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SOCIAL ADVANCEMENT IN TRUST TERRITORIES

(GENERAL ASSEMBLY RESOLUTION 323 (IV)):

MIGRANT LABOUR

Letter dated 3 April 1952 from the Assistant Director-
General of the International Labour Office to the
Secretary-General

Addendum

Note by the Secretariat: The "Report on the Further Study of the Question of Migrant Workers", prepared by the ILO Committee of Experts on Social Policy in Non-Metropolitan Territories, was referred to in the letter dated 3 April 1952 from the Assistant Director-General of the International Labour Office (T/984). The report, which constitutes paragraphs 34 to 102 and appendices I and II of the report of the Committee's second session, held in Geneva from 26 November to 8 December 1951, is circulated herewith 1/ for the members of the Council.

1/ A limited number of copies of the report have been distributed to members of the Council.

INTERNATIONAL LABOUR OFFICE

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COMMITTEE OF EXPERTS ON SOCIAL POLICY IN
NON-METROPOLITAN TERRITORIES

Second session, Geneva, 26 November to 8 December 1951

REPORT^{1/} ON THE FURTHER STUDY OF THE QUESTION OF MIGRANT WORKERS

Introduction

34. The problem on which the Committee was invited to express its opinion had already been examined at the First Session of the Committee of Experts in London in March 1947. As on the previous occasion, a report was prepared by the Office on the migration of workers which analyzed firstly the position of the workers in their region of origin, that is to say in the rural setting. This part of the report showed that with rare exceptions the African is obliged to leave his home and impelled towards the urban centres by an urgent need - hunger, the desire to clothe himself, to clothe and feed his family, shortage of cultivable land, the impossibility of maintaining a decent standard of living. If it is desired to create a balance of population between the urban centres and the rural areas, the rural areas must be made attractive enough to offset to some extent the attraction of the towns. If the African peasant is to continue to cultivate the land, the land must provide him with an income sufficient to enable him and his family to live decently. This new balance can only be achieved on the basis of increased productivity.

35. The first part of the report concluded from these premises that in order to improve the situation of the rural areas it would be necessary to work out far-reaching programmes to recondition the soil, to reform and develop agriculture and to improve all types of rural services. The establishment and the detailed application of these programmes could best be carried out, however, with the collaboration of certain other international specialized agencies. The Committee of Experts might in this respect suggest to the Governments concerned that they should invite the competent international organizations, in particular the ILO and the FAO to establish contact "in order to draw up jointly a generally applicable policy for the re-establishment of the social balance of indigenous

^{1/} The present report has been distributed to members of the Trusteeship Council in connexion with document T/984/Add.1.

communities and the assurance of their economic development".

36. The second part of the report was devoted to the analysis of the worker's position in the urban centres. It pointed out that the position of the African worker in these centres is difficult. He is generally lacking in skill, his productivity is poor, his wages low, and the provision for his housing and food is precarious. In addition the difficult conditions in which the workers live in the urban centres hinder the settlement of families so that the worker is obliged to return to the countryside if he wishes to lead a normal family life. The migratory movement from country-side to town and back to the countryside is therefore perpetuated. Finally, on a higher level, a class of foreign technicians has formed thus hindering Africans from rising in the social scale and preventing the creation of new outlets for them.

37. The second part of the report was terminated by conclusions concerning the raising of the standard of living of urban workers so as to stabilize the industrial proletariat. This mass of human beings, cut off from their natural social structure, must be organized, educated and regrouped. Detailed measures to achieve this were proposed.

General Discussion

38. Mr. Smuts explained the special position of the Union of South Africa as regards the problem of migrations of workers. The Union was not a non-metropolitan territory and this fact must be taken into consideration when dealing with the responsibilities of Governments under the Constitution of the ILO. Mr. Smuts asked that justice should be done to what the Union Government did or was doing for the improvement of the conditions of native populations. He expressed his regret that no reference was made in the report to the provision for natives of old-age and invalidity pensions, accident compensation, free hospitalization, unemployment benefits and credits for housing. He referred to certain inaccuracies and omissions in the Office document. These concerned in particular the density of populations in Natal, legal provisions preventing natives from filling responsible positions in the mining industry, and the percentage of skilled workers in relation to the total number of African workers. He pointed out that unsatisfactory housing conditions were a wartime development caused by mass migration at a time when construction had slowed down. Finally, the gap between the money wages of unskilled and skilled

/workers

workers referred to in the Office document had been the subject of investigations by various committees and was actually being narrowed down.

The Committee decided that the factual information supplied by Mr. Smuts should be circulated as a supplementary document to the Office report.

39. Father Charles indicated the evils brought about by migrations (dislocation of rural life, a decrease in birth rates and in industrial production) and the methods employed to combat them in the Belgian Congo, in particular the replacement of the short-term contracts used previously by the mining undertakings by long-term contracts which had resulted in a real stabilization of the labour force. It then became possible to train the workers and to prepare them for skilled work.

40. Mr. Gemmill drew the Committee's attention to the fact that in certain cases native workers preferred a migratory way of life; they were unwilling to take their families to the place of employment and wanted to return periodically to their rural home. He considered that the Committee should take this particular attitude into account.

41. Dr. Kurankyi-Taylor examined the various aspects of the problem before the Committee. The Committee should first consider the causes which led the inhabitants to seek work in the urban centres. These were in particular the pressure of population on land, low productivity of labour and land, and high taxes. It should be within the competence of the Committee to examine the policy followed by the administrations in this field. There was no one solution to the general problem of migration; solutions would have to be as varied as the causes which brought about the migrations. Some of them wanted to settle in the receiving country while others preferred to return to their country of origin. The Committee should, however, give careful consideration to the living conditions of African workers at the place of employment bearing in mind the provisions of Article 18 of Convention No. 82 concerning social policy in non-metropolitan territories. This article condemned all discrimination among workers. In this connexion legislation and certain agreements concluded in some African territories worsened the position of the native workers.

