the discretion of the competent authority during a period which shall not exceed ten years; No change.
- (c) shall only charge fees and expenses on a scale approved by the competent authority; and No change.
- (d) shall only place or recruit workers abroad if authorised so to do by its licence and (if its operations are conducted under an agreement between the countries concerned). (d) shall only place or recruit workers abroad if authorised so to do by its licence and *under conditions determined by the laws or regulations in force.*

Article 4

Fee-charging employment agencies not conducted with a view to profit as defined in paragraph 1 (b) of Article 1—

- (a) shall be required to have an authorisation from the competent authority and shall be subject to the supervision of the said authority; No change.
- (b) shall not make any charge in excess of the scale of charges fixed by the competent authority with strict regard to the expenses incurred; and No change.
- (c) shall only place or recruit workers abroad if permitted so to do by the competent authority (and if their operations are conducted under an agreement between the countries concerned). (c) shall only place or recruit workers abroad if permitted so to do by the competent authority.

- a) sera soumis au contrôle de l'autorité compétente; Pas de changement.
- b) devra posséder une licence annuelle renouvelable à la discrétion de l'autorité compétente pendant dix ans au plus; Pas de changement.
- c) ne pourra prélever que des taxes et frais figurant sur un tarif approuvé par l'autorité compétente; Pas de changement.
- d) ne pourra soit placer, soit recruter des travailleurs à l'étranger que s'il y est autorisé par sa licence (et à condition que ses opérations soient effectuées par application d'un accord entre les pays intéressés). d) ne pourra soit placer, soit recruter des travailleurs à l'étranger que s'il y est autorisé par sa licence et dans les conditions fixées par la législation en vigueur.

Article 4

Les bureaux de placement payants à fin non lucrative visés à l'article 1, paragraphe 1 b):

- Pas de changement.
- a) devront posséder une autorisation de l'autorité compétente et seront soumis au contrôle de ladite autorité; Pas de changement.
- b) ne pourront prélever une rémunération supérieure au tarif qui sera fixé par l'autorité compétente en tenant strictement compte des frais encourus; Pas de changement.
- c) ne pourront soit placer, soit recruter des travailleurs à l'étranger que s'ils y sont autorisés par l'autorité compétente (et à condition que leurs opérations soient effectuées par application d'un accord entre les pays intéressés). c) ne pourront soit placer, soit recruter des travailleurs à l'étranger que s'ils y sont autorisés par l'autorité compétente.

Article 5

Fee-charging employment agencies as defined in Article 1 of this Convention and every person, company, institution, agency or other private organisation habitually engaging in placing shall, even though making no charge, make a declaration to the competent authority stating whether their placing services are given gratuitously or for remuneration.

No change.

Article 6

National laws or regulations shall prescribe appropriate penalties, including the withdrawal when necessary of the licences and authorisations provided for by this Convention, for any violation of the above Articles or of any laws or regulations giving effect to them.

No change.

Article 7

There shall be included in the annual reports to be submitted under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace all necessary information concerning the exceptions allowed under Article 3.

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation all necessary information concerning the exceptions allowed under Article 3, *including more particularly information concerning the number of agencies for which exceptions are allowed and the scope of their activities, the reasons for the exceptions, and the arrangements for supervision by the competent authority of the activities of the agencies concerned.*

Article 5

Les bureaux de placement payants visés à l'article 1 de la présente convention, ainsi que toute personne, société, institution, agence ou autre organisation privée s'occupant habituellement de placement, même à titre gratuit, seront tenus de se déclarer à l'autorité compétente en indiquant si les services de placement sont gratuits ou rémunérés.

Pas de changement.

Article 6

La législation nationale prévoiera à l'égard de toute infraction soit aux dispositions des articles précédents, soit aux prescriptions leur faisant porter effet, des sanctions pénales appropriées comprenant le retrait, s'il y a lieu, de la licence ou de l'autorisation prévues par la présente convention.

Pas de changement.

Article 7

Les rapports annuels prévus par l'article 408 du Traité de Versailles et les articles correspondants des autres Traités de Paix donneront tous les renseignements nécessaires sur les dérogations accordées en vertu de l'article 3.

Les rapports annuels prévus par l'article 22 de la Constitution de l'Organisation internationale du Travail donneront tous les renseignements nécessaires sur les dérogations accordées en vertu de l'article 3, *et plus particulièrement des informations sur le nombre de bureaux qui bénéficient de dérogations et l'étendue de leurs activités, les raisons qui motivent les dérogations et les mesures adoptées par l'autorité compétente pour contrôler les activités des bureaux intéressés.*

Article 8

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary-General of the League of Nations for registration.

(A Resolution on the standard articles is submitted for consideration, and will be found on p. 88.)

Article 9

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat.

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary-General.

Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 8

Les ratifications officielles de la présente convention dans les conditions prévues à la Partie XIII du Traité de Versailles et aux parties correspondantes des autres Traités de Paix seront communiquées au Secrétaire général de la Société des Nations et par lui enregistrées.

(Une résolution sur les articles de style est soumise pour examen et figure à la page 89.)

Article 9

La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée au Secrétariat.

Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Secrétaire général.

Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 10

Aussitôt que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées au Secrétariat, le Secrétaire général de la Société des Nations notifiera ce fait à tous les Membres de l'Organisation Internationale du Travail. Il leur notifiera également l'enregistrement des ratifications qui lui seront ultérieurement communiquées par tous autres Membres de l'Organisation.

Article 11

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

Article 13

Should the Conference adopt a new Convention revising this Convention in whole or in part,

Article 11

Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Secrétaire général de la Société des Nations, et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée au Secrétariat.

Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article, sera lié, pour une nouvelle période de dix années, et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 12

A l'expiration de chaque période de dix années à compter de l'entrée en vigueur de la présente convention, le Conseil d'administration du Bureau international du Travail, devra présenter à la Conférence générale un rapport sur l'application de la présente convention et décidera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 13

Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou par-

then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The French and English texts of this Convention shall both be authentic.

IV

RESOLUTION

The Conference instructs its Drafting Committee to insert in the text submitted to it for the final vote, in replacement of Articles 7 to 14 of the Fee-Charging Employment Agencies Convention, 1933, standard articles in the form last approved by the Conference.

tielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement :

- a) la ratification par un Membre de la nouvelle convention portant revision entraînerait de plein droit, nonobstant l'article 11 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant revision soit entrée en vigueur ;
- b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant revision, la présente convention cesserait d'être ouverte à la ratification des Membres.

La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant revision.

Article 14

Les textes français et anglais de la présente convention feront foi l'un et l'autre.

IV

PROJET DE RÉSOLUTION

La Conférence charge son comité de rédaction d'insérer dans le texte qui lui sera soumis pour le vote final, en remplacement des articles 7 à 14 de la convention concernant les bureaux de placement payants, 1933, les articles de style dans la forme approuvée en dernier lieu par la Conférence.



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