/Mr. Van Remoortel

42. Mr. Van Remoortel emphasized that the Committee should not adopt too narrow a formula on the subject of migration, which was not always caused by bad administration; in Ruanda-Urundi, for example, migration was due to over-population and to the unwise agricultural methods used by the natives. In such cases migration was an economic necessity and only the modernization of agricultural methods could remedy the situation.

43. Dr. Richards and Mr. Davis were both of the opinion that migration should not be condemned wholesale. Mr. Davis emphasized that migration was one of the oldest of human phenomena and men would always go where they thought they had an opportunity of a better life. The evils of migration lay in the conditions that sometimes accompanied it.

44. Mr. Brown said that migration was frequently caused by the underdevelopment of the workers' country of origin. To prevent their migration, development programmes were necessary which were lengthy and costly and depended upon an adequate labour force. The Governments of these territories must therefore use some method of controlling the outflow of labour to ensure that sufficient labour was left in the territories to carry out the development schemes. The individual was free but had certain obligations towards the State and should help in the work of developing the territory. In Nyasaland there was a system of identification certificates for inhabitants wishing to emigrate which were not issued unless the worker had provided for his family and fulfilled certain other conditions. In spite of this system of control, however, a certain amount of clandestine migration continued. As regards workers recruited in the territory the Government limited their number.

45. The Chairman closed the general discussion by proposing that the Committee should first examine the causes of migration and formulate its recommendations on measures to improve the position of workers in their areas of origin taking into account the limited competence of the ILO in this field. Secondly the Committee might examine the forms taken by migratory movements and, finally the living and working conditions in the receiving countries.

This proposal was adopted by the Committee.

46. Two drafts were submitted to the Committee as a basis for discussion. The first indicated the possibility of Governments calling upon the competent international organizations to collaborate in establishing a land and

/agricultural policy

agricultural policy. It also reiterated the points concerning which this collaboration might be most useful. The second draft summarized the protective measures to be taken for the benefit of the migrant worker during his journey and at the place of employment. It suggested that the Governing Body of the ILO should examine the possibility of submitting to a future International Labour Conference the proposed measures which might, if the Conference considered it desirable, take the form of a Recommendation.

47. The first draft concerning the conditions prevailing in the rural areas was as follows:

The Committee of Experts on Social Policy in Non-Metropolitan Territories,

Considering that there are many clear indications that migrations of workers are to a great extent caused by the unsatisfactory economic and social conditions prevailing in many of the rural areas where these workers originate;

Considering, therefore, that the measures designed to solve the problem of migrations of workers should deal firstly with the situation in the rural areas from which the migrant workers come;

Considering that these measures must of necessity be complex in character since the problems to be solved relate both to labour questions and to questions of land and agricultural technique, food production, etc.;

Considering that to accomplish this task satisfactorily the assistance of other international organizations with special experience of these matters should be sought,

Suggests that:

I

The Governments concerned should invite the competent international organizations, in particular the ILO and the FAO to establish contact in order to draw up jointly a generally applicable policy for the re-establishment of the social balance of indigenous communities and the assurance of their economic development.

II

Without wishing to prejudice the technical measures to be studied by the specialized agencies the aims enumerated below should be considered as fundamental points of any policy designed to raise the economic and social level of the rural communities from which the migrant workers come:

- (a) a progressively improved diet for the native population - malnutrition being at the root of nearly all social problems facing Africans and involving serious economic consequences in low productivity;
- (b) self-sufficiency in food supply of the native populations except where they can purchase food from the income derived from export crops;
- (c) the establishment of production programmes so conceived as to make European and native agricultural production complementary parts of a single economy;
- (d) the establishment of a stable, healthy and prosperous agricultural economy through appropriate cultivation methods and organization of markets;
- (e) generally the creation of a countryside providing opportunities for a fuller and more satisfying existence so as to counteract the lure of the towns.

The achievement of the aims themselves would involve detailed consideration of such matters as:

- (1) the establishment of far-reaching programmes to recondition and conserve the soil and to improve and develop agriculture and all types of rural services. The establishment of these programmes would necessitate the revision of the present land and agricultural policy in Africa, and considerable capital investment;
- (2) policies to be adopted with regard to the alienation of land and native reserves. This would involve such questions as alienation methods, guarantees of use in the interests of the population as a whole, building up of reserves of land available

/for

for cultivation so as to permit resettlement in cases of overcrowding bilateral agreements as to the use of land in a neighbouring territory to relieve overcrowding;

(3) the occupation, use and tenure of lands - including collective and co-operative cultivation;

(4) the reform of cultivation methods, the progressive mechanization of agriculture where appropriate and the setting up in rural areas of undertakings for using or processing agricultural products;

(5) appropriate price and markets policies including co-operative marketing;

(6) credit facilities for agriculturalists - including co-operative credit facilities;

(7) rural housing, educational, public health and social service facilities;

(8) community development activities - including the "community teams" method of enlisting community co-operation to raise living standards.

48. In the discussion of this draft several members of the Committee emphasized the importance of certain factors which had not been made sufficiently clear in the document before the Committee.

49. Father Charles pointed out that the systems of labour levies existing in some villages were an important motive for migration. The Committee should recommend the suppression of such compulsory labour in so far as this was not already done by the Forced Labour Convention, especially since this compulsory labour had increased and was making the indigenous population undertake what were in effect public works schemes which were manifestly beyond their capabilities.

50. Mr. Smuts stated that the building up of reserves of land for the indigenous populations as proposed in the documents before the Committee might not be feasible. It would not be possible to expropriate the large estates in the Union of South Africa other than some six or seven million acres of land still to be purchased for the extension of native reserves, firstly because there

/was

was not a large number of such large estates and secondly because in some cases the maintenance of such estates was necessitated by local conditions.

51. Dr. Richards and Mr. Smuts emphasized the importance of developing cottage industries in order to diversify rural economy. Industries should be developed also in rural areas.

52. Mr. Brown pointed out that the economic development of the rural areas involved financial resources and technical skill which were often far beyond the means of the territories concerned. It might be useful, therefore, if consideration were given to this problem by the more advanced metropolitan countries and by the international organizations with a view to the provision of adequate technical assistance for the under-developed territories.

* * *

53. Finally, the Committee gave a definitive form to this text by adopting the provisions set out in Appendix I.

54. The second draft text concerning measures to be taken to protect the migrant worker on his journey and at the place of employment was as follows:

The Committee of Experts on Social Policy in Non-Metropolitan Territories,

Considering that the migrations of workers from these territories may, if no legal or statutory measures are taken concerning them, lead to dangerous economic and social consequences,

Considering that this question has already been studied by the Committee of Experts at its first session in London in March 1947 and by the African Labour Conference at Elisabethville,

Considering that the Committee desires also that measures to improve conditions in rural areas from which migrant workers come should be examined jointly by the competent international organizations,

Considering that the measures to be taken for the protection of migrant workers, in particular on their journeys and during the period of their employment, should now be defined,

Suggests that the Governing Body of the ILO should examine the possibility of submitting to a future session of the International Labour Conference the following conclusions, which might, if the Governing Body considers it advisable, take the form of a Recommendation:

/I.

I.

It is desirable, in the interest of the migrants and of the countries from which, within which, and into which this migration takes place that these countries should make provision, individually by law, or together by agreement, or by both these means combined, or otherwise for the protection of the migrants.

II.

These provisions should be directed to the following objects so far as may be practicable:

- (1) To secure the welfare of the workers on their journeys to and from the country or place of employment, provision being made in particular for mechanical transport where practicable and for rest camps at suitable intervals along the route at which shelter, food, water and first-aid may be obtained, these facilities being extended to any members of the workers' families who may properly accompany them;
- (2) to protect the workers' health, and in particular in the case of a recruited worker by providing for his medical examination before his departure and again before his return, and, if circumstances require, for a period of acclimatization before his beginning full employment;
- (3) to establish definite and satisfactory conditions of employment for the migrant, including consideration for the health, welfare, housing and feeding of himself and, if they properly accompany him, of his family, during his period of employment away from his home.
- (4) to encourage the appointment, at the place of employment, of welfare officers who are familiar with the languages and customs of the workers, to watch over their welfare and that of their families;
- (5) to secure that arrangements are made to facilitate the exchange of correspondence between workers and their place of origin and to enable workers to satisfy their legitimate intellectual and religious aspirations;

/(6)

(6) to facilitate the transmission of voluntary family remittances from the worker to his home and to secure that provision is made for the accumulation of deferred pay to be paid to the worker on his return to his own country;

(7) to ensure that any migrant worker and his family may return, on the completion of a period of service, to his home.

III

The special question of migrations which are not subject to control or are not amenable to control should be considered by the Governments concerned with a view to securing, so far as practicable, for the workers who migrate in such conditions protection comparable with that described in the foregoing recommendation.

IV

It is a desirable general aim of policy that workers, other than those employed temporarily or on seasonal work away from their homes, should be established permanently in residence with their families at or near places of employment.

V

With a view to achieving this aim, Governments should consider the advisability of such measures as:

(a) Development of town planning and housing programmes

These might include:

- (1) schemes to ensure improvement of existing standards of housing and ancillary services not only in large towns but in villages near present or potential employment opportunities;
- (2) control of housing sites and standards of accommodation in such towns and villages;
- (3) priority in publicly financed building to family accommodation for the indigenous populations;
- (4) control of rents of publicly financed building to figures consistent with the wages earned by unskilled workers;

/(5) town

- (5) town planning so as to enable sections of the indigenous populations having common ties to live in the same district, thus encouraging increased stability;
- (6) programmes of financial aid to employers in the provision of permanent accommodation of approved standards for workers;
- (7) an inspection service to ensure enforcement of housing standards and regulations;
- (8) appropriate measures in accordance with the real property laws of the territory concerned to secure to persons in sole legitimate possession of a house the right to transfer legal possession by contract or testamentary provision.

(b) Further steps for the fixing and protection of wages

These might include:

- (1) adoption of a progressive scale of minimum wage rates calculated to enable a man starting unskilled work at least to meet his minimum requirements according to the standards accepted in the region and to enable him after three years to support a wife and two children according to those standards;
- (2) minimum wage rates in accordance with the above standards to be fixed from time to time by wage-fixing authorities after consideration of budgetary surveys of household consumption in the region concerned; (the employers and workers interested should work together to apply the methods used to fix the rates and should do so in equal numbers and on equal terms);
- (3) steps to ensure that except in special circumstances and for clearly defined purposes, advances to workers are limited to a small proportion of monthly earnings so that it is within the worker's capacity to repay them;
- (4) enforcement of strictly cash terms for items purchased in stores attached to undertakings.

(c) The setting up of public employment service systems where appropriate

The service should:

- (1) consist of a central office for the territory as a whole and branch offices both in areas from which workers normally

/migrate

migrate and in employment centres so as to enable information of employment opportunities to be gathered and to be regularly disseminated in the districts from which labour normally comes to those centres;

(2) maintain touch with employment services in other territories through bilateral or multilateral arrangements so that information can be provided as to employment opportunities or lack of them in other territories to which workers from particular areas habitually migrate;

(3) where practicable, maintain vocational guidance facilities and arrangements for ascertaining general suitability of workers for particular employments;

(4) where practicable, seek the advice and co-operation of employers' and workers' organizations in the organization and running of these services.

- (d) Further development of vocational and technical training, including apprenticeship schemes and in-plant training in accordance with recommendations made separately by the Committee of Experts

The Committee attaches particular importance to this, which it considers one of the most important measures tending towards the further stabilization of migrant workers.

- (e) Further provisions for the access of indigenous workers to skilled employment

These might include:

(1) in territories where there is no permanently settled class of non-indigenous workers and in new industries anywhere, reservation of categories of jobs requiring specified skills to indigenous workers and provision of vocational training and other appropriate facilities to enable them to take advantage of the opportunities offered;

(2) in territories where there is a permanently settled class of non-indigenous workers, creation by stages of opportunities for advancement of indigenous workers to semi-skilled and subsequently skilled jobs.

(3) declaration of any barriers established by law, custom or agreement tending to prevent the access of the indigenous population or any section of it to particular types of jobs as contrary to public policy and unenforceable.

(f) Full rights of association of indigenous workers and freedom for all legitimate trade union activities in centres where migrants work, including bargaining rights where unions are representatives of the workers concerned

(g) Further development of welfare measures for workers and their families

T These might include:

- (1) the fixing, after consultation by experts on an international basis, of the types and quantities of rations with which workers are to be supplied, with due allowance for the work performed;
- (2) the provision, by larger undertakings and elsewhere, where practicable, of one hot meal per day to workers, as part of the ration allowance;
- (3) measures to secure the supply of staple articles of workers' diet such as bread, cereals, vegetables and fruit at reasonable prices and to encourage fish culture in areas where meat is scarce and costly and sea fish is unobtainable;
- (4) provision of infant medical care, school meals and other measures to counter malnutrition among children, and communal feeding facilities.

(h) Further development of co-operative undertakings

These might include:

- (1) market gardens run on a co-operative basis near towns;
- (2) retail stores run by workers' co-operatives.

In this connexion, Governments should provide assistance in training members of co-operatives, in supervising their activities and in guiding their activities.

(i) Further development of co-operative undertakings

/(i) Initial

(i) Initial measures of social security

These might include:

- (1) pensioners' villages near employment centres to enable aged workers to keep in touch with their sons and daughters living there; enough land should be provided to enable small gardens to be established;
- (2) organization, in co-operation with the workers themselves, of friendly societies and works provident funds to permit of some small provision for invalidity, old-age and death; these should be regarded as the forerunners of larger schemes on a local, regional or territorial basis.

VI

In the case of workers or groups of workers who are in employment which may become permanent in areas away from their home, the following additional measures would be desirable in order to ensure them a degree of social security not lower than that enjoyed by them in their home areas, and would consequently assist towards their stabilization in their new environment:

- (1) wherever practicable, allocating a sufficient area of land for the production of staple foodstuffs;
- (2) wherever desirable, facilitating the establishment of tribal or other communal organization.

VII

In order to prevent, as far as may be practicable, undesirable movement of workers, the following measures should be considered:

- (1) the limitation of recruiting activities to areas wherein there is a surplus of manpower;
- (2) the more economical utilization of manpower, in particular by way of better organization of work, improved direction and supervision and also increased mechanization.

55. During the discussion of this draft text the Chairman stated that in his opinion the draft might contain an opinion as to the relative merits of permanent and periodic migration. The question of recruitment might also be dealt with more fully.

56. The problem of recruitment raised by the Chairman led the Committee to an exchange of views as to whether or not the report before the Committee was principally concerned with the case of workers engaged under contract.

57. In this connexion the Representative of the Director-General explained that migrant workers fell into three main categories: workers engaged in their home territory and conveyed by mechanical means to their place of employment; workers not engaged in their home territory, who nevertheless travelled by the normal routes and passed through the control points at which it was possible to house them in rest camps and to provide them with elementary medical care; and clandestine migrant workers who avoided all main routes.

58. Colonel Neves da Fontoura drew the Committee's attention to the necessity of taking measures to regulate clandestine migration. Some unscrupulous employers attracted workers from neighbouring territories by means of false promises. The workers were transported free to their place of employment but later they might be abandoned and if dismissed, found themselves far from their homes and without means of support.

59. Mr. Smuts outlined the policy of the Union of South Africa. The Union Government would prefer that all workers going into the Union should be covenanted, but as this was not possible it could not agree that it should be held responsible for repatriating clandestine migrants and applying control measures which the Governments of the countries of origin of the workers could not apply. The root of the trouble was the economic pressure on the workers, who were unable to find adequately remunerated employment in their own country, and who came to sell their labour in a better market. The workers should have this right, just as it was the right of States to try to control migration. The Union Government had concluded an agreement with the Government of Mozambique, under which the Union Government reported the presence of clandestine workers from this territory who had entered the Union. These workers from Mozambique were then authorized to remain in the Union if they wished to do so. The Union was prepared to conclude bilateral agreements of this nature but could not go beyond that.

/60. Mr. Gemmill

60. Mr. Gemmill suggested that it would be inadvisable to submit too detailed a draft recommendation to the Governing Body.

61. The Committee then discussed the document before it paragraph by paragraph.

As regards Section I of this document Mr. Davis introduced an amendment to insert a second paragraph in this section, to emphasize the scope of the protective measures proposed:

"To this end the Committee suggests the need of intensive and continuous regional, bilateral and unilateral consideration of the problem of migrant labour by the Governments concerned, with a view to appropriate regulation and adequate provision for migrant labourers and their families, whether recruited in their own districts or otherwise engaged on contract, or presenting themselves voluntarily at the place of employment."

This amendment was adopted.

62. The Committee also agreed that the protective provisions outlined in this paragraph should be extended to all categories of migrant workers (recruited, covenanted, or others).

63. As regards Section II of the document, it was pointed out that the facilities envisaged in the first paragraph would not necessarily be provided free of charge and that therefore these facilities could not be considered as being an encouragement to migration.

64. The Committee agreed that the words "so far as may be practicable" in the preamble of Section II should be deleted.

65. On the proposal of Mr. Davis, the Committee agreed to insert the words "wages and other" in paragraph 3 of Section II.

66. After an exchange of views the Committee decided on the proposal of Dr. Kurankyi-Taylor to delete the words "properly accompany" in paragraphs 1 and 3, as it seemed that these words implied the necessity of a previous authorization.

67. In paragraph 6, an amendment was proposed by Mr. de Coppet concerning the payment of deferred pay to the worker. A further amendment was proposed by the Chairman and it was left to the Drafting Committee to establish a definitive text.

/68. Mr. Davis

68. Mr. Davis proposed a new draft of paragraph 7, providing for the return of the migrant worker accompanied by his family. The Committee accepted this amendment in principle but left the final text to be established by the Drafting Committee.

69. The Chairman proposed the adoption of two new paragraphs in Section III which were as follows:

"The special question of migrations which are not subject to control or are not amenable to control should be made a subject of unilateral or bilateral action by the Governments of the territories of origin and destination, with a view to achieving a progressive limitation of such migration.

"Nevertheless, those Governments should, in the meantime, strive to secure, so far as practicable, for the workers who are allowed to migrate in such conditions, protection comparable with that described in the preceding recommendation under paragraphs 2 to 7 inclusive, unless application is specifically excluded."

Mr. Brown proposed to replace the words "who are allowed to migrate" by the words "who migrate". This proposal was adopted. Mr. Brown also suggested that the words "or multilateral" should be added in the first paragraph, concerning the agreements which might be concluded by Governments, and the Committee adopted this suggestion.

70. The Chairman proposed the adoption of a new draft of Section IV which was as follows:

"It is a desirable general aim of policy that workers, other than those employed temporarily within their own territory or on seasonal work away from their homes, should be established permanently in residence with their families at or near their places of employment. Temporary employment in a different territory should be progressively limited to those cases where such employment is clearly in the interest of the worker and of his family."

After an exchange of views the following text was finally referred to the Drafting Committee:

/"It

82. Mr. Smuts stated in this connexion that while he subscribed to the objective of this paragraph he could not accept the text adopted by the rest of the Committee as it did not take productivity of the worker and ability of the industry to pay into account, and he considered that this was contrary to the generally accepted methods of minimum wage fixing.

83. Sub-paragraph (2) was adopted in the following form:

"the fixing from time to time of minimum wage rates in accordance with the above standards by wage-fixing authorities after consideration of budgetary surveys of household consumption in the region concerned; where practicable the employers and workers interested should participate in the application of the methods used to fix the rates and should do so in equal numbers and on equal terms."

84. The Committee decided to delete the words "go that it is within the worker's capacity to repay them" in sub-paragraph (3).

85. Sub-paragraph (4) was adopted without amendment to the English text and with the addition of the words "et au comptant", in the French text.

86. Sub-paragraphs (1), (2), (3) and (4) of paragraph (c) were adopted by the Committee without amendment.

87. The text underlined at the head of paragraph (d) was also adopted by the Committee.

88. There was an exchange of views on the text of paragraph (e). The use of the words "indigenous" was criticized by Dr. Kurankyi-Taylor, who pointed out that this word was not appropriate when applied to migrant workers coming from another territory. It was decided that the Office should try to find an appropriate term.

A new draft for paragraph (e) was proposed by the Chairman. This draft was adopted with one amendment, following an intervention by Dr. Kurankyi-Taylor, who emphasized the importance of inserting a provision in the text concerning the possibility for indigenous workers to have access to skilled employment.

The final text was adopted as follows:

() to make provisions for the access of indigenous workers to

/(e) Further

(e) Further provisions for the access of indigenous workers to skilled employment

These might include:

- (1) acceptance of the principles of equal opportunity for all sections of the population and of the abolition of any barriers established by law, custom or agreement, preventing or restricting access of any such section to particular types of jobs or employment as contrary to public policy;
- (2) measures to secure in practice the realization of these principles and the increased performance of skilled work by indigenous workers such as:

- (a) in all territories provision of equal access to technical and vocational training facilities for all workers;
- (b) in territories where barriers still exist but where there is no permanently settled class of non-indigenous workers and in new industrial enterprises anywhere, opening of equal opportunities for all qualified workers to jobs requiring specified skills;
- (c) in territories where there is a permanently settled and distinct class of non-indigenous workers, creation by stages of opportunities for advancement of indigenous workers to semi-skilled and skilled jobs.

89. Mr. Smuts stated, however, that this text did not entirely satisfy him. It was an aim of policy in South Africa to provide equal opportunities for workers from all sections of the population, but on a basis of separation of the various sections, so that parallel opportunities for workers from different sections to rise to higher skills might be available. The creation by stages of opportunities for the advancement of indigenous workers to semi-skilled and skilled jobs might thus follow the lines of:

- (a) fostering industries in Native areas, which would ultimately employ only indigenous workers; and
- (b) the reservation in other areas of certain industries or enterprises for workers from particular sections of the population.

A system involving such reservations of industries to provide parallel opportunities for different sections of the population implied the taking of measures designed to canalize the flow of labour from the various sections to the industries concerned.

In so far as paragraph (e) would render the taking of such steps impossible, he did not accept it. In fact, it was his view that the inclusion of detailed provisions under Section V would only lead to disagreements and that it would be wiser to concentrate on the main principles enunciated in that section.

90. As regards paragraph (f) the Representative of the Director-General explained that although this question was already regulated by International Labour Conventions, the principle had been reiterated here in order to affirm it in connexion with the special problem of migrant workers, who frequently had no protection in this field. This text was adopted.

91. Sub-paragraph 1 of (g) was adopted without amendment.

92. Sub-paragraph 2 was adopted with the deletion of the words "by larger undertakings and elsewhere", on the proposal of Father Charles.

93. The Committee decided that meat and fish should be mentioned in sub-paragraph 3, among the staple articles of workers' diet, and the final text of the paragraph was drafted as follows:

"measures to secure the supply of staple articles of workers' diet such as bread, meat or fish, cereals, vegetables and fruit, at reasonable prices."

94. Sub-paragraph 4 was divided into two parts. The new sub-paragraph 4 contained the former text, up to the words "malnutrition among children".

The new sub-paragraph 5 was as follows:

"communal feeding facilities where practicable".

95. Mr. Atiles Moreu proposed that a new sub-paragraph 6 should be inserted, and this was adopted in the following form:

"provision of appropriate measures for workmen's compensation, medical care, industrial hygiene and accident prevention, including

(a) first-aid, medical treatment and hospitalization facilities in accordance with standards to be prescribed by the competent authority;

(b) workmen's compensation for accidents and for industrial diseases;

(c) measures to secure the health and safety of workers in their places of employment;

(d) measures for reporting and investigating causes of accidents;

(e) the joint association of employers and workers in the promotion of safety measures."

96. As regards paragraph (h) the Committee adopted the following text, which took into account a proposal made by Mr. Van Remoortel concerning small livestock production, poultry farms, etc.

"Development of co-operative undertakings

These might include:

(1) small livestock production, poultry farms, fish ponds and market gardens run on a co-operative basis;

(2) retail stores run by workers' co-operatives.

In this connexion, Governments should provide assistance in training members of co-operatives, in supervising their administration and in guiding their activities."

97. The Chairman pointed out that the order of the two sub-paragraphs of paragraph (i) should be inverted. This change was adopted and sub-paragraph 1 (the old sub-paragraph 2) was adopted with slight drafting modifications.

98. The second sub-paragraph was drafted by the Committee in the following form:

"In the absence of more appropriate facilities, the creation of pensioners' villages or settlements where enough land can be provided to enable small gardens to be established."

99. The Committee then decided to adopt the text of Section VI, with the deletion of part of the introductory text, and the addition of a first sub-paragraph concerning consumer goods, which was inspired by the text of the Elisabethville Conference conclusions. It was also decided that the provisions of Section VI should form a continuation of Section V.

The final text was adopted as follows:

/"In

"In the case of workers or groups of workers who are in employment which may become permanent in areas away from their home, the following additional measures would assist towards their stabilization in their new environment:

- (1) arranging for the supply at reasonable prices of adequate quantities of consumer goods, particularly of the kinds to which the workers are accustomed;
- (2) wherever practicable, allocating a sufficient area of land for the production of foodstuffs;
- (3) wherever desirable, facilitating the establishment of tribal or other communal organization.

100. Paragraph 1 of Section VII (which thus became Section VI) was adopted without amendment. Paragraph 2 was adopted with slight modifications in the following form:

"The better economic utilization of manpower and the increase of its productivity, in particular by way of better organization of work, improved training, better direction and supervision and also increased mechanization."

101. Finally, the Committee returned to the examination of the preamble of the draft recommendation and decided to adopt the following draft of the first clause:

"Considering that the migrations of workers from three territories may, if no effective measures are taken concerning them, lead to dangerous economic and social consequences."

The second clause was adopted with slight drafting changes.

* * *

102. After the various changes made by the Committee, the definitive text of the second draft established by the Drafting Committee was adopted in the form set out in Appendix II.

APPENDIX I

The Committee of Experts on Social Policy in Non-Metropolitan Territories, Considering that there are clear indications that migrations of workers are to a great extent caused by the unsatisfactory economic and social conditions prevailing in many of the rural areas in which these workers originate;

Considering, therefore, that the measures designed to solve the problem of migrations of workers should deal firstly with the situation in these rural areas;

Considering that these measures must of necessity be complex in character, since the questions to be solved relate not only to labour questions but also to those of land usage and agricultural production, the expansion of a money economy and indeed to economic and social development in general;

Considering that the territories concerned are generally lacking in adequate financial resources and technical skills required to carry out the necessary measures;

Considering that, in working towards a solution of these problems, the co-operation of other international organizations with special experience in these matters should be sought,

Recommends that:

I

1. The Governments concerned should intensify the efforts they are already making to improve the social and economic conditions prevailing in these rural areas, thus counteracting the disequilibrium resulting from the present practices of migration.

II

2. The Governments concerned should where necessary also invite, either individually or in concert, or through the intermediary of such regional organizations as the Commission for Technical Co-operation South of the Sahara, the competent international organizations such as the United Nations, the International Labour Organisation, the Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization, the International Bank for Reconstruction and Development and the World Health Organization, to co-operate in the study of these problems, in working out
/solutions

solutions and in their implementation by providing technical and financial assistance.

III

3. Without wishing to prejudice the technical measures to be studied, the points enumerated below should be given full consideration in connexion with any policies designed to raise the economic and social level of the rural communities from which the migrant workers come:-

- (a) policies to be adopted or improved with regard to the use, the alienation and the reservation of land, involving regulations concerning occupation, use and tenure of lands, methods and purposes of alienation, guarantees of use in the interest of the population as a whole, building up of reserves of land for cultivation and re-settlement in case of over-crowding, bilateral agreements as to the use of land in a neighbouring territory to relieve population pressure, collective and co-operative cultivation, purchase or expropriation of unused privately-owned land reserves;
- (b) the establishment of comprehensive programmes for soil conservation and reconditioning, for the improvement of cultivation methods and crop selection, for the progressive mechanization of agriculture where appropriate and the development of irrigation systems where necessary, for the setting up in rural areas of agricultural processing industries and of other industries using raw materials produced in the region;
- (c) the establishment of comprehensive programmes for the improvement of animal husbandry and of the use of land set apart for that purpose and for the production of animal proteins in general, whether in the form of cattle, poultry or fish;
- (d) the organization of markets within easy reach of the agricultural producers;
- (e) improvement of local and main communications in order to facilitate the movement of agricultural products and the reduction of costs of transportation to the markets and of the number of middlemen;
- (f) the development of appropriate price and marketing policies, including co-operative marketing; and of credit facilities for farmers, including co-operative credit facilities;

/ (g) the establishment

- (g) the establishment, in rural areas, of suitable industries, both of the factory and of the handicraft type;
- (h) the introduction or development of technical training adapted to the needs of the rural communities and the establishment of agricultural and husbandry extension services;
- (i) revision of systems of taxation and labour levies of a nature which cause peasants and their families to seek wage-earning employment elsewhere or leave them insufficient time for agriculture itself;
- (j) the development of rural housing, educational, health and social welfare facilities, with particular attention to a progressively improved diet for the native population; and
- (k) the furthering of community development activities to raise living standards.

APPENDIX II

The Committee of Experts on Social Policy in Non-Metropolitan Territories, Considering that the migrations of workers from these territories may, if no effective measures are taken concerning them, lead to dangerous economic and social consequences,

Considering that this question has already been studied by the Committee of Experts at its First Session in London in March 1947 and by the African Labour Conference held at Elizabethville in July, 1950,

Considering that the Committee desires also that measures to improve conditions in rural areas from which migrant workers come should be examined jointly by the competent international organizations,

Considering that the measures to be taken for the protection of migrant workers, in particular on their journeys and during the period of their employment, should now be defined,

Suggests that the Governing Body of the International Labour Office should examine the possibility of submitting to a future session of the International Labour Conference the following conclusions, which might, if the Governing Body considers it advisable, take the form of a Recommendation:

I

1. In the interest of the migrants and of the countries from which, within which, and into which migration takes place provision should be made by countries individually by laws or regulations or together by agreement, or by both these means combined, or otherwise for the protection of the migrants.
2. To this end the Governments concerned should give intensive and continuous regional, bilateral and unilateral consideration to the problem of migrant labour, with a view to appropriate regulation and adequate provision for migrant workers and their families^{1/}, whether recruited in their own districts or otherwise engaged on contract, or presenting themselves voluntarily at the place of employment.

^{1/} The references to the worker's family in paragraphs 2, and 3 (a) and (c) do not entail any expression of view as to the desirability or otherwise of workers being accompanied by their families in particular circumstances.

69

II

3. These provisions should be directed to the following objects:
- (a) to secure the welfare of the workers on their journeys to and from the country or place of employment, provision being made in particular for mechanical transport where practicable and for rest camps at suitable intervals along the route at which shelter, food, water and first-aid may be obtained, these facilities being extended to the workers' families;^{1/}
 - (b) to protect the worker's health, and, if circumstances require, to provide for a period of acclimitization before his beginning full employment, and in particular, in the case of a recruited worker or a worker on a contract longer than a minimum to be specified in each territory by the competent authority, to provide for his medical examination before his departure, or the commencement of his employment and again before his return;
 - (c) to establish definite and satisfactory wages and other conditions of employment for the migrant, including consideration for the health, welfare, housing and feeding of himself and of his family, during his period of employment away from his home;^{1/}
 - (d) to appoint, at the place of employment, welfare officers who are familiar with the languages and customs of the workers, to watch over their welfare and that of their families;
 - (e) to secure that arrangements are made to facilitate the exchange of correspondence between workers and their place of origin and to enable workers to satisfy their legitimate intellectual and religious aspirations;
 - (f) to facilitate the transmission of voluntary remittances from the worker to his family in his country of origin, and to secure that provision is made for the accumulation of deferred pay for the purpose, in normal circumstances, of its being paid to him on return to his home country, at a point as near as possible to his home; and

^{1/} The references to the worker's family in paragraphs 2, and 3 (a) and (c) do not entail any expression of view as to the desirability or otherwise of workers being accompanied by their families in particular circumstances.

/(g) to establish

(g) to establish adequate provisions for the return of a migrant worker and his family to his home, if such a return is not already provided for under his contract, after a period of service having lasted at least two years if the interest of the worker so requires.

III

4. The special question of migrations which are not subject to control or are not amenable to control should be made a subject of unilateral, bilateral or regional action by the Governments of the territories of origin and destination, with a view to achieving a progressive limitation of such migration.

5. Nevertheless, these Governments should, in the meantime, strive to secure, so far as practicable, for the workers who migrate in such conditions protection comparable with that described in paragraph 3 above, sub-paragraphs (b) to (g) inclusive, unless application is thereby specifically excluded.

IV

6. It is a desirable general aim of policy that workers should wherever practicable be established permanently in residence with their families at or near their places of employment, except where permanent employment is clearly against the interest of the worker and of his family, or of the economies of the territories concerned.

V

7. With a view to achieving the aims set forth in the preceding articles, Governments should consider the advisability of such measures as development of town planning and housing programmes; further steps for the fixing and protection of wages; the setting up of public employment service systems where appropriate; further development of vocational and technical training, including apprenticeship schemes and in-plant training; further provisions for the access of indigenous workers to skilled employment; full rights of association of indigenous workers and freedom for all legitimate trade union activities; further development of welfare measures for workers and their families; development of co-operative undertakings; initial measures of social security and measures to promote permanent settlement as more fully indicated below.

8. The development of town planning and housing programmes should include:

(a) Schemes to ensure improvement of existing standards of housing and ancillary services not only in towns but also in villages near present or potential employment opportunities;

/((b) control

- (b) control of housing sites and standards of accommodation in such towns and villages;
 - (c) priority in publicly financed building to family accommodation for the working populations;
 - (d) control of rents of publicly financed housing to figures consistent with the wages earned by the various categories of workers;
 - (e) programmes of financial aid for the provision of permanent accommodation of approved standards for workers; and
 - (f) an inspection service to ensure enforcement of housing standards and regulations.
9. The further steps for the fixing and protection of wages should include:
- (a) adoption of a progressive scale of minimum wage rates calculated to enable a man starting unskilled work at least to meet his minimum requirements according to the standards accepted in the region and bearing in mind his family responsibilities;
 - (b) the fixing from time to time of minimum wage rates in accordance with the above standards by wage-fixing authorities after consideration of budgetary surveys of household consumption in the region concerned; where practicable the employers and workers interested should participate in equal numbers and on equal terms in the application of the methods used to fix the rates;
 - (c) steps to ensure that, except in special circumstances and for clearly defined purposes, advances to workers are limited to a small proportion of monthly earnings; and
 - (d) enforcement of strictly cash terms for items purchased in stores attached to undertakings.
10. A public employment service system should be set up where appropriate, and should:
- (a) consist of a central office for the territory as a whole and branch offices both in areas from which workers normally migrate and in employment centres so as to enable information of employment opportunities to be gathered and to be regularly disseminated in the districts from which labour normally comes to those centres;
 - (b) maintain touch with employment services in other territories through bilateral or regional arrangements so that information can be provided as
/to employment

to employment opportunities or lack of them in other territories to which workers from particular areas habitually migrate;

(c) where practicable, maintain vocational guidance facilities and arrangements for ascertaining general suitability of workers for particular employments; and

(d) where practicable, seek the advice and co-operation of employers' and workers' organizations in the organization and running of the service.

11. The further provisions for the access of indigenous workers to skilled employment should include:^{1/}

(a) acceptance of the principles of equal opportunity for all sections of the population and of the abolition of any barriers established by law, custom or agreement, preventing or restricting access of any such section to particular types of jobs or employment as contrary to public policy;

(b) measures to secure in practice the realization of these principles and the increased performance of skilled work by indigenous workers such as:

(i) in all territories provision of equal access to technical and vocational training facilities for all workers;

(ii) in territories where barriers still exist but where there is no permanently settled class of non-indigenous workers and in new industrial enterprises anywhere, the opening of equal opportunities for all qualified workers to jobs requiring specified skills; and

(iii) in territories where there is a permanently settled and distinct class of non-indigenous workers, creation by stages of opportunities for advancement of indigenous workers to semi-skilled and skilled jobs.

12. The full rights of association of indigenous workers and freedom for all legitimate trade union activities in centres where migrants work, should include bargaining rights where unions are representative of the workers concerned.

13. The further development of welfare measures for workers and their families should include:

(a) the fixing, if necessary after consultation with experts on an

^{1/} See Mr. Smuts's reservation on page 33 of the Report.

international basis, of the types and quantities of rations with which workers are to be supplied, with due allowance for the work performed;

(b) the provision, wherever practicable, of one hot meal per day to workers, as part of the ration allowance;

(c) measures to secure the supply of staple articles of workers' diet such as bread, meat or fish, cereals, vegetables and fruit at reasonable prices;

(d) provision of infant medical care, school meals and other measures to counter malnutrition among children;

(e) communal feeding facilities where practicable; and

(f) provision of appropriate measures for workmen's compensation, medical care, industrial hygiene and accident prevention, including:

(i) first-aid, medical treatment and hospitalization facilities in accordance with standards to be prescribed by the competent authority;

(ii) workmens's compensation for accidents and for industrial diseases;

(iii) measures to secure the health and safety of workers in their places of employment;

(iv) measures for reporting and investigating causes of accidents; and

(v) the collaboration of employers and workers in the promotion of safety measures.

. The development of co-operative undertakings should include:

(a) small livestock production, poultry farms, fish ponds and market gardens run on a co-operative basis;

(b) retail stores run by workers' co-operatives; and

(c) governmental assistance by training members of co-operatives, by supervising their administration and by guiding their activities.

. The initial measures of social security should include:

(a) organization, in co-operation with the workers themselves, of friendly societies and works provident funds to permit of some provision for invalidity, old age and death as the forerunners of larger schemes on a local, district or territorial basis; and

(b) in the absence of more appropriate facilities, the creation of pensioners' villages or settlements where enough land can be provided to enable small gardens to be established.

16. The measures to promote permanent settlement in the case of workers or groups of workers who are in employment which may become permanent in areas away from their home, should include:

- (a) arrangements for the supply at reasonable prices of adequate quantities of consumer goods, particularly of the kinds to which the workers are accustomed;
- (b) the allocation, wherever practicable, of a sufficient area of land for the production of foodstuffs; and
- (c) facilitating, wherever desirable, the establishment of tribal or other communal organization.

VI

17. In order to prevent, as far as may be practicable, undesirable migrations of workers, the following measures should be considered:

- (a) the limitation of recruiting activities to areas wherein there is a surplus of manpower; and
- (b) the better economic utilization of manpower and the increase of its productivity, in particular by way of better organization of work, improved training, better direction and supervision and also increased mechanization.